

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7909-0116-00

Planning Report Date: January 11, 2010

**PROPOSAL:**

- **OCP Amendment** from Urban to Commercial
- **Rezoning** from C-4 to CD (based on C-8 & RM-45)
- **Development Permit**

in order to permit the redevelopment of two existing properties into a mixed-use commercial/residential project.

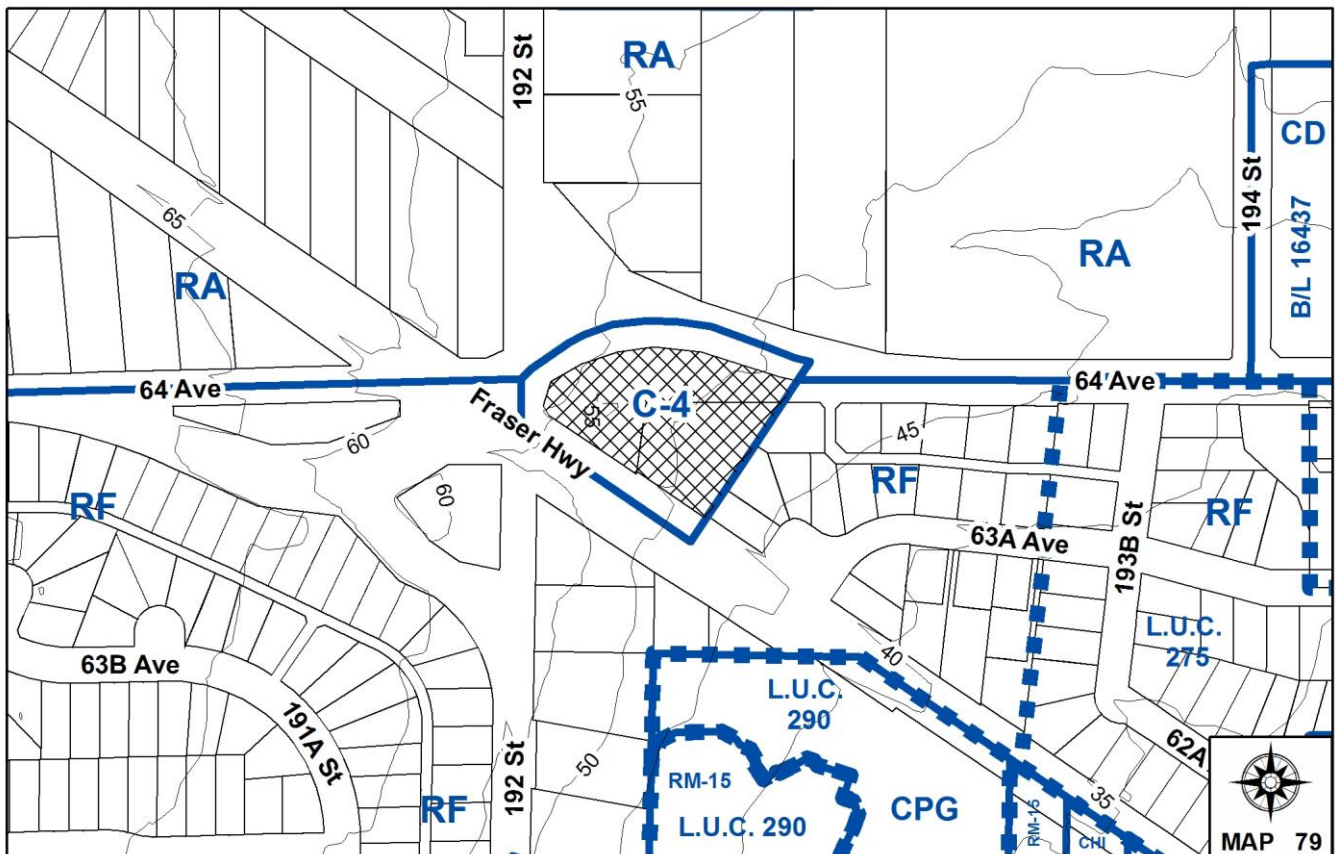
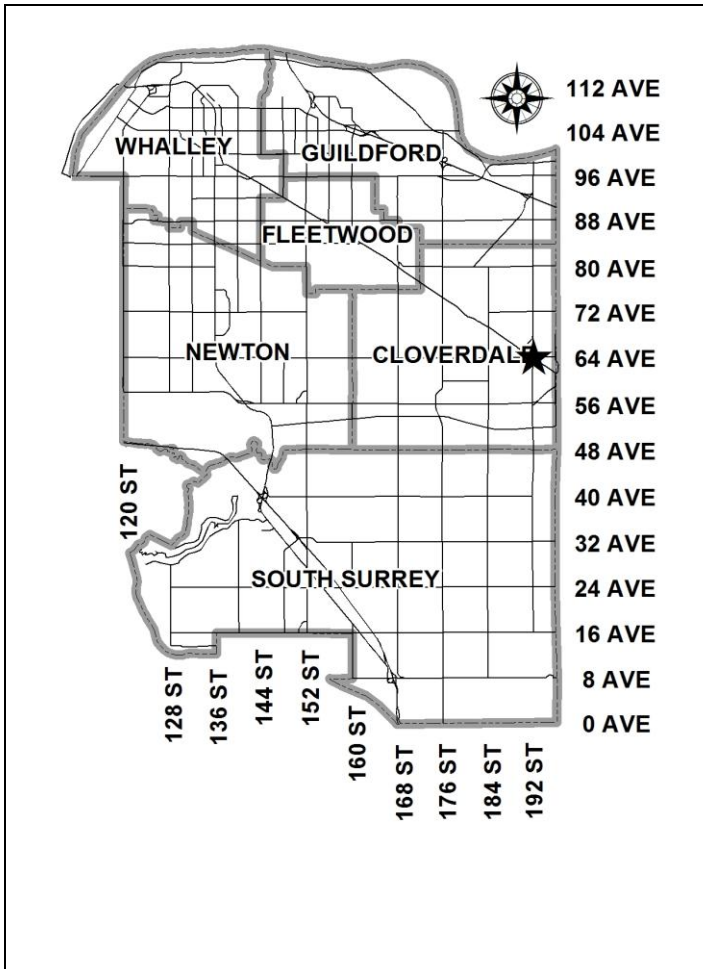
**LOCATION:** 19240 - 64 Avenue and 19209 Fraser Highway

