

# City of Surrey PLANNING & DEVELOPMENT REPORT Application No.: 7921-0193-00

Planning Report Date: February 13, 2023

#### **PROPOSAL:**

- **OCP Text Amendment** to allow a higher density in the Multiple Residential designation.
- **Rezoning** from RF to CD (based on RM-70)
- Development Permit
- Housing Agreement

to permit the development of a 6-storey residential building with 132 residential rental units secured with a Housing Agreement.

**LOCATION:** 10620/10628 - 138A Street

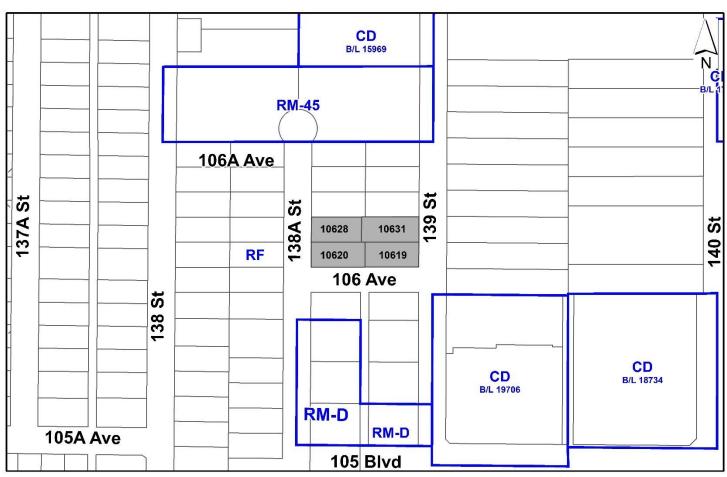
10619/10631 - 139 Street

**ZONING:** RF

**OCP DESIGNATION:** Multiple Residential

CCP DESIGNATION: Low to Mid Rise Residential (2.5

FAR)



#### **RECOMMENDATION SUMMARY**

- By-law Introduction and set date for Public Hearing for:
  - o OCP Text Amendment; and
  - o Rezoning
- Bylaw Introduction, First, Second and Third Reading for a Housing Agreement.
- Approval to draft Development Permit for Form and Character.

## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

• Requires a text amendment to the Official Community Plan (OCP) to "Table 7A: Land Use Designation Exceptions", to allow for the proposed density of 3.1 Floor Area Ratio (FAR) within the "Multiple Residential" designation.

#### RATIONALE OF RECOMMENDATION

- The proposal complies with the General Urban designation in the Metro Vancouver Regional Growth Strategy (RGS).
- The applicant is proposing an OCP Text Amendment to increase the allowable floor area ratio (FAR) under the Multiple Residential designation from 2.5 to 3.1. The requested OCP Amendment has merit given the proposed rental tenure of the units and the applicants ability to demonstrate an appropriately designed 6-storey residential form on the subject site.
- The proposal complies with the Low to Mid Rise Residential designation in the City Centre Plan.
- The proposed building height and density are appropriate for this location and the building achieves an attractive architectural built form, which utilizes high quality, natural materials and contemporary line.
- The proposal complies with the Development Permit requirements in the OCP for Form and Character.
- The proposed building achieves an attractive architectural built form, which utilizes high quality, natural materials and contemporary lines. The street interface has been designed to a high quality to achieve a positive urban experience between the proposed building and the public realm.
- The applicant proposes to enter into a Housing Agreement to allocate all 132 new dwelling units as market rental for a period of no less than 20 years. The Housing Agreement By-law will be brought forward for Final Adoption concurrently with the Rezoning By-law, when all requirements associated with rezoning have been addressed.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to amend the OCP Table 7A: Land Use Designation Exceptions by adding the following site specific notation:

Bylaw No.	Land Use	Site Specific	Site Specific
	Designation	Property	Permission
"Bylaw # xxxxx	Designation  Multiple Residential	Property  10620 – 138A Street Lot 74 Section 23 Block 5 North Range 2 West New Westminster District Plan 49290  10628 – 138A Street Lot 81 Section 23 Block 5 North Range 2 West New Westminster District Plan 57467  10619 – 139 Street Lot 75 Section 23 Block 5 North Range 2 West New Westminster District Plan 49290  10631 – 139 Street Lot 82 Section 23 Block 5 North Range 2 West New Westminster District Plan 49290	Permission  Density permitted up to 3.1 FAR"

and a date be set for Public Hearing.

- 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 requirements of Section 475 of the <u>Local Government Act</u>.
- 3. A By-law be introduced to rezone the subject site from "Single Family Residential Zone (RF)" to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing.
- a By-law be introduced to enter into a Housing Agreement and be given First, Second and Third Reading.
- 5. Council authorize staff to draft Development Permit No. 7921-0193-00 generally in accordance with the attached drawings (Appendix I).

- 6. Council instruct staff to resolve the following issues prior to final adoption:
  - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, 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) resolution of all urban design issues to the satisfaction of the Planning and Development Department;
  - (d) submission of a finalized landscaping plan and landscaping cost estimate to the specifications and satisfaction of the Planning and Development Department;
  - (e) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
  - (f) the applicant satisfy the deficiency in tree replacement on the site, to the satisfaction of the Planning and Development Department;
  - (g) the applicant enter into a Housing Agreement with the City to restrict the proposed 132 dwelling units on the subject site to rental for a period of 20 years;
  - (h) provision of cash-in-lieu contribution to satisfy the indoor amenity space requirement of the RM-70 Zone, at the rate in effect at the time of Final Adoption
  - (i) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department;
  - (j) registration of a volumetric statutory right-of-way for public rights-of-passage over the proposed corner plazas located at the south-east and south-west corners of the consolidated site; and
  - (k) registration of a Section 219 Restrictive Covenant requiring the applicant to pay all deferred financial contributions for Affordable Housing, Public Art and/or Capital Projects Community Amenity Contributions should the project be converted from rental housing to market units at any time after the subject Housing Agreement has expired.

#### SITE CONTEXT & BACKGROUND

Direction	Existing Use	City Centre Plan	<b>Existing Zone</b>
		Designation	
Subject Site	Single family	Low to Mid Rise	RF
	dwellings.	Residential	
North:	Single family	Low to Mid Rise	RF
	dwellings.	Residential	

Direction	Existing Use	City Centre Plan Designation	Existing Zone
East (Across 193 Street):	City-owned parkland (Forsyth Park).	Park	RF
South (Across 106 Avenue):	Single family dwelling and a vacant residential lot.	Low to Mid Rise Residential	RF
West (Across 138A Street):	Single family dwellings.	Low to Mid Rise Residential	RF

## Context & Background

- The 2,869-square metre subject site, comprised of four (4) single family lots, is located north of 106 Avenue, between 138A Street and 139 Street, in the Forsyth district of City Centre.
- The subject site is designated "Multiple Residential" in the Official Community Plan (OCP), "Low to Mid Rise Residential" in the City Centre Plan (CCP) and is currently zoned "Single Family Residential Zone (RF)".
- There are several development applications to the south-east of the subject site, in proximity to 105 Boulevard and 139 Street, including:
  - o Development Application No. 7908-0031-00 (10575/10593/10605 139 Street) proposing three 6-storey buildings is currently in the Pre-Council stage.
  - o Development Application No. 7917-0599-00 (13929/13933 105 Boulevard and 10590 139 Street) for three 4-storey buildings was approved by Council on June 24, 2019.
  - O Development Application No. 7915-0344-00 (13963 105 Boulevard and 10581/10587/10603 140 Street) for three 6-storey buildings was approved by Council on October 24, 2016.
- The City's mapping software (COSMOS) identifies Class C (green-coded) watercourse running south-to-north along the western portion of 139 Street, directly adjacent to the subject site. The applicant has retained a Qualified Environmental Professional (QEP) who prepared a site assessment confirming the watercourse classification and that it is not considered a stream under the Water Sustainability Act. As such, no additional setbacks or protection measures are required, and the watercourse is proposed to be infilled as part of the 139 Street road improvements.

#### DEVELOPMENT PROPOSAL

## **Planning Considerations**

• In order to permit the development of a 6-storey residential building containing 132 secured market rental dwelling units with two (2) levels of underground parking on a consolidated site the applicant proposes the following:

- o **OCP Text Amendment** to allow a higher density of 3.1 FAR in the Multiple Residential designation for the consolidated site;
- o **Rezoning** from RF to CD (based on RM-70);
- o **Development Permit** for Form and Character; and
- o **Subdivision (Consolidation)** from four (4) lots to one (1) lot.

	Proposed
Lot Area	
Gross Site Area:	2868.7 square metres
Road Dedication:	77.3 square metres
Net Site Area:	2791.4 square metres
Number of Lots:	1
<b>Building Height:</b>	21 metres
Floor Area Ratio (FAR):	3.06 FAR (gross) / 3.2 FAR (net)
Floor Area	
Residential:	8,774 square metres
Total:	8,744 square metres
Residential Units:	
Studio:	12 dwelling units (9% of total units)
1-Bedroom:	87 dwelling units (66% of total units)
2-Bedroom:	29 dwelling units (22% of total units)
3-Bedroom:	4 dwelling units (3% of total units)
Total:	132 dwelling units

## Referrals

Engineering: The Engineering Department has no objection to the project

subject to the completion of Engineering servicing requirements as

outlined in Appendix II.

School District: The School District has advised that there will be

approximately 50 school-age children generated by this development, of which the School District has provided the

following expected student enrollment.

20 Elementary students at Forsyth Road Elementary School

20 Secondary students at Kwantlen Park Secondary School

(Appendix III)

Note that the number of school-age children is greater than the expected enrollment due to students attending private

schools, home school or different school districts.

## Parks, Recreation & Culture:

#### No concerns.

Forsyth Park is the closest active park with amenities, including a playground, walking paths, off-leash dog area, which is directly across the street from the subject development. Hawthorne is the closest park with natural area and is approximately 400 metres

walking distance from the subject development.

Surrey Fire Department: No concerns. Comments provided to be addressed as part of the

Building Permit application.

Advisory Design Panel: The proposal was considered at the ADP meeting on November 3,

2022, and was supported. The applicant has resolved most of the

outstanding items from the ADP review as outlined in the

Development Permit section of this report. Any additional revisions

will be completed prior to Council's consideration of Final

Adoption of the rezoning by-law, to the satisfaction of the Planning

and Development Department.

## **Transportation Considerations**

## **Road Network and Infrastructure:**

- The applicant is required to provide the following road dedication and improvements as part of the subject proposal:
  - Dedicate o.846 metres along 106 Avenue to achieve the 20.0-metre wide Local Road Standard:
  - O Dedicate a 3.0-metre x 3.0-metre corner cut at the intersection of both 106 Avenue and 138A Street as well as 139 Street;
  - Construct the east side of 138 Street, the north side of 106 Avenue and the west side of 139 Street to the City Centre Local Road Standard; and
  - Register a 0.5-metre wide statutory right-of-way for sidewalk maintenance along all frontages.

## Traffic Impacts:

• The subject proposal is, according to industry standard rates, anticipated to generate approximately 59 trips in the peak hour (equating to 1 trip every 1 minute). This is below the City's threshold for requiring a site-specific traffic impact analysis.

## Transit and/or Active Transportation Routes:

• The subject site is located approximately 1.3 kilometres from the Surrey Central Skytrain Station as well as 1.1 kilometres from the Gateway Skytrain Station.

- The subject site is located approximately 450 metres (~6 to 8 minute walk) from several TransLink service routes along 104 Avenue, an existing Frequent Transit Network (FTN), including:
  - o Rapid Bus Route No. R1 (Guildford Exchange/Newton Exchange);
  - o Route No. 320 (Langley/Fleetwood/Surrey Central Station);
  - o Route No. 337 (Fraser Heights/Guildford Exchange/Surrey Central Station);
  - o Route No. 509 (Walnut Grove/Surrey Central Station); and
  - o Route No. 501 (Langley Centre/Surrey Central Station).
- The subject site is located approximately 650 metres (~8 to 10 minute walk) from several TransLink service routes along King George Boulevard, an existing Frequent Transit Network (FTN), including:
  - o Route No. 321 (White Rock Centre/Newton Exchange/Surrey Central Station); and
  - o Night Bus Route No. Nio (Downtown/Surrey Central Station).

## **Sustainability Considerations**

- The applicant has met all of the typical sustainable development criteria, as indicated in the Sustainable Development Checklist.
- In addition, the applicant has highlighted the following additional sustainable features:
  - The majority of the selected landscape species are native, low-maintenance and drought-resistant;
  - o The roof is finished in high albedo materials to reduce urban heat island effect;
  - o Energy-efficient LED lighting is proposed throughout the proposed building;
  - Building envelope design will be required to meet Energy Step Code 3 requirements as per Climate Zone 4. A Building Envelope Consultant will be reviewing the proposed wall and floor assemblies to ensure thermal envelope barrier continuity and conformance;
  - o All appliances will be Energy Star rated, where applicable; and
  - o Low VOC-emitting adhesives, sealants, paints, coatings, carpets, composite wood and laminate adhesives will be used, where applicable, and to current industry standards.

#### **POLICY & BY-LAW CONSIDERATIONS**

## **Regional Growth Strategy**

• The proposed development complies with the "General Urban" designation of the subject site under the Metro Vancouver Regional Growth Strategy (RGS).

## Official Community Plan

## **Land Use Designation**

- The subject site is designated "Multiple Residential" in the Official Community Plan (OCP).
- In accordance with the OCP, the "Multiple Residential" designation will support a maximum floor area ratio (FAR) of 2.5 for sites within the City Centre Plan area. However, bonus densities may be granted in select areas in exchange for the provision of sufficient community amenities in accordance with City Council and Department policies.
- The applicant is requesting an increase in allowable FAR under the "Multiple Residential" designation from 2.5 to 3.1 (gross density) which is required in order to allow the form of development proposed.
- The requested OCP Amendment has merit given the proposed rental tenure of the units and the applicants ability to demonstrate an appropriately designed 6-storey residential form on the subject site.
- The proposal is consistent with the following OCP Themes/Policies:

## **Themes/Policies**

- Support compact and efficient land development that is consistent with Metro Vancouver Regional Growth Strategy (OCP Policy A<sub>1</sub>);
- Accommodate higher density development into Surrey's City Centre and near Frequent Transit Corridors at densities sufficient to encourage commercial development and transit service expansions (A2);
- o Encourage development in urban neighbourhoods to utilize existing infrastructure and amenities and to enhance existing neighborhood character and viability (A<sub>3</sub>);
- Encourage development that supports increased transit, pedestrian walkability, and bicycle access (B<sub>3</sub>);
- Develop complete, accessible, and walkable green neighbourhoods with sufficient densities to support a high-quality transit system that is accessible to most residents (B4):
- o Encourage and support the development of new purpose-built rental apartments (F<sub>3</sub>);
- o Encourage the development of accessible and adaptable units (F<sub>3</sub>); and
- o Promote affordable family housing in City Centre by encouraging a mix of unit types including two-bedroom and three-bedroom apartments in new developments (F<sub>3</sub>).

