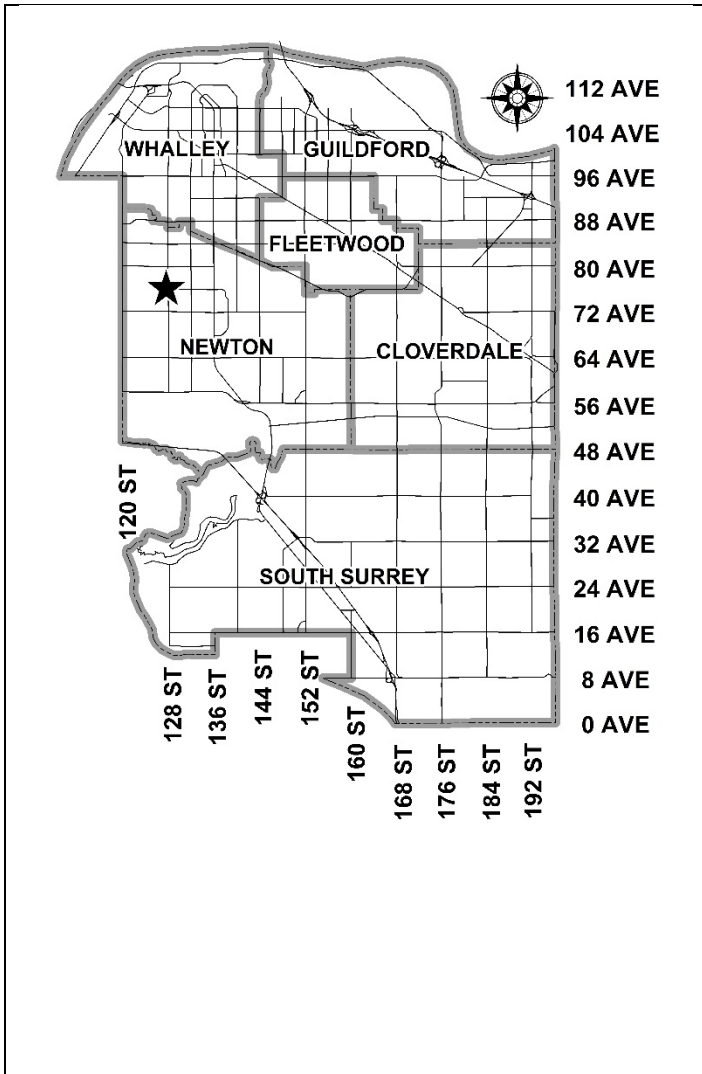


City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7920-0041-00

Planning Report Date: July 24, 2023



PROPOSAL:

- **OCP Amendment** for a portion from Urban to Multiple Residential
- **Rezoning** of portions of the site from RF, CG-1, and C-4 to CD (based on C-5 and RM-70) and from CG-1 and C-4 to CG-1
- **Development Permit**
- **Housing Agreement**
to permit the development of a 5-storey mixed-use building consisting of 35 rental apartment units and 641 square metres of ground-floor commercial space.

LOCATION:

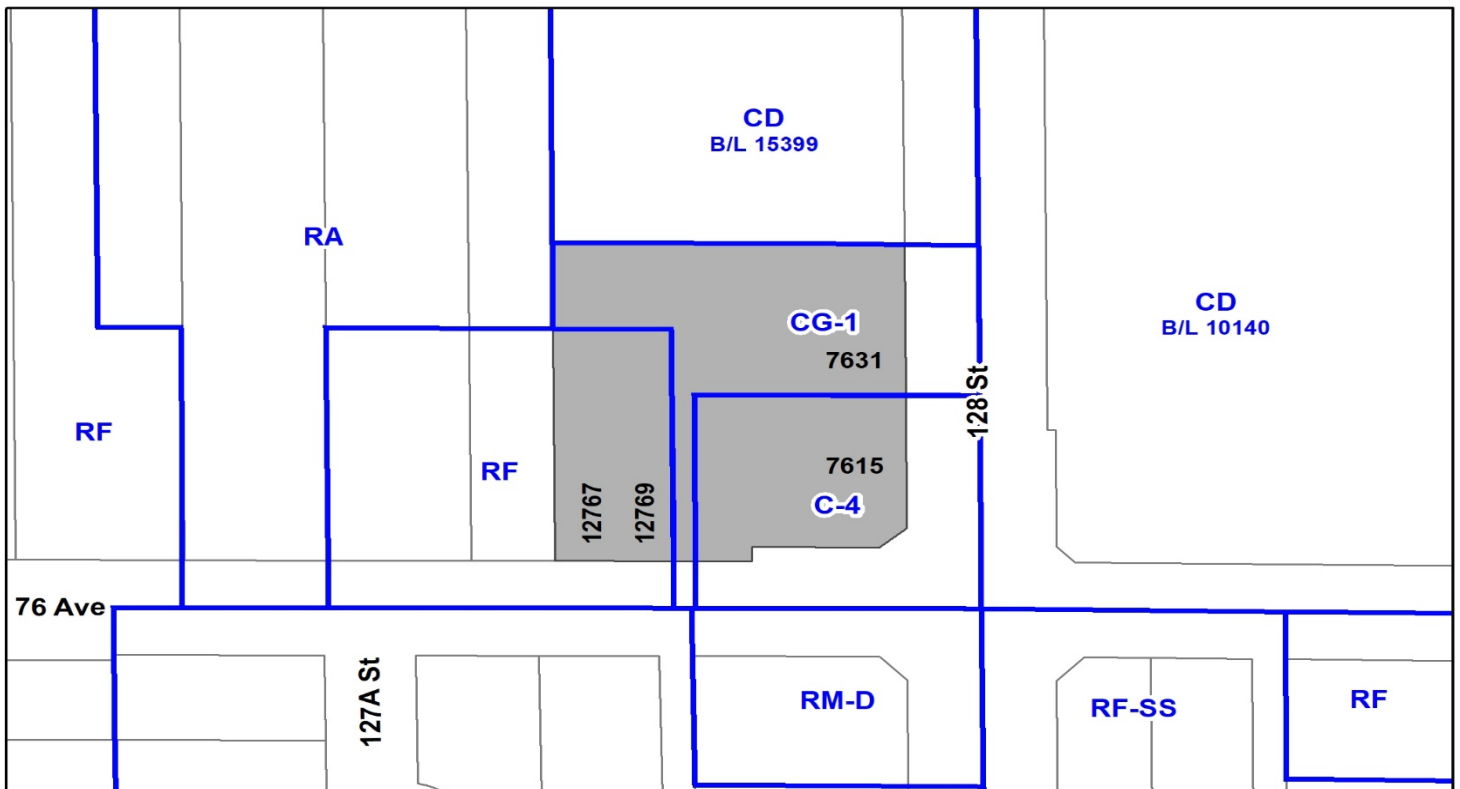
12767 - 76 Avenue
 (12769 - 76 Avenue)
 7615 - 128 Street
 7631 - 128 Street

ZONING:

RF, CG-1 & C-4

OCP DESIGNATION:

Industrial & Urban



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
 - OCP Amendment; and
 - 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

- Proposing an amendment to the Official Community Plan (OCP) for a portion of the site from Urban to Multiple Residential

RATIONALE OF RECOMMENDATION

- The proposal complies with the General Urban designation in the Metro Vancouver Regional Growth Strategy (RGS).
- The building form and character respect the surrounding land use context while providing rental apartment units and neighbourhood, pedestrian-oriented commercial amenities.
- 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 proposed 35 market rental apartment units will enhance the housing variety in the community and will help achieve the policies and objectives identified in the OCP and the Affordable Housing Strategy.
- The location is close to a number of existing neighbourhood amenities including the Newton Athletic Park, elementary schools, transit routes and commercial services, making it a good location for rental housing.

RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to amend the OCP Figure 3: General Land Use Designations for the portion of the site that is designated Urban in the OCP from Urban to Multiple Residential and a date for Public Hearing be set.
2. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 475 of the Local Government Act.
3. A By-law be introduced to rezone the portion shown as Block A on the attached Survey Plan (Appendix I) from "Single Family Residential Zone (RF)", "Self-Service Gasoline Station Zone (CG-1)", and "Local Commercial Zone (C-4)" to "Comprehensive Development Zone (CD)" and a date for Public Hearing be set.
4. A By-law be introduced to rezone the portion shown as Block B on the attached Survey Plan (Appendix I) from "Local Commercial Zone (C-4)" and "Self-Service Gasoline Station Zone (CG-1)" to "Self-Service Gasoline Station Zone (CG-1)" and a date for Public Hearing be set.
5. Council authorize staff to draft Development Permit No. 7920-0041-00 generally in accordance with the attached drawings (Appendix II).
6. The Housing Agreement By-law will be brought forward at this time for introduction, first, second, and third reading.
7. 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) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department;

- (h) submission of an acoustical report for the units adjacent to 128 Street and registration of a Section 219 Restrictive Covenant to ensure implementation of noise mitigation measures.; and
- (i) registration of a Section 219 Restrictive Covenant to ensure that, if the rental use is discontinued in the future, the City's needs with respect to Community Amenity Contributions (CAC), including Affordable Housing, Capital Projects and Tier 2 Capital Plan Project CACs, will be adequately met, to the satisfaction of the General Manager, Planning & Development Department.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Gas station, Local Commercial building and duplex	Urban and Industrial	C-4, CG-1 and RF
North:	Industrial building	Industrial	CD Bylaw No. 15399
East (Across 128 Street):	Industrial buildings	Industrial	CD Bylaw No. 10140
South (Across 76 Avenue):	Single family residential and duplexes	Urban	RM-D and RF-SS
West:	Single family lots under Development Application No. 7916-0493-00, at Third Reading, to permit a commercial and industrial development	Urban and Industrial	RF and RA

Context & Background

- The subject site is 4,197 square metres in size and is located at the northwest corner of 76 Avenue and 128 Street in Newton. The site consists of three (3) existing lots: the northerly lot at 7631 128 Street is an existing gas station zoned CG-1, the southeasterly lot at 7615 128 Street has an existing local commercial building and is zoned C-4. The southwesterly lot at 12767 and 12769 76 Avenue is an existing duplex lot zoned RF.

- The site is split-designated, Industrial in the northern portion and Urban in the southern portion in the Official Community Plan (OCP). There is no secondary plan for this area of Newton.
- The site to the west of the subject site is under Development Application No. 7916-0493-00. This development is at Third Reading and the applicant is proposing two (2) commercial buildings on 76 Avenue and three (3) industrial buildings.
- The southern portion of the site is proposed to be redeveloped to accommodate the proposed 4-storey mixed-use building; the site is proposed to be subdivided so that a new lot is created for the proposed mixed-use development, and a reconfigured lot will remain for the existing gas station.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant proposes the following to accommodate the development of a four-storey mixed-use building consisting of 35 market rental apartment units and 641 square metres of ground-floor commercial space:
 - OCP amendment for a portion of the site from Urban to Multiple Residential;
 - Rezoning of Block A as shown on the Survey Plan attached as Appendix I from RF, C-4 and CG-1 to CD (based on RM-70 and C-5);
 - Rezoning a portion of Block B as shown on the Survey Plan attached as Appendix I from C-4 to CG-1;
 - From & Character Development Permit to facilitate the development of a 5-storey mixed-use building with 35 rental apartment units and commercial ground floor space; and
 - Subdivision from the existing three lots into two new proposed lots: one for the proposed mixed-use building, and one for the existing gas station.

	Proposed
Lot Area	
Gross Site Area:	4,197.23 m ²
Road Dedication:	168.47 m ²
Net Site Area:	4,028 m ²
Number of Lots:	2
Building Height:	18.6 m
Unit Density:	61.73 upa
Floor Area Ratio (FAR):	1.50
Floor Area	
Residential:	2,810.19 m ²
Commercial:	641.61 m ²
Total:	3,451.78 m ²
Residential Units:	
1-Bedroom:	20
2-Bedroom:	15
Total:	35

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 8 of school-age children generated by this development, of which the School District has provided the following expected student enrollment.

5 Elementary students at Dr. F.D. Sinclair Elementary School
2 Secondary students at Princess Margaret 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 October 2026.