**OWNER:** "Las Tapas" Enterprises et al

**ZONING:** C-4

**OCP** Urban

**DESIGNATION:**



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
  - OCP Amendment; and
  - Rezoning.
- Approval to draft Development Permit.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposed mixed-use development is not consistent with the Urban designation in the Official Community Plan (OCP), and therefore requires an OCP amendment to redesignate the site to Commercial.

### RATIONALE OF RECOMMENDATION

- The applicant is proposing a comprehensive mixed-use development for the site that will serve as an attractive gateway/signature development for the Clayton community.
- The density and building form are appropriate for this highly visible intersection of Fraser Highway and 64<sup>th</sup> Avenue.
- The high-quality buildings achieve an urban, pedestrian streetscape.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend the OCP by redesignating the subject site from Urban to Commercial and a date for Public Hearing be set.
2. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 879 of the Local Government Act.
3. a By-law be introduced to rezone the subject site from "Local Commercial Zone (C-4)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
4. Council authorize staff to draft Development Permit No. 7909-0116-00 in accordance with the attached drawings (Appendix II).
5. Council instruct staff to resolve the following issues prior to final adoption:
  - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
  - (b) submission of a subdivision layout to the satisfaction of the Approving Officer;
  - (c) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
  - (d) submission of a landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
  - (e) resolution of all urban design issues, including the art feature, to the satisfaction of the Planning and Development Department;
  - (f) the applicant address the concern that the development will place additional pressure on existing park facilities to the satisfaction of the General Manager, Parks, Recreation and Culture;
  - (g) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department; and
  - (h) resolution of lot grading issues along the east property line to the satisfaction of the Planning & Development Department.

