

# REPORT TO COUNCIL



**Date:** January 25, 2016

**RIM No.** 0940-40

**To:** City Manager

**From:** Community Planning Department (AW)

**Application:** DP14-0029      **Owner:** RG Properties Ltd.  
Inc. No. BC0812619

**Address:** 1755 Capri St., 1835 Gordon Dr. &  
1171 Harvey Avenue      **Applicant:** Dialogue BC Architects

**Subject:** Development Permit Application

**Existing OCP Designation:** Commercial & Mixed Use (Commercial/Residential)

**Existing Zone:** C4LP, C4LR & C4 - Urban Centre Commercial

**Proposed Zone:** CD25 - Capri Centre Comprehensive Development Zone

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## 1.0 Recommendation

THAT Final Adoption of Official Community Plan Amending Bylaw No. 10998, Zone Amending Bylaw No. 11016 and Text Amendment Bylaw No. 10999 be considered by Council;

THAT Council authorize the issuance of Development Permit No. DP14-0029 for Lot A, D.L. 137, ODYD, Plan KAP64836 except Plan EPP33990, located at 1835 Gordon Drive; Lot B, D.L. 137, ODYD, Plan KAP64836 except Plan EPP33990, located at 1171 Harvey Avenue, Lot C, D.L. 137, ODYD, Plan KAP64836, located at 1755 Capri Street, Kelowna B.C., subject to the following:

- 1) The development shall be phased over time and designed in general accordance with Pages 1-11 of the CD25 Development Area Guidelines attached as Schedule "A";

## 2.0 Purpose

The overarching Form and Character Development Permit will apply to the entire CD25 development site. These planning and design principles, including landscaping, open space and architectural guidelines, will ensure development proceeds in a cohesive and integrated manner. Individual Form and Character Development Permits will be required for each building in the development process.

### 3.0 Community Planning

Community Planning staff are supportive of the proposed Development Permit and Text Amendment Bylaw. The benefits of the project include; the comprehensive planning of the subject properties, a range of housing options for the Kelowna marketplace, maintaining the existing commercial areas at a minimum, the creation of a Transit Oriented Development, and a public amenity feature in the form of an outdoor skating rink. The components that do not fit within the current policy and regulatory framework are related to the increased height and densities being requested by the applicant. On balance, Staff are supportive of the proposed development concept as it fulfills the City's Urban Centre objectives and creates a Transit Oriented Development (TOD). The CD25 zone has the design guidelines referenced to the zone, making them an integral component of the policy direction for the site. These Guidelines describe the elements of urban form that will be addressed in the ongoing redevelopment of the Capri Mall, the purpose of the design guidelines are twofold:

- i. To provide prospective designers with a checklist of issues that must be addressed in their development proposals to be in concert with or add to the Vision; and
- ii. To provide an overall conceptual approach and consistent basis for the evaluation of development proposals by the City of Kelowna.

#### Overarching Site Development Permit - Form & Character

The applicant has proposed underground parking for a significant portion of the development. While underground parking in Kelowna can be challenging, the applicant has indicated that the scale of the project will make it a feasible and an important component of the project from an urban design perspective. The design guidelines have been created to provide assurance that the objectives and principles of the development will be incorporated, while allowing flexibility for viable and innovative development proposals. By adhering to this framework, the development team will create proposals that are consistent with the vision for the redevelopment of the 'Capri Mall' properties.

#### Height

The main impact of the proposal is an overall increase in density and height over the balance of the site. The OCP supports structures up to 12 stories in height upon consideration of a comprehensive development plan. The development scheme results in a height transition from 6 stories at Harvey Avenue stepping up to 22 stories adjacent to Sutherland Avenue at the south end of the site. The tallest building will be 26 stories which is shown at the centre of the site. While height has persisted a principle discussion item, the evolution of the development concept has successfully addressed the transition of height from north to south with the tallest structure in the core of the property mitigating the impact to the surrounding neighbourhood. The proposed height is higher than anticipated but by allowing higher structures more publicly accessible open space can be created at grade.

#### Density

Under the C4 zone the subject properties could be built out with an FAR of 2.35 with underground parking, at grade plaza space & green roofs. The proposal contemplates FAR of 2.60 and is requesting a 0.25 FAR bonus. This equals approximately 19,788m<sup>2</sup> of additional

developable floor area. In total, the applicant anticipates building approximately 179,817m<sup>2</sup>, with 22,297m<sup>2</sup> of commercial space and 157,520m<sup>2</sup> of residential space.