Parks, Recreation & Culture: The closest active park is Newton Athletic Park with amenities including outdoor sport fields, outdoor sport courts and playgrounds and is 275 metres away. The closest natural area is East View Trail Park and is 655 metres away.

Surrey Fire Department: No concerns.

Advisory Design Panel: The proposal was considered at the ADP meeting on June 9, 2022 and was supported. The applicant has resolved 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

- The subject site is located at the northwest corner of 76 Avenue (Collector road) and 128 Street (arterial road). Approximately 1.942 metres width of dedication is required along a portion of 76 Avenue fronting the site, and 1.5 metres width of dedication on 128 Street.
- Vehicular access is proposed on 76 Avenue to the south for the new proposed building. The existing gas station will retain its access on 128 Street to the east.

- The nearest transit route is Route No. 323 – Newton Exchange / Surrey Central, on 128 Street, abutting the subject site.
- 76 Avenue is a bike route with bike lanes.

Sustainability Considerations

- The applicant has met all of the typical sustainable development criteria, as indicated in the Sustainable Development Checklist.

POLICY & BY-LAW CONSIDERATIONS

Regional Growth Strategy

- The proposal complies with the General Urban and Industrial designations in the RGS.

Official Community Plan

Land Use Designation

- An OCP amendment is proposed on a portion of the site; the (southern) portion of the site designated Urban is proposed to be redesignated to Multiple Residential.

Amendment Rationale

- The proposed 35 market rental apartment units will enhance the housing variety in the community and will help achieve the policies and objectives identified in the OCP and the Affordable Housing Strategy.
- The property location is close to a number of existing neighbourhood amenities including the Newton Athletic Park, elementary schools, transit routes and commercial services, making it a good location for rental housing.
- The proposed development will be exempt from the Tier 1 and Tier 2 Capital Plan Project CACs for proposed density greater than the OCP designation, as described in the Community Amenity Contribution section of this report, since the proposal is for rental housing with a Housing Agreement.
- Pursuant to Section 475 of the Local Government Act, it was determined that it was not necessary to consult with any persons, organizations, or authorities with respect to the proposed OCP amendment, other than those contacted as part of the pre-notification process.

Themes/Policies

○ Growth Management

- Sensitive Infill: Permit gradual and sensitive residential infill within existing neighbourhoods, particularly in areas adjacent to Town Centres, in order to support significant transit improvements, utilize existing transportation infrastructure and implement improvements to the public realm (OCP Policy A3.1).

(The subject site is located between the Newton Town Centre and the Scott Road corridor and is on a transit route, in a location where a variety of amenities are available including parks, schools, and commercial services.)

○ Centres, Corridors and Neighbourhoods:

- Healthy Neighbourhoods: Develop complete, accessible, and walkable green neighbourhoods through sensitive redevelopment within existing neighbourhoods (OCP Policy B4.1).

(The subject site is located in a neighbourhood with a variety of amenities including public transit).

○ Affordable Housing:

- Encourage and support the development of new purpose-built rental apartments (OCP Policy F.3.14).

(All of the apartment units are proposed to be market rental apartments secured with a 60 year Housing Agreement).

CD By-law

- The applicant proposes to rezone the portion of the site identified as Block A on the Survey Plan attached as Appendix I from "Single Family Residential Zone (RF)", "Self-Service Gasoline Station Zone (CG-1)", and "Local Commercial Zone (C-4)" to "Comprehensive Development Zone (CD)" (based on "Multiple Residential 70 Zone (RM-70)" and "Neighbourhood Commercial Zone (C-5)").
- The applicant is proposing a "Comprehensive Development Zone (CD)" to accommodate a proposed mixed-use development 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)" and the "Neighbourhood Commercial Zone (C-5)".
- A comparison of the density, lot coverage, setbacks, building height and permitted uses in the RM-70 Zone, C-5 Zone and the proposed CD By-law is illustrated in the following table:

	Permitted and/or Required.		Proposed
	RM-70	C-5 Zone	
Floor Area Ratio:	1.5	0.5	1.50
Lot Coverage:	33%	50%	50%
Permitted Uses:	RM-70: Multiple unit residential buildings, ground-oriented multiple unit residential buildings and childcare centres. C-5: Neighbourhood scale commercial uses (list in details in Section B.1 and B.2 of the C-5 Zone)		Multiple unit residential buildings, and all uses permitted under Section B.1 of the C-5 Zone with the exception of Neighbourhood Pub and Gymnasium. The CD By-law will also restrict eating establishment to a maximum floor area of 150 square metres.
Yards and Setbacks			
Front:	7.5 m	7.5 m	3.0 m
Rear:	7.5 m	7.5 m	4.0 m
Side Flanking:	7.5 m	7.5 m	4.0 m
Side:	7.5 m	7.5 m	10.0 m
Height of Buildings			
Principal buildings:	50 m	9 m	19 m
Amenity Space			
Indoor Amenity:	105 m ²		112 m ²
Outdoor Amenity:	105 m ²		136 m ²
Parking (Part 5)	Required		Proposed
Number of Stalls			
Commercial:	18		18
Residential:	49		42
Residential Visitor:	7		4
Total:	74		64
Bicycle Spaces			
Residential Secure Parking:	42		42
Residential Visitor:	6		9

- The street-facing building setbacks are reduced from what is permitted in the RM-70 and C-5 Zones. These setbacks are appropriate in order to create a more urban streetscape and allow for surveillance of the public realm.
- The proposed CD Bylaw restricts the size of eating establishments to a maximum of 150 square metres. This restriction is due to the limited parking on the site, as larger-sized eating establishments require a higher parking requirement. For the same reason, neighbourhood pubs are not permitted in the proposed CD Zone.
- The parking rate is reduced for residential units in the CD Bylaw, to the rates established in Corporate Report R077, 1.1 stalls for residential units, and 0.1 stalls for residential visitor.

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 regarding the occupancy of dwelling units.
- The attached Housing Agreement (Appendix VIII) will be adopted by By-law and registered as a Notice on Title. The agreement will restrict the 35 proposed apartment units in the building to a rental tenure for a minimum period of 60 years from the date when an Occupancy Permit is issued for the building.
- 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 By-law will be brought forward at this time for introduction, first, second, and third reading.

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 consists entirely of 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.
- 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

- Purpose-built rental housing projects are exempted from Surrey's Private Development Public Art Policy & Program requirements.

Deferred Contribution Restrictive Covenant

- A Section 219 Restrictive Covenant is required to be registered on the title of the property to ensure that, if the rental use is discontinued in the future, the City's needs with respect to CACs, including Affordable Housing, Capital Projects and Tier 1 and Tier 2 Capital Plan Project CACs will be adequately met, to the satisfaction of the General Manager of the Planning & Development Department.

PUBLIC ENGAGEMENT

- Pre-notification letters were sent on September 2, 2021, and the Development Proposal Signs were installed on June 29, 2022. Staff received one response from a neighbourhood resident, who expressed concern regarding traffic along 76 Avenue and questions regarding how the proposal would benefit the community.

Transportation Engineering staff have reviewed the proposal and do not have any concerns regarding increased traffic. The proposed development will include neighbourhood commercial on the ground floor and all of the apartment units are proposed to have a rental housing tenure, secured with a Housing Agreement. Given the need for rental housing and the location in close proximity to a variety of neighbourhood amenities and good transit access, the proposal is supported by staff.

DEVELOPMENT PERMIT

Form and Character Development Permit Requirement

- The proposed development is subject to a Development Permit for Form and Character.
- The proposed development generally complies with the Form and Character Development Permit guidelines in the OCP.
- The building is sited to create a pedestrian-friendly and urban character along the main streets (76 Avenue and 128 Street), with large glazing and two contrasting shades of brick to activate the street.
- The building has a simple and modern form which responds to its context by providing a sweeping curve at the corner of 76 Avenue and 128 Street. The massing is broken up horizontally to reduce the scale impact of the building, with the ground floor commercial units recessed and covered to create a natural canopy and a visual separation between the two uses. The uppermost (fifth) storey is stepped back to provide some visual relief and interest on the façades.
- Finish materials have been chosen to provide this building permanence on the streetscape, durable materials consist of fibre-cement panels, wood-grained cementitious siding and soffits, and brick.