REFERRALS

**Engineering:** The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.

**School District:** **Projected number of students from this development:**

3 Elementary students at Latimer Road Elementary School  
2 Secondary students at Clayton Heights Secondary School

(Appendix IV)

**Parks, Recreation & Culture:** Parks has concerns about the pressure this project will place on the existing parks, recreation and culture facilities in the neighbourhood. The applicant should meet with staff representatives to resolve these concerns.

SITE CHARACTERISTICS

**Existing Land Use:** Existing restaurant and existing single family dwelling on two commercial-zoned properties. All buildings will be removed.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 64 Avenue):	Dwellings on acreage parcels and vacant acreage parcels (City-owned).	Specialty Community Oriented Commercial and High Density 25-45 upa in the East Clayton NCP and Urban in the OCP.	RA
East:	Single family dwellings.	Urban in the OCP	RF
South (Across Fraser Highway):	Single family dwellings.	Urban in the OCP	RF
West (Across the intersection of 192 Street and Fraser Highway):	Dwellings on acreage parcels, existing single family dwellings and vacant parcels (some of which are City-owned). Currently under application 7908-0200-00 (pre-Council) to rezone from RA to RM-15 in order to permit approximately 35 townhouse units.	Townhouses Cluster 8 -15 upa in the North Cloverdale East NCP,	RA and RF

## JUSTIFICATION FOR PLAN AMENDMENT

### OCP Amendment

- The 0.78-hectare (1.93-acre) subject site is designated Urban in the Official Community Plan (OCP). The applicant is seeking an Official Community Plan (OCP) amendment from Urban to Commercial (see Appendix VII).
- The subject site is zoned "Local Commercial Zone" (C-4) and has been the site of the La Masia restaurant for many years. The proposed development will continue this commercial use.
- The proposed density and building form are appropriate for this highly visible intersection of Fraser Highway and 64<sup>th</sup> Avenue, and the mixed-use development will serve as an attractive gateway/signature development for the Clayton community.

## DEVELOPMENT CONSIDERATIONS

### Site Context

- The 0.78-hectare (1.93-acre) subject site consists of two properties located southeast of the intersection of Fraser Highway and 64<sup>th</sup> Avenue, immediately outside both the East Clayton and North Cloverdale East NCP areas.
- The subject site is designated Urban in the Official Community Plan (OCP) and is currently zoned "Local Commercial Zone" (C-4).
- The site falls to the southeast, and has commanding views of Mount Baker.

### Current Proposal

- The applicant is proposing to consolidate the two properties into one and rezone the subject site to "Comprehensive Development Zone" (CD), based on the "Community Commercial Zone" (C-8) and the "Multiple Residential 45 Zone" (RM-45).
- The rezoning is to permit the construction of a mixed-use development that will consist of street-facing commercial units with 57 multi-family residential apartment units above, in addition to two stand-alone commercial buildings, one of which will house the existing La Masia restaurant, which is proposed to be relocated within the site into the new building (see Appendix II).
- As the proposed CD Zone is not consistent with the Urban designation in the Official Community Plan (OCP), the applicant is also proposing to redesignate the site to Commercial in the OCP.
- The proposed mixed-use development will front onto 64<sup>th</sup> Avenue and will gain access via private driveways off of both 64<sup>th</sup> Avenue and Fraser Highway.
- The proposed access to the site from 64<sup>th</sup> Avenue is to be a temporary right-in/right-out/left-in access.

