

# REPORT TO COUNCIL SUPPLEMENTAL REPORT



**Date:** October 24, 2016  
**RIM No.** 0940-00  
**To:** City Manager  
**From:** Community Planning Department (TB)  
**Application:** REVISED DP14-0093-02      **Owner:** City of Kelowna  
**Address:** 460 Doyle Avenue      **Applicant:** Jim Meiklejohn  
**Subject:** Development Permit Amendment  
**Existing OCP Designation:** MXR - Mixed Use (Residential/Commercial)  
**Existing Zone:** C7 - Central Business Commercial

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## 1.0 Recommendation

THAT Council authorizes the issuance of REVISED Development Permit No. DP14-0093-02 to amend original Development Permit DP14-0093 for Lot 1 District Lot 139 ODYD Plan EPP44677 Except Air Space Plan EPP44678, located at 460 Doyle Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the amendment to the rooftop space to be constructed on the land be in accordance with Schedule "A,"
2. The elevations, materials, and colours of the amendment to the rooftop space to be constructed on the land be in general accordance with Schedule "B";
3. Prior to issuance, the applicant provides the Director of Community Planning and Real Estate with plans showing enhanced screening of rooftop mechanical equipment to the satisfaction of the Director, which shall form a part of Schedule "B";
4. Landscaping to be provided in general accordance with Schedule "C";

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 REVISED Development Permit Amendment DP14-0093-02 for the consideration of the form and character of an interior addition to rooftop space above the 6th floor of the Okanagan Innovation Centre.

### 3.0 Proposal

#### 3.1 Background

The initial Development Permit for the Okanagan Innovation Centre was issued in 2014. A Development Permit Amendment application was received on September 14, 2016. On October 3, 2016 Council deferred consideration of Development Permit No DP14-0093-01, located at 460 Doyle Avenue, Kelowna, BC, pending receipt of further information regarding the following:

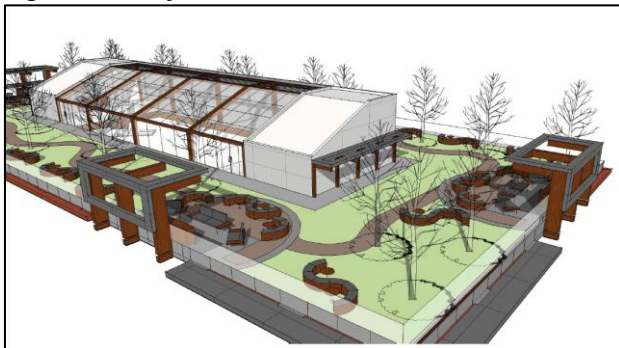
1. Detailed development permit form and character information
2. Updated and detailed landscape plan
3. Refresher on terms of the agreement; and
4. Concrete plans on the use of the structure.

Based on community feedback regarding possible rooftop operations at the Okanagan Innovation Centre, the applicants have withdrawn the C7LP (Liquor Primary) rezoning application and associated Liquor Primary License Application and are now applying only for the Development Permit Amendment for the addition to the interior rooftop space. The applicant has provided revised and additional information to be considered today as REVISED Development Permit Amendment DP14-0093-02.

#### 3.2 Detailed Development Permit Form and Character Information

The form of the rooftop café addition increases the interior café space by approximately 51m<sup>2</sup> by eliminating a storage area and expanding to the north, south, and east. The rooftop space has gone through several revisions, and the timeline of revisions of the rooftop space are illustrated in the renderings below.

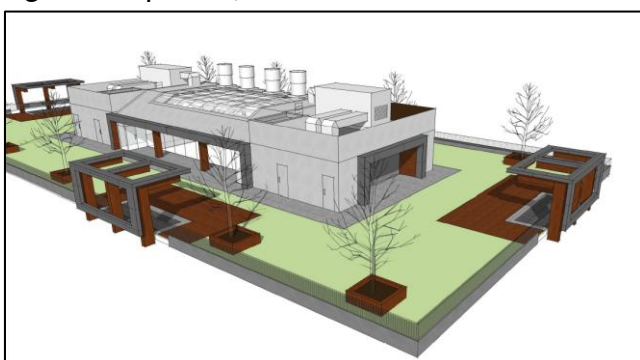
*Figure 1: May 13, 2014 DP*



*Figure 2: Sept 15, 2014 DP Revision*



*Figure 3: April 28, 2015 BP Review*



*Figure 4: Current Proposed Rooftop Plan 2016*



The material palette of the rooftop café was chosen to relate directly to the rest of the building as illustrated and described in Attachment "A". Vertical and horizontally installed cedar siding is stained with a grey finish to resemble weather aged cedar and tie more closely to the wooden decking tiles that surround it. Black anodized metal trimming elements provide a distinguished accent colour compared to the rest of the building. A series of vertical windows allow light into the space and provide visual interest to guests.