Landscaping

- Landscaping along the street frontages includes a repeating pattern of planting beds and openings for pedestrian circulation, bike racks and benches.
- Ample landscaping including a variety of trees and shrubs are provided.

Indoor Amenity

- 105 square metres of both indoor and outdoor amenity space is required, in accordance with the provisions identified in the Zoning By-law.
- The applicant is proposing 112 square metres of indoor amenity space, exceeding Zoning By-law requirements.
- The indoor amenity space is proposed on the top (fifth) floor of the building and is directly adjacent to the outdoor amenity.

Outdoor Amenity

- The applicant is proposing 136 square metres of outdoor amenity space exceeding Zoning by-law requirements.
- The outdoor amenity space is to be located on the top (fifth) level. There are a variety of seating opportunities for different sizes of gatherings, and a variety of trees and shrubs to help divide the space and add aesthetic appeal.

Outstanding Items

- The applicant has been provided a detailed list identifying these requirements and has agreed to resolve these prior to Final Approval of the Development Permit, should the application be supported by Council.

TREES

- Zudong Bao, ISA Certified Arborist of M2 Landscape Architecture 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	Existing	Remove	Retain
Coniferous Trees			
Douglas Fir	1	1	0
Total	1	1	0
Total Replacement Trees Proposed (excluding Boulevard Street Trees)		2	
Total Retained and Replacement Trees		2	

- The Arborist Assessment states that there is a total of 1 mature tree on the site. This tree cannot be retained, hence the applicant will be required to plant trees on a 2 to 1 replacement ratio. This will require a total of 2 replacement trees on the site. The applicant is proposing 2 replacement trees, exceeding City requirements.
- The Arborist Assessment also states there is a 1 mature tree (Western redcedar) located off site, within the City right of way. It was determined that this tree 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.
- The new trees on the site will consist of a variety of trees including Chinese Dogwood, Shore Pine, Columnar Pin Oak, Ivory Silk Tree and Japanese Zelkova.
- In summary, a total of 2 trees are proposed to be replaced on the site.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Survey Plan
- Appendix II. Site Plan, Building Elevations, Landscape Plans and Perspective
- Appendix III. Engineering Summary
- Appendix IV. School District Comments
- Appendix V. Summary of Tree Survey and Tree Preservation
- Appendix VI. OCP Redesignation Map
- Appendix VII. ADP Comments and Response
- Appendix VIII. Proposed Housing Agreement By-law and Housing Agreement

approved by Shawn Low

Don Luymes
General Manager
Planning and Development

HK/ar

**SURVEY PLAN TO ACCOMPANY CITY OF SURREY
BYLAW NO. _____ OVER PART OF LOT 1 PLAN 18701 &
LOT 1 EXCEPT PT. DED. ROAD ON PLAN LMP12444 &
LOT 2 BOTH OF PLAN 76196 ALL OF SECTION 19
TOWNSHIP 2 NEW WESTMINSTER DISTRICT**

FOR THE PURPOSE OF REZONING

B.C.G.S. 92G026

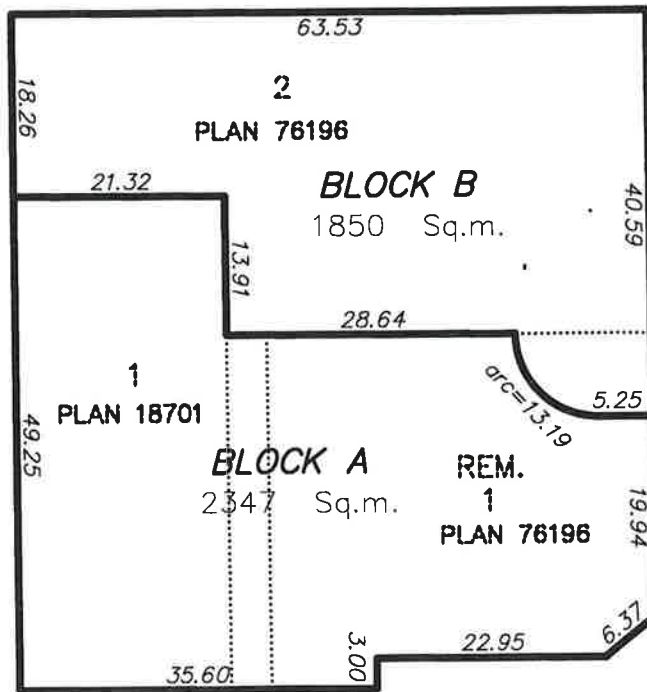
CITY OF SURREY

LEGEND

SCALE

1: 750

*-property dimensions are derived
from field survey*



76th AVENUE

128th STREET

© COPYRIGHT

**DHALIWAL & ASSOCIATES
LAND SURVEYING INC.**

216-12899 76th Avenue

Surrey, B.C.