- A 5.5-metre (18 ft.) wide statutory right-of-way is required to protect the western half of a future lane that will be required to be constructed along the east property line when the properties east of the subject site develop in the future. This future lane will provide the ultimate access to 64<sup>th</sup> Avenue. The temporary 64<sup>th</sup> Avenue access is to be permanently closed once the future lane is constructed. Cash-in-lieu for the access removal and boulevard reinstatement at this location will be required.
- The applicant is required to dedicate additional road widening along both 64<sup>th</sup> Avenue and Fraser Highway.
- Parking for the site will be provided as a combination of above ground and below ground parking spaces, and will be provided as follows:
  - A total of 80 parking spaces will be available for residents in the underground parking area, achieving the minimum parking requirement of 80 spaces in Surrey Zoning By-law No. 12000. This area will be secured by a gate.
  - Based on the Zoning By-law requirement for visitor parking of 0.2 parking space per unit, a total of 11 parking spaces are required for visitors. The applicant is proposing 11 visitor spaces. These will be located underground, but will be separated from the residential parking by a security gate.
  - A total of 89 parking spaces will be available for patrons of the commercial business, exceeding the minimum parking requirement of 88 spaces in the Zoning By-law. Of these, 51 parking spaces will be provided both above ground while 38 parking spaces will be provided underground. The underground commercial spaces will be separated from the secured residential parking, and will have separate pedestrian access.
- Access to the underground parking will be provided under the restaurant in the southeast corner of the site.
- The amount of outdoor amenity space proposed is 181 square metres (1946 sq.ft.). The base zone for this CD-zoned site (the RM-45 Zone) requires that 171 square metres (1,840.5 sq.ft.) of outdoor amenity space be provided (3.0 sq.m./32 sq.ft. per dwelling unit). The proposed outdoor amenity space consists of a north-facing deck on the fifth floor of the residential building, and incorporates outdoor seating and landscaped planters.
- The amount of indoor amenity space proposed is 171 square metres (1,842 sq.ft.). The base zone for this CD-zoned site (the RM-45 Zone) requires that 171 square metres (1,840.5 sq.ft.) of indoor amenity space be provided (3.0 sq.m./32 sq.ft. per dwelling unit). This amenity space will be provided in three locations. Two amenity rooms are to be located on the ground floor adjacent the lobby, while the third amenity room will be located on the fifth floor adjacent the outdoor amenity space.

### Proposed CD Zone

- The proposed CD Zone is based upon a combination of the "Multiple Residential 45 Zone" (RM-45) Zone and the "Community Commercial Zone" (C-8) with modifications to permitted uses, density (Floor Area Ratio, or FAR), setbacks, and height.
- For a comparison between the C-8 Zone, RM-45 Zone and the proposed CD Zone, see the table attached as Appendix IX.

- As the proposed CD-zoned portion of the subject site is less than 1.0 hectare (2.47 acres) in area, the sliding density scale of the RM-45 Zone would typically apply. The maximum density permitted would therefore be 40 upa (98.7 uph), with a maximum floor area ratio (FAR) of 1.15 as opposed to maximums of 45 upa (111 uph) and 1.30 FAR for a 1.0-hectare site. The allowable floor area ratio (FAR) of the proposed mixed use development allowed in the CD By-law is 0.87.
- The permitted uses in the proposed CD Zone vary from those permitted in the C-8 Zone and RM-45 Zone. Uses permitted in the C-8 Zone that will not be permitted in the proposed CD Zone include beverage container return centres, parking facilities, automotive service uses and assembly halls. In addition, the C-8 Zone permits only one dwelling unit per lot, while the proposed CD Zone will permit multiple residential dwelling units similar to, but at reduced densities of, the RM-45 Zone.
- The applicant is proposing varied building setbacks along all property lines. Under the RM-45 and C-8 Zones, the minimum setback along all property lines is 7.5 metres (25 ft.). The applicant is proposing setbacks ranging from 0 metres (0 ft.) to 1.7 metres (5.5 ft.) along the north property line (64<sup>th</sup> Avenue), from 0 metres (0 ft.) to 3.15 metres (10 ft.) along the south property line (Fraser Highway), and 13.2 metres (43 ft.) along the east property line.
- The setback variances are acceptable as the reduction of the setbacks along 64<sup>th</sup> Avenue and Fraser Highway will provide a strong street presence, and will provide for better street-oriented commercial and residential units along 64<sup>th</sup> Avenue in particular.
- The 16-metre (53 ft.) maximum building height of the proposed CD By-law will exceed that of the 15-metre (50 ft.) restriction of the RM-45 Zone, and the 12-metre (40 ft.) restriction of the C-8 Zone. Of the three buildings on the site, only the 5-storey mixed-use building on the west side of the site will approach the maximum building height. The two remaining buildings on the east side of the site are only one-storey in height.