## **Secondary Plans**

## **Land Use Designation**

• The proposed development complies with the "Low to Mid Rise Residential" designation of the subject site under the City Centre Plan.

## **Housing Agreement**

- Section 483 of the Local Government Act authorizes local governments to enter into Housing Agreements, for terms and conditions agreed to by the owner and the local government, that pertain to the occupancy of the housing units.
- The proposing Housing Agreement will regulate the proposed 132 dwelling units in a proposed new 6-storey apartment building on the subject site.
- The attached Housing Agreement (Appendix VI) will be adopted by Bylaw and registered on title of the property. The agreement will restrict all 132 dwelling units to rental tenure for a period of 20 years.
- The City may from time to time require that the owner of the building provide written proof of compliance with the Housing Agreement.
- The Housing Agreement Bylaw will be brought forward for final adoption concurrently with final adoption of the associated Rezoning Bylaw and the issuance of the Development Permit once all of the outstanding conditions associated with the application are fulfilled.

## CD By-law

- The applicant is proposing a "Comprehensive Development Zone (CD)" to accommodate a proposed 6-storey rental apartment building on the subject site. The proposed CD By-law for the proposed development site identifies the uses, densities and setbacks proposed. The CD By-law will have provisions based on the "Multiple Residential 70 Zone (RM-70)".
- A comparison of the density, lot coverage, setbacks, building height and permitted uses in the RM-70 Zone and the proposed CD By-law is illustrated in the following table:

Zoning	RM-70 Zone (Part 24)	Proposed CD Zone		
Floor Area Ratio:	1.50 FAR (net)	3.2 FAR (net)		
Lot Coverage:	33%	58%		
Yards and Setbacks:	7.5 metres from all lot	North: 3.0 m		
	lines.	East (139 St): 4.5 m		
		South (106 Ave): 4.5 m		
		West (138A St): 4.5 m		
Principal Building Height:	50.0 m	21.0 m		
Permitted Uses:	Multiple unit	Multiple unit		
	residential buildings	residential buildings.		
	Ground-oriented			
	multiple unit			
	residential buildings			
	Child care centres			
Amenity Space				
Indoor Amenity:	3.0 sq.m. per dwelling unit	The proposed 256 m² [+		
	1.0 sq.m. per lock-off suite	CIL of \$138,000.00] meets		
	4.0 sq.m. per micro unit	the Zoning By-law		
		requirement.		
Outdoor Amenity:	3.0 sq.m. per dwelling unit			
	1.0 sq.m. per lock-off suite	The proposed 714 m²		
	4.0 sq.m. per micro unit	meets the Zoning By-law		
		requirement.		
Parking (Part 5)	Required	Proposed		
Number of Stalls				
Residential:	119	121		
Residential Visitor:	13	14		
Total:	132	135		
Bicycle Spaces				
Residential Secure Parking:	158	164		
Residential Visitor:	6	6		

- Parking for the development is proposed to be located in a two-level underground parkade, which will be accessed from 138A Street along the west property line.
- The applicant is proposing to provide off-street parking at a rate of 0.92 stalls per dwelling unit, plus 0.1 visitor stalls per unit, for a total of 135 proposed off-street parking stalls. The proposed parking rates are consistent with the Zoning Bylaw.

## **Capital Projects Community Amenity Contributions (CACs)**

• On December 16, 2019, Council approved the City's Community Amenity Contribution and Density Bonus Program Update (Corporate Report No. R224; 2019). The intent of that report was to introduce a new City-wide Community Amenity Contribution (CAC) and updated Density Bonus Policy to offset the impacts of growth from development and to provide additional funding for community capital projects identified in the City's Annual Five-Year Capital Financial Plan.

• The proposed development will not be subject to the Tier 1 or Tier 2 Capital Plan Project CACs, as the proposal includes 100% market rental residential units. A Restrictive Covenant will be registered making CACs payable if there is a future change in tenure after expiry of the Housing Agreement.

## Affordable Housing Strategy

- On April 9, 2018, Council approved the City's Affordable Housing Strategy (Corporate Report No. Ro66; 2018) requiring that all new rezoning applications for residential development contribute \$1,000 per new unit to support the development of new affordable housing. The funds collected through the Affordable Housing Contribution will be used to purchase land for new affordable rental housing projects.
- As a rental project, the subject proposal is exempt from the provision of this policy. The applicant will be required to register a Section 219 Restrictive Covenant, making the fees payable if there is a future change in tenure from the market rental, to address the City's needs with respect to the City's Affordable Housing Strategy.

## **Public Art Policy**

• The Public Art contribution will not be required as the proposal includes 100% market rental units. The applicant will be required to register a Section 219 Restrictive Covenant, making the fee payable if there is a future change in tenure from market rental units.

## **PUBLIC ENGAGEMENT**

• Development Proposal Signs were installed on December 2, 2022, and pre-notification postcards were sent on December 5, 2022. To date, staff received one (1) response from a resident in support of the development proposal.

#### **DEVELOPMENT PERMITS**

## Form and Character Development Permit Requirement

- The proposed development is subject to, and generally complies with, the Form and Character Development Permit guidelines in the OCP as well as the design guidelines in the Surrey City Centre Plan.
- The applicant is proposing a "U"-shaped, 6-storey rental apartment building with two (2) levels of underground parking containing 132 units. The proposed units consist of 12 studio units, 87 one-bedroom, 29 two-bedroom units and 4 three-bedroom units, which range in size from 36 square metres to 83 square metres.
- Six (6) of the proposed units will be considered adaptable with respect to BC Building Code requirements.

- The proposed 6-storey apartment building incorporates both building massing and design aesthetics that are generally in accordance with the vision for this part of City Centre. This area (Forsyth) is envisioned as a medium-density neighbourhood of apartments and townhouses, connected to neighbourhood parks and schools with a finer-grained street network with green lanes and pedestrian pathway systems. The City Centre Plan recommends a 4-storey building in this location, however, the proposed 6-storey form is considered to have merit to support the 100% rental housing proposal.
- The proposed apartment building has been designed to maintain active public realm interfaces along the east (139 Street), south (106 Avenue) and west (138A Street) frontages, accentuated by a two-storey, glass-clad entrance lobby along 106 Avenue, while still providing adequate privacy to a central courtyard located on the north side of the building.
- The applicant proposes a contemporary urban design with the use of dark grey brick on the lower levels of the façade, which also serves to delineate a two-storey "townhouse expression" along 138A Street, 139 Street and 106 Avenue. Building materials include cementitious fibre panels, powder coated aluminum planks, brick, and both black and white window frames and aluminum railings.
- The proposed indoor and outdoor amenity spaces have been integrated for site functionality
  and efficiency. For more details, please see the Indoor and Outdoor Amenity Space sections in
  this report.

## **Landscaping**

- The landscape plans include a mixture of trees, shrubs, and groundcover to be planted throughout subject site, as well as hardscaping, site lighting, fencing and site furnishings.
- Ground-level resident units each have access to a private, raised patio space which ar screened from the adjacent public sidewalk through low-lying shrubs, including Hill's Yew hedging, and individual trees. Each patio can be accessed either through the dwelling unit or via a gated street-level entrance.
- A corner plaza is proposed at both the south-east and south-west corner of the subject site, which contain benches for seating and will be delineated from the adjacent concrete public sidewalk through the use of decorative hardscaping.

## **Indoor Amenity**

- The required indoor amenity space is 396 square metres, or three (3) square metres per new dwelling unit, while the applicant is proposing to provide 256 square metres of indoor amenity space on-site thereby requiring cash-in-lieu for the proposed shortfall in accordance with City Council policy.
- The indoor amenity space is located on the ground floor in the central portion of the proposed building, directly adjacent to the outdoor amenity space proposed with the north-facing courtyard. In addition, a 40-square metre guest suite is proposed for the second floor above the central lobby space.
- The 216-square metre indoor amenity space consists of a meeting room, lounge/games room and exercise room.

## Outdoor Amenity

- The required outdoor amenity space is 396 square metres, or three (3) square metres per new dwelling unit, while the applicant is proposing 714 square metres thereby exceeding the minimum requirement.
- The proposed outdoor amenity space is divided into two area, a large ground floor courtyard and large rooftop amenity space.
- The ground level courtyard, accessible from the indoor amenity space, several north-facing dwelling units and a pedestrian walkway located along the north lot line, contains an open lawn area for lounging, a picnic seating area and a children's playground.
- The rooftop outdoor amenity space is proposed to include a lounge seating area, dining area with tables and chairs, and a putting green with artificial turf. While the majority of the rooftop outdoor amenity space will be finished with concrete pavers it will be surrounded by a green roofing (sedum) system.

## **Advisory Design Panel**

ADP Date: November 3, 2022.

- The applicant has generally resolved most of the outstanding items from the ADP review (see Appendix V). The following items have now been addressed to the satisfaction of staff:
  - Refinement of the interior layout and exterior expression of the two-storey entrance lobby along 106 Avenue;
  - Refinement of two-storey "townhouse expression" as it relates to the materiality and colour of design elements (doors, windows and railings); and
  - o Refinement of the programmatic portions of the proposed courtyard and rooftop outdoor amenity spaces.
- The applicant and staff will continue to work on the following items:
  - o Further refinement of the design and the material palette of the proposed public plazas at the south-east and south-west corner of the consolidated site.
- The completion of any additional revisions, to the satisfaction of Planning & Development staff, will be finalized prior to Council consideration of the Final Adoption of the Rezoning Bylaw associated with the subject development application.

#### **TREES**

 Corey Plester, ISA Certified Arborist of Mike Fadum and Associated Ltd. prepared an Arborist Assessment for the subject property. The table below provides a summary of the tree retention and removal by tree species:

Table 1: Summary of Tree Preservation by Tree Species:

Tree Species		isting	Remove	Retain		
Alde	r and Co	ttonwood	Trees	,		
Alder		5	5	0		
Cottonwood	1		0	1		
Deciduous Trees (excluding Alder and Cottonwood Trees)						
Japanese Maple		1	1	0		
Lilac Tree		1	1	0		
Persian Ironwood	5		0	5		
Coniferous Trees						
Deodar Cedar		1	1	0		
Douglas-fir		2	2	0		
Shore Pine		1	1	0		
Total (excluding Alder and Cottonwood Trees)		11	6	5		
Total Replacement Trees Proposed (excluding Boulevard Street Trees)  32						
Total Retained and Replacement Trees 38						
Contribution to the Green City Pro	on to the Green City Program Not required			d		

- The Arborist Assessment states that there are a total of eleven (11) protected trees both on the subject site and within the adjacent City boulevard, excluding Alder and Cottonwood trees. Six (6) existing trees, approximately 35% of the total trees on both the subject site and within the adjacent City boulevard, are Alder and Cottonwood trees. It was determined that six (6) trees, all within the City boulevard adjacent to the subject site, can be retained as part of this development proposal. The proposed tree retention was assessed taking into consideration the location of services, building footprints, road dedication and proposed lot grading.
- For those trees that cannot be retained, the applicant will be required to plant trees on a 1 to 1 replacement ratio for Alder and Cottonwood trees, and a 2 to 1 replacement ratio for all other trees. This will require a total of 17 replacement trees on the site. The applicant is proposing 38 replacement trees, exceeding City requirements.
- In addition to the replacement trees, boulevard street trees will be planted on 106 Avenue as well as both 138A Street and 139 Street. This will be determined by the Engineering Department during the servicing design review process.

- The new trees on the site will consist of a variety of trees including Japanese Maple, Heritage River Birch, Forest Pansy Rosebud, Weeping Nootka Cypress, Pink Flowering Dogwood, Cornelian Cherry, Golden Rain Tree, Flowering Crabapple and Cascara.
- In summary, a total of 38 trees are proposed to be retained or replaced on the site with no contribution to the Green City Program required.

## **CITY ENERGY**

- The subject site is located within Service Area B, as defined in the "City Centre District Energy System By-law" (see Appendix VII for location). The District Energy (DE) System consists of three primary components:
  - o Community energy centres, city operated facilities that generate thermal heat energy for distribution through a piped hot water network;
  - Distribution piping that links the community energy centres with buildings connected to the system; and
  - City-owned Energy Transfer Stations (ETS) located within the building connected to the system. The ETS transfers heat energy from the distribution system to the building's mechanical system and is used to meter the amount of energy used.
- All new developments within Service Area B with a build-out FAR equal to or greater than 2.5 will be required to incorporate hydronic thermal energy systems for all space heating and hot water heating in the building and to allow for future connection to the City's district energy system.
- It should be noted that heat generation equipment (e.g. boilers) will need to be provided by the developer until such time as the development can be connected to the DE system. Further, the project is required to be compatible for a future connection to the City's DE System.
- There may be an opportunity to connect this building directly to the DE system and avoid the cost of heat generation equipment in the building. Engineering staff will work with the applicant to determine the best strategy for this building.
- In order to avoid conflicts between the DE System and other utilities, the location of the ETS and related service connections are confirmed by Engineering and the applicant at the servicing agreement stage. The Engineering Department also requires the applicant to register a statutory right-of-way and Section 219 Restrictive Covenant over the subject site for City access to, and maintenance and operation of, the ETS and to prevent conflicts with other utilities.
- Prior to the issuance of a building permit, the Engineering Department must confirm that the applicant has met the requirements of the "City Centre District Energy System By-law".

## INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Site Plan, Building Elevations, Landscape Plans and Perspective

Appendix II. Engineering Summary
Appendix III. School District Comments

Appendix IV. Summary of Tree Survey and Tree Preservation

Appendix V. ADP Comments and Responses Appendix VI. Proposed Housing Agreement

Appendix VII. District Energy Map

approved by Ron Gill

Jeff Arason Acting General Manager Planning and Development

CL/ar

## 10620\10628 | 138a st. \$ 10619\10631 | 139 st. SURREY, B.C.

CITY OF SURREY FILE NUMBER 21-0193 COUNCIL DATE FEBRUARY 13 2023



#### DRAWING LIST

AC-0.0 COVER SHEET & DEVELOPMENT DATA

AC-I.O CONCEPTUAL SITE PLAN

AC-I.I BASE PLAN

AC-I.2 SURREY CITY CENTRAL CONTEXT PLAN

CONTEXT PLAN

AC-I.4 CONCEPTUAL SITE PLAN BASE

AC-15 DESIGN CONCEPT PLAN

AC-I.6 FIRE DEPARTMENT PLAN

AC-I.8 STREET ELEVATIONS AC-I.9 SHADOW ANALYSIS

AC-I.IO SHADOW ANALYSIS

AC-2.0 LOWER LEVEL U/G PARKING

AC-2.I UPPER LEVEL U/G PARKING

AC-2.2 MAIN FLOOR PLAN

AC-2.3 2ND FLOOR PLAN

AC-2.4 3RD FLOOR PLAN

AC-2.5 4TH FLOOR PLAN AC-2.6 5TH FLOOR PLAN

AC-2.7 6TH FLOOR PLAN

AC-2.8 ROOF PLAN

AC-3.I UNIT PLANS AC-3.2 UNIT PLANS

AC-4.0 ELEVATIONS

AC-4.I ELEVATIONS

AC-5.0 SITE SECTION

AC-5.1 SITE SECTION

AC-5.2 PARTIAL SECTION

AC-6.0 COLOUR BOARD

AC-6.I 3D VIEWS AC-6.2 3D VIEWS

AC-6.3 3D VIEWS

AC-6.4 3D VIEWS AC-6.5 3D VIEWS

AC-6.6 3D VIEWS

AC-6.7 3D VIEWS

AC-6.8 3D VIEWS

AC-6.9 3D VIEWS

AC-6 II 3D VIEWS

AC-6.IO 3D VIEWS

#### DEVELOPMENT DATA

CD BASED ON RM-TO 30,818 S.F. 0.704 AC 2868.1 M2 0.281 Ha. 832 S.F. 0.014 AC 11.3 M2 0.008 Ha. GROSS SITE AREA:

30,046 S.F. 0.690 AC 2791.4 M2 0.279 Ha.

BARNETT DEMBEK ARCHITECTS INC. 135 - 7536 - 130 STREET, SURREY, BC V3W IH8

TEL. (604) 597-7100 FAX. (604) 597-2099 EMAIL: mdembek@bdarkitex.com ATT: MACIEJ DEMBEK

ARCHITECT

6R055: 31 NET 3.2 94442 5q. Ft. 8774 M2 94442 5q. Ft. 8774 M2

GROSS FLOOR AREA: 41,323 S.F. 4,042 m2 DENSITY: 191.3 U.P.A. 473.1 U.P.Ho. (132 UNITS )

17,462 S.F. 1622 M2 SITE COVERAGE: 56%

BUILDING HEIGHT : 6 STOREY 2Im 64'

SETBACKS:

NORTH: SOUTH: EAST: WEST:

AMENITY : REGUIRED : INDOOR : 346 m2 346 m2

PROVIDED : 256 m2 2.88I S.F. ( 64.6% OF REQUIRED ) OUTDOOR

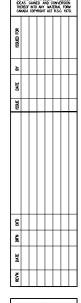
PARKING: REGUIRED:

132 UNITS x 0.9 = VISITOR O.I x I32 UNITS = I3.2 132.0 PARKING STALLS

PARKING STALLS (31% SMALL CAR (42))

REQUIRED: 1.2 LOCKERS PER UNIT = 132 x 1.2 = 158 LOCKERS

UNIT BREAKDOWN							TOTAL	
	MAIN FLOOR	2ND	3RD	4TH	5TH	6ТН		
BACHELOR	2	2	2	2	2	2	12	9.1%
I BED	п	14	12	12	12	14	15	56.8
I BED ADAPT	1	1	1		- 0	1	6	4.5%
I BED & DEN	1	1	1		- 1	1	6	4.5%
2 BED	2	4	6	6	6	6	29	22.0
3 BED	0	-1	1	- 1	- 1	0	4	3.0%
	IT	23	23	23	23	23	132	





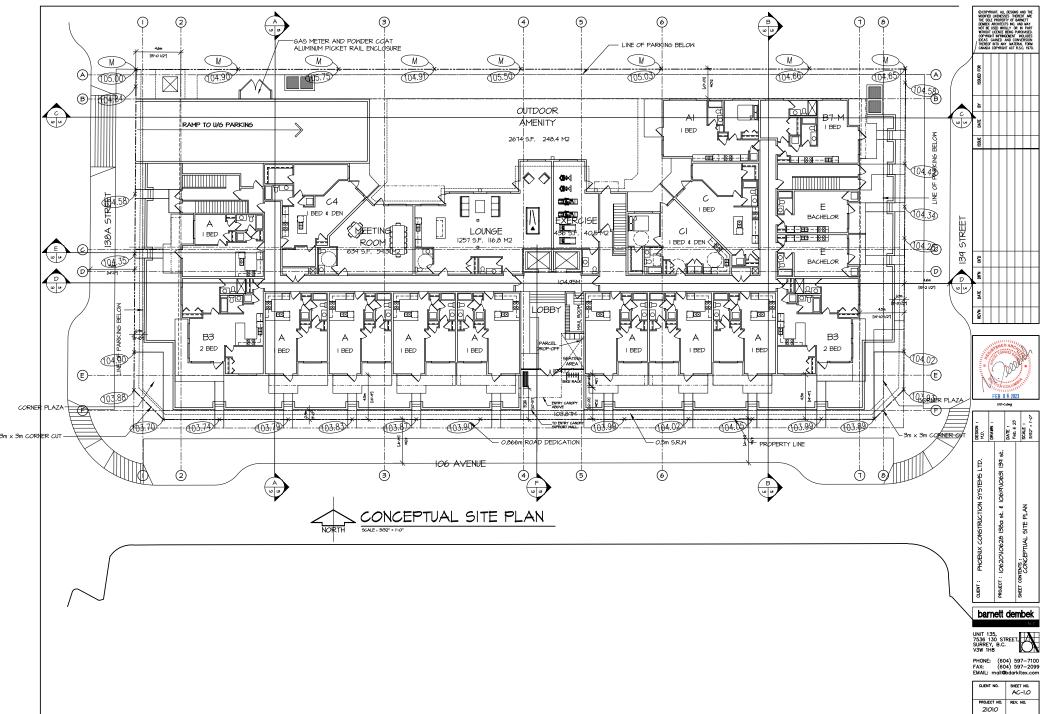
DESIGN : M.D.	DRAWN:		DATE: Feb. 6.28	SCALE :	1 = 30-0
QUENT: PHOENIX CONSTRUCTION SYSTEMS LTD.		PROJECT : 10620\10628 138a st. \$ 106 9\1063  139 st.		SHEET CONTENTS: COVER SHEET AND DEVELOPMENT DATA	

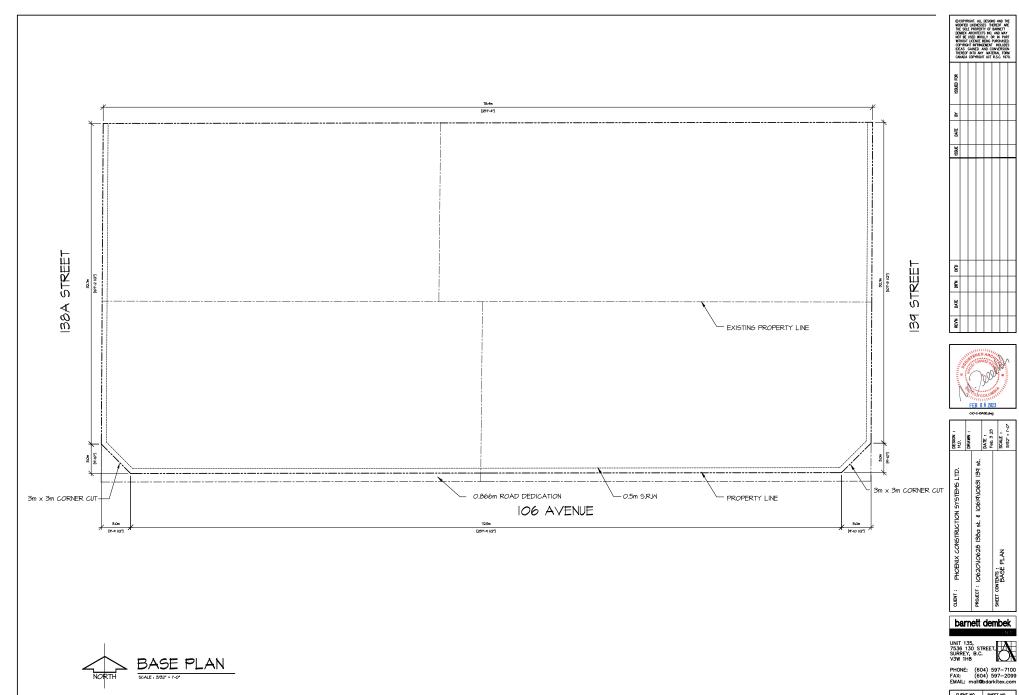
## barnett dembek

UNIT 135, 7536 130 STREET, SURREY, B.C. V3W 1H8

(604) 597-7100 (604) 597-2099 EMAIL: mail@bdarkitex.com

AC-0.0 PROJECT NO. REV. NO. 21010





CLIENT NO. SHEET NO.
AC-I.I

PROJECT NO. REV. NO.
21010



CONTEXT PLAN





1	1	BIALL
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DESIGN : M.D.	DRAWN:		DATE:	Feb. 3 23	SCALE :
QUENT: PHOENIX CONSTRUCTION SYSTEMS LTD.		PROJECT : 10620\10628 138a st. € 10619\10631 139 st.		SHEET CONTENTS -	CONTEXT PLAN

### barnett dembek

UNIT 135, 7536 130 STREET, SURREY, B.C. V3W 1H8

CLIENT NO.	SHEET NO. AC-1.3
PROJECT NO. 21010	REV. NO.





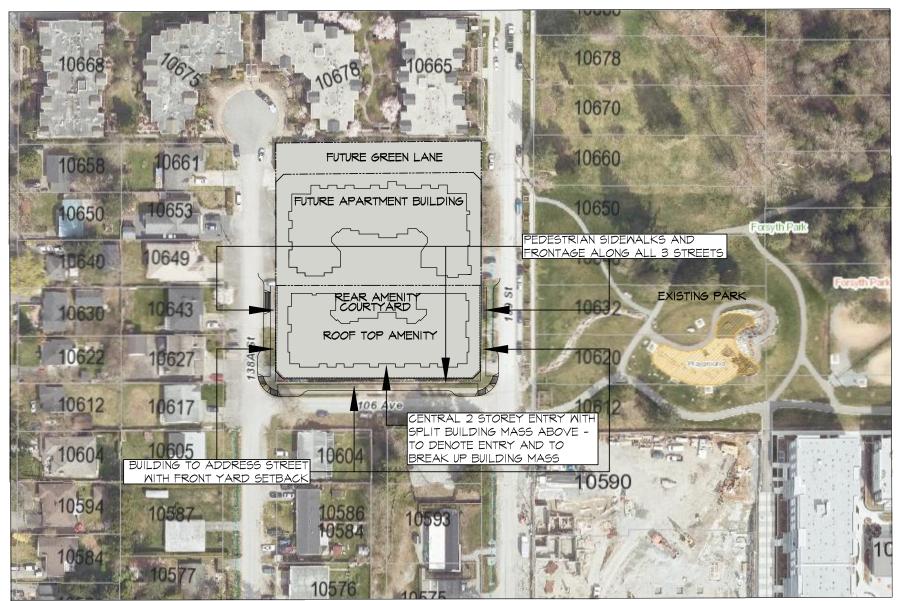


DESIGN : MD.	DRAWN:		DATE: Feb. 3 23		SCALE :	= 40-0"
QUENT: PHOENIX CONSTRUCTION SYSTEMS LTD.		PROJECT : 10620\10628 138a st. \$ 106 9\1063  139 st.		CHEET CONTENTS .	CONTEXT PLAN	

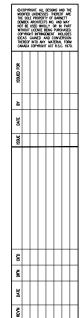
## barnett dembek

UNIT 135, 7536 130 STREET, SURREY, B.C. V3W 1H8

CLIENT NO.	SHEET NO. AC-1,4
PROJECT NO. 21010	REV. NO.









FEB U 6 2023				
	CIO-COI	tentang		
DESIGN : M.D.	DRAWN:	DATE: Feb. 3.28	SCALE :	
TRUCTION SYSTEMS LTD.	80a st. € 10619\10631 139 st.			

## barnett dembek

PHOENIX CONS

UNIT 135, 7536 130 STREET, SURREY, B.C. V3W 1H8

CLIENT NO.	SHEET NO. AC-1.5
PROJECT NO. 21010	REV. NO.



## 139 STREET ELEVATION

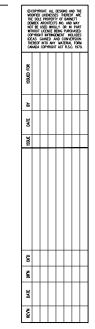


## 138A STREET ELEVATION



## 106 AVENUE ELEVATION

LE : |\* = 20'-0\*



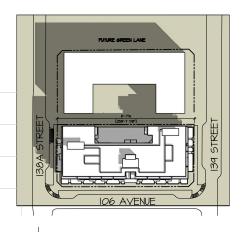


FEB U 6 ZUZ3			23			
CIO-STREET BLEV AN						
DESIGN : M.D.	DRAWN:		DATE: Feb. 3.23		SCALE :  * = 20'-0"	
QLENT: PHOENIX CONSTRUCTION SYSTEMS LTD.		PROJECT : 10620\10628 138a st. € 10619\10631 139 st.		SHEET CONTENTS :	STREET ELEVATIONS	

barnett	dembe

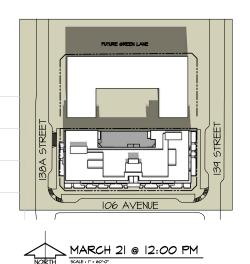


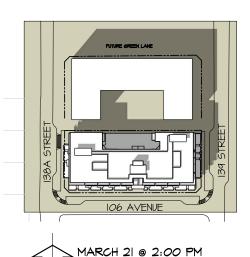
CLIENT NO.	SHEET NO. AC-1.8
PROJECT NO. 21010	REV. NO.



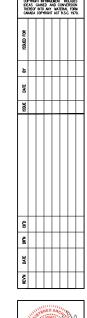
MARCH 21 @ 10:00 AM

9CALE : I" = 60'-0"





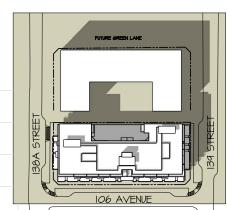
9CALE : I" = 60'-0"



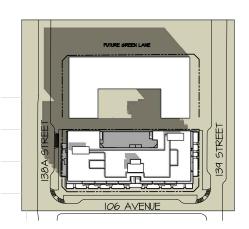




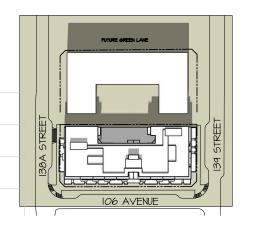






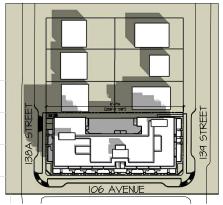


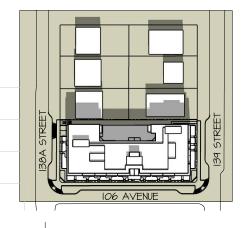






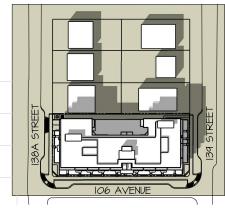
CLIENT NO.	SHEET NO. AC-1.9
PROJECT NO. 21010	REV. NO.





