#### City of Surrey PLANNING & DEVELOPMENT REPORT Application No.: 7921-0268-00

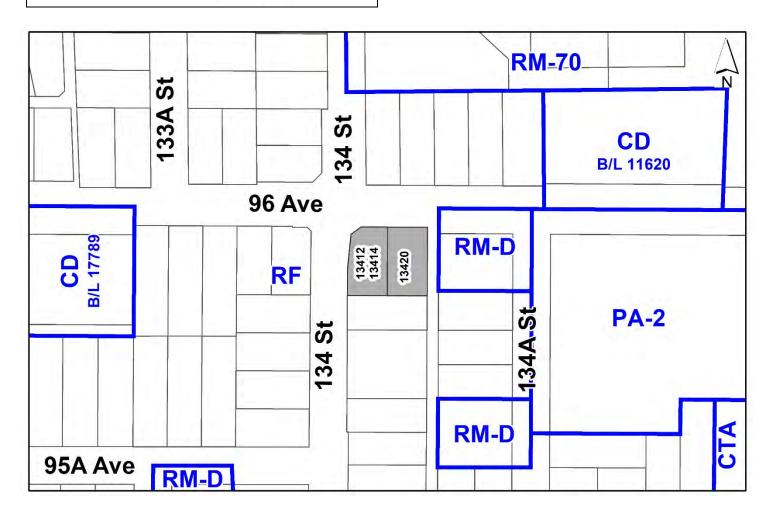
Planning Report Date: December 12, 2022

#### **PROPOSAL:**

- **Rezoning** from RF to CD (based on RM-70)
- Development Permit
- Housing Agreement

to permit the development of a 6-storey rental apartment building consisting of 60 dwelling units in City Centre.

LOCATION:13412 - 96 Avenue, (13414 - 96<br/>Avenue)13420 - 96 AvenueZONING:RFOCP DESIGNATION:Multiple ResidentialCITY CENTRE<br/>DESIGNATION:Low to Mid Rise Residential



112 AVE 104 AVE GUILDFORD WHALL EY **96 AVE** 88 AVE FLEETWOOD **80 AVE 72 AVE** NEWTON CLOVERDALE **64 AVE 56 AVE 48 AVE** 120 ST 40 AVE **32 AVE** SOUTH SURREY **24 AVE 16 AVE** 144 ST 152 ST 136 ST 128 ST 8 AVE 160 ST 0 AVE 184 ST 192 ST 168 ST 176 ST

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#### **RECOMMENDATION SUMMARY**

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval to draft Development Permit for Form and Character.
- By-law Introduction, First, Second and Third Reading for a Housing Agreement.

#### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

• None.

#### **RATIONALE OF RECOMMENDATION**

- The proposal complies with the Multiple Residential designation in the Official Community Plan (OCP).
- The proposal complies with the Low to Mid Rise Residential designation in the Surrey City Centre Plan
- The proposal complies with the General Urban designation in the Metro Vancouver Regional Growth Strategy (RGS).
- The proposed density and 6-storey building form are appropriate for this part of City Centre.
- The proposed development is located approximately 320 metres away from an existing Frequent Transit Network (FTN) and conforms to the goal of achieving higher density development near a transit corridor.
- The proposal generally complies with the Development Permit requirements in the OCP for Form and Character.
- The proposed setbacks achieve a more urban, pedestrian streetscape in general compliance with the Surrey City Centre Plan and in accordance with the Development Permit (Form and Character) design guidelines in the OCP.
- The proposed building achieves an attractive architectural built form, which will utilize 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 proposed to enter into a Housing Agreement to allocate the 60 new dwelling units as rental for a period of 20 years.

#### RECOMMENDATION

The Planning & Development Department recommends that:

- 1. 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.
- 2. a By-law be introduced to enter into a Housing Agreement and be given First, Second and Third Reading.
- 3. Council authorize staff to draft Development Permit No. 7921-0268-00 generally in accordance with the attached drawings (Appendix I).
- 4. 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 60 dwelling units on the subject site to rental for a period of twenty (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) submission of an acoustical report for the units adjacent to 96 Avenue and registration of a Section 219 Restrictive Covenant to ensure implementation of noise mitigation measures; and

(k) registration of a Section 219 Restrictive Covenant requiring the applicant to pay all deferred financial contributions for Public Art, Affordable Housing, and/or Capital Projects Community Amenity Contributions for the development should the project be converted form rental housing to market units at any point in the future, after expiry of the Housing Agreement.

#### SITE CONTEXT & BACKGROUND

Direction	Existing Use	City Centre Plan Designation	Existing Zone
Subject Site	Single Family and Duplex Dwellings	Low to Mid Rise Residential	RF
North (Across 96 Avenue):	Single Family Dwellings	Low to Mid Rise Residential	RF
East (Across lane):	Duplex Dwelling	Low to Mid Rise Residential	RM-D
South:	Single Family Dwellings	Low to Mid Rise Residential	RF
West (Across 134 Street):	Single Family Dwellings	OCP: Urban	RF

#### **Context & Background**

- The subject site is approximately 1,529 square metres in size and is comprised of two lots at the southeast corner of 134 Street and 96 Avenue. The site is located within the Medical District of Surrey's City Centre.
- The subject properties are designated Multiple Residential in the Official Community Plan (OCP) and Low to Mid Rise Residential in the City Centre Plan (CCP) and are zoned Single Family Residential Zone (RF). Currently, there is one single family dwelling located on one lot (13420 96 Avenue), and a non-conforming duplex on the other lot (13412 96 Avenue).
- The site slopes downward by approximately 2 metres from west to east.
- There are a few other development applications nearby in proximity to 134 Street and 96 Avenue:
  - Development Application No. 7919-0370-00 (9442 and 9456 134 Street and 13439 94A Avenue) to the south of the subject site was approved by Council on July 26, 2021, for two 6-storey apartment buildings. The Building Permit is currently in process.
  - Development Application No. 7920-0206-00 (13452/13454, 13460, 13474 95 Avenue) to the southeast of the subject site was approved by Council on October 3, 2022, for a 6-storey apartment building.
  - Development Application No. 7920-0286-00 (9470, 9482 and 9492 134 Street and 13428 95 Avenue) to the south of the subject site proposes a 6-storey apartment building and the Rezoning Bylaw was granted Third Reading by Council on November 14, 2022.

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#### DEVELOPMENT PROPOSAL

# **Planning Considerations**

- In order to permit the development of a 6-storey rental apartment building with 60 dwelling units, the applicant is proposing the following:
  - Rezoning the site from RF to CD (based on RM-70);
  - Subdivision (consolidation) of two lots into one lot; and
  - A Development Permit for Form and Character.

	Proposed	
Lot Area		
Gross Site Area:	1,529 square metres	
Road Dedication:	367 square metres	
Net Site Area:	1,162 square metres	
Number of Lots:	1	
Building Height:	21 metres	
Floor Area Ratio (FAR):	2.37 FAR (gross) / 3.12 FAR (net)	
Floor Area		
Residential:	3,623 square metres	
Commercial:	N/A	
Total:	3,623 square metres	
<b>Residential Units:</b>		
Studio:	12	
1-Bedroom:	31	
2-Bedroom:	14	
3-Bedroom:	3	
Total:	60	
Adaptable Units:	2	

#### Referrals

Engineering:

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

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School District:	The School District has advised that there will be approximately 15 school-age children generated by this development, of which the School District has provided the following expected student enrollment.
	3 Elementary students at Cindrich Elementary School 4 Secondary students at Queen Elizabeth 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.
	The applicant has advised that the dwelling units in this project are expected to be constructed and ready for occupancy by Fall 2025.
Parks, Recreation & Culture:	No concerns.
Culture.	The closest active park is Queen Elizabeth Meadows with amenities that include open space for informal play and a community garden and is 300 metres away. The closest natural area is Greenbelt 31F and is 220 metres away. Future parkland is proposed within 300 metres of the subject site as part of the Surrey City Centre Plan.
Surrey Fire Department:	No concerns. Comments provided are to be addressed as part of the Building Permit Application.
Advisory Design Panel:	The proposal was considered at the ADP meeting on August 25, 2022, and was conditionally 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 will provide the following improvements as part of the subject proposal:
  - Dedicate and construct 96 Avenue to the City Centre arterial road standard with a sidewalk, cycle track, treed boulevard, and pavement to accommodate two lanes in each direction and a left-turn bay;
  - Dedicate and construct 134 Street to the City Centre collector road standard with a sidewalk, cycle track, treed boulevard, and pavement to accommodate the existing lane; and
  - Dedicate and construct a lane along the eastern property line.

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#### Traffic Impacts:

- The subject proposal is, according to industry standard rates, anticipated to generate approximately 23 trips in the peak hour (equating to one trip every two to three minutes). This is below the City's minimum threshold for requiring a traffic impact analysis.
- The subject site is located approximately 320 metres from King George Boulevard, which is an existing Frequent Transit Network (FTN) and future rapid transit corridor, and approximately 1 kilometre from the King George Skytrain Station.

#### Parking:

- Parking for the development is proposed to be located in a two-level underground parkade, which will be accessed from the lane along the east property line.
- The applicant is proposing to provide on-site parking at a rate of 0.68 spaces per unit, plus 0.1 visitor spaces per unit, for a total of 46 spaces on site.
- The proposed parking rates are consistent with the recommendations endorsed by Council as part of Corporate Report No. R115; 2021, which recommends a minimum parking rate of 0.65 parking spaces per market rental unit in Surrey City Centre.

#### **Sustainability Considerations**

- The applicant has met all of the typical sustainable development criteria, as indicated in the Sustainable Development Checklist.
- The applicant has indicated the project will meet Step 3 of the BC Energy Step Code with connection to the City Centre District Energy System.

#### POLICY & BY-LAW CONSIDERATIONS

#### **Regional Growth Strategy**

• The proposal complies with the General Urban designation in the Metro Vancouver Regional Growth Strategy (RGS).

#### Official Community Plan

#### Land Use Designation

• The proposal complies with the Multiple Residential designation in the Official Community Plan (OCP).