#### Tree Preservation and Replacement

- Arbortech Consulting Ltd. prepared the Arborist Report and Trees Preservation/ Replacement Plans (Appendix V). They have been reviewed by the City's Landscape Architect and deemed acceptable.
- The Arborist Report indicates there are 10 mature trees on the subject site. The report proposes the removal of all 10 trees because they are located within the footprint of the proposed development. Most are also assessed as "unviable".
- The following chart provides a summary of the proposed tree retention and removal by species:

Tree Species	Total Number of Trees	Proposed for Retention	Proposed for Removal
Western Red Cedar	3	0	3
Douglas Fir	4	0	4
Lawson Cypress	2	0	2
Cherry	1	0	1
<b>Total</b>	<b>10</b>	<b>0</b>	<b>10</b>

- Under the Tree Protection By-law, tree replacement is required at specified ratios. Protected trees are to be replaced at a ratio of 2:1, while alder and cottonwood trees are to be replaced at a ratio of 1:1. As ten (10) mature trees are to be removed, a total of twenty (20) replacement trees would be required for this application.
- The applicant's Landscape Architect (Sharp & Diamond Landscape Architecture Inc.) proposes fifty-seven (57) replacement trees to be planted both within the site (39) and off-site (18) as street trees, in addition to other shrubs and ground covers (see Design Review section for further information).

### PRE-NOTIFICATION

Pre-notification letters were sent out on August 10, 2009 and revised pre-notification letters were sent out on November 4, 2009. Staff received no responses.

### PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

Pursuant to Section 879 of the Local Government Act, it was determined that it was not necessary to consult with any persons, organizations or authorities with respect to the proposed OCP amendment, other than those contacted as part of the pre-notification process.

### DESIGN PROPOSAL AND REVIEW

- A Development Permit is required to regulate the form and character of the proposed development.
- Three buildings are proposed for the site. The most prominent building will be a 5-storey, mixed use building at the northwest corner of the site fronting 64<sup>th</sup> Avenue. This building will consist of commercial units at the ground level and 57 residential units above. The remaining buildings consist of two, 1-storey commercial buildings at the northeast and southeast corners of the site, respectively.
- The three buildings are all located above underground parking and are arranged around a central courtyard that will provide parking and is intended to create an "urban village" feel.
- The 5-storey mixed use building follows the arc of 64<sup>th</sup> Avenue and frames the site. It is designed with an urban character consisting of strong horizontal lines, and features a significant amount of glass. The building addresses the intersection of 64<sup>th</sup> Avenue and Fraser Highway with a prominent plaza and strong corner feature. An art feature and public seating is proposed for this location.
- The cladding materials for this building consist of painted concrete at the commercial level, and hardi-board for the residential portion above. The colours will be shades of brown and tan.
- The 1-storey restaurant (to be occupied by La Masia restaurant) will be located at the southeast corner of the site, adjacent to Fraser Highway, and will have commanding views of Mt. Baker, particularly from the southeast-facing patio. The shape and colour of the metal roof ("Cordovan", a reddish-brown shade) is intended to evoke a "Spanish Villa" aesthetic. Similar to the other buildings on the site, the colours will be shades of brown and tan.