MARCH 21 @ 12:00 PM

9CALE : I' = 60'-0"











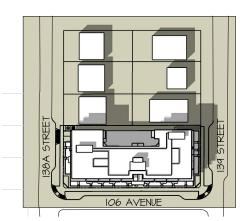
QLENT: PHOENIX CONSTRUCTION SYSTEMS LTD.	DESIGN : M.D.
	DRAWN:
PROJECT : 10620\10628 138a st. ¢ 106 4\10631 139 st.	
	DATE:
CHEET CONTENTS .	
SHADOM PLAN	SCALE :





106 AVENUE

STREET

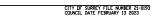


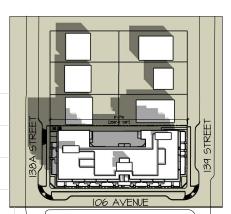
	<u> </u>	SEPTEMBER	21	0	2:00	PM
NO	₹TH	SCALE : I" = 60'-0"				

## barnett dembek

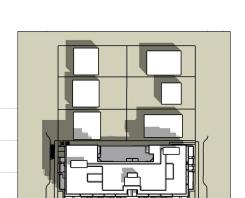


CLIENT NO.	SHEET NO.
	AC-1.10
PROJECT NO.	REV. NO.
21010	

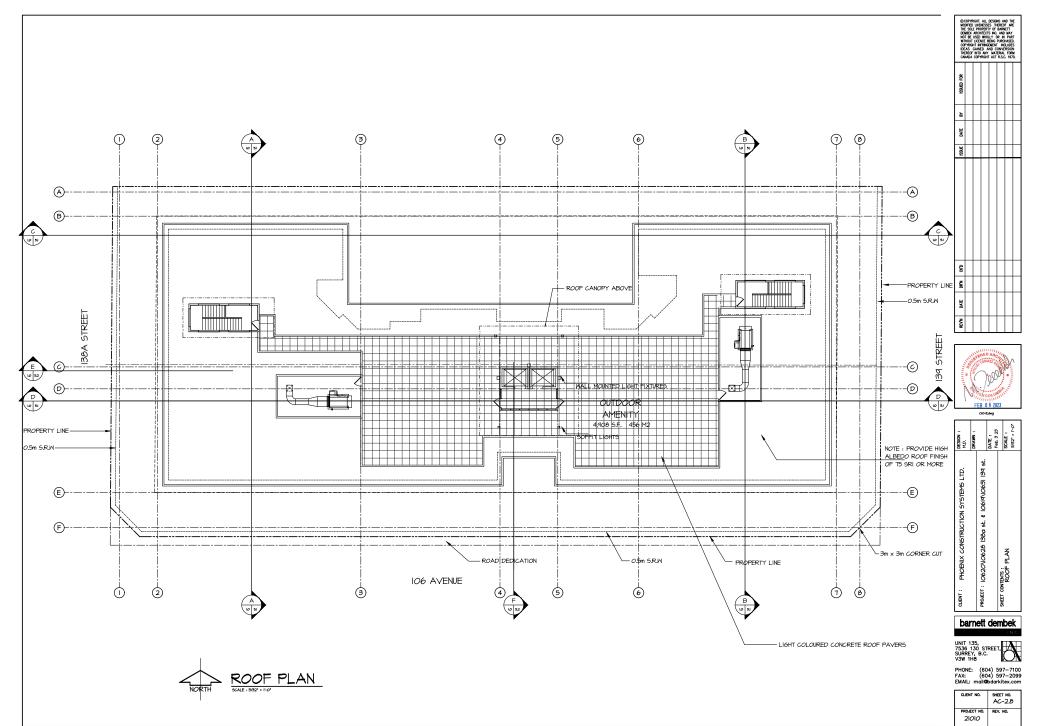


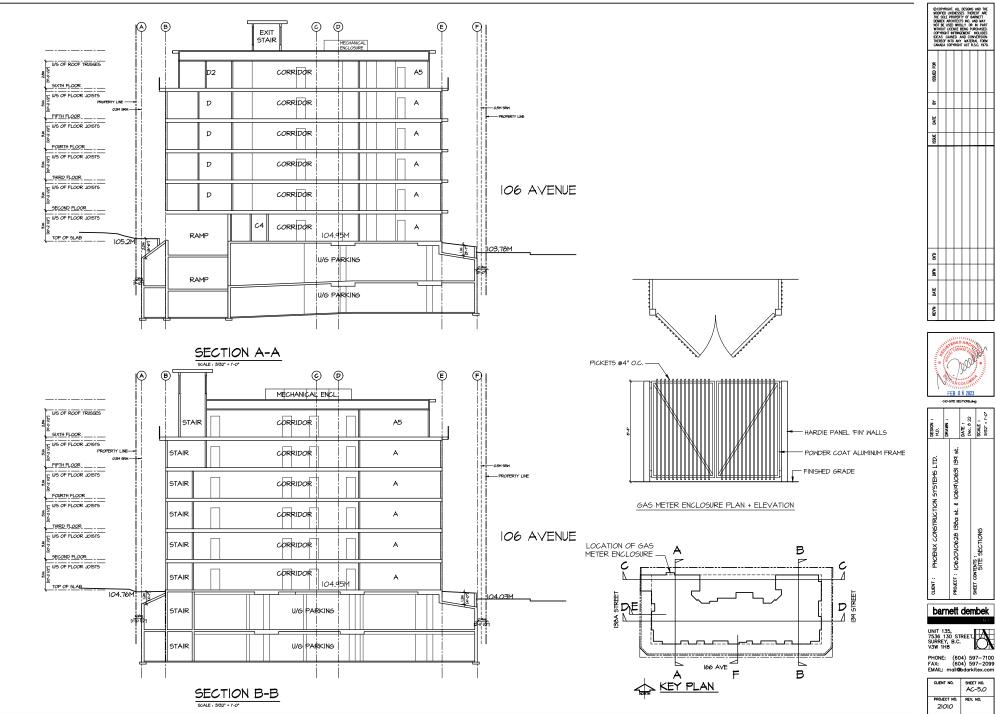












FEB 0 6 2023

CIO-SITE SECTIONS de

<u>8</u>

10619\10631

£.

10620\10628

barnett dembek

EMAIL: mail@bdarkitex.co

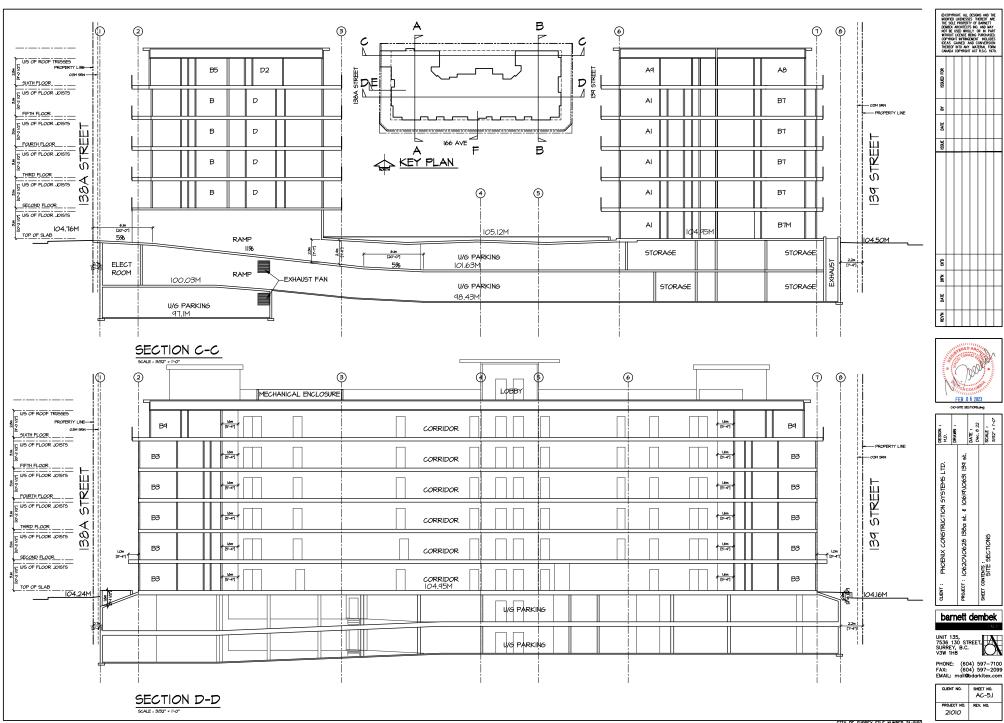
PROJECT NO. REV. NO.

AC-5.0

CLIENT NO.

21010

PHOENIX CONSTRUCTION SYSTEMS LTD.



CITY OF SURREY FILE NUMBER 21-0193 COUNCIL DATE FEBRUARY 13 2023

FEB 0 6 2023 CIO-SITE SECTIONS JAN

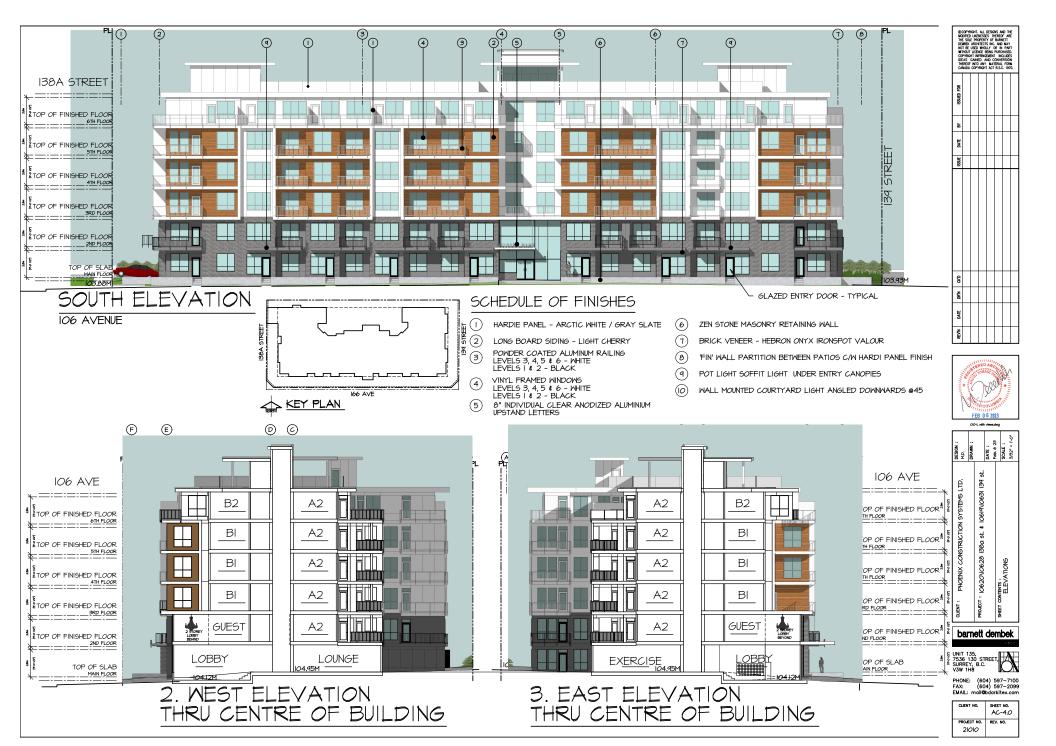
<u>w</u>

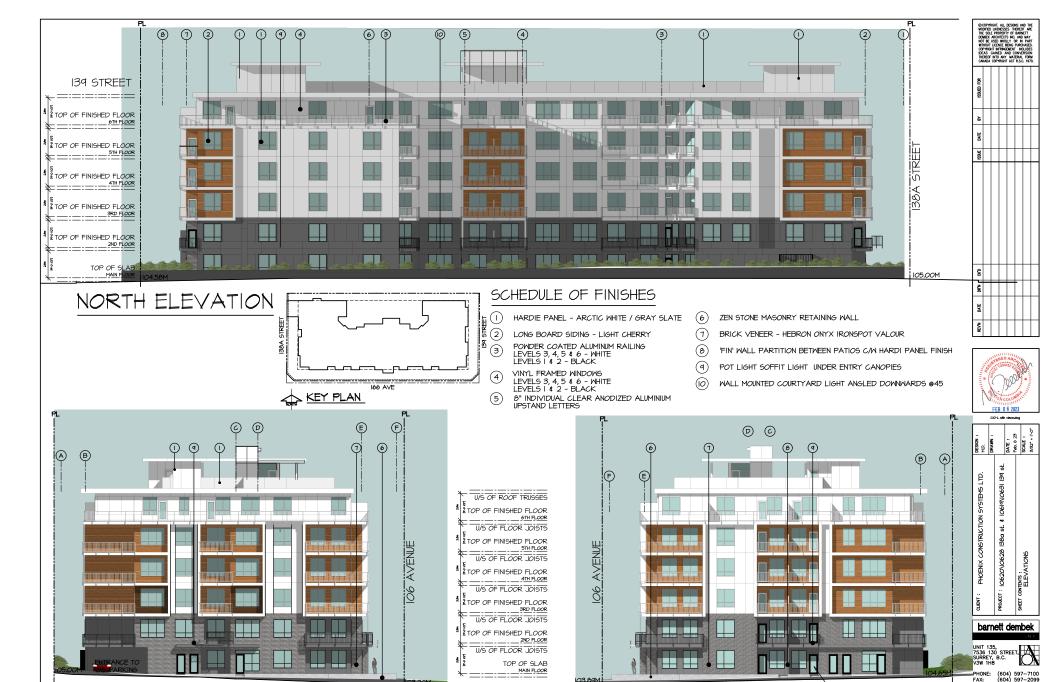
st. & |

10620\10628

SHEET NO. AC-5.1

21010





WEST ELEVATION

**I38A STREET** 

CLIENT NO. SHEET NO. AC-4,1

PROJECT NO. REV. NO. 2|0|0

CITY OF SURREY FILE NUMBER 21-0193 COUNCIL DATE FEBRUARY 13 2023

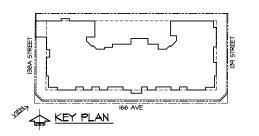
GLAZED ENTRY DOOR - TYPICAL

EAST ELEVATION

139 STREET



## VIEW FROM SOUTH WEST







		CIO-VIE	no.dng			
DESIGN : M.D.	DRAWN:		DATE:		SCALE :	
CHOENIX CONSTRUCTION SYSTEMS LTD.		ROJECT : 10620\10628 138a st. € 10619\10631 139 st.		SHEET CONTENTS .	CONCEPTUAL VIEWS	

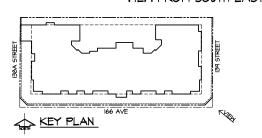
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П	1 11	Acres de la la
1	Darnett	cember

UNIT 135, 7536 130 STREET, SURREY, B.C. V3W 1H8

CLIENT NO.	SHEET NO. AC-6.1
PROJECT NO.	REV. NO.
21010	



## VIEW FROM SOUTH EAST







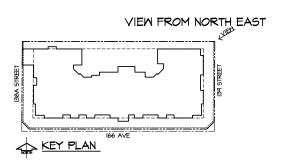
FEB 0 6 2023							
	CIO-vie	***	ng				
DRAWN:		DATE:	Feb. 3 23		SCALE:	.O-,I = .Q/I	
	st.						