#### Themes/Policies

• The proposed development is consistent with the following guiding policies and objectives in the OCP:

- Support compact and efficient land development that is consistent with Metro Vancouver Regional Growth Strategy (OCP Policy A1);
- 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);
- 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 (B<sub>4</sub>);
- Ensure new development responds to the existing architectural character and scale of its surroundings, creating compatibility between adjacent sites and within neighbourhoods (B6);
- Encourage and support the development of new purpose-built rental apartments (F<sub>3</sub>);
- Encourage the development of accessible and adaptable units (F3); and
- Promote affordable family housing in City Centre by encouraging a mix of unit types including two-bedroom and three-bedroom apartments in new developments (F3).

#### **Secondary Plans**

#### Land Use Designation

• The proposal complies with the Low to Mid Rise Residential designation in the Surrey City Centre Plan.

#### Themes/Objectives

- The proposed development is consistent with the following guiding principles:
  - Encourage Housing Diversity, by providing a variety of housing forms and a range of unit sizes and types;
  - Break up the Block Size, by contributing to a fine-grained street network that provides a variety of transportation routes and increases mobility choices;
  - Create Vibrant Urban Spaces, with high quality architectural aesthetics and amenities such as plazas to encourage people to interact with the public realm; and
  - Promoting Identity and a Sense of Place, by contributing to the emerging neighbour character in this medium-density residential pocket of the Medical District.

#### **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 60 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 60 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)	3.12 FAR (net)
Lot Coverage:	33%	61%
Yards and Setbacks		
North (96 Ave):	7.5 m	4.5 m
East (lane):	7.5 m	3.0 m
South:	7.5 m	3.5 m
West (134 St):	7.5 m	4.0 m
Principal Building Height:	50.0 m	21.0 M
Permitted Uses:	<ul> <li>Multiple unit residential buildings</li> <li>Ground-oriented multiple unit residential buildings</li> <li>Ground-oriented multiple unit residential buildings</li> <li>Child care centres</li> <li>Multiple unit buildings</li> <li>Ground-orien multiple unit</li> </ul>	
Amenity Space		
Indoor Amenity: Outdoor Amenity:	<ul> <li>3.0 sq. m. per dwelling unit</li> <li>1.0 sq. m. per lock-off suite</li> <li>4.0 sq. m. per micro unit</li> <li>3.0 sq. m. per dwelling unit</li> <li>1.0 sq. m. per lock-off suite</li> <li>4.0 sq. m. per micro unit</li> </ul>	The proposed 130 m <sup>2</sup> + CIL of \$42,500 meets the Zoning By-law requirement. The proposed 188 m <sup>2</sup> meets the Zoning By-law requirement.
Parking (Part 5)	Required	Proposed
Number of Stalls		
Residential:	54	40
Residential Visitor:	6	6
Total:	60	46

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Accessible:	1	1
Bicycle Spaces		
Residential Secure Parking:	72	76
Residential Visitor:	6	6

- The floor area ratio (FAR) has been increased from 1.5 net FAR in the RM-70 Zone to 3.12 net FAR in the CD Zone. The proposed density complies with the City Centre Plan.
- The maximum lot coverage has been increased from 33% in the RM-70 Zone to 61% in the CD Zone to accommodate the built form, which is generally consistent with other similar 6-storey apartment developments in the City Centre Plan area.
- The reduced setbacks along frontages (134 Street, 96 Avenue, and the east lane) and the south property line achieves a more urban, pedestrian-oriented streetscape, consistent with the goals and objectives of the City Centre Plan.
- The proposed 60 dwelling units require 60 parking spaces to be provided on-site for residential and visitor parking, as per the existing Zoning Bylaw. The applicant is proposing to provide 46 parking spaces, equivalent to:
  - o.65 parking spaces per dwelling unit for proposed rental residential units. This is consistent with Council approved rates reductions for rental housing approved in June 2021.
- The proposed bicycle parking complies with the minimum requirement.

# **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 CAC payable if there is a future change in tenure.

# 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.

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- 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.
- The proposed development is in line with the City's Affordable Housing Strategy to encourage the development of new purpose-built rental housing.

#### **Public Art Policy**

• The Public Art contribution will not be required as the proposal includes 100% market rental units and will be applicable to the residential portion only if there is a future change in tenure from the market rental residential units.

#### PUBLIC ENGAGEMENT

- Pre-notification letters were sent on April 4, 2022, and the Development Proposal Signs were installed on April 28, 2022. Staff received responses from 4 residents (*staff comments in italics*):
  - Staff received responses from 3 residents requesting additional information on the proposed development.
  - Staff received comments from 1 resident commenting on development of a roof top amenity space, landscaping, common spaces for future residents and traffic concerns.

(The applicant is proposing provide a larger roof top patio amenity area that will be accessible to all residents. Additional details can be found in the 'Outdoor Amenity' section of this report. Additionally, the applicant is proposing a functional indoor amenity space, attached to a small patio on the ground floor, which will help to facilitate resident interactions and sense of community. Landscaping is proposed around the street frontages, as well as on the roof top amenity area to soften the building and provide residents with access to green space. Vehicular access to the site will be located off of the existing east lane. No parking will be permitted along 134 Street or 96 Avenue to ensure the free movement of traffic.)

#### **DEVELOPMENT PERMITS**

#### Form and Character Development Permit Requirement

- The proposed development is subject to a Development Permit for Form and Character and is also subject to the urban design guidelines in the Surrey City Centre Plan.
- The proposed development generally complies with the Form and Character Development Permit guidelines in the OCP and the design guidelines in the Surrey City Centre Plan.
- The applicant is proposing a 6-storey rental apartment building containing 60 units, consisting of 12 studio units, 31 one-bedroom units, 14 two-bedroom units, and 3 three-bedroom units. The units range in size from 33 square meters to 99 square metres.

- The proposed 6-storey apartment development incorporates a design and building massing that is generally in accordance with the vision for this part of City Centre. This area is envisioned as a medium density residential neighbourhood of apartments, 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 5-storey building in this location. The sixth floor, stepped back on all sides, is considered to support the rental housing proposal.
- The proposed apartment building has been designed to maximize the use of available space, while maintaining active public realm interfaces along three frontages: 134 Street to the west, 96 Avenue to the north, and the existing lane to the east. Lane dedication is provided to accommodate a future Green Lane standard. A pedestrian walkway is expected to the west of the lane.
- A small courtyard is located on the south side of the building, connected to indoor amenity space on the ground floor, while a larger outdoor amenity space is located on the roof to provide residents with access to natural light and views of the city throughout the year.
- The applicant proposes an urban contemporary design with the use of brick on the lower two levels of the façade fronting 134 Street and 96 Avenue.
- All ground-oriented units will have their own usable, semi-private outdoor patio space with direct access to the street.
- Building materials include cementitious fibre panels, horizontal siding, brick, and black window frames which strongly contribute to the character of the building.
- The proposed indoor and outdoor amenity spaces have been integrated for site functionality and efficiency. For more details, see the Indoor and Outdoor Amenity Space sections in this report.
- The applicant has worked with staff to address ADP and staff comments favorably. In particular the applicant has worked to:
  - Locate some of the indoor and outdoor amenities together;
  - Refine architectural elements;
  - o Increase the patio area and provide additional privacy for ground floor suites; and
  - Ensure accessibility of amenity spaces.

#### Landscaping

- The proposed landscaping for the site includes a mix of trees, shrubs, groundcover, along with hardscaping, site lighting, fencing, and site furnishings.
- The landscaping concept centres around four areas, an entrance plaza area adjacent to the building entrance at the corner of 134 Street and 96 Avenue, the ground-oriented unit entrances along street frontages, landscaping along the lane and parking ramp, and the outdoor ground level and roof top amenity areas.

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#### Indoor Amenity

- The required indoor amenity is 188 square metres, while the applicant is proposing to provide 130 square metres of indoor amenity space on site, requiring cash-in-lieu for the shortfall in accordance with City policy.
- The indoor amenity space is located on the ground floor, on the southeast side of the building.
- The ground floor amenity space consists of a games room and yoga studio, with access to a small outdoor courtyard on the south side of the building.

#### Outdoor Amenity

- The required outdoor amenity is 188 square meters. The applicant is proposing 188 square meters, meeting the minimum requirement.
- The proposed outdoor amenity is organized into two areas, a small ground floor courtyard on the south side of the building, and a large roof top amenity space.
- The ground level courtyard, accessible from the larger indoor amenity space, will have space or a table and some outdoor seating
- The roof top courtyard is proposed to include an outdoor barbeque and seating area, dining area with tables and chairs, lounge area with artificial turf, and a playground for children.

#### **Outstanding Items**

- The project was considered at the Advisory Design Panel (ADP) meeting on August 25, 2022, and received conditional support. The Panel provided comments to guide the refinement of the proposed apartment building and associated landscaping.
- The applicant is required to resolve all outstanding urban design and landscaping issues and Advisory Design Panel comments, as follows:
  - Coordinate and further develop the public realm interface, including grading, servicing integration, pedestrian walkways and minimizing retaining walls; and
  - Further refine and clarify details of the architectural elevations material application and elements.

#### TREES

• Rhythm Batra, 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:

Tree Species	Ex	isting	Remove	Retain		
Coniferous Trees						
Falsecypress		5	5	0		
Western Red Cedar		17	17	0		
<b>Total</b> (excluding Alder and Cottonwood Trees)	22		22	0		
Total Replacement Trees Proposed (excluding Boulevard Street Trees)		24				
Total Retained and Replacement T		24				
Contribution to the Green City Pro		\$11,000				

#### Table 1: Summary of Tree Preservation by Tree Species:

- The Arborist Assessment states that there are a total of 22 mature trees on the site, with no Alder and Cottonwood trees. It was determined that no trees 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 2 to 1 replacement ratio. This will require a total of 44 replacement trees on the site. Since only 24 replacement trees can be accommodated on the site, the deficit of 20 replacement trees will require a cash-in-lieu payment of \$11,000, representing \$550 per tree, to the Green City Program, in accordance with the City's Tree Protection By-law.
- In addition to the replacement trees, boulevard street trees will be planted on 134 Street and 96 Avenue. 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 Paperbark Maple, Ruby Vase Persian Ironwood, and Pyramidal Cedar.
- In summary, a total of 24 trees are proposed to be retained or replaced on the site with a contribution of \$11,000 to the Green City Program.

