

REPORT TO COUNCIL



Date: January 18, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP21-0135 DVP21-0138 **Owner:** Carbon Capture Mini-Storage
(Kelowna) GP Ltd., Inc. No.
BC1070157

Address: 437 Bay Avenue **Applicant:** Bench Site Design Inc.

Subject: Development Permit and Development Variance Permit Application

Existing OCP Designation: IND - Industrial

Existing Zone: I₄ – Central Industrial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP21-0135 and Development Variance Permit No. DVP21-0138 for Lot 2 District Lot 139 Osoyoos Division Yale District Plan KAP68693, located at 437 Bay Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

Table 8.3.4: Section 8 – Parking and Loading, Table 8.3 - Required Off-Street Parking Requirements, Industrial

To vary the required minimum number of parking stalls from 102 stalls to 12 stalls.

Table 8.4: Section 8 – Parking and Loading, Off-Street Loading, Minimum Loading Required

To vary the required minimum number of loading stalls from 6 stalls to 3 stalls.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider the form and character of a five storey self-storage building and to consider variances to reduce the minimum required parking and loading stalls.

3.0 Development Planning

Staff recommend support for the Development Permit and Development Variance Permit applications. The project excels in its design, sustainability and environmental features for an industrial building and exceeds Kelowna's Official Community Plan (OCP) design guideline expectations. The project is a new *net-zero carbon* pilot project in cooperation with the Canadian Green Building Council and aspires to achieve Petal-level Living Building Challenge (LBC) certification.

The property is a corner site, with all vehicular access from the north. The Ellis Street frontage has been given design consideration to engage the pedestrian realm. Upper building levels incorporate vertical bands of full height glass and incorporate a colour palette that has taken inspiration from the biodiversity of the Okanagan. Overall, the building has a contemporary design, and consideration is also given to drought-tolerant native landscaping.

The application requires two variances, to minimum required parking and minimum required loading stalls. There are no specific requirements within Kelowna's Zoning Bylaw for a commercial storage facility. The consequence of this is that the parking requirements attributed to this building are those of Warehousing and Storage and Accessory Activities, which calls for 0.5 stalls per 100 m² of Gross Floor Area, and 2.5 stalls per 100 m² GFA. Planning Staff recognize this is an overestimate of the number of parking stalls required for the proposed use. When a previous Development Permit was considered in 2017, Staff encouraged the applicant to engage a traffic consultant to analyze what an appropriate parking rate would be. The applicant engaged Bunt & Associates to perform an analysis of the commercial storage building. The report indicates the anticipated use and demand for parking for the proposal aligns with the proposed parking and loading in the design (which has slightly changed since 2017). The full report is included as Attachment C, and an additional Professional Opinion Letter from December 2021 was also obtained and attached.

4.0 Proposal

4.1 Background

Council approved a Development Permit and Development Variance Permit for a very similar proposal on this property on December 5, 2017. A key difference between the proposals was this 2017 application had incorporated a co-working space, which was removed from this current application. Construction never commenced, and as Development and Development Variance Permits are only valid for two years, they were required to reapply.

4.2 Project Description

The proposal is for a five-storey, 10,440 m² commercial storage facility. The design of the building is contemporary with a two-story storefront which activates the side along Ellis Street. The building strives to meet the highest environmental standards by planning for net-zero energy along with additional environmentally sustainable measures being implemented. The project seeks to achieve Petal-level Living Building Challenge (LBC) certification (exceeds LEED) and has applied to the Canada Green Building Council Zero Carbon Pilot Program.

The five-story project uses a compact form and makes the most of its corner site, the design provides an active, two-story storefront along Ellis Street to activate the pedestrian realm, with vehicular access, loading and parking to the north. The two-story storefront along Ellis Street accommodates lobby spaces, office and sales, along with educational components that describe the green features of the building. Also on the Ellis Street façade, display windows are provided to support local artists. These spaces intend to create a vibrant, active storefront along the majority of Ellis Street to enhance Kelowna's downtown and create a new model for similar facilities that raise the bar aesthetically and functionally.

Along the north side of the building, off-street parking and loading spaces, along with a screened trash enclosure create an orderly back of house area. The three loading areas are protected from the elements by the building above. All areas are designed with no concealed spaces for urban pedestrian safety. The facility office area has direct views along the north facade and east facing lobby helping to create 'eyes on the street' which will help make the neighborhood safer.

The south and west facades being boxed in by future buildings are simple and plain, close to the property line, and fenced against unauthorized entry. The site landscaping approach incorporates drought tolerant native landscaping, storm water diversion bio-swales, grey water irrigation, permeable pavers and a 35 m² urban agriculture component – a Living Building Challenge requirement. This project will focus on fruits for human consumption that also support pollinators and migratory birds.