## barnett dembek

UNIT 135, 7536 130 STREET, SURREY, B.C. V3W 1H8

CLIENT NO.	SHEET NO. AC-6.2
PROJECT NO.	REV. NO.
21010	









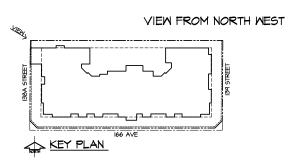
CLIENT: PHOENIX CONSTRUCTION SYSTEMS LTD.	DESIGN :
	DRAWN:
PROJECT : 10620\10628 138a st. \$ 10619\10631 139 st.	
	DATE:
	Feb. 3 23
CHEET CONTENTS .	
EPTUAL VIEWS	SCALE :
	.O., = 1,O.

barnett	dembek

UNIT 135, 7536 130 STREET, SURREY, B.C. V3W 1H8

α	JENT NO.	SHEET NO. AC-6.3
PF	ROJECT NO.	REV. NO.
	21010	









OU THIRDING					
DESIGN : M.D.	DRAWN:		DATE: Feb. 3.23		SCALE :
QUENT: PHOENIX CONSTRUCTION SYSTEMS LTD.		PROJECT : 10620\10628 138a st. € 10619\10631 139 st.		SHEET CONTENTS -	CONCEPTUAL VIEWS

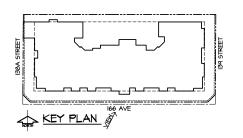
## barnett dembek

UNIT 135, 7536 130 STREET, SURREY, B.C. V3W 1H8

Γ	CLIENT NO.	SHEET NO. AC-6.4
r	PROJECT NO.	REV. NO.



## VIEW FROM ABOVE - NORTH





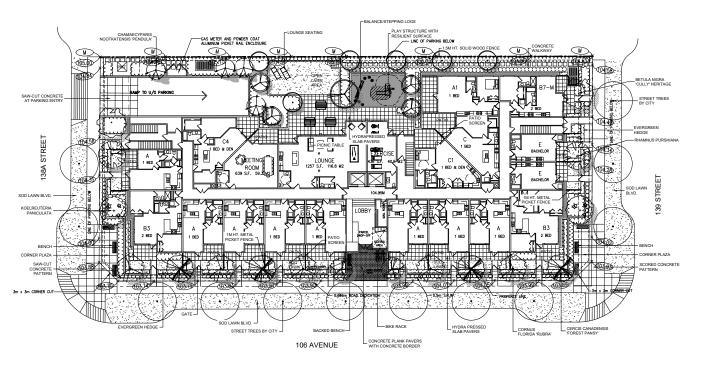


CIO-viena.divg					
DESIGN : MD.	DRAWN:		DATE: Feb. 3.28		SCALE :
QUENT: PHOENIX CONSTRUCTION SYSTEMS LTD.		PROJECT : 10620\10628 138a st. \$ 10619\10631 139 st.		CHEET CONTENTS .	CONCEPTUAL VIEWS

	_
barnett	dembek

UNIT 135, 7536 130 STREET, SURREY, B.C. V3W 1H8

CLIENT NO.	SHEET NO. AC-6.5
PROJECT NO. 21010	REV. NO.



PLANT SCHEDULE GROUND LEVEL PMG PROJECT NUMBER: 21-1				
KEY QTY	BOTANICAL NAME	COMMON NAME	PLANTED SIZE / REMARKS	
1 4 2 4 4 5 6 2 2 2 2 2 2	ACER PALMATUM BLOODGOO' ACER PALMATUM (1.5) BETLIAN ANGRA CULLY HERITAGE ERICLA CHANGENGS FOREST PANSY CHECKS CANADENGS FOREST PANSY CHANGEN FOR A THERM CORNES MAS KORNES FOREST PANSOLITAT MALUS PINK SPIRES HAMMUS PINK SPIRES HAMMUS PINK SPIRES	RED JAPANESE MAPLE JAPANESE MAPLE HEIRITAGE RIVER BRICH FOREST PANSY REDBUILD FOREST PAN	2.5M HT; B&B UPRIGHT FORM 1.5M HT; B&B GCM CAL; 1.3M STD; B&B GCM CAL; 1.3M STD; B&B GCM CAL; 1.3M STD; B&B GCM CAL; 1.3M HT; B&B GCM CAL; 1.3M HT; B&B GCM CAL; 1.5M STD; B&B CAL CAL; 1.5M STD; B&B CZM CAL; 1.5M STD; B&B CZM CAL; 1.5M STD; B&B CZM CAL; 1.5M STD; B&B CZM CAL; 1.5M STD; B&B	

NOTE: 1 - 19 AT 1525 B TIBS IST ARE SECRED ACCORDING TO THE EXCANDSCARE STANDARD AND CANDING LANGUAGE AND CANDING LANGUAGE AND CANDING AND CANDING LANGUAGE AND CANDING AND CA

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SEAL:

10	23.JAN.27	NEW SITE PLAN	YR
9	22.DEC.14	ADP COMMENTS	YR
-	22.0CT.25	ADP SUBMISSION	MCY
7	22.0CT.25	NEW SITE PLAN	DO
6	22.SEP.22	NEW SITE PLAN / CITY COMMENTS	DO
5	22.AUG.09	NEW SITE PLAN / CITY COMMENTS	DO
4	22.MAY.11	NEW SITE PLAN	DO
3	22.APR.21	NEW SITE PLAN / CITY COMMENTS	DO
2	22.MAR.14	SWALE PLANTING	SA
1	21.DEC.01	REVISE AMENITY AREA	JR

REVISION DESCRIPTION

NO. DATE CLIENT:

PROJECT:

#### RESIDENTIAL DEV.

10620 / 10628 138A ST. & 10619 / 10631 139 ST. SURREY, BC

DRAWING TITLE:

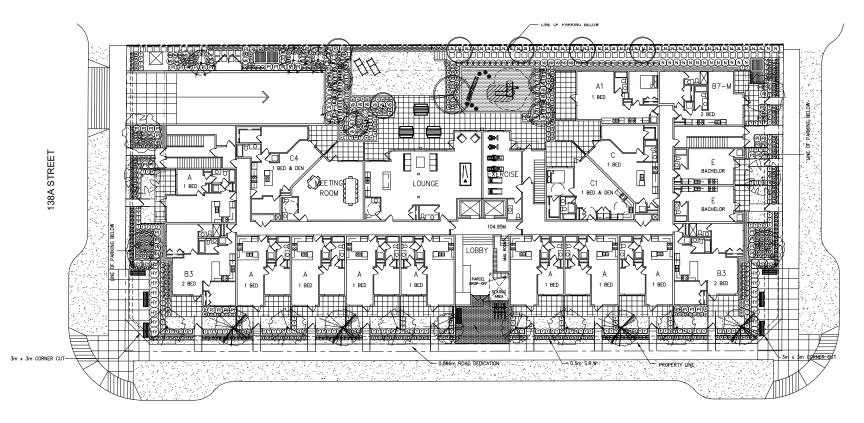
#### LANDSCAPE PLAN

DATE:	21.SEP.24	DRAWING NUMBER
SCALE:	1:200	
DRAWN:	DO	LI
DESIGN:	JR	
CHK'D:	MCY	OF 8

21-182

20

21182-11.ZIP



#### 106 AVENUE

KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANTED SIZE / REMARKS
SHRUB				
(FRESE CONTROL OF THE PROPERTY	20	HYDRANGEA SERRATA 'BLUEBIRD'	MOUNTAIN HYDRANGEA; LACECAP BLUE	#3 POT; 40CM
(N)	58	NANDINA DOMESTICA	HEAVENLY BAMBOO	#3 POT; 50CM
(PI)	65	PIERIS JAPONICA 'VALLEY ROSE'	PIERIS	#2 POT; 30CM
(SA)	156	SARCOCOCCA HOOKERANA VAR. HUMILIS	HIMALAYAN SWEET BOX	#3 POT; 35CM
₼	239	TAXUS X MEDIA 'HILLII'	HILL'S YEW	#7
(e)	33	VIBURNUM DAVIDII	DAVID'S VIBURNUM	#3 POT; 50CM
GRASS				
(P)	98	PENNISETUM ALOPECUROIDES 'HAMELIN'	DWARF FOUNTAIN GRASS	#1 POT
PERENI	NIAL			
(e)	12	DRYOPTERIS ERYTHROSORA 'BRILLIANCE'	BRILLIANCE AUTUMN FERN	#1 POT
(E)	90	ECHINACEA PURPUREA	PURPLE CONEFLOWER	15CM POT
<b>3000</b>	61	HOSTA FORTUNEI 'FRANCEE'	HOSTA; GREEN AND WHITE VARIEGATED	#1 POT; 1 EYE
(L)	35	LIRIOPE SPICATA 'SILVER DRAGON'	CREEPING LILY-TURF	15CM POT
(RH)	81	RUDBECKIA HIRTA 'PRAIRE SUN'	RUDBECKIA; YELLOW-ORANGE	15CM POT
GC				
(m)	27	MAHONIA NERVOSA	LONGLEAF MAHONIA	#2 POT; 25CM
300	12	MATTEUCHIA STRUTHIOPTERIS	OSTRICH FERN	#2 POT; 35CM
<b>⋒</b>	73	POLYSTICHUM SETIFERUM	SOFT SHIELD FERN	#1 POT: 20CM

ONTES: -PLANT SIZES IN THIS LIST ARE SPECIFIED ACCORDING TO THE BE LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD LATEST EDITION.
CONTAINER DIZES SPECIFIED AS PER CALLS STANDARD, BOTH FLANT SIZE AND CONTAINER SIZE. ARE THE MINIMAN ACCOPTABLE SIZE. -PERFET TO THE TOTAL STANDARD AND CONTAINER SIZE ARE THE MINIMAN ACCOPTABLE SIZE. -PERFET TO THE TOTAL STANDARD AND CONTAINER SIZES AND CONTAINER SIZES ARE THE MINIMAN ACCOPTABLE SIZES. -PERFET TO THE STANDARD AND CONTAINER SIZES AND CONTAINERS AND CONTAINE STANDARD CONTAINERS AND CONTAINERS AND CONTAINERS AND CONTAINE STANDARD CONTAINERS AND CONT

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STREET

10	23.JAN.27	NEW SITE PLAN	YR
9	22.DEC.14	ADP COMMENTS	YR
	22.0CT.25	ADP SUBMISSION	MCY
7	22.0CT.25	NEW SITE PLAN	00
6	22.SEP.22	NEW SITE PLAN / CITY COMMENTS	00
5	22.AUG.09	NEW SITE PLAN / CITY COMMENTS	00
4	22.MAY.11	NEW SITE PLAN	00
3	22.APR.21	NEW SITE PLAN / CITY COMMENTS	00
2	22.MAR.14	SWALE PLANTING	SA
1	21.DEC.01	REVISE AMENITY AREA	JR.
NC	DATE	PEVISION DESCRIPTION	DE

CLIENT:

PROJECT:

#### RESIDENTIAL DEV.

10620 / 10628 138A ST. & 10619 / 10631 139 ST. SURREY, BC

DRAWING TITLE:

#### SHRUB PLANTING PLAN

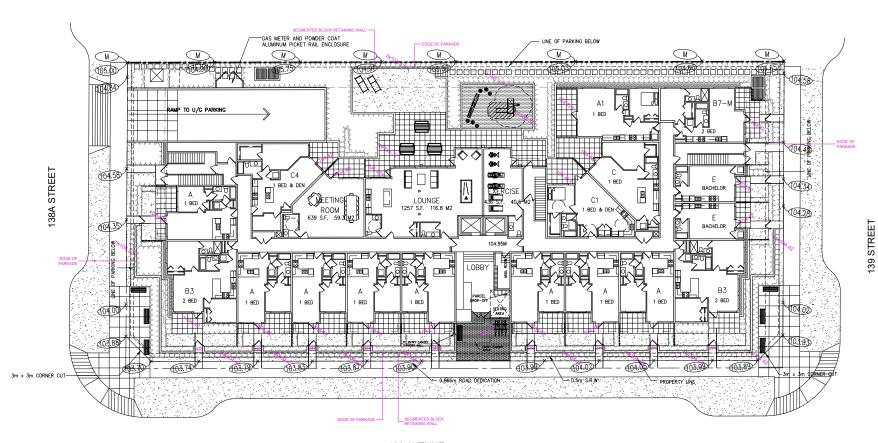
DATE: SCALE: 1:150 DRAWN:

DESIGN:

21182-11.ZIP

21-182

DMC DRO IECT NI IMBER



106 AVENUE

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SEAL:

22.5M2.27 NOW STEPAN VE.
22.5M2.51 AND STEPAN VE.
22.5M2.54 AND COMMINGEN VE.
22.5M2.52 NOW STEPAN OF COMMINGEN OF COMMING

REVISION DESCRIPTION

NO. DATE

PROJECT:

#### RESIDENTIAL DEV.

10620 / 10628 138A ST. & 10619 / 10631 139 ST. SURREY, BC

DRAWING TITLE:

#### GRADING PLAN

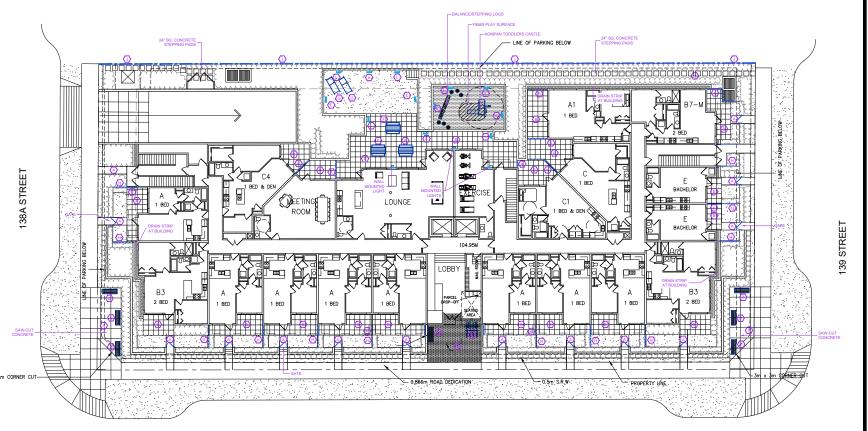
DATE: 21.5EP 24 DRAWING NUMBE
SCALE: 1:150
DRAWN: DO
DESIGN: JR
CHKCD: MCY OF

10 20 30m



PMG PROJECT NUMBER:

21-182



#### 106 AVENUE

KEY	ITEM	DESCRIPTION
<b>⊘</b>	CONCRETE	BROOM FINISHED
⑤    Ⅲ	CONCRETE UNIT PAVERS	ABBOTSFORD CONCRETE HYDRAPRESSED 24x24" SLAB NATURAL COLOUR
©   BBB	CONCRETE PLANK PAVERS	WITH CONCRETE BORDER AT ENTRY; BARKMAN 100MMx450MM, NATURAL COLOUR
	BENCH	MAGLIN ICONIC BACKED BENCH
(i) 1 1	BIKE RACK	MAGLIN ICONIC
⑤ ■	PICNIC TABLE	WISHBONE BAYVIEW
⑤ □	CHAISE LOUNGE	MAGLIN CHAISE LOUNGE
(H)	FENCE	1.0M HT. METAL PICKET. REFER TO DETAIL
(I)	FENCE	1.5M HT. SOLID WOOD FENCE . REFER TO DETAIL
Ø	FENCE	6' HT. PATIO SCREEN. REFER TO DETAIL
(i) =	LIGHT	RECESSED WALL LIGHT

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Suite C100 - 4185 Still Creek Drive Burnaby, British Columbia, V5C 6G9 p: 604 294-0011; f: 604 294-0022

SEA

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10	23.JAN.27	NEW SITE PLAN	YR
9	22.DEC.14	ADP COMMENTS	YR
-	22.0CT.25	ADP SUBMISSION	MCY
7	22.0CT.25	NEW SITE PLAN	DO
6	22.SEP.22	NEW SITE PLAN / CITY COMMENTS	DO
5	22.AUG.09	NEW SITE PLAN / CITY COMMENTS	DO
4	22.MAY.11	NEW SITE PLAN	DO
3	22.APR.21	NEW SITE PLAN / CITY COMMENTS	DO
2	22.MAR.14	SWALE PLANTING	SA
1	21.DEC.01	REVISE AMENITY AREA	JR.
NC	. DATE	REVISION DESCRIPTION	DR.

CLIENT:

PROJECT:

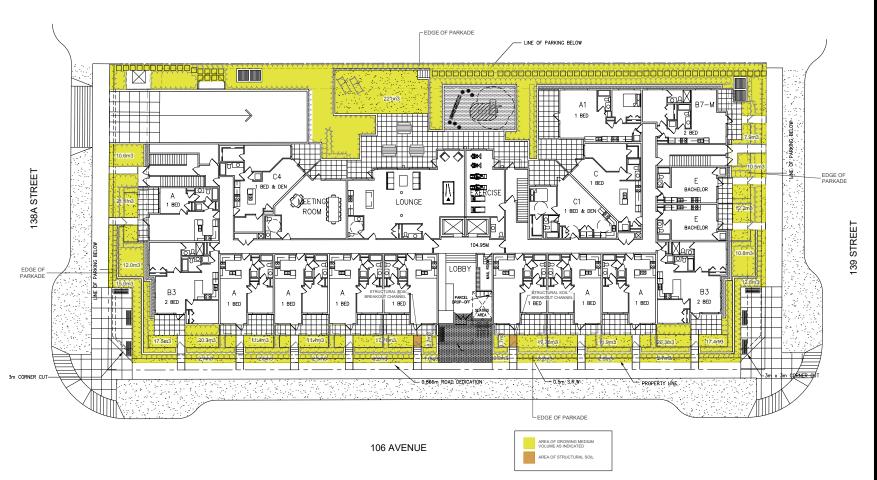
#### RESIDENTIAL DEV.

10620 / 10628 138A ST. & 10619 / 10631 139 ST. SURREY, BC

DRAWING TITLE:

#### MATERIALS PLAN

DRAWING NUMBER	21.SEP.24	DATE:
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OF 8	MCY	CHK'D:



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3	22.APR.21	NEW SITE PLAN / CITY COMMENTS	DO
2	22.MAR.14	SWALE PLANTING	SA
1	21.DEC.01	REVISE AMENITY AREA	18

REVISION DESCRIPTION

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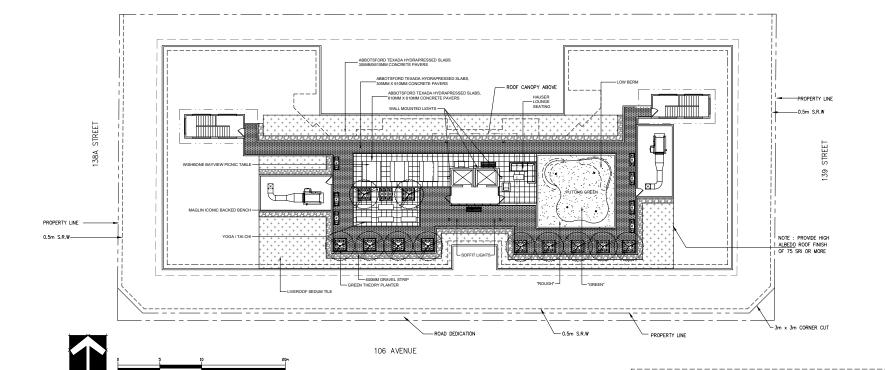
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10620 / 10628 138A ST. & 10619 / 10631 139 ST. SURREY, BC

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#### SOIL VOLUME PLAN

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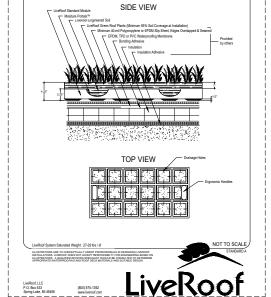












LiveRoof STANDARD SYSTEM

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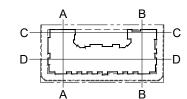
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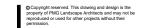
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#### ROOFTOP LANDSCAPE PLAN

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DESIGN:	JR	
CHK'D:	MCY	OF 8







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SEAL:

5 22.AUG.09 NEW SITE PLAN / CITY CON NO. DATE REVISION DESCRIPTION CLIENT:

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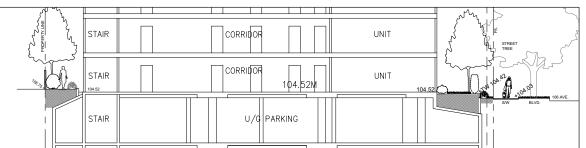
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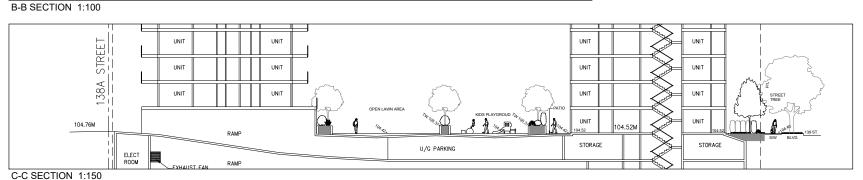
#### LANDSCAPE SECTIONS

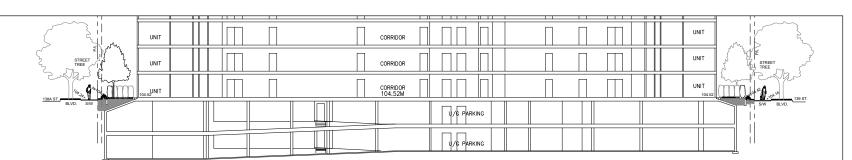
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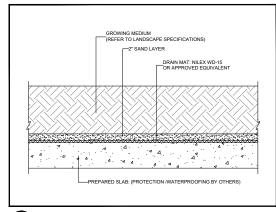
PROPERTY LINE	UNIT	CORRIDOR UNIT OF TREE TREE
100 JAN	RAMP	CORRIDOR 104.52M UNIT 104.52
		U/G PARKING
	RAMP	
A-A SECTION 1:10	0	
<i>ℷ</i> Ͷ <sup>ϧ</sup> ʹͺ		

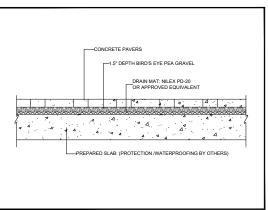


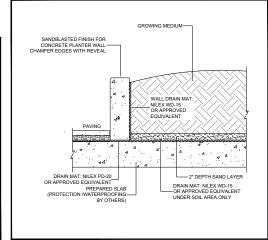




D-D SECTION 1:150



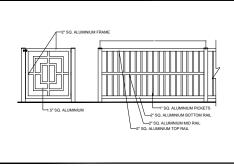




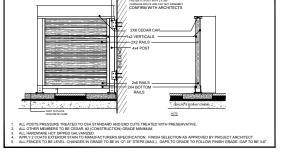
1 PLANTING ON SLAB

PAVERS ON SLAB

3 PLANTER WALL ON SLAB



1M HT. ALUMINUM FENCE / GATE



5 PATIO SCREEN

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LANDSCAPE ARCHITECTS
Suite C100 - 4185 Still Creek Driv

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SEAL:

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6	22.SEP.22	NEW SITE PLAN / CITY COMMENTS	D
5	22.AUG.09	NEW SITE PLAN / CITY COMMENTS	D
4	22.MAY.11	NEW SITE PLAN	D
3	22.APR.21	NEW SITE PLAN / CITY COMMENTS	D
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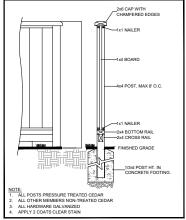
10620 / 10628 138A ST. & 10619 / 10631 139 ST. SURREY, BC

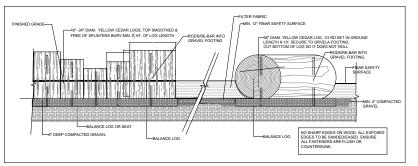
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#### LANDSCAPE DETAILS

DATE: 21.SEP.24 DRAWING NUMBER:
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DESIGN: JR
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1.5M HT. SOLID WOOD FENCE



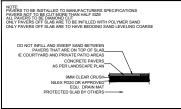


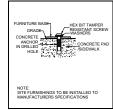












HYDRAPRESSED SLABS ON SLAB

SITE FURNITURE MOUNTING

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#### RESIDENTIAL DEV.

10620 / 10628 138A ST. & 10619 / 10631 139 ST. SURREY, BC

DRAWING TITLE:

#### LANDSCAPE DETAILS

DATE: 21.SEP.24 SCALE: AS NOTED DRAWN: DO DESIGN: CHK'D: OF 8

21-182



## INTER-OFFICE MEMO

TO: Manager, Area Planning & Development

- North Surrey Division

**Planning and Development Department** 

FROM: Development Services Manager, Engineering Department

DATE: **February 07, 2023** PROJECT FILE: **7821-0193-00** 

RE: **Engineering Requirements** 

Location: 10628 138A St

#### **OCP AMENDMENT**

There are no engineering requirements relative to issuance of the OCP Amendment.

## **REZONE/SUBDIVISION**

## Property and Right-of-Way Requirements

- Dedicate 0.864 m along 106 Avenue;
- Dedicate 3.0-metre x 3.0-metre corner cut at the intersection of 106 Avenue and 138A & 139 Street; and
- Register a 0.5 m wide SROW along 138A Street, 106 Avenue and 139 Street.

## **Works and Services**

- Construct north side of 106 Avenue;
- Construct west side of 139 Street;
- Construct east side of 138A Street;
- Construct storm sewers required for the ultimate, conditions of the TCP;
- Construct upgrades required for water and sanitary mains along fronting roads to meet site servicing requirements;
- Construct an adequately-sized service connection, for storm, water and sanitary, complete with inspection chambers, water meters and backflow preventer; and
- Submit catchment analysis for sanitary and drainage to confirm downstream constraints, and address as required.

A Servicing Agreement is required prior to Rezone/Subdivision.

#### **DEVELOPMENT PERMIT**

There are no engineering requirements relative to issuance of the Development Permit.

Jeff Pang, P.Eng.

Jeffy lang

**Development Services Manager** 

NOTE: Detailed Land Development Engineering Review available on file



December 16, 2022

#### **Planning**

#### **THE IMPACT ON SCHOOLS**

APPLICATION #: 21 01293 00

#### **SUMMARY**

The proposed 132 rental lowrise units are estimated to have the following impact on the following schools:

#### Projected enrolment at Surrey School District for this development:

Elementary Students:	20
Secondary Students:	20

### September 2022 Enrolment/School Capacity

Fo	rsyth Road Elementary	
En	rolment (K/1-7):	66 K + 317
Ор	perating Capacity (K/1-7)	38 K + 279
٧.,	wantlan Dark Sasandani	
KW	vantlen Park Secondary	
En	rolment (8-12):	1498
Ca	pacity (8-12):	1200

Projected population of school-age children for this development:	50

**Population**: The projected population of children aged 0-19 Impacted by the development. **Enrolment:** The number of students projected to attend the Surrey School District ONLY.

#### School Enrolment Projections and Planning Update:

The following tables illustrate the enrolment projections (with current/approved ministry capacity) for the elementary and secondary schools serving the proposed development.

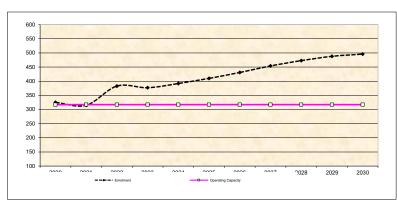
Forsyth Road Elementary was built in 2001. It is in an inner city neighbourhood with significantly higher student support needs which affects class size and composition.

Over the next 10 years our projections are indicating continued growth. The future Guildford 104th Corridor NCP and the City Center Plan have and will impact enrolment. The District's Long Range Facility Plan 2020/21 has identified this school as one of four that particularly supports the City Center Plan. Straddling King George Boulevard around the Surrey Civic Center, KB Woodward, Old Yale Road, Lena Shaw, and Forsyth Road are the four existing schools in this family to currently serve the towers and surrounding neighbourhoods. Tracking enrolment growth indicates that growth is moving in a counterclockwise motion starting at KB Woodward elementary.

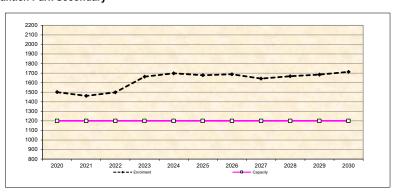
Forsyth Road elementary will begin to show growth towards the end of the decade and is anticipated to be the last of the family of schools to experience a strong growth trend due to new high rise apartments and multi-family unit construction. The LRFP has identified a future addition at the school as part of a long-term strategy to accommodate growth post 2030. Until then, growth can be managed by four portables or less.