# **CITY ENERGY**

- The subject site is located within Service Area A, as defined in the "City Centre District Energy System By-law" (see Appendix VI for location). The District Energy System consists of three primary components:
  - community energy centres, City-operated facilities that generate thermal 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 A with a build-out density equal to or greater than a floor area ratio (FAR) of 1.0 will be required to provide hydronic thermal energy systems in support of the City's District Energy (DE) system including domestic hot water, make-up air units and in-suite hydronic space heating. The City is committed to having the DE system operational within the timeframe of this project. Therefore, the subject application will be required to connect to the City's DE system prior to occupancy.
- In order to avoid conflicts between the District Energy 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 the following purposes:
  - City access to, and maintenance and operation of, the ETS within the building and any infrastructure between the building and the property line; and
  - to prevent conflicts with other utilities.
- Prior to the issuance of a building permit, the Engineering Department will 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 Response
- Appendix VI. Proposed Housing Agreement
- Appendix VII. District Energy Map

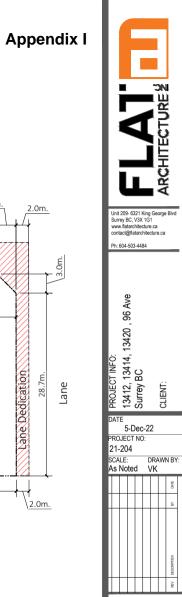
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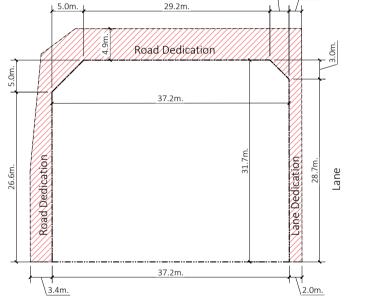
Jeff Arason Acting General Manager Planning and Development

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ONING					
	BUILDING HEIGHT	ALLOWE	0	PROVIDED	
		40 M		20.0	
	17				
	SETBACKS			PROVIDED	
	NORTH /96 Ave Surrey			4.30 m	
	SOUTH			3.50m	
	EAST / REAR LANE			5.00m	
	WEST 134 ET			4.00 m	
OT LOVERAGE	L'unités	0			
	ALLOWED	I		T	
	PROPOSED	- 24	1.9%		
DENISTY			-	1	
CELEBRAT 1	PROPOSED FSR	2.37 on Gross	3.12 on Net	1	
	The cost of the	a at seconds.	J.L.C. LINE MEL		
Floor Level	FSR Area	Indoor Amenity Area	Total Area	Residential	
FIDDI LEVEL	-485.04 M2	130.00 MZ	615/04 M2	7 01/15	
1		130.00 M2			
	677.40 NU		±77.40 M2	9 UN/15	
3	677.49 <i>M</i> 2		677.49.141	12 0 105	
4	577.49 M2		677.49 M2	12 0 0075	
-5	532,43842		532 #3 M2	10.09675	
ē	532.43 M2	8.80.M2	581.23 MJ	10 UNITS	
Terrace	40.58 MI		40.68 MZ		
TOTAL BUILDING AREA	3622.96 M2.	138.80 M2	3761.76 M2.	60 UNITS	
Company of the same state		A			
DUTTIOOR AMENITY	1	1		T. Change I	Tablanka
	REQUIRED			REQUIRED	PROVIDED
	(52 x 3) + (9 X 4) m2			15800 M2	188.00 MJ
NUCOR AMENITY				T. DISTRICT	Logicit M.
	REGIORED			REQUIRED	PROVIDED
and the second second second	(52 x 3) + (3 x 4) m2	1		188.00 M2	130,00 M2.
OFF STREET PAREING		2			
				REQUIRED	PROVIDED
	RESIDENTIAL - 60 units	MARKET RENTAL UNITS	65 car per unit	= 39.0 \$900CES	40 SPACES
		TUTAL		= 39.0 SPACE5	40 SRACES
ISITORS PARKING		1			
				REGUIRED	PROVIDED
	AESIDENTIAL - 60 units		1 par per unit	6 SPACES	= 6.0 SPACES
		GRAND TOTAL		转要和图	48/3RACES
	REGULAR CARS (65.2%)				= 30.0 SPACES
	SMALL CARS (34.8%)				- 15.0 SPACES
					= # D SPACES
	PROVIDED: TOTAL INCLUDING VISITOR AND RESID	IENTIAL			
and the second se			The second second		
I/C PASEING					
	If required Parking spaces are between 50 & 100			1 SPACES	= 10 SPACES
	I) required Parking spaces are between 100 & 200	then 2 Pavering spors are required			
And and a state of the state of					
BICYCLE PARKING					
		1.000	1 1	REQUIRED	PROVIDED
				and the second of	
1		CLIASS-A		1.2 STALLS FER RES UNIT = 72 STALLS	
		CLASE B		E	

UNIT MIX SCHEDULE							
Floor Level	Town Home	1 Bed	2 Bed	1 Bed + Den	2 Bed + Den	Studio	Total Units per Floor
LVL 1	3	2	1	-		1	7
LVL Z		1	2	2	1	3	9
LVL 3		2	- 3	4	1	2	12
LVL 4		2	E	4	1	2	12
LVL 5		7	1			2	10
LVL 6		7				2	10
TOTAL	3 UNITS	21 UNITS	11 UNITS	10 UNITS	3 UNITS	12 UNITS	50 UNITS

3.0m.



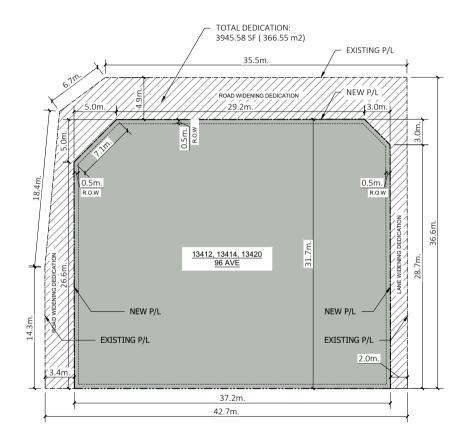


134 St

96 Ave

SITE PLAN DATA SHEET

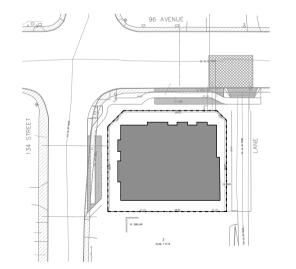
A 0.1



1 LOT LAYOUT C/W DEDICATIONS







#### OCP, NCP & ZONING :

The designated zoning for the site is single family RF; Rezoning of the existing property is requested with variances in height, setbacks and FSR. The property falls under the City centre landuse plan. As per existing Zoning the property is designated under RF - Single family residential zone. A comprehensive development zone - CD is proposed for this site with an FSR of 2.43 on Net.

Unit 209- 6321 King George Blvd Surrey BC, V3X 1G1 www.flatarchitecture.ca contact@flatarchitecture.ca Ph: 604-503-4484

> 13412, 13414, 13420 , 96 Ave Surrey BC

> > 20 Oct 2022

CLIENT:

DRAWN BY:

VK

PROJECT INFO:

DATE

PROJECT NO:

21-204

SCALE:

1/24"=1'

#### THE PROJECT:

The proposed project consists of 6-storey multifamily residential building in wood frame construction on top of 2 levels of underground parking.

The new development will provide 60 residential units.

SITE CONTEXT:

The proposed development is on a site that combines three existing lots - 13412, 13414, 13420 - at the corner of 134 St and 96 Ave.

The overall site dimensions are about 37.2m x 31.7m with a 5.0m chamfer at the Northwest corner and 3.0m chamfer at the Northeast corner. The site slopes down from the Southwest to the Northeast with a difference of approximately 2.6m from its highest to lowest point.

The main entry to the building is from 96 Ave. The lane will serve as the access to underground parking from the East side of the property. The site is flanked by single family residences on its South side.



SITE ANALYSIS



96th avenue



EQUINOX (MARCH/SEPTEMBER21) - 2PM



Ph: 604-503-4484

PROJECT INFO: 13412, 13414, 13420 , 96 Ave Surrey BC

DATE 04 Aug 2022 PROJECT NO:

21-204 SCALE: 1/80"=1' CLIENT:

DRAWN BY: JM

EQUINOX (MARCH/SEPTEMBER21) - 10AM

EQUINOX (MARCH/SEPTEMBER21) - 12PM

A 0.5

SHADOW STUDY

 $\oplus$ 

#### FORM OF THE DEVELOPMENT :

The overall design is consonant with the guidelines laid out in the OCP. The development balances the need to provide affordable rental housing for the community with meeting the objectives and planning guidelines.

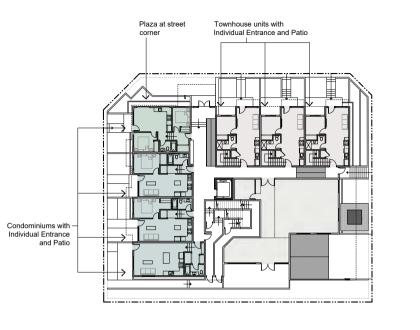
The building form is designed with a simple approach to the massing parti and expression with a minimal use of materials and patterns. It takes into account adjacent single-family residential and other lower scale buildings. The units along 96 Ave are designed to visually emulate 2 storey townhouses and has raised patios and individual entries facing the street. These are clearly identified with a distinct material (dark brick) and form. Towards 134 St the single storey units at ground level are expressed with the same material as the Townhouse units. In the overall composition this creates the effect of a strong, recessed base from which the forms of the upper storey are suspended. The individual entries to the Townhouse units and the condominiums at the grade level are clearly emphasised with a slab projection finished in white to contrast with the dark brick. The main entrance to the building also acquires a strong character based on a similar approach.