### Transit & Transportation Details

The applicant worked with BC Transit and City Staff to secure land for the Rapid Bus Transit station along Harvey Avenue. This will help the Capri become a transit oriented form of development with connections to the Transit network and the new Gordon Drive Rapid Bus network, which will have a Capri Mall stop with a pull out on Gordon Drive near Harvey Avenue. The subject properties also front onto the future Sutherland Avenue multi-modal corridor. The applicant will be dedicating land and building a portion of this future corridor from Gordon Drive to Burtch Road along their property frontage.

### Open Space

The entire internal road network will be maintained by the developer and they have committed to creating high quality pedestrian streetscapes throughout the project. They will be securing various types of open space during different phases of the project. In the end, the applicant has committed to creating a pedestrian oriented connection between the Harvey Avenue BRT Station and the Gordon Drive Rapid bus stop. The main public open space (5,000m<sup>2</sup>) will be located in the core of the property and will include an outdoor skating rink which can be converted to other uses outside of winter. A pocket park is also planned for the corner of Gordon Drive & Sutherland Avenue. Public Access to these developments will be secured via Statutory Right of Way as they are built, as such the applicant will also be responsible for maintenance of these open spaces.

In summary, while the proposed height and form of density is a departure from the vision of OCP for this Urban Centre location, there are merits to the long-term comprehensive plan of this significant land assembly. The subject property is currently zoned C4 - Urban Centre Commercial and the City has always anticipated a comprehensive redevelopment of the Capri Mall properties. By providing a comprehensively planned development proposal there is vision for how the project will achieve full build-out in the future. Each street frontage is envisioned to become an animated and active streetscape, while the property will have a north to south height profile. The proposed housing mix will provide a variety of options for a wide demographic profile and the boutique hotel will continue to anchor the Urban Centre. Schematically, the applicant has proposed a total of 15 buildings ranging from 6 to 26 storeys in height. In exchange for the increase in both density and height, the applicant will provide a variety of publicly accessible open spaces throughout the project. With the landmark feature being an urban square that will be operated as an ice rink during winter months. Public access to these amenities will be secured through a Statutory Right of Way. The applicant has worked with Staff to reduce the negative impacts associated with the proposal and has created a development concept that will satisfy the overall Urban Centre objectives outlined in the OCP. As such, Staff are recommending positive consideration of the proposed comprehensive development.

## **4.0 Proposal**

The overarching Form and Character Development Permit applies to the entire development site. The objective of the broad DP is to provide certainty regarding the main objectives and principles of the development. By adhering to this framework, the development team will create proposals that are consistent with the vision for the comprehensively planned site. Separate Development Permits will be required for each stage of development to ensure that Staff and Council are satisfied with the final detail of each phase.

## Project Overview

Redevelopment of the Capri Mall presents a noteworthy opportunity to revitalize this important Urban Centre. The main objective of the project is to transform the suburban shopping centre into a vibrant and interesting hub of activity. To satisfy this objective the project proposes a distinctive neighbourhood with connected open space, considers pedestrians as a priority, provides street level retail and includes a diversity of housing and commercial space while maintaining the existing hotel. As noted in the applicant's attached rationale the main components of the project are as follows:

### *Market Square*

Anchored by a food store and enhanced by street related retail on two sides. The square will be open to Gordon Drive, providing an attractive location for community events such as a farmer's market. It will be distinguished by quality pavers and pedestrian-scale lights. On non-event days, the square will provide ample surface parking for surrounding retail and other neighbourhood attractions.

### *A Crescent on the Park*

A residential neighbourhood that includes street-oriented townhouses with front and rear-yards, city-homes, and apartments. This residential area is focused around the neighbourhood park along an elegant crescent shaped street, creating a memorable residential address as well as fostering a strong connection between residents and the community park.

### *A Community Park*

With both seasonal and year round events and activities for the public to enjoy. Opportunities include an informal summertime play space that becomes a community ice rink during the winter. The park is accented by a small retail building, which may become a cafe or restaurant.