- The 1-storey commercial unit at the northeast corner of the site will, along with the 5-storey mixed use building, frame the entry to the site. This building, which is expected to be occupied by a coffee shop, will be a relatively simple, urban-feeling building with a strong connection to the street. Patio seating will be provided on the south side of the building, overlooking the centre of the site. Similar to the other buildings on the site, the colours will be shades of brown and tan.
- Vehicular access to the underground parking will be located under the restaurant at the southeast corner of the site.
- Pedestrian access to the commercial portion of the underground parking will be provided in two locations, one incorporated into the restaurant, and a second adjacent the corner plaza which will have a glazed treatment over the stairway. Elevator access from the commercial parking spaces will also be provided adjacent the restaurant.
- Pedestrian and elevator access to the residential portion of the underground parking to the residential units will be separate from the commercial access. These accesses will be centrally located in the mixed-use building.

#### Outdoor Amenity Space and Landscaping

- Landscaping will consist of 39 trees interspersed throughout the site, an additional 18 street trees that will be located on City property, and shrubs, groundcovers, grasses and perennials also interspersed throughout. Much of the planting will be drought tolerant.
- The on-site trees will consist of a number of species in various locations:
  - Magnolia and European Beech trees will be planted throughout the courtyard and along the internal roadways.
  - Red Maple will border the south and east property lines.
  - London Plane, Scots Pine, Red Maple and European Beech will be planted around the commercial building in the northeast corner.
  - London Plane and Magnolia will also be planted adjacent to the restaurant patio.
- The variety of street trees is to be selected in coordination with City staff.
- Shrubs, including Boxwood, Barbery, Mugo Pine, Dogwood and others, as well as ground covers such as Iris, Coneflower, among others, will be strategically planted adjacent the corner plaza, the La Masia restaurant patio, and all pedestrian and vehicular entrances to the site.
- On-site stormwater management has been addressed, with increased soil depth for maximum water absorption throughout the site, while an infiltration swale is to be located at the southeast corner of the site. The swale will also feature ground cover planting.
- The consultant's have undertaken a CPTED design analysis to ensure that there are open sightlines throughout the site, and to/from the surrounding streets.

### ART FEATURE

- The applicant has committed to providing a landmark art feature. This feature is to be located within the plaza area at the intersection of 64<sup>th</sup> Avenue and Fraser Highway.
- The Advisory Design Panel expressed their appreciation and support for the art feature as a means to enrich this prominent corner.
- Further details are forthcoming, and will be a condition of final adoption.

### ADVISORY DESIGN PANEL

ADP Meeting Date: October 15, 2009

Most of the ADP comments and suggestions have been addressed, with the exception of minor items related to signage and aesthetics that will be addressed by staff and the applicant prior to final adoption.

In addition to the above, there are additional minor items to be resolved to the satisfaction of the Acting City Architect and the Landscape Architect prior to Final Adoption.

The applicant has agreed to work with City Staff to resolve the outstanding issues.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Proposed Site Plan, Building Elevations, Landscape Plans and Perspective
Appendix III.	Engineering Summary
Appendix IV.	School District Comments
Appendix V.	Summary of Tree Survey and Tree Preservation
Appendix VI.	ADP Comments and Responses
Appendix VII.	OCP Redesignation Map
Appendix VIII.	Proposed CD By-law
Appendix IX.	Zoning Comparison Table

### INFORMATION AVAILABLE ON FILE

- Traffic Study prepared by Bunt & Associates dated April 14, 2009.