1.1 ocation and Transportation .. L P b) EV S S a) F b) R Е a) b) ΕA a) E M R: a) ΙF a) O

SUSTAINABILITY FEATURES:







Unit 209- 6321 King George Blvd Surrev BC, V3X 1G1 www.flatarchitecture.ca contact@flatarchitecture.ca Ph: 604-503-4484 Ave

13420 , 13414, 1 BC ECT INFO: 13412, Surrey I CLIENT: DATE 20 Oct 2022 PROJECT NO: 21-204 DRAWN BY: SCALE: 1/16"=1' VK

96

						DESCRIPTION
						REV
DESIGN RATIONALE						

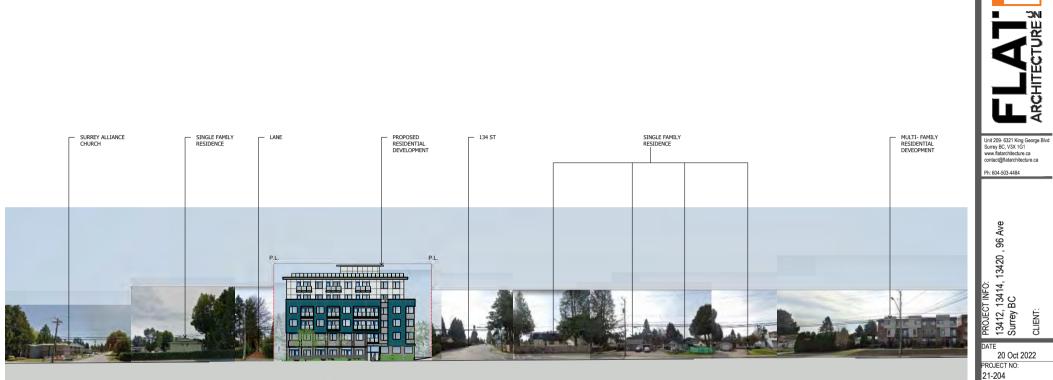
A 0.6

Above the townhouses, the facade is articulated by an interplay of masses, planes and projections. Dominant massing in blue delineates the residential units on the upper floor. The blue forms are arranged a manner resembling a pinwheel formation, reflecting the spatial arrangement in the plan, such that each orientation gets a similar yet distinct facade. The blue mass is offset by recessed planes from which the balcony slab projects outward. Care has been taken to further reduce the effect of the mass, especially at the street corner, by opening up its corners and introducing glazing to visually liahten it.

The building, at Level 5 and 6, is stepped back by 2.5m towards 96 Ave and 134 St, and 1.5m on the South towards the rear portion of the site. This, along with varied planes and an interplay of horizontal and vertical elements, reduces the effect of the massing. We have also established a strong datum point at the 4th storey level through our use of material. The top two stories, predominantly finished in white and grey tones, are made distinct through the use of colors, materials and visual elements selected to reduce the effect of the mass on the upper storeys.

The outdoor amenity is located on the rooftop above the 6th storey and positioned on the terrace facilitating views to the North. The amenity s further divided into Adult and Kids zones and has a guard rail to reduce the massing

Indoor and outdoor amenities are provided consistent with size of the development and meet zoning bylaw requirements. Bicycle storage, Garbage / Recycle room, Mechanical / electrical rooms as per the requirements of the project will be located on the parkade level of the buildings.



Streetscape Along 96 Avenue



	Int 209- 6321 keys (See See See See See See See See See Se
	PROJECT INFO: 13412, 13414, 13420 , 96 Ave Surrey BC CLIENT:
A Strand	DATE 20 Oct 2022 PROJECT NO: SCALE: DRAWN BY:
12 AN	NTS VK
2.12	BY DATE
	MATERIAL BOARD



А



CEMENT FIBRE BOARD 5" PLANK SIDING (HARDIE OR SIMILAR) COLOR (2121-30 PEWTER)