Kwantlen Park Secondary is currently operating at 125% with 13 portables on site used for enrolling classes and is projected to grow by 200 students over the next 10 years. This school will also be impacted by timing of future high-rise development in the area. In March 2020, the Ministry of Education approved funding for the district to prepare an in-depth feasibility report on the project. The addition would increase the capacity of the school from 1200 to 1500. The project is targeted to open in 2025.

#### **Forsyth Road Elementary**



## Kwantlen Park Secondary



<sup>\*</sup> Nominal Capacity is estimated by multiplying the number of enrolling spaces by 25 students.

Maximum operating capacity is estimated by multipying the number of enrolling spaces by 27 students.

# MIKE FADUM AND ASSOCIATES LTD. VEGETATION CONSULTANTS

## **Tree Preservation Summary**

Surrey Project No: 21-0193-00

Address: 10620-10628 138A 10619-10631 139 Street Surrey BC

Registered Arborist: Corey Plester #PN-8523A

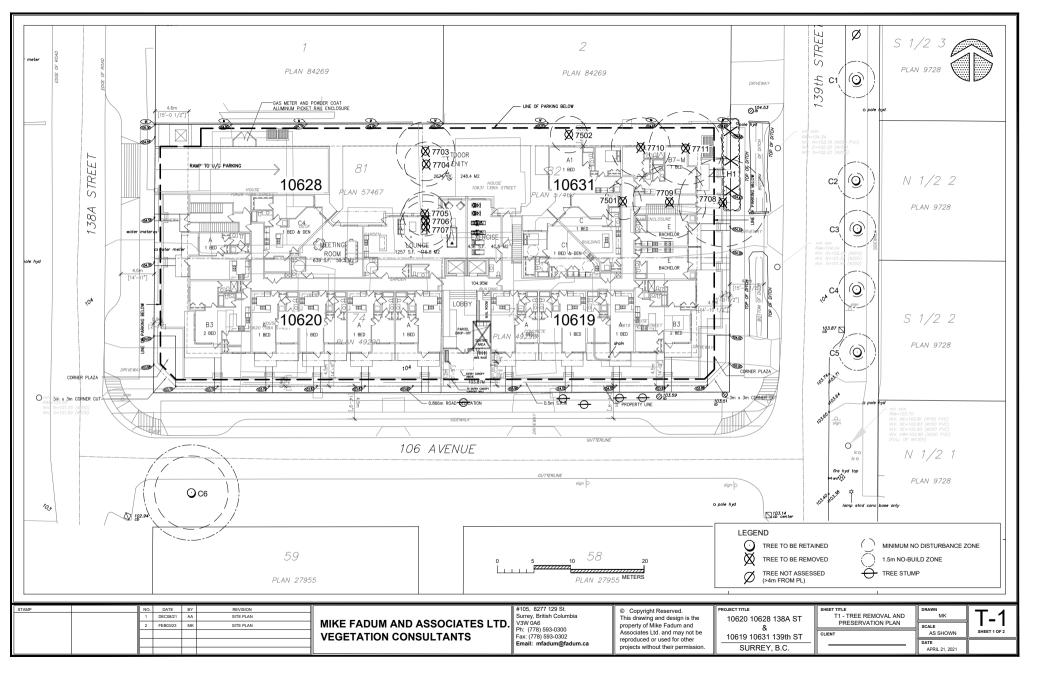
On-Site Trees	Number of Trees
Protected Trees Identified	
(on-site and shared trees, including trees within boulevards and proposed streets	17
and lanes, but excluding trees in proposed open space or riparian areas)	
Protected Trees to be Removed	11
Protected Trees to be Retained	6
(excluding trees within proposed open space or riparian areas)	0
- Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio  5 X one (1) = 5  - All other Trees Requiring 2 to 1 Replacement Ratio  6 X two (2) = 12	17
Replacement Trees Proposed	TBD
Replacement Trees in Deficit	TBD
Protected Trees to be Retained in Proposed [Open Space / Riparian Areas]	NA

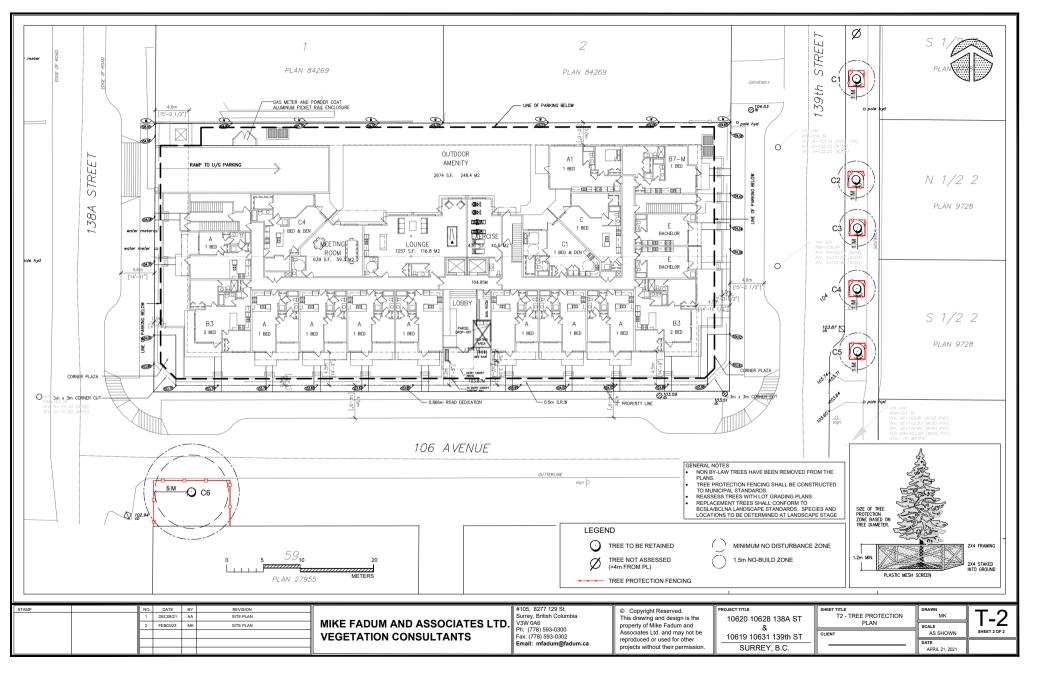
Off-Site Trees	Number of Trees
Protected Off-Site Trees to be Removed	0
Total Replacement Trees Required:	
<ul> <li>Alder &amp; Cottonwood Trees Requiring 1 to 1 Replacement Ratio</li> <li>0 X one (1) = 0</li> </ul>	0
- All other Trees Requiring 2 to 1 Replacement Ratio	
0 X two (2) = 0	
Replacement Trees Proposed	N/A
Replacement Trees in Deficit	N/A

Summary report and plan prepared and submitted by: Mike Fadum and Associates Ltd.			
Signature of Arborist:	Date: February 3, 2023		











## **Advisory Design Panel Minutes**

Location: Virtual

THURSDAY, NOVEMBER 3, 2022

Time: 4:00 p.m.

**Staff Present: Present: Guests:** 

Panel Members: E. Kearns, Chair

Maciej Dembeck, Architect AIBC, Barnett Dembeck Architects Group G. Brumpton Mary Chan-Yip, PMG

A. McLean, City Architect N. Chow, Urban Design Planner S. Gill, Recording Secretary

N. Couttie

K. Deol

R. Drew

S. MacRae J. Packer

#### A. RECEIPT OF MINUTES

The Panel was advised that the minutes of October 20, 2022 were not ready for adoption.

#### В. **NEW SUBMISSIONS**

#### 1. 4:05 p.m.

File No.: 21-0193-00 New or Resubmit: New Last Submission Date: N/A

Rezoning and Development Permit to allow for a 6-Description:

> storey residential building with an FAR of 3.01 and 132 residential units, proposed to be secured as rental units

with a housing agreement.

Address: 10628 & 10620 138A Street, and 10631 & 10619 139 Street

Developer: 1185259 BC Ltd.

Architect: Maciej Dembeck, Architect AIBC, Barnett Dembeck

**Architects Group** 

Mary Chan-Yip PMG Landscape Architect: **Ingrid Matthews** Planner: **Urban Design Planner:** Nathan Chow

The Urban Design Planner advised that staff generally support the project's use, form and density.

The Panel was asked to comment on the overall site planning, pedestrian and vehicular movement, architectural expression, overall landscape concept, and public realm interfaces. Comment was also requested on the proposed building height and massing transition to the adjacent single-family houses.

The Project Architect presented an overview of the site planning, streetscapes, building concept, and 3D perspective views.

The Landscape Architect presented an overview of the general concept for the Landscape design.

## ADVISORY DESIGN PANEL STATEMENT OF REVIEW

It was Moved by R. Drews

Seconded by G. Brumpton

That the Advisory Design Panel (ADP)

SUPPORT the project and recommends that the applicant address the following issues to the satisfaction of the Planning & Development Department.

## Carried

The Panel supported the project in general and found it to be a very attractive project that is clean, simple, and with effective elevations.

## **Key Points**

- Consider emphasizing the building entry more. A 2 storey glazed portion is added, in one vertical plane at the entire entry area. It is focused on the double height seating area, but includes an open glazed wall in the guest suite on the second floor.
- Recommend redesigning the lobby and ramp orientation for a more inviting space. The mail room is reduced as it was too large, more stair is added along the lobby / corridor interface, the vestibule is deleted by adding doors at the corridors, the seating area is highlighted with a 2 storey glazed wall.
  - Reconsider contrasting colours for the balcony railings from level to level
    or consider applying a darker fascia in areas where black railings are
    proposed within the framed elements, to simplify treatment. White rails
    are used at white walls, and dark rails against dark walls to simplify.
  - Consider design measures in the north (D & A1) units to allow light into the inset corner (C) units. The C units are lengthened. The garage wall is deleted on the ground floor.
  - Consider alternative to grass in the ground level Outdoor Amenity areas, due to the lack of sun in those areas. Hard surface may be more appropriate. More hard surface is added and the grass and other growing media are moved north to benefit from more sunshine and less shadow time.
  - Consider adding covered outdoor space that is useful in our climate and can help offset the deficiency in indoor amenity area. We have added more sheltered roof area, as well as covered area at grade.
  - Consider additional programming of the Outdoor Amenity space on the roof. The Landscape Architect has reorganized the roof space around the central covered area, with seating and dining table areas.
  - Consider more soil volume in roof-top locations to incorporate small trees in planters to add vertical structure and shade. The landscape consultant is looking into adding planters with trees onto the roof scape. We have added more sheltered roof area.
  - Consider using future climate files for thermal comfort modelling and

- resiliency. We will relay this onto the energy modeller.
- Consider incorporating Adaptable units. Unit C1 is now adaptable.

#### Site

• No specific issues were identified.

## Form and Character

- Consider making the main entrance lobby a more celebrated space, using additional floor area and design development for a space that will be servicing 132 apartments. The mail room is reduced as it was too large, more stair is added along the lobby / corridor interface, the vestibule is deleted by adding doors at the corridors, the seating area is highlighted with a 2 storey glazed wall.
- Consider reorganizing the lobby to better incorporate the ramp into the space. We have reduced the mail room, as it was excessive, we have pushed the ramp out along the west wall of the entry, allowing more space in the lobby itself and pulling the ramp away from the stair.
- Consider emphasizing the building entry more, using the double height space to its advantage. We have added a 2 storey portion of glazing at the interior seating area on the south elevation, emphasizing the double height space. The surrounding exterior walls adjacent this space are all finished in the large scale glazing, both above and below the entry canopy to match the adjacent glazed wall. The entire entry area is now finished with floor to ceiling / wall to wall glazing.
- Reconsider the Level 3 railing across the entrance element as it deters from the prominence of this feature. The railing is pushed away from the front of the overhanging space.
- Consider extending the brick further along the north/south elevations on 138A and 139 Street. Brick is added on projecting bays along 138A and 139 Streets.
- Consider providing a consistent brick base at Levels 1 & 2 to simplify the architectural character. All bays are finished with brick on floors 1 and 2. All canopies are now dark grey with black railings at decks on level 2.
- The 2-storey "townhouse" expression is lost with the presence of the lighter balcony colour. Reconsider the colour strategy applied to the balconies. Consider applying the darker guardrail colour to the darker colour fields at the townhouses. The ligher colour is replaced with dark grey canopies and black railings. The net result pulls together more effectively on the ground 2 floors.
- Consider thicker, more robust frames on the frame elements to put more significance on these features. These are already 12" wide and have a fairly robust character. The use of white railings will minimize competition of the rail mounts with the white frames.
- Consider applying the same colour strategy to all the elevation frame elements. Consider revising the larger frame along 166<sup>th</sup> Avenue. All the frame walls are white. Only the rear walls of the frame elements the actual exterior wall of the building, is finished in the longboard.
- Consider design development of the wood-look material and its

terminations. Consider ending this material on the wall returns (where the frame meets the wall to the unit) rather than the balcony frame leading edge. Review the transitions of these materials at the inset corners above the main entrance. All the frame walls are white. Only the rear walls of the frame elements – the actual exterior wall of the building, is finished in the longboard.

- Consider an alternative strategy to connect the guardrails to the balcony. The fascia connections compete with the clean lines on the elevations. Consider a darker finish for the balconies within the frames. By using the white balcony rails within the white frames, we minimize the potential clash of a dark rail onto the white frame. Due to water ingress issues, railing must be face mounted.
- Consider simplifying your railing treatment-currently the vertical pickets
  are overwhelming and differing black and white railings provide too much
  contrast on the elevations. The use of white on white, and black on the
  second floor grey has toned down the rail elements and tied them back
  into the architecture behind.
- The project should be mindful of its adjacency to its neighbours. Consider that the north side (east wing) looks less designed than the rest of the building. Suggest doing more about the pop-up elements of the roof. The pop up roof elements are pushed southwards from the north wall face. The stair is moved to the south side of the northernmost unit to achieve this. We still respect the basic overall composition of ground and second floor dark colour wall finishes, with white floors and walls above, complete with longboard wood finish on back walls of the frame elements where they appear. More windows are added to the north elevation.
- Consider applying a darker colour at the balcony privacy screens. We match the privacy screen colours to the adjacent wall colour, with white on white, and dark grey on dark grey.
- The corner units of the typical floors C & C1 are rather compromised and shadowed by the D & A1 units side walls at either end (between Gridline B & C). Consider a design development to set back the end units and allow more of an aspect and light. The interior corner units are pushed further outwards. The garage wall on the north west ground floor is pushed inwards.
- Consider simplifying the detail at the roof overhang. Consider a single deeper fascia. A single deeper fascia is now provided.