### 3.3 Updated and Detailed Landscape Plan

The final roof plan and landscaping plan represents a simpler version of the original considerations in 2014. Attention to detail is still present through the use of a variety of surface treatments including synthetic lawn, wood decking, cedar decking, and concrete pavers as illustrated in Attachment "B". Shade elements, trees, and planter boxes are proposed for vegetation. A series of patio spaces will allow for outdoor seating weather permitting.

### 3.4 Refresher on the Terms of the (Lease) Agreement

The terms of the lease agreement with the City of Kelowna include a public amenity space (theatre) on the first floor, a portion of space granted to the Province of BC (2<sup>nd</sup> floor), and the remainder of the building is to be strata titled and operated by the operator of the facility (Kelowna Sustainable Innovation Group, KSIG).

The theatre is to be granted to the City as a portion of payment for the land contributed by the City. The remaining rent payment is to be paid as rent to the City over a period of 5 years. The City is granting its space (the theatre) in return to the non-profit operator of the facility (KSIG) with requirement that it be made available for public booking. The City also agreed to share the cost of connection to the library as part of the ground lease payment. This table summarizes the financial situation:

Appraised value of City Land	<b>\$1,740,000</b>
Less appraised value of theatre space	(\$485,000)
Less 50% of library connection costs	(\$110,000)
Rent payment	\$1,145,000
Less Legal Fees	(\$25,000)
Ground Rent to Land Sales	<b>\$1,120,000</b>
Value of Strata Space Received	<b>\$485,000</b>

The connection to the library was not a requirement of the lease agreement, but was submitted as part of the Development Permit. The Developer, City and Library shared agreement on the library connection through a tri-partite agreement.

The land lease also contained a requirement to construct the building as submitted for Development Permit construction. If Council approves the additional space on the rooftop through the REVISED Development Permit Amendment, the land lease will need to be amended accordingly.

It was never mandated by the City that the rooftop space be considered open to the public as a public amenity, however it was recognized as an amenity for the building and its tenants. Please see Attachment "C" for the Preliminary Strata Plan, indicating the first floor theatre space that is to be granted to the City, while the second floor is granted to the Province of BC, and the roof plan is to be retained by the operators of the building.

### 3.5 Concrete Plans on the Use of the Structure

The applicants have provided supplemental information and inspiration images pertaining to the use of the proposed addition in a letter dated October 17, 2016 (Attachment "D").

The applicant has proposed that the rooftop patio area remain for use by the tenants and guests of the building, while the proposed café addition would be operated as a food primary establishment with operating hours to be determined. The applicant has also stated that the interior and exterior space would be available to be rented out to the public for special events.

The proposed addition will allow for an interior capacity of 37 persons and an outdoor capacity of 298 persons. Food and beverage, bar and soft seating, amplified music, and catering services would be available within the increased space.

### 4.0 Application Chronology

Date of Initial Application Received (DP14-0093):	May 14, 2014
Date of Amendment Application Received (DP14-0093-01):	September 14, 2016
Previous Date of Council Consideration (DP14-0093-01):	October 3, 2016

**Report prepared by:**

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Trisa Brandt, Planner I

**Reviewed by:** Ryan Smith, Community Planning Department Manager

**Approved for Inclusion:** Doug Gilchrist, Divisional Director, Community Planning & Real Estate

### Attachments:

Attachment "A": Design Rationale, Materials Board  
 Attachment "B": Landscape Plan and Rendering  
 Attachment "C": Preliminary Strata Plan dated April 8, 2015  
 Attachment "D": Supplemental Information, Inspiration Images, Photos of Site

Draft REVISED Development Permit Amendment DP14-0093-02  
 Schedule "A": Site Plan and Floor Plans  
 Schedule "B": Elevations and Colour Board  
 Schedule "C": Landscaping Plan