Jean Lamontagne  
General Manager  
Planning and Development

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Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent:      Name:                      Mike Cox, Gateway Architecture Inc.  
                         Address:                      947 Seymour Street  
    Vancouver, BC  
    V6B 3M1  
    Tel:                              604-608-1868
  
2.            Properties involved in the Application
  - (a)      Civic Addresses:              19240 - 64 Avenue and 19209 Fraser Highway
  
  - (b)      Civic Address:                      19240 - 64 Avenue  
                         Owners:                              Maurice Aguilar and Mercedes Aguilar  
                         PID:                                      011-391-464  
                         Lot 2 Except: Part Dedicated Road on Plan 67872; Section 10 Township 8 New  
                         Westminster District Plan 9440
  
  - (c)      Civic Address:                      19209 Fraser Highway  
                         Owner:                                      "Las Tapas" Enterprises Ltd., Inc. No. BC0161225  
                         PID:                                      027-233-413  
                         Lot 1 Sections 10 and 15 Township 8 New Westminster District Plan BCP32553
  
3.            Summary of Actions for City Clerk's Office
  - (a)      Introduce a By-law to amend the Official Community Plan to redesignate the property.
  
  - (b)      Introduce a By-law to rezone the property.

## DEVELOPMENT DATA SHEET

Proposed Zoning: CD (based on C-8 and RM-45)

Required Development Data	Minimum Required / Maximum Allowed	Proposed
<b>LOT AREA*</b> (in square metres)		
Gross Total		7,814.3 m <sup>2</sup>
Road Widening area		269.1 m <sup>2</sup>
Undevelopable area		
Net Total		7,542.2 m <sup>2</sup>
<b>LOT COVERAGE</b> (in % of net lot area)		
Buildings & Structures	50%	35%
Paved & Hard Surfaced Areas		51%
Total Site Coverage		86%
<b>SETBACKS</b> ( in metres)		
North (64 Avenue)	0.0 m	0.0 m to 1.7 m
South (Fraser Highway)	0.0 m	0.0 m to 3.15 m
East	13 m	13.2 m
<b>BUILDING HEIGHT</b> (in metres/storeys)		
Principal	12 m	16 m
Accessory	4.5 m	n/a
<b>NUMBER OF RESIDENTIAL UNITS</b>		
Bachelor		3
One Bedroom		28
Two Bedroom		26
Three Bedroom +		
Total		57
<b>FLOOR AREA: Residential</b>		4,703 m <sup>2</sup>
<b>FLOOR AREA: Commercial</b>		
Retail/Restaurant		1,860 m <sup>2</sup>
Office		
Total		1,860 m <sup>2</sup>
<b>FLOOR AREA: Industrial</b>		
<b>FLOOR AREA: Institutional</b>		
<b>TOTAL BUILDING FLOOR AREA</b>		6,563 m <sup>2</sup>

*\* If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

## Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		73.1 uph/29.5 upa
# of units/ha /# units/acre (net)		76 uph/30.5 upa
FAR (gross)	0.9	0.84
FAR (net)	0.80	0.90
AMENITY SPACE (area in square metres)		
Indoor	171 m <sup>2</sup>	171 m <sup>2</sup>
Outdoor	171 m <sup>2</sup>	181 m <sup>2</sup>
PARKING (number of stalls)		
Commercial	88	89
Industrial		
Residential Bachelor + 1 Bedroom	40	40
2-Bed	39	40
3-Bed		
Residential Visitors	11	11
Institutional		
Total Number of Parking Spaces	178	180
Number of disabled stalls	0	3
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	YES
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## MULTIPLE BUILDINGS DATA SHEET

Proposed Zoning: CD (based on C-8)

Required Development Data	Building #1	Building #2 (Commercial)	Building #3 (Restaurant)
SETBACK (in metres)			
North	0.0 m to 1.5 m	5.14 m	
South	3.0 m		0.0 m to 4.4 m
East		13 m	15.84 m
Building Height (in metres/storeys)	16 m	6.45 m	6.2 m
NUMBER OF RESIDENTIAL UNITS/ SIZE RANGE			
Bachelor	3		
One Bedroom	28		
Two Bedroom	26		
Three Bedroom +			
TOTAL FLOOR AREA	5,830 m <sup>2</sup>	270 m <sup>2</sup>	463 m <sup>2</sup>