V3W 1E6

(ph) 501-6188

email: info@dhaliwalsurvey.com

FILE: 1906002-201

**THIS PLAN LIES WITHIN THE
METRO VANCOUVER REGIONAL DISTRICT**



SUKH MINDER S. DHALIWAL B.C.L.S. 756

**THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED**



**BINNING MIXED-USE
DEVELOPMENT**

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

Ankenman Associates Architects Inc.
12321 Beecher St., Crescent Beach, BC V4A 3A7 604.536.1600

Development For L & J BINNING ENTERPRISES LTD.

RENDERING

1902

JULY 18, 2023	SURREY FILE # 20-0041	IK
APR 25, 2023	REVISED PARCELS	IK
MAR 29, 2023	REVISED ASSESSMENT ENCLOSURE	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
JULY 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	DESCRIPTION

SCALE:
JULY 18, 2023

A0.1



1 SOUTH-EAST PERSPECTIVE
SCALE: A0.2



2 SOUTH-WEST PERSPECTIVE
SCALE: A0.2



3 NORTH-EAST PERSPECTIVE
SCALE: A0.2



4 NORTH-WEST PERSPECTIVE
SCALE: A0.2



**BINNING MIXED-USE
DEVELOPMENT**

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

Ankenman Associates Architects Inc.
12321 Beecher St., Crescent Beach, BC V4A 3A7 604.536.1600

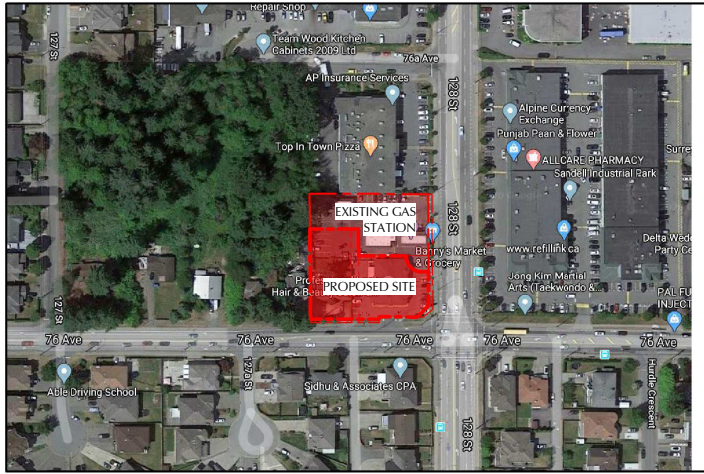
Development For L & J BINNING ENTERPRISES LTD.

PERSPECTIVES

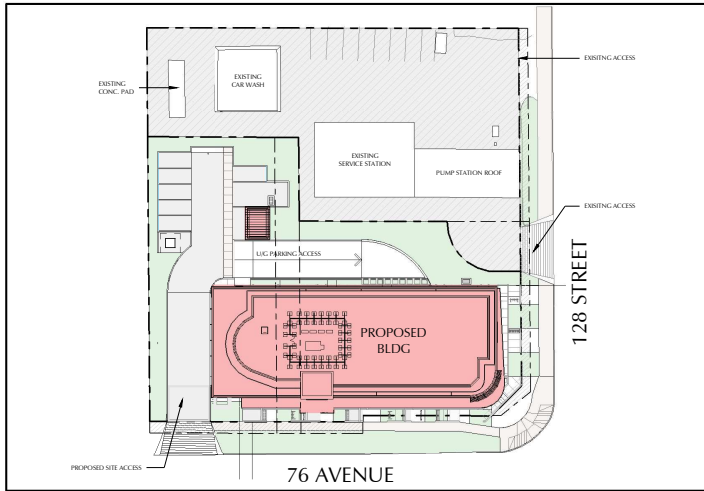
JULY 18, 2023	SURREY FILE # 20-0041	IK
APR. 23, 2023	REVISED PARCALCS	IK
MAR. 29, 2023	REVISED GAS METER ENCLOSURE	IK
SEPT. 16, 2022	RESPONSE TO ADP COMMENTS	IK
SEPT. 16, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	DESCRIPTION