Е



SILVER) F

PAINT FINISH (2121 -50 ICED CUBE





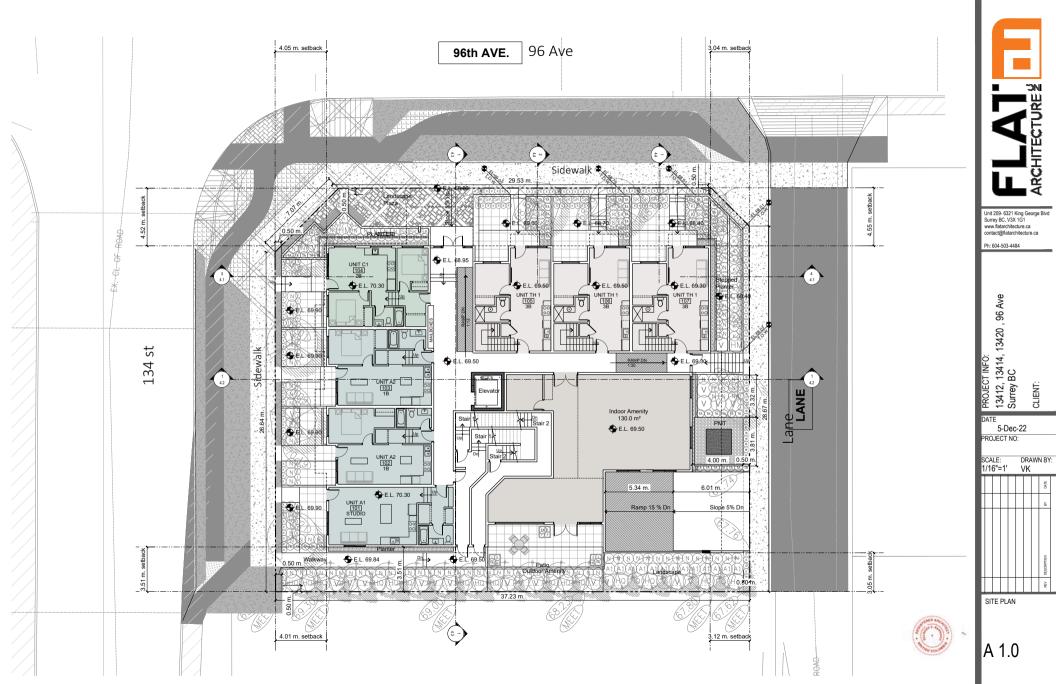


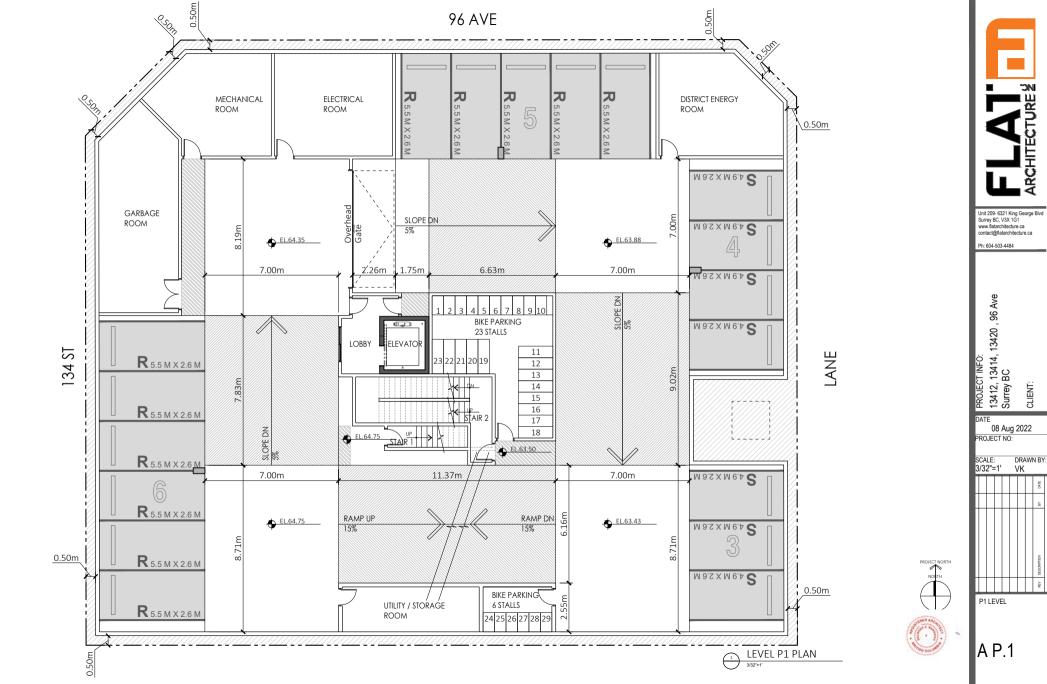


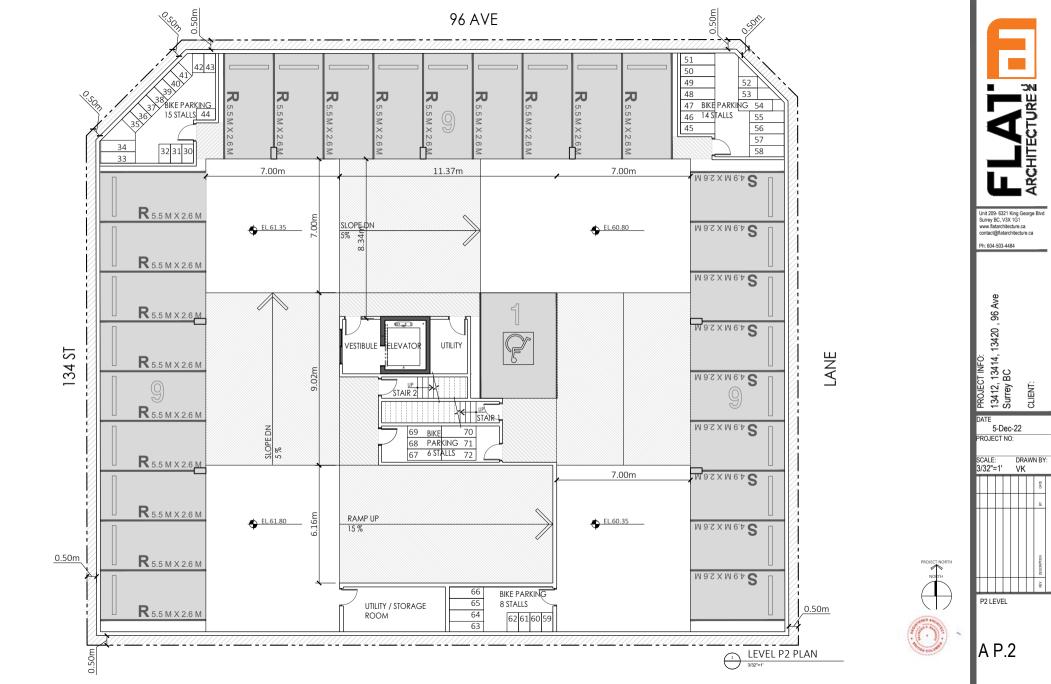
EXTERIOR HIGH DENSITY FIBRE

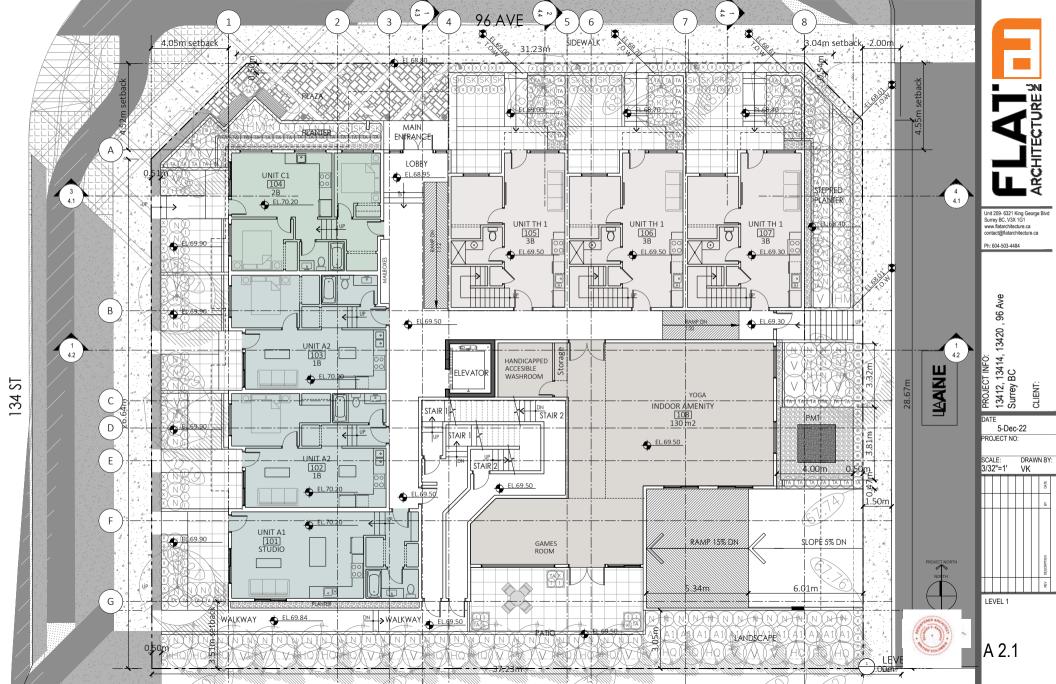
D

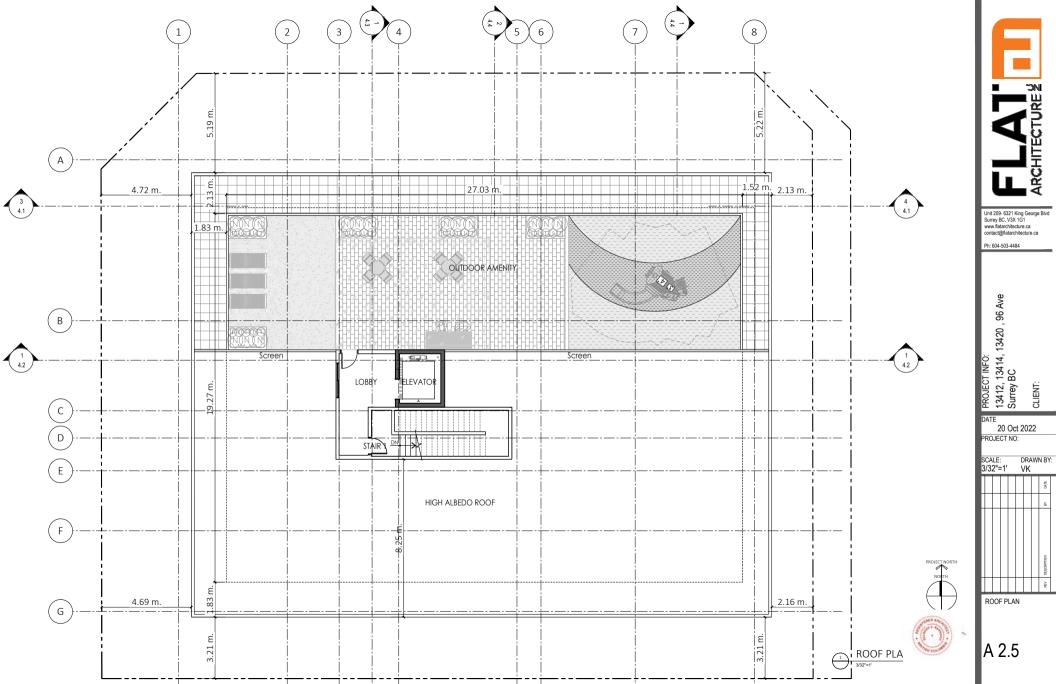
PAINT FINISH (2121 -30 PEWTER)

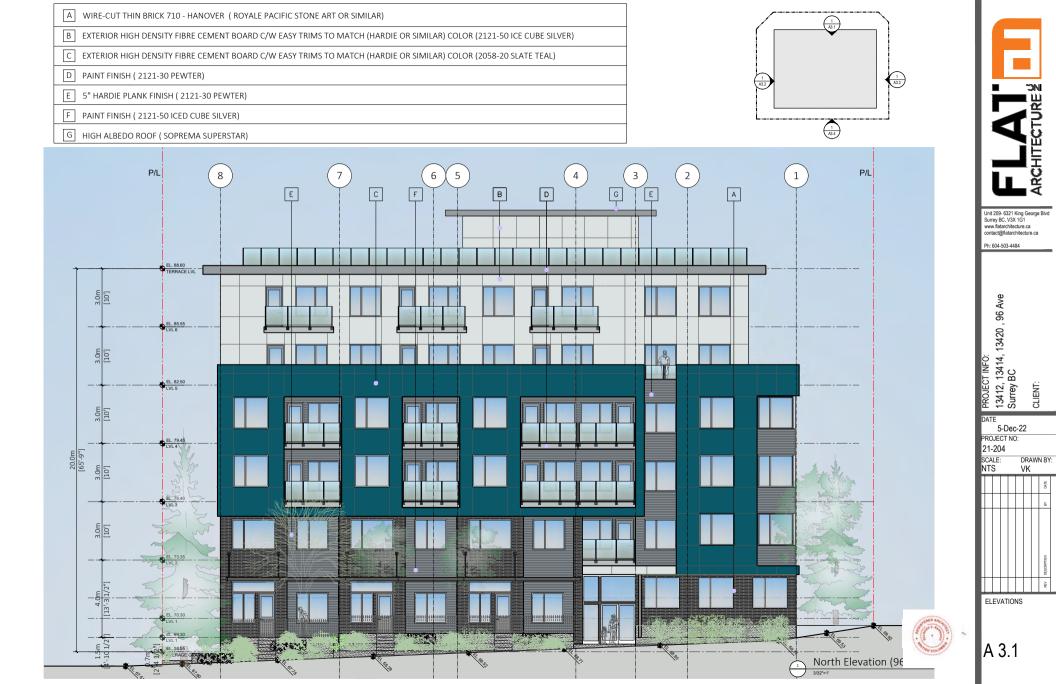


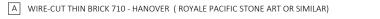












В EXTERIOR HIGH DENSITY FIBRE CEMENT BOARD C/W EASY TRIMS TO MATCH (HARDIE OR SIMILAR) COLOR (2121-50 ICE CUBE SILVER)

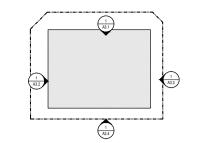
С EXTERIOR HIGH DENSITY FIBRE CEMENT BOARD C/W EASY TRIMS TO MATCH (HARDIE OR SIMILAR) COLOR (2058-20 SLATE TEAL)

D PAINT FINISH ( 2121-30 PEWTER)

E 5" HARDIE PLANK FINISH ( 2121-30 PEWTER)

F PAINT FINISH (2121-50 ICED CUBE SILVER)

G HIGH ALBEDO ROOF (SOPREMA SUPERSTAR)