The design of the building is contemporary, with a two-story lobby on the north-half facing Ellis Street. Like a museum or theater that does not require windows programmatically, the project uses glazing and windows, where they do occur, for maximum benefit and design effect. Above the lobby, and on the upper levels along the north façade, internal corridors are expressed with full height glass. These vertical bands of glazing provide orientation and a sense of safety to users of the facility. Each floor will use color for wayfinding. This color, expressed through the windows, is a primary design element for the building. Utilizing the clean flat nature of the interlocking carbon sequestering blocks, the façade is a series of modern simple plaster finished surfaces between the windows creating an effect of sculptural blocks stacked up as a building.

In the spirit of showcasing all of the integrated sustainable building systems and materials, additional ornamentation has been kept to a minimum, instead expressing and celebrating the building as an inspirational example of the Living Building Challenge and ecologically responsible design. Projected canopies protect tall glass surfaces along Ellis Street, with the south facing photovoltaic array on the high roof expressed along the parapet line. The building is designed according to universal design principles. A ramp is provided from the parking area to the lobby.

4.3 Site Context

The subject property is located at the corner of Bay Avenue and Ellis Street in the Central City OCP Sector. The Walk Score is 65, indicating some errands can be accomplished on foot.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 – Central Industrial	Formerly fruit storage, currently vacant warehouse
East	I2 – General Industrial	General Industrial
South	I4 – Central Industrial	Commercial and Boat Storage
West	I4 – Central Industrial	Boat Storage and Automotive Sales

Subject Property Map: 437 Bay Avenue



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	I4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	3.0	2.96
Max. Height	18.0 m	18.0 m
Min. Front Yard	0.0 m	5.7 m
Min. Flanking Side Yard (east)	0.0 m	6.3 m
Min. Side Yard (west)	0.0 m	1.6 m
Min. Rear Yard	0.0 m	1.6 m
Other Regulations		
Min. Parking Requirements	102 stalls	12 stalls ①
Min. Bicycle Parking	6 short term 4 long term	6 short term 4 long term (including end of trip facilities)
Min. Loading Space	6 stalls	3 stalls ②
① Indicates a requested variance to the minimum parking requirements		
② Indicates a requested variance to the minimum loading space requirements		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.28 Focus industrial development to areas suitable for industrial use.

Chapter 14: Urban Design Guidelines

Comprehensive Development Permit Area

Consideration has been given to the following guidelines as identified in Section 14.A. of the City of Kelowna Official Community Plan relating to Comprehensive Development Permit Areas:

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Authenticity and Regional Expression			
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?	✓		
Are materials in keeping with the character of the region?	✓		
Are colours used common in the region’s natural landscape?	✓		
Does the design provide for a transition between the indoors and outdoors?	✓		
Context			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Does interim development consider neighbouring properties designated for more intensive development?			✓
Are façade treatments facing residential areas attractive and context sensitive?	✓		
Are architectural elements aligned from one building to the next?			✓
For exterior changes, is the original character of the building respected and enhanced?			✓
Is the design unique without visually dominating neighbouring buildings?	✓		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?			✓
Relationship to the Street			
Do buildings create the desired streetscape rhythm?	✓		
Are parkade entrances located at grade?			✓
For buildings with multiple street frontages, is equal emphasis given to each frontage?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Massing and Height			
Does the design mitigate the actual and perceived mass of buildings?	✓		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?			✓
Human Scale			
Are architectural elements scaled for pedestrians?	✓		
Are façades articulated with indentations and projections?	✓		
Are top, middle and bottom building elements distinguished?	✓		
Do proposed buildings have an identifiable base, middle and top?	✓		
Are building facades designed with a balance of vertical and horizontal proportions?	✓		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	✓		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?	✓		
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?	✓		
Exterior Elevations and Materials			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are entrances visually prominent, accessible and recognizable?	✓		
Are higher quality materials continued around building corners or edges that are visible to the public?	✓		
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	✓		
Are elements other than colour used as the dominant feature of a building?	✓		
Public and Private Open Space			
Does public open space promote interaction and movement through the site?	✓		
Are public and private open spaces oriented to take advantage of and protect from the elements?	✓		
Is there an appropriate transition between public and private open spaces?	✓		
Are amenities such as benches, garbage receptacles, bicycle stands and community notice boards included on site?	✓		
Site Access			