## Landscape

- Lower amenity is well programmed and organized. Suggest that weather
  protection would be beneficial here. Cantilevered canopies are added
  along the rear elevations.
- Roof level exterior amenity is very positive but requires design development. More covered area is added. Seating and tables are also added. The putting green is reduced in size and trees in planters are added to the roofscape.
- Street level patios and entry to units is working well with well-defined semiprivate and semi-public areas. OK.
- Small metal planters will be hard to maintain and will have limited plant palette. Good to hear automatic irrigation will be provided at this level.

- Consider relocating the tree at the northern prow northward. Done.
- Adding structures for shade, weather protection and spatial definition would be positive. We have expanded a covered roof amenity area all around the elevator shaft access.
- Consider that artificial turf has sustainability issues and can be problematic if used for pet relief. Pre-grown tray green roof systems will reduce the amount of roof ballast visible from the patio and have sustainability benefits such as increased biodiversity, storm water management and protection of the roofing membranes. A live root tray system is provided and detailed on the drawings.
- Consider reducing area for the putting green in exchange for more seating groups or other community building elements like urban agriculture.
   Done.

## **CPTED**

No specific issues were identified.

## Sustainability

- Consider energy modelling sooner than later to inform design process and consider using future climate files for thermal comfort modelling to test resiliency and ensure livability in future. We will take this under advisement. As this is in the Surrey City Centre, this project with ultimately connect with the District Energy Utility.
- Consider mechanical cooling. Once we engage with the mechanical consultant this will be considered.
- Consider location of HRVs. For a little bit more space, you can get significantly better units which provide higher efficiency, lower noise, better filtration, and (critically) summer bypass. We find HRV's are best located above bathroom and ensuite drop ceilings in a horizontal installation.
- The drawing package notes "Electric outlets will be installed in the bicycle storage for the purpose of charging e-bikes". Please ensure this is included. Surrey Parking Bylaw requires this.
- Consider lavatory faucets that have lower flow rates than the 8.3 LPM noted in the drawing package. Once we engage with the mechanical consultant this will be considered.
- Consider how best to encourage waste management with three stream systems in suites, and central recycling rooms that are well lit, include sorting tables, and include pictograms to address language barriers. We will expand the garbage area into the adjacent extra bike storage room.
- Avoid Ipe or other tropical wood products for outdoor furniture. Done.

## Accessibility

• Consider providing adaptable units that are universally accessible in addition to the guest suite. Unit C1 is revised to an adaptable unit layout.

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This section had no items to consider.

## D. NEXT MEETING

The next Advisory Design Panel is scheduled for Thursday, December 1st, 2022.

## E. ADJOURNMENT

The Advisory Design Panel meeting adjourned at 5:20 p.m.			
Jennifer Ficocelli, City Clerk	E. Kearns, Chairperson		

## **CITY OF SURREY**

# HOUSING AGREEMENT (Residential Only)

THIS HOUSING AGREEMENT made the 7th day of February, 2023.

#### BETWEEN:

**CITY OF SURREY**, a municipal corporation having its offices at 13450 – 104 Avenue, Surrey, B.C. V3T 1V8

(the "City")

OF THE FIRST PART

AND:

**1185259 B.C. LTD., Inc. No. BC1185259** 103 – 12889 84 Avenue, Surrey, BC V3W 0K5 (the "**Owner**")

OF THE SECOND PART

## WHEREAS:

A. The Owner is the legal and beneficial owner of those certain lands and premises located in the City of Surrey, in the Province of British Columbia, legally described as:

PID: 003-018-369

LOT 74 SECTION 23 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT PLAN 49290

PID: 006-336-680

LOT 75 SECTION 23 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT PLAN 49290

PID: 005-596-793

LOT 81 SECTION 23 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT PLAN 57467

PID: 005-596-840

LOT 82 SECTION 23 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT PLAN 57467

(collectively, the "Lands");

B. The Owner proposes to use the Lands for six-storey residential building with 132 dwelling units for rental purposes (the "**Development**");

C. The Owner has voluntarily agreed to enter into a housing agreement pursuant to Section 483 of the *Local Government Act*, R.S.B.C. 2015, Chapter 1, as amended, to ensure that the Rental Units are rented in accordance with this Agreement.

NOW THEREFORE in consideration of the premises herein and of the mutual covenants and agreements hereinafter set forth and contained herein and \$1.00 now paid by the City to the Owner (the receipt of which is hereby acknowledged), the parties hereto covenant and agree each with the other as follows:

## 1. **DEFINED TERMS**

- 1.1 In and for the purpose of this Agreement, in addition to the definitions on the first page of this document, the following terms shall have the following meanings:
  - (a) "Agreement" means this housing agreement and any amendments to or modifications of the same;
  - (b) "City" means the City of Surrey and any person authorized by the City of Surrey, including assigns of whole or partial interest in this Agreement or of any of the rights conferred upon the City of Surrey by this Agreement;
  - (c) "City Personnel" means all of the City's elected and appointed officials, officers, employees, agents, nominees, delegates, permittees, contractors, subcontractors, invitees and the Approving Officer;
  - (d) "Claims and Expenses" means all actions, causes of actions, suits, judgments, proceedings, demands, and claims, whether at law or in equity, losses, damages, expenses and costs (including legal fees and disbursements on an indemnity basis) of any kind or nature whatsoever, at law or in equity, for any damages, losses, injuries or death;
  - (e) "Development" means as defined in Recital B;
  - (f) "**Dwelling Unit**" means each of the 132 dwelling units to be constructed within the Development;
  - (g) "Lands" means the parcel of land situated in the City of Surrey, British Columbia and legally described in Recital A, and includes any parcel into which such land is consolidated or further subdivided (including a subdivision pursuant to the Land Title Act;
  - (h) "Owner" means the person named on the first page of this Agreement and the legal and beneficial owner at any given time and any successors in title of the Lands:
  - (i) "Rental Units" means 132 of Dwelling Units which must be made available by the Owner to the general public at arms' length for use as residential rental accommodation on a month-to-month or longer basis in accordance with all applicable laws including, without limitation, the Residential Tenancy Act, S.B.C. 2002, Chapter 78, as amended, and any regulations pursuant thereto; and
  - (j) "**Term**" means 20 years, commencing on the first day of the month after the City issues an occupancy permit for the Development.

## 2. RESTRICTION ON OCCUPANCY OF DWELLING UNITS

- 2.1 During the Term the Rental Units must be made available for rent in accordance with this Agreement.
- 2.2 The City may, from time to time, during the Term request the Owner to provide written proof of compliance with section 2.1 and the Owner agrees to provide, or cause an operator of the Lands to provide, the City with such proof in a form reasonably satisfactory to the City.
- 2.3 During the Term, the portion of the Lands containing the Development shall not be stratified.
- 2.4 All of the Rental Units must be owned by the same Owner(s).
- 2.5 Throughout the Term, the Owner shall not sell or transfer the beneficial or registered title or any interest in and to the Rental Units, unless the Owner obtains from the transferee an agreement in writing from the transferee to assume and perform all of the obligations of the Owner arising under this Agreement.

## 3. <u>LIABILITY</u>

- Indemnity. The Owner shall indemnify and save harmless the City and City Personnel from all Claims and Expenses which the City and City Personnel may suffer, or incur, or be put to, arising out of or in connection with any breach or default of any covenants or agreements on the part of the Owner contained in this Agreement, or arising out of, or in connection with the Development or arising out of the fact that the Lands are encumbered by and affected by this Agreement.
- 3.2 **Release.** The Owner does hereby remise, release and forever discharge the City and City Personnel from all Claims and Expenses which the Owner may have against the City and City Personnel, which the Owner now has or hereafter may have with respect to or by reasons of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.
- 3.3 **Obligations Continue.** The Owner covenants and agrees that the indemnity and release in Sections 3.1 and 3.2 will remain effective and survive the expiration or termination of this Agreement whether by fulfilment of the covenants contained in this Agreement or otherwise.

### 4. NOTICE

4.1 Any notices or other documents to be given or delivered pursuant to this Agreement will be addressed to the proper party as follows:

(a) As to the City:

City of Surrey 13450 – 104 Avenue Surrey, BC V3T 1V8

Attention: General Manager, Planning and Development Department

(b) As to the Owner:

**1185259 B.C. LTD., Inc. No. BC1185259** 103 – 12889 84 Avenue, Surrey, BC V3W 0K4

Attention: Nirmal Takhar

with a copy to:

McQuarrie Hunter LLP 15th Floor, Central City Tower Suite 1500, 13450 102<sup>nd</sup> Avenue Surrey, B.C. V3T 5X3

or such other address as such party may direct. Any notice or other documents to be given or delivered pursuant to this Agreement will be sufficiently given or delivered if delivered to the particular party as its address set out or determined in accordance with this section and shall be deemed complete two (2) days after the day of delivery.

4.2 It is specifically agreed that for any notice or document to be validly given or delivered pursuant to this Agreement, such notice or document must be delivered and not mailed.

## 5. **GENERAL**

- Joint and Several. Where the Owner consists of more than one person, each such person will be jointly and severally liable to perform the Owner's obligations under this Agreement.
- Assignment by City. This Agreement or any of the rights conferred by this Agreement upon the City may be assigned in whole or in part by the City without the consent of the Owner.
- 5.3 **City's Other Rights Unaffected.** Nothing contained or implied herein will derogate from the obligations of the Owner under any other agreement with the City or, if the City so elects, prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions pursuant to the *Local Government Act* and the *Community Charter*, as amended from time to time and the rights, powers, duties and obligations of the City under all public and private statutes, by-laws, orders and regulations, which may be, if the City so elects, as fully and

- effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Owner and the City.
- Agreement for Benefit of City. The Owner and the City hereby acknowledge, agree and declare that this Agreement is entered into for the sole purpose of benefitting the City and, in particular, acknowledge, agree and declare that this Agreement is not designed to protect or promote the interests of the Owner or any mortgagee of the Owner, or any future owner or occupier of the Lands and any improvements on the Lands or any other person and the City may, at its sole option, execute a release of this Agreement at any time without liability to any person for so doing.
- No Waiver. The Owner acknowledges and agrees that no failure on the part of the City to exercise and no delay in exercising any right under this Agreement will operate as a waiver thereof, nor will any single or partial exercise by the City of any right under this Agreement preclude any other or future exercise thereof of the exercise of any other right.
- 5.6 **City Not Required to Prosecute.** The Owner agrees that the City is not required or is under no obligation in law or equity to prosecute or enforce this Agreement in any way whatsoever.
- 5.7 **Remedies.** The remedies provided for in this Agreement will be cumulative and not exclusive of any other remedies provided by law or in equity. In addition to any remedies which are available under this Agreement or at law, the City will be entitled to all equitable remedies, including, without limitation, specific performance, injunction and declaratory relief, or any combination thereof, to enforce its rights under this Agreement. The Owner acknowledges that specific performance, injunctive relief (mandatory or otherwise) or other equitable relief may be the only adequate remedy for a default by the Owner under this Agreement.
- 5.8 **Severability.** All the obligations and covenants in this Agreement are severable, so that if any one or more of the obligations or covenants are declared by a court of competent jurisdiction to be void and unenforceable, the balance of the obligations and covenants will remain and be binding.
- 5.9 **City Court Costs.** In an action to enforce this Agreement in respect of which the court determines that the position of the City will prevail, the City will be entitled to court costs on a solicitor-client basis.
- 5.10 **Personal Representatives and Successors**. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their personal representatives, respective heirs, executors, administrators, successors, and assigns.
- 5.11 **Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia and the laws of Canada applicable in British Columbia.

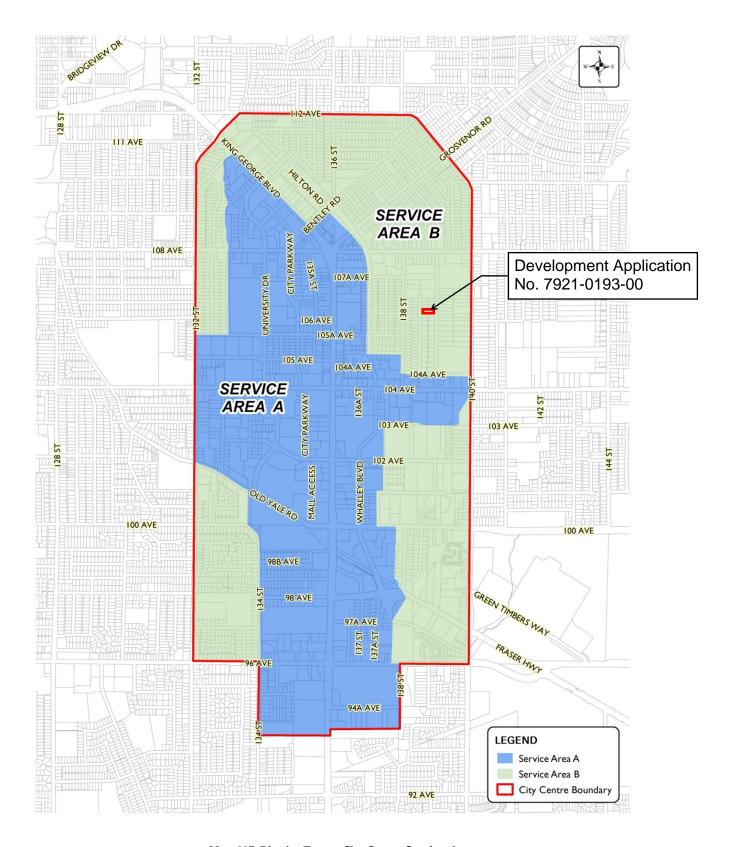
- 5.12 **Priority.** The Owner shall at the sole expense of the Owner, do or cause to be done all acts reasonably necessary to grant priority to this Agreement over all charges and encumbrances which may have been registered against the title to the Lands at the Land Title Office save and except those specifically approved in writing by the City.
- 5.13 **Further Assurances.** The Owner shall do, or cause to be done, all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Agreement.
- 5.14 **Counterparts.** This Agreement may be executed in any number of counterparts and delivered via facsimile or e-mail, each of which will be deemed to be an original and all of which taken together will be deemed to constitute one and the same instrument, provided that any party delivering this Agreement via facsimile or e-mail will deliver to the other party any originally executed copy of this Agreement forthwith upon request by the other party.

5.15 **Entire Agreement.** This Agreement represents the entire agreement between the City and the Owner regarding the matters set out in this Agreement and supersedes all prior agreements, letters of intent or understandings about these matters.

IN WITNESS WHEREOF the City of Surrey and the Owner have executed this Agreement under seal of their duly authorized officers as of the references of this Agreement.

Ву:		
_,.	Authorized Signatory	_
	Brenda Locke, Mayor City of Surrey	
Ву:		
•	Authorized Signatory	
	Jennifer Ficocelli, City Clerk City of Surrey	
1185	259 B.C. LTD.	
Ву:		
,	Authorized Signatory	
	Nirmal Takhar Director	

**CITY OF SURREY** 



Map 265 District Energy City Centre Service Areas