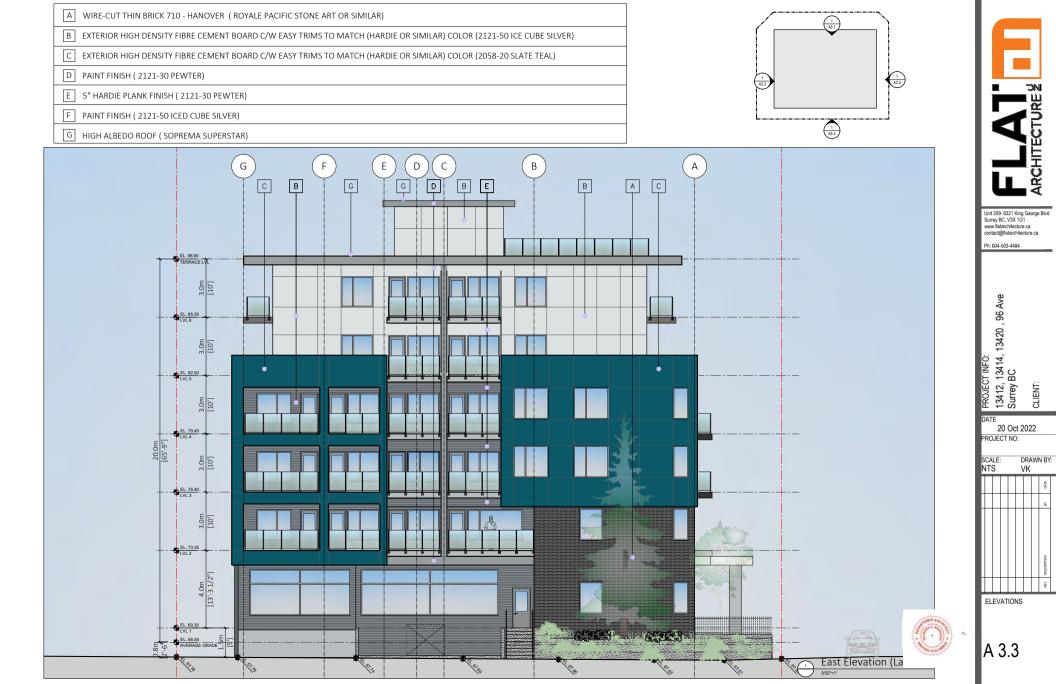
ARCHITECTURE

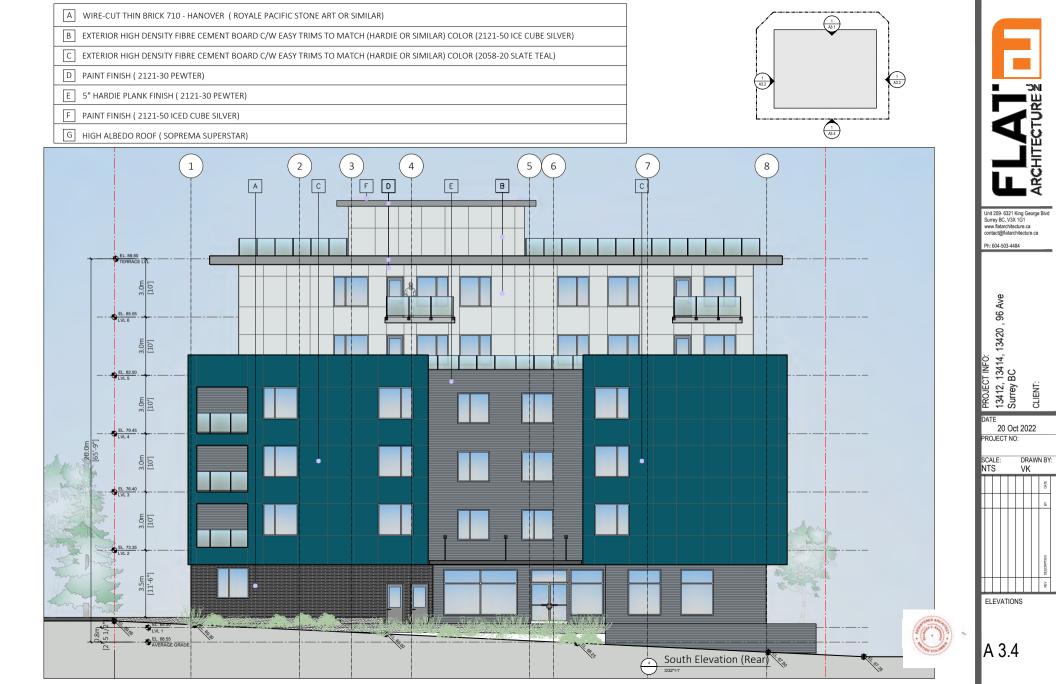
CLIENT:

DRAWN BY:

VK



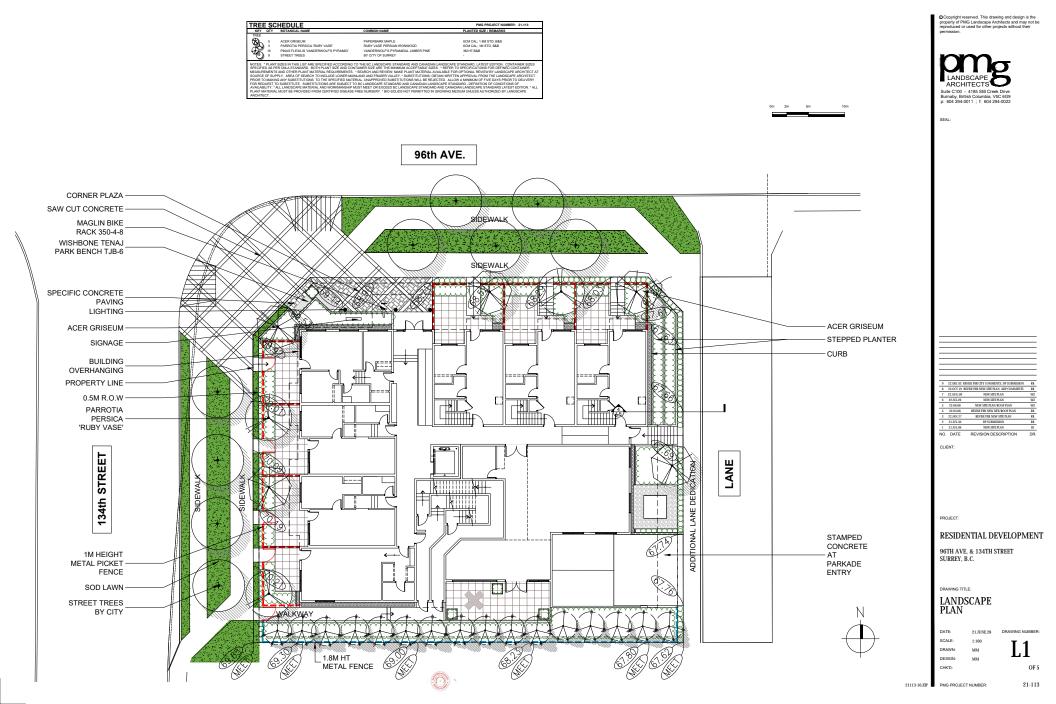


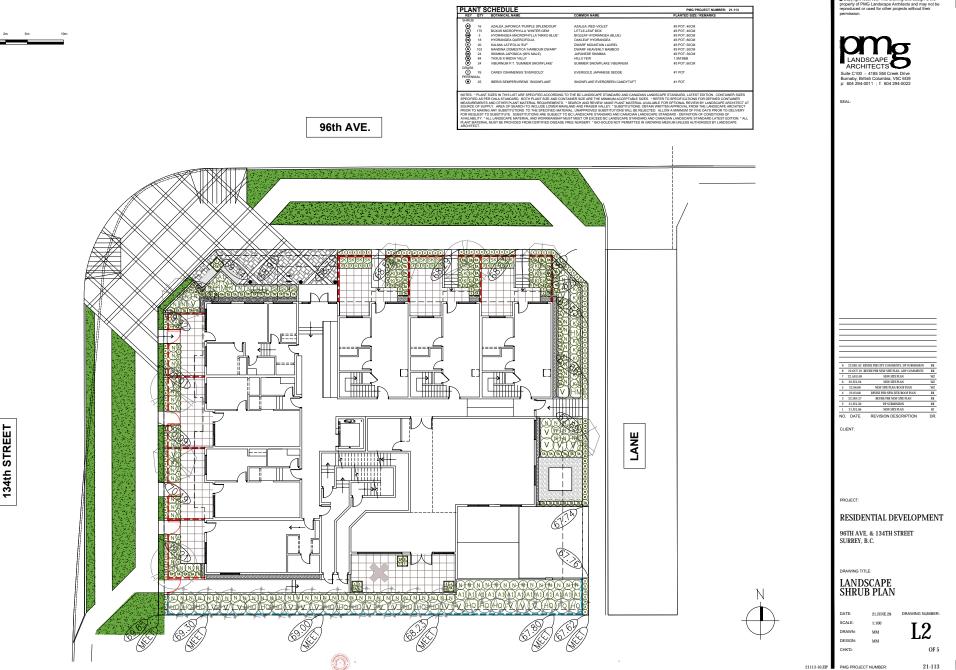












21-113

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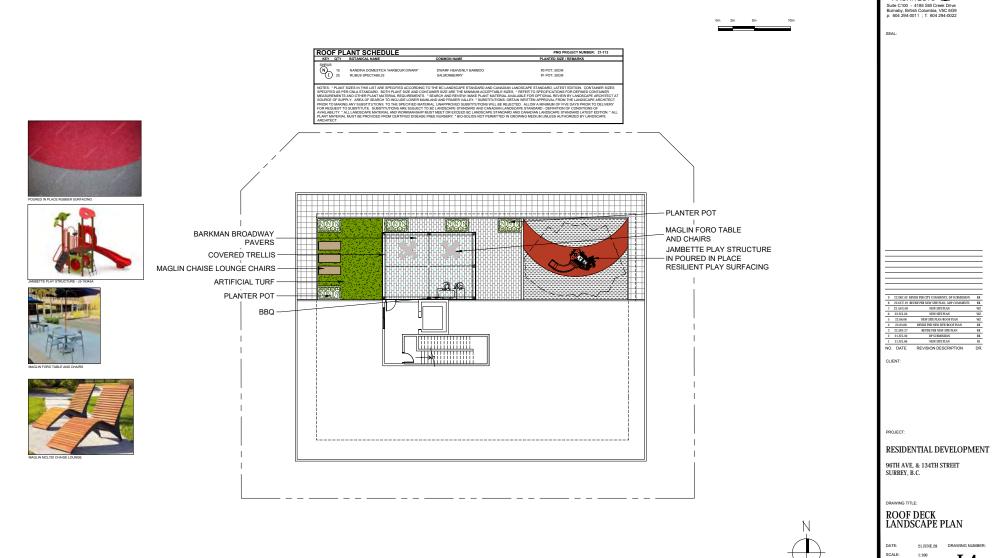
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OF 5

21-113

ARCHITECT



MM

DRAWN:

DESIGN: MM

CHK'D:



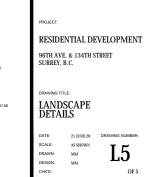
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LANDS

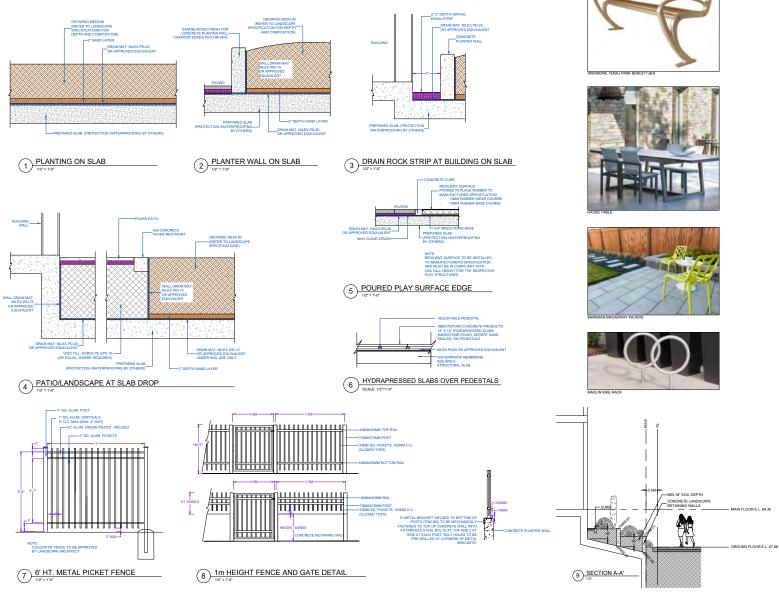
ARCHITECT

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





21-113





# TO:Manager, Area Planning & Development<br/>- North Surrey Division<br/>Planning and Development DepartmentFROM:Development Services Manager, Engineering DepartmentDATE:December 05, 2022PROJECT FILE:7821-0268-00RE:Engineering Requirements<br/>Location: 13412/14 - 96 Avenue & 13420 - 96 Avenue

## **REZONE/SUBDIVISION**

### Property and Right-of-Way Requirements

- Dedicate 4.942m along 96 Avenue.
- Dedicate varying dedication along 134 Street.
- Dedicate 1.904m for Lane.
- Dedicate required corner cuts.
- Provide 0.5m wide statutory rights-of-way along all site frontages.