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Is the safe and convenient movement of pedestrians prioritized?	✓		
Are alternative and active modes of transportation supported through the site design?	✓		
Are identifiable and well-lit pathways provided to front entrances?	✓		
Do paved surfaces provide visual interest?		✓	
Is parking located behind or inside buildings, or below grade?		✓	
Are large expanses of parking separated by landscaping or buildings?			✓
Are vehicle and service accesses from lower order roads or lanes?			✓
Do vehicle and service accesses have minimal impact on the streetscape and public views?	✓		
Is visible and secure bicycle parking provided in new parking structures and parking lots?	✓		
Environmental Design and Green Building			
Does the proposal consider solar gain and exposure?	✓		
Are green walls or shade trees incorporated in the design?	✓		
Does the site layout minimize stormwater runoff?	✓		
Are sustainable construction methods and materials used in the project?	✓		
Are green building strategies incorporated into the design?	✓		
Decks, Balconies, Rooftops and Common Outdoor Amenity Space			
Are decks, balconies or common outdoor amenity spaces provided?			✓
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?			✓
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?			✓
Amenities, Ancillary Services and Utilities			
Are loading, garage, storage, utility and other ancillary services located away from public view?	✓		
Are vents, mechanical rooms / equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?	✓		
Landscape Development and Irrigation Water Conservation			
Does landscaping:	-	-	-

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
<ul style="list-style-type: none"> Compliment and soften the building's architectural features and mitigate undesirable elements? 	✓		
<ul style="list-style-type: none"> Maintain the dominant pattern of landscaping along the street and surrounding properties? 	✓		
<ul style="list-style-type: none"> Enhance the pedestrian environment and the sense of personal safety? 	✓		
<ul style="list-style-type: none"> Screen parking areas, mechanical functions, and garbage and recycling areas? 	✓		
<ul style="list-style-type: none"> Respect required sightlines from roadways and enhance public views? 	✓		
<ul style="list-style-type: none"> Retain existing healthy mature trees and vegetation? 			✓
<ul style="list-style-type: none"> Use native plants that are drought tolerant? 	✓		
<ul style="list-style-type: none"> Define distinct private outdoor space for all ground-level dwellings? 			✓
Do any fences and retaining walls create visual interest and enhance the pedestrian environment?	✓		
Do parking lots have one shade tree per four parking stalls?		✓	
Does the Landscape Architect's Landscape Water Conservation Report:	-	-	-
<ul style="list-style-type: none"> Meet the requirements for Landscape Water Budget calculations for the landscaped area? 	✓		
<ul style="list-style-type: none"> Indicate how the development complies with or varies from the Landscape Water Conservation Guidelines? 	✓		
<i>Landscape Water Conservation Guidelines</i>			
Are plants grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas?	✓		
Does at least 25% of the total landscaped area require no irrigation / watering?		✓	
Does at least 25% of the total landscaped area require low water use?	✓		
Does at most 50% of the total landscaped area require medium or high water use?	✓		
Is mulch cover provided for shrubs and groundcover to reduce soil evaporation?	✓		
Do water features such as pools and fountains use recirculated water systems?			✓
Do landscape installation standards meet the requirements of the BC Landscape Standard and / or the Master Municipal Construction Document?	✓		
Are the required written declarations signed by a qualified Landscape Architect?	✓		
<i>Irrigation System Guidelines</i>			
Is the Irrigation Plan prepared by a Qualified Professional?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are irrigation circuits grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas consistent with the landscaping plan?	✓		
Is drip or low volume irrigation used?	✓		
Are the required written declarations signed by a qualified Certified Irrigation Designer?	✓		
Crime prevention			
Are CPTED practices as related to landscaping, siting, form and exterior design included in the design?	Unknown		
Are building materials vandalism resistant?	Unknown		
Universal Accessible Design			
Is access for persons with disabilities integrated into the overall site plan and clearly visible from the principal entrance?	✓		
Are the site layout, services and amenities easy to understand and navigate?	✓		
Lakeside Development			
Are lakeside open spaces provided or enhanced?			✓
Are lake views protected?			✓
Does lakeside development act as a transition between the lake and inland development?			✓
Signs			
Do signs contribute to the overall quality and character of the development?			✓
Is signage design consistent with the appearance and scale of the building?			✓
Are signs located and scaled to be easily read by pedestrians?			✓
For culturally significant buildings, is the signage inspired by historical influences?			✓
Lighting			
Does lighting enhance public safety?	✓		
Is "light trespass" onto adjacent residential areas minimized?	✓		
Does lighting consider the effect on the façade, neighbouring buildings and open spaces?	✓		
Is suitably scaled pedestrian lighting provided?	✓		
Does exterior street lighting follow the International Dark Sky Model to limit light pollution?	Unknown		

6.0 Technical Comments

6.1 Development Engineering Department

See Attachment A: City of Kelowna Memorandum

7.0 Application Chronology

Date of Application Accepted: June 3, 2021

Date Public Consultation Completed: October 29, 2021

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: City of Kelowna Memorandum

Attachment B: Applicant's Letter of Rationale

Attachment C: Parking and Loading Rationale

Attachment D: Draft Development Permit No. DP21-0135 DVP21-0138

Schedule A: Site Plan

Schedule B: Floorplans, Elevations, Sections, Materials and Colour board

Schedule C: Landscape Plan