

REPORT TO COUNCIL



Date: December 5th 2017

RIM No. 0940-00 & 0940-50

To: City Manager

From: Community Planning Department (AC)

Application: DP17-0073 / DVP17-0074 **Owner:** Carbon Capture Mini Storage (Kelowna) GP Ltd.

Address: 437 Bay Avenue **Applicant:** DiStefano Jaud Architecture

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: IND - Industrial

Existing Zone: I4 – Central Industrial

1.0 Recommendation

THAT final adoption of Text Amendment Bylaw No.11428 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0073 for Lot 2 District Lot 139, ODYD, Plan KAP68693, located at 437 Bay Ave, 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 Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" connected to the Report from the Community Planning Department dated December 5th 2017;

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0074 for Lot 2 District Lot 139, ODYD, Plan KAP68693, located at 437 Bay Ave, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

S.8 Table 8.1 Parking Schedule

To vary the minimum number of parking stalls provided from 204 stalls to 13 stalls.

S.8 Table 8.2 Loading Schedule

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

S.8 Table 8.3 Bicycle Parking Schedule

To reduce the minimum number of class 2 bicycle parking stalls provided from 31 stalls to 8 stalls.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" connected to the Report from the Community Planning Department dated December 5th 2017

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

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

2.0 Purpose

To consider a Development Permit for the form and character of a 5 storey self-storage building and to consider a Development Variance Permit to reduce the number of parking and loading stalls as well as alter the bicycle parking composition.

3.0 Community Planning

Staff are supportive of the Development Permit as the proposed project excels in its design, sustainability & environmental features for an industrial building and exceeds Kelowna's OCP design guidelines expectations. See Section 4.1 Project Description for more details.

Regarding the variances, there is no specific parking requirements for a modern self-storage building within Kelowna's Zoning Bylaw. The consequence is the parking requirements attributed to this building are those of General Industrial Use which calls for 2.0 stalls per 100m² of Gross Floor Area which would amount to 204 stalls required. Clearly, the Zoning Bylaw's General Industrial use overestimates the number of parking stalls. Staff requested the applicant to engage a traffic consultant to analyze what an appropriate parking rate would be. The applicant engaged Bunt & Associates to perform the analysis of self-storage and co-work land uses in relation to parking requirements. The full analysis is attached to this report with the following notable excerpts:

"The proposed 16 loading / parking spaces for the development are anticipated to be sufficient to accommodate the weekday daytime, evening, and weekend demand associated with the planned development for most of the time. The exception would be for the few weekdays at the end of each month where the midday loading / parking demand of 19-25 vehicles will potentially require use of a limited amount of street parking (fewer than 10 spaces)."

“To promote bicycle usage and reduce vehicle parking demand, the project is proposing to provide additional bike parking well beyond the 31 class 2 space requirement of the Zoning Bylaw. The proposed 36 Class 1 (covered and secured) spaces and 8 class 2 spaces, together with the end of trip change room, lockers and shower facilities, should be quite effective in encouraging bike trips to the building, particularly for the co-working component of the project.”

The applicant has provided additional class 1 bicycle parking stalls and have provided convenient end-of trip facilities. Therefore, Staff have no concern with the bicycle parking variance requested. The traffic analysis report prepared by Bunt & Associates indicates the anticipated use and demand for parking for the proposal align with the proposed parking and loading provided in the design. Staff are comfortable with the analysis provided by Bunt and are comfortable with recommending support for the parking and loading variance. Generally, parking should be provided with the average demand of the property and not based on an occasional surge in parking demand.

4.0 Proposal

4.1 Project Description

The proposal is for a five story, 10,270 m² personal storage facility for individuals and businesses. 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 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 make 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 accommodates lobby spaces, office and sales, along with educational components that describe the green features of the building. The EcoLock business model also provides multiple positive amenities for users in the way of touch down spaces and two meeting rooms, which allow customers to interact with other users. 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.

At the south corner of the Ellis Street façade, three display windows are provided to support local artists. In the center of the block along Ellis, pivot doors in the facade allow patrons to access outdoor seating. On the northeast corner of the site, the lobby extends beyond the building, forming a prow-like terraced seating element that contains a large water cistern, providing storage for collected rainwater from roof surfaces as part of the building’s advanced water conservation goals.

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 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.