### Works and Services

- Construct east side of 134 Street, south side of 96 Avenue, and Lane.
- Modify existing traffic signal at 132 Street and 96 Avenue intersection.
- Implement the recommendations of the geotechnical reports.
- Construct storm main along Lane.
- Construct 300mm sanitary main along 134 Street.
- Complete drainage catchment analysis to determine existing capacities. Resolve downstream constraints, as identified.
- Construct minimum 300mm water main along 134 Street and/or pay latecomer charges, as applicable. Complete fire flow analysis to determine the ultimate water main size.
- Provide water storm and sanitary service connections to support the development.
- Register applicable legal documents as determined through detailed design.
- Pay amenity charge for undergrounding the existing overhead electrical and telecommunication infrastructure.

A Servicing Agreement is required prior to Rezone/Subdivision.

### **DEVELOPMENT PERMIT**

There are no engineering requirements relative to issuance of the Development Permit beyond those noted above.

Jeffy lang

Jeff Pang, P.Eng. Development Services Manager

HB<sub>4</sub>

NOTE: Detailed Land Development Engineering Review available on file



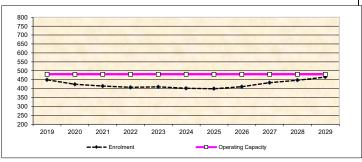
Planning

### School Enrolment Projections and Planning Update:

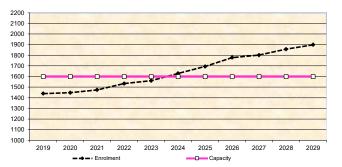
Cindrich Elementary serves established neighbourhoods. The 10-year projection shows that the school continues to maintain existing enrolment levels. This projection is conservative and will likely change as higher density projects are approved and constructed at the intersection of 96th Ave and King George. There are no current plans to expand this existing school; and based on this projection, any future growth can be accommodated with 4 portables or less.

Queen Elizabeth Secondary operates below existing school capacity. Over the next 10 years, the enrolment growth trend will take on a stronger upwards trend line post 2023. Like the elementary school, the proposed new higher density development anticipated around King George Boulevard and 96th Avenue will also fuel secondary growth in the catchment. There are no current plans to expand the existing secondary school, but enrolment will be monitored over the next several years.

### **Cindrich Elementary**



### Queen Elizabeth Secondary



\* 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.

THE IMPACT ON SCHOOLS		
APPLICATION #:	21 0268 00	

### SUMMARY

are estimated to h on the following s	ave the fo chools:	rental lowrise units house units blowing impact or this development		
Elementary Stud			3	7
Secondary Stude			4	
September 2021 En	rolment/Sc	hool Capacity		-
Cindrich Elemen	tary			
Enrolment (K/1-	7):		44 K + 370	
Operating Capac	ity (K/1-7	7)	38 K + 443	
Queen Elizabeth	Seconda	ary		
Enrolment (8-1	2):	-	1474	
Capacity (8-12):			1600	
Projected population of school-age children for this development:			15	

Enrolment: The number of students projected to attend the Surrey School District ONLY.

 $\textbf{Population}: The \ projected \ population \ of \ children \ aged \ 0-19 \ Impacted \ by \ the \ development \ .$ 

# **Tree Preservation Summary**

Surrey Project No: 21-0268-00 Address: 13412 13414 13420 96 Avenue, Surrey, BC Registered Arborist: Rhythm Batra PN-8932A

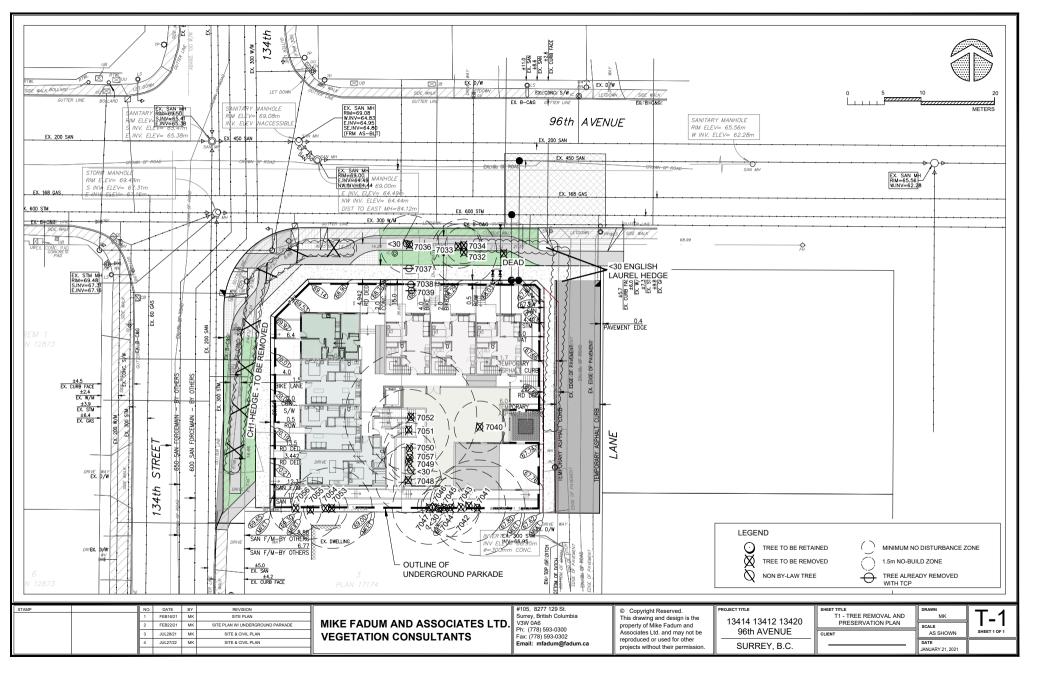
On-Site Trees	Number of Trees
Protected Trees Identified	
(on-site and shared trees, including trees within boulevards and proposed streets	22
and lanes, but excluding trees in proposed open space or riparian areas)	
Protected Trees to be Removed	22
Protected Trees to be Retained	
(excluding trees within proposed open space or riparian areas)	0
<ul> <li>Total Replacement Trees Required:</li> <li>Alder &amp; Cottonwood Trees Requiring 1 to 1 Replacement Ratio 0 X one (1) = 0</li> <li>All other Trees Requiring 2 to 1 Replacement Ratio 22 X two (2) = 44</li> </ul>	44
Replacement Trees Proposed	24
Replacement Trees in Deficit	20
Protected Trees to be Retained in Proposed [Open Space / Riparian Areas]	NA

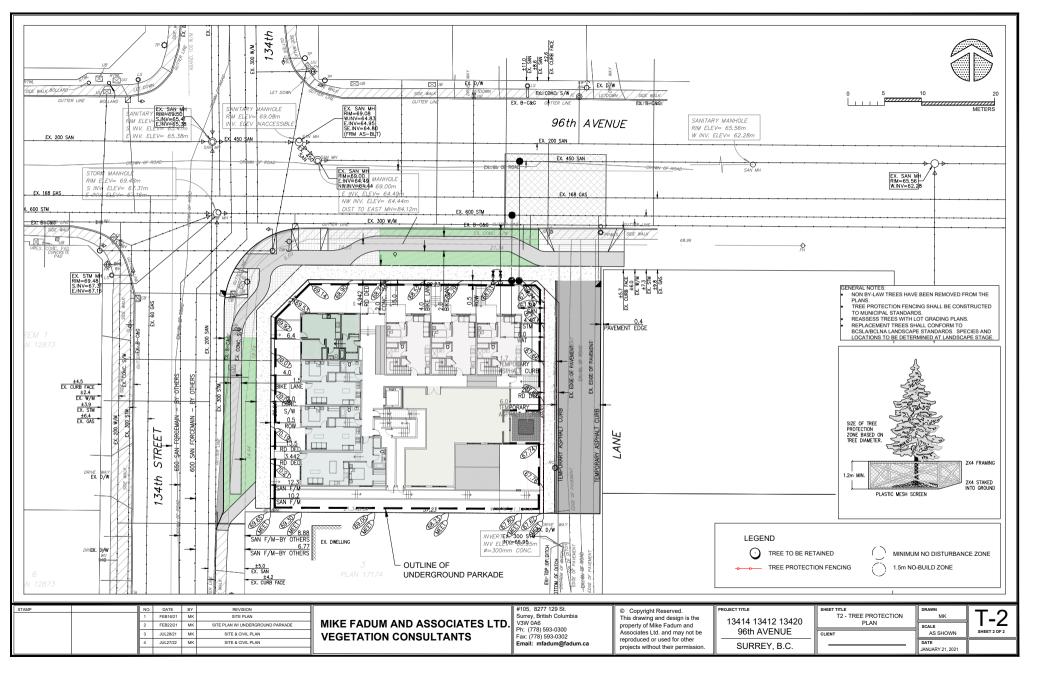
Off-Site Trees	Number of Trees
Protected Off-Site Trees to be Removed	0
Total Replacement Trees Required:	
<ul> <li>Alder &amp; Cottonwood Trees Requiring 1 to 1 Replacement Ratio</li> <li>0 X one (1) = 0</li> </ul>	0
<ul> <li>All other Trees Requiring 2 to 1 Replacement Ratio</li> <li>0 X two (2) = 0</li> </ul>	
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: December 2, 2022	









# ADP Meeting August 25, 2022 Comments & Responses

**Key Points** 

• Confirm 60% site coverage with the City. [VK] Coverage is 60%

• Consider working with BC Hydro to identify the acceptable location of the PMT. **[VK]** As per our electrical consultant "Electrical service will come from 96 Ave. There is a pole at the end of the lane (at 96 Ave). We will have underground Dip service from this pole and lead to PMT. Hence, this PMT location will work."