### *An Urban Edge to Harvey Avenue*

The new Capri Centre envisions commercial / office buildings along Harvey Avenue, with six a storey massing contemplated. These buildings will create a strong street-wall condition along Harvey Avenue, helping to define Kelowna's main thoroughfare. The Capri Centre's other edges will also contribute to a higher quality public realm through a strong street relationship and a land-use plan that fits the local context. For example, mixed-use buildings along Gordon Drive will have a similar effect on the Gordon Drive streetscape. On Capri Street, residential uses will transition to the residential neighbourhood directly to the east of the centre.

### *A People Friendly Place*

The concept for the Capri Centre includes numerous pedestrian linkages and pedestrian / cyclist only pathways, helping to enhance the quality of public life for residents and visitors to this new village centre.

### *A Mixed-use Neighbourhood Village Centre*

Although new land-uses and community amenities are contemplated for the Capri Centre, commercial uses will remain an important component of the vision. In fact, this development includes the possibility of keeping the current hotel intact and, in a phased manner, redevelop the mall and other on-site commercial uses. Phasing the development will accommodate current tenants by allowing them to stay open during construction and move into their new locations as they are built, with minimal disruption to current business.

#### 4.1 Site Context



Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	N/A	Harvey Avenue (Hwy 97)
East	Ru6 - Two Dwelling Housing	Residential
South	C4 - Urban Centre Commercial	Commercial
West	C4, C9, P2	Various

#### 5.0 Current Development Policies

## 5.1 Kelowna Official Community Plan (OCP)

### 5.1.1 Development Process (Chapter 5) - Considerations in Reviewing Development Applications

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Ground-Oriented Housing.**<sup>2</sup> Encourage all multi-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms to provide a family housing choice within multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.'

**Objective 5.5.** Ensure appropriate and context sensitive built form

**Building Height (Policy .1).** Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storey's at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.

**Capri/Landmark:** Generally, 4 storeys. Greater height (up to 12 storeys) may be supported on the Capri Shopping Centre site and in the area bordered by Dickson Avenue, Dayton Avenue, Springfield Road and Kirschner Road upon approval of a Council endorsed comprehensive development plan for the site that provides for a variety of housing types (including but not limited to ground-oriented and rental apartment housing) and the provision of commercial space that is of an amount that, at minimum, equals that which existed in 2010.

**Objective 5.8.** Achieve high quality urban design.

**Streetscaping (Policy 2).** Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e. sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc.).

**Objective 5.10.** Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices

**Maximize Pedestrian / Cycling Connectivity.** Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes.

**Transit Infrastructure.** Require that transit service needs to be integrated into community designs and development proposals to optimize access to transit service and incorporate essential infrastructure on transit routes identified.

**Active Transportation Networks.** As redevelopment occurs within and around Urban Centres, seek public pathways that would complement linear parks, multi-use trails, parks, plazas, greenways or sidewalks to form continuous pedestrian and bicycle networks and/or connections between centres where possible.

## **6.0 Technical Comments**

### **6.1 Building & Permitting Department**

This property falls within the Mill Creek flood plain bylaw area and compliance is required. Alternative solutions to allow underground parking may be achieved through the use of a restrictive covenant and minimizing the amount of mechanical/electrical equipment located below the floodplain level.

### **6.2 Development Engineering Department**

Addressed as part of Z12-0056.

### **6.3 Fire Department**

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150ltr/sec flow. Access to all commercial premises is not available through the required access roads. A 3-15m access to all major buildings is required as per the BC Building Code. Additional comments will be required at the building permit application.

### **6.4 Fortis BC (Gas)**

FortisBC operates and maintains several gas mains and one gas header on the subject land that will be in the way of the new building. We have existing Rights of Way in place (plans KAP52247, KAP52248 and KAP64840) that the developer can plan around or FortisBC can relocate the highlighted sections of main as necessary at their cost.

## **7.0 Application Chronology**

Date of Application Received:	July 25th, 2012
Public Information Meeting:	November 13th, 2013
TIA Endorsed by MOT:	September 19th, 2014
Rezoning Public Hearing:	October 22nd, 2014
Zoning requirements satisfied:	December 7th, 2015

**Report prepared by:**

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Alec Warrender, Planner

**Reviewed by:** ☐ Terry Barton, Urban Planning Manager

**Approved by:** ☐ Ryan Smith, Manager, Community Planning Manager

**Attachments:**

Schedule 'A' - CD25 - Development Area Guidelines  
Schedule 'B' - Project Rationale