4.2 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 – Central Industrial	Fruit and Vegetable Storage
East	I2 – General Industrial	Commercial
South	I4 – Central Industrial	Boat Storage
West	I4 – Central Industrial	Industrial - Vacant

Subject Property Map: 437 Bay Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	I ₄ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Floor Area Ratio	3.0	2.92
Maximum Site Coverage (buildings)	n/a	Buildings = 59% Buildings + Paving = 77%
Maximum Height	18.0 m	17.3 m
Minimum Front Yard	0.0 m	5.7 m
Minimum Side Yard	0.0 m	1.6 m
Minimum Side Yard (Flanking)	0.0 m	6.3 m
Minimum Rear Yard	0.0 m	1.6 m
Other Regulations		
Minimum Parking Requirements	204	13 ¹
Minimum Bicycle Parking	31 class 2 stalls	36 class 1 stalls 8 class 2 stalls ²
Minimum Loading Space	6.0 stalls	3 stalls ³
¹ Indicates a requested variance to reduce the number of parking stalls. ² Indicates a requested variance to change the configuration of class 1 vs class 2 bicycle stalls. ³ Indicates a requested variance to reduce the number of loading stalls.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Industrial Land Use Policies

Objective 5.28.¹ Focus industrial development to areas suitable for industrial use.

Industrial Supply Protection.² Protect existing industrial lands from conversion to other land uses by not supporting the rezoning of industrial land to preclude industrial activities unless there are environmental reasons for encouraging a change of use.

Amenities, ancillary services and utilities.³ Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact.

Public and private open space.⁴ Design industrial developments to include outdoor break areas, green space, bicycle racks, skylights and windows in work areas, and linkages to recreational opportunities (e.g. linear parks).

Exterior elevations and materials.⁵

- Exterior building materials should be selected for their functional and aesthetic quality, and should exhibit qualities of workmanship, durability, longevity and ease of maintenance;
- Provide visually prominent, accessible, and recognizable entrances through attention to location, details, proportions, materials, and lighting that act to personalize or lend identity to a building;
- Continue higher quality materials used on the principal façade around any building corner or edge which is visible to the public;
- Use materials in combination to create contrast, enhance human scale, and reduce the apparent bulk of a building;
- Colour should not be used as the predominant feature of a building.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s) / area(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.

¹ City of Kelowna Official Community Plan, Objective 5.28, Chapter 10 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.28.1, Chapter 5 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 11.1, Objective 11, Chapter 14 (Urban Design Development Permit Areas).

⁴ City of Kelowna Official Community Plan, Policy 7.5, Chapter 14 (Urban Design Development Permit Areas).

⁵ City of Kelowna Official Community Plan, Objective 6.0, Chapter 14 (Urban Design Development Permit Areas).

- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - Any alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit.
 - Location, Heights, Colors of mechanical systems and the required screening are to be determined at time of DP.
 - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Handicap Accessibility to the main floor levels to be provided, ramps may be required.
 - Hard surfaced paths leading from the egress stairwells to a safe area are to be clearly defined as part of the DP. Any unprotected openings in the building along these paths must be protected.
 - Access to the roofs are required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - Penthouse may require two independent exits which may affect the floor plans
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. Minimum building elevations are required to be established prior to the release of the Development Permit. If a soil removal or deposit permit is required, this must be provided at time of Development Permit application.
- We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, undermining & underpinning of existing foundation, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work, water infiltration systems, etc.
- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, etc.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application

6.2 Development Engineering Department

- See Development Engineering Memo dated April 27th 2017 (Attachment 'A')

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template at Kelowna.ca
- Ensure appropriate fire flow as per the subdivision bylaw -150 L/Sec required. Should additional hydrants be required on this property, they shall be deemed private.
- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD.

- Fire Department access is to be met as per BCBC 3.2.5.
- Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met for communications.
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 4.5M of a fire hydrant - unobstructed.
- Ensure FD connection is clearly marked and visible from the street.
- Sprinkler zone valves shall be accessible as per fire prevention bylaw (10760) - less than 7 feet in height.
- Standpipe connections to be on intermediate landings in stairwell.
- Dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage.
- Upon completion an owners certificate and copy of NFPA 25 shall be provided for the sprinkler system.
- Upon completion, a certificate is required to verify CANULC 561 Compliance.
- Do not issue BP unless all life safety issues are confirmed.

6.4 Fortis Electric

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Bay Avenue and Ellis Street. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

7.0 Application Chronology

Date of Application Received: March 24th 2017
Date Public Consultation Completed: November 15th 2017

Prepared by: Adam Cseke and Jenna Ratzlaff, Urban Planning
Reviewed by: Terry Barton, Urban Planning Manager
Reviewed by: Ryan Smith, Community Planning Department Manager

Attachments:

Development Engineering Memo dated April 27 2017
Applicant's Project Rationale
Bunt & Associates Parking analysis
DP17-0073 & DVP17-0074