• Consider the ground floor level elevation to reduce the need for ramps. **[VK]** We've reviewed this and it is not possible to reduce the ramps due to the grade change within the site.

• Consider locating the indoor and outdoor amenities together. At the very least, consider providing some outdoor amenity adjacent to the indoor amenity. **[VK]** We have provided outdoor amenity adjacent to the indoor amenity.

• Reconsider the location of the rooftop outdoor amenity to benefit from greater sun access. [VK] Current location of the outdoor amenity was decided based on surrounding context and has not been changed.

• Consider providing a second elevator to better service the adaptable units on each floor. **[VK]** We tried various iterations to fit in the second elevator but it wasn't possible due to space constraints and grade difference.

• The black window frames are a key element of the exterior elevations. However, these are often dropped later due to cost issues, and this would drastically change the look of the buildings. It is important that the City obtain some form of firm commitment that they will be retained. *[VK]* Noted

Alternatively, the applicant should provide alternative elevations showing white or beige frames, so the actual design can be properly assessed. **[VK]** We are open to exploring this option.

• Consider reducing the visual heaviness of or delete the grey frames at the 5 and 6 floor. **[VK]** Grey frames have been deleted.

• Review and make sure the exiting strategy meets BCBC. **[VK]** Reviewed with a code consultant and revised.

• Consider increasing the patio area and reduce the lawn area at the ground floor suites. [VK] Landscape design has been revised to address this point.

• Consider providing greater sense of privacy between public realm and ground floor units. [VK] Landscape design has been revised to address this point.

• Consider providing weather protection areas at roof top outdoor amenity. **[VK]** Design has been revised to address this point.

• Consider relocating the at grade southerly pathway to the property line to provide better privacy and perhaps some outdoor amenity space. **[VK]** Pathway has been adjusted and outdoor amenity has been provided.

•Confirm the adaptable/Accessible requirements that is inherent with CMHC funding. *[VK]* CMHC funding is based on points, which can be achieved by different pathways e.g. Accessibility, Energy efficiency and Rental units. We are planning to proceed with energy efficiency methods to meet those points for CMHC funding.

•Consider increasing the number of Accessible stalls to align with the number of adaptable units. *[VK]* We reviewed this but it wasn't possible because of space constraints and grade difference.

•Consider providing activities and furnishing for peoples of all abilities at the roof-top unit. [VK] Outdoor amenity has been revised.

•Consider energy modelling to inform design process and consider using future climate files(2050/2080) for energy modelling to test resiliency and ensure livability in future. **[VK]** Noted

Site

•Consider a raised entry, residential lobby to reduce the internal ramp and stairs. **[VK]** We've reviewed this and it is not possible to reduce the ramps due to the grade change within the site.

Form and Character

•The clear rationale on the massing of the building is good. [VK] Noted

•Separate the exit through the lobby from residential access. **[VK]** Design has been revised and separate exit has been provided.

•Provide vestibule at parkade lobbies. [VK] We will review this with our code consultant and provide if required.

•Reconsider the architectural treatment of the building northwest corner (glazing issues of master bedrooms at this corner). *[VK]* Since we could not relocate the bedroom within the apartment we have revised the architectural treatment at the corner.

•Consider the locations of the guards on the roof and setting them further back to make the canopy appear lighter or consider a thinner canopy edge profile. **[VK]** Guard rails have been set in line with the exterior wall below.

•Review Units B3 and B4 interior layouts, they may be possible to qualify as two-bedroom units with one unit being without the closet. **[VK]** It's not clear how it can be made a two-bedroom unit.

•Illustrate the uses/programing for the interior amenity space. [VK] Indicated in Sheet A2.1

Landscape (Response from our landscape consultant Rebecca Krebs is copied below)

•Consider removing lawn at ground floor patio units, particularly on the north side and replacing with useable hard surface and additional planting. Alternatively consider artificial grass. [RK] The lawn has been removed on the north side of the building, and patios have been expanded.

•Consider wrapping and stepping the concrete planter walls around the corner of 96 Avenue and 134 Street. **[RK]** The planting wraps around the corner, allowing for privacy for Unit C1.

•Review grading to remove/reduce the steps on south side of building. [RK] The grading plan has been revised, see the L3 grading plan.

•Consider providing greater sense of privacy between public realm and ground floor units. **[RK]** Planting and fencing has been proposed to provide a sense of privacy between the public and private realm.

•Replace play equipment with a less confronting piece of equipment at rooftop outdoor amenity. **[RK]** The play equipment has been changed to a typical climbing piece with a slide.

### CPTED

No specific issues were identified.

Sustainability

• Sustainability comments are noted under Key Points.

# ADP Meeting August 25, 2022 Comments & Responses

## Accessibility

• Consider providing a second Accessible entry to the building. **[VK]** We've reviewed this and it is not possible due to the space constraints and the grade difference within the site.

• Consider diversifying the types of the proposed adaptable units **[VK]** Noted. We will review this as we develop the design.

• Provide a washroom facility for the rooftop amenities space. **[VK]** It is not possible to add a built structure at the roof level due to issues as it will be considered an additional story as per BC code. We've provided a washroom for the indoor amenity space.

• Consider providing activities and furnishing for peoples of all abilities at the roof-top amenity. *[VK]* Rooftop amenity has been revised.

## **CITY OF SURREY**

### HOUSING AGREEMENT (Residential Only)

THIS HOUSING AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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:

**1275280 B.C. LTD.**, a corporation having its offices at 206 – 15272 Croydon Drive, Surrey, British Columbia V3S 0Z5

(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:

Parcel Identifier: 010-287-809 LOT 4 EXCEPT: FIRSTLY; PART ON BYLAW PLAN 53128 SECONDLY; PART PARCEL B (BYLAW PLAN 78740) THIRDLY; PART DEDICATED ROAD ON PLAN BCP14978 SECTION 32 TOWNSHIP 2 NEW WESTMINSTER DISTRICT PLAN 17174; and

Parcel Identifier: 010-287-817 LOT 5 SECTION 32 TOWNSHIP 2 NEW WESTMINSTER DISTRICT PLAN 17174

(collectively, the "Lands");

B. The Owner proposes to use the Lands for a residential development to be comprised of 60 units within a 6-storey building (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 60 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 60 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>

- 3.1 **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. <u>NOTICE</u>

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:

1275280 B.C. LTD. 206 – 15272 Croydon Drive, Surrey, British Columbia V3S 0Z5

### Attention: Harman Dhillon

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. <u>GENERAL</u>

- 5.1 **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.
- 5.2 **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.

- 5.4 **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.
- 5.5 **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.

### **CITY OF SURREY**

By:

Authorized Signatory Brenda Locke, Mayor City of Surrey

By:

Authorized Signatory

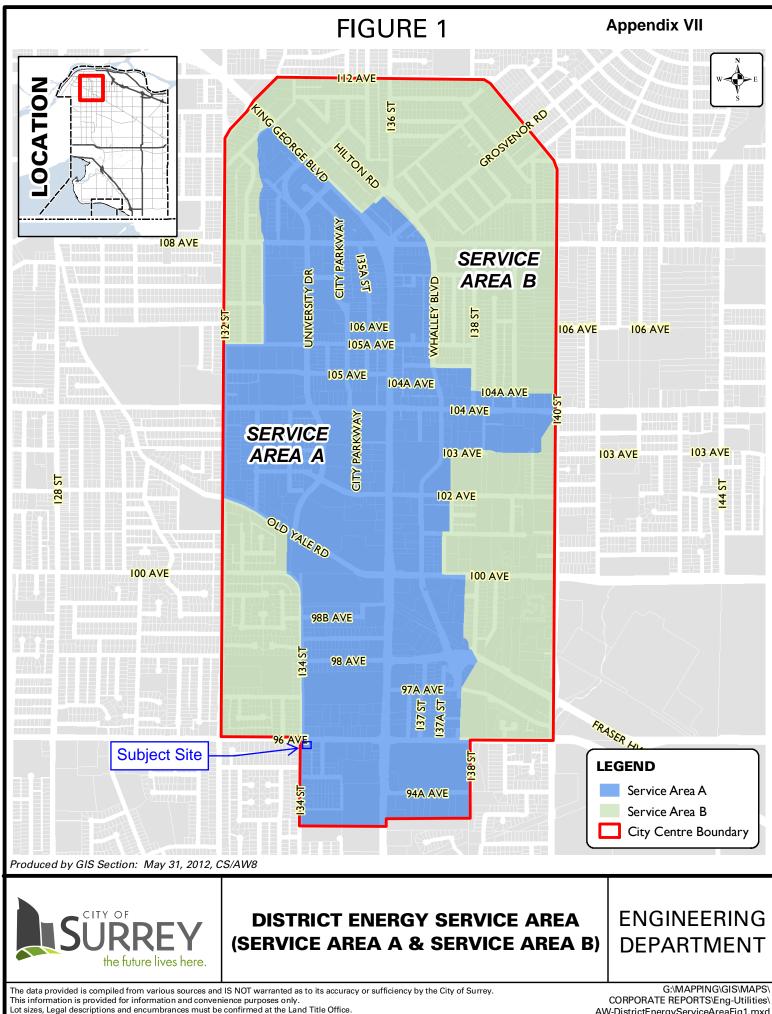
Jennifer Ficocelli, City Clerk City of Surrey

### 1275280 B.C. LTD.

By:

Authorized Signatory

Name: Harmunpreet Dhillon Title: Director



Lot sizes, Legal descriptions and encumbrances must be confirmed at the Land Title Office.

AW-DistrictEnergyServiceAreaFig1.mxd