1902 SCALE:
JULY 18, 2023

A0.2



AERIAL PLAN



CONTEXT PLAN



A1. AERIAL VIEW (NORTH-WEST)



A2. AERIAL VIEW (SOUTH-WEST)



A3. AERIAL VIEW (NORTH-EAST)



S1. STREET VIEW LOOKING NORTH



S2. STREET VIEW LOOKING SOUTH



S3. STREET VIEW LOOKING WEST

BINNING MIXED-USE DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

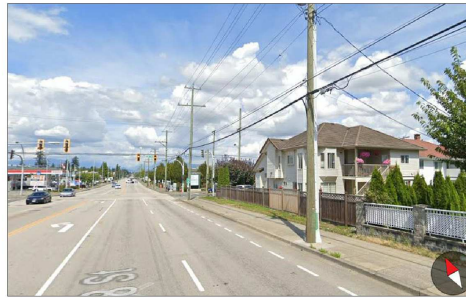
CONTEXT PLANS



APR 15, 2023	SURREY FILE # 20-0041	IK
APR 23, 2023	REVISED PAR CALCS	IK
MAR 29, 2023	REVISED GAS METER ENCLOSURE	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
FEB 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	BY



S4. INTERSECTION OF 128ST & 76 AVE
EXISTING MIXED-USE BLDG ON PROJECT SITE



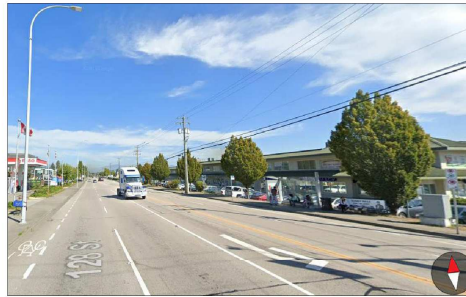
S7. SINGLE-FAMILY RESIDENTIAL BLDGS
SOUTH-EAST OF PROJECT SITE (128ST)



S10. EXISTING MIXED-USE BLDG & SINGLE-FAMILY
RESIDENTIAL BLDG ON PROJECT SITE (76 AVE)



S5. EXITING SERVICE STATION LOCATED ON
PROJECT SITE NORTH OF PROPOSED BLDG (128ST)



S8. 2-STOREY COMMERCIAL BLDG EAST
OF PROJECT SITE (128ST)



S11. SOUTH OF PROJECT SITE LOOKING WEST
ALONG 76AVE



S6. SINGLE-FAMILY RESIDENTIAL BLDGS
SOUTH OF PROJECT SITE (128ST)



S9. 2-STOREY COMMERCIAL BLDG NORTH
OF PROJECT SITE (128ST)



S12. SOUTH-EAST OF PROJECT SITE LOOKING
EAST ALONG 76AVE

AN BINNING MIXED-USE
DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

CONTEXT PHOTOS

JULY 18, 2023	SURREY FILE # 20-0041	IK
APR 23, 2023	REVISED PARCALCS	IK
MAR 29, 2023	REVISED 2-5METER ENCLOSURE	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
JULY 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	DESCRIPTION

FACADE PRECEDENT, HORIZONTAL LAYERING



FACADE PRECEDENT, HORIZONTAL LAYERING

FACADE PRECEDENT, RECESSED BALCONIES



INDOOR/OUTDOOR AMENITY PRECEDENT



FACADE PRECEDENT, CORNER TREATMENT



MATERIAL PRECEDENT, RAILINGS



MATERIAL PRECEDENT, BRICK



BINNING MIXED-USE DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

Ankenman Associates Architects Inc.
12321 Beecher St., Crescent Beach, BC V4A 3A7 604.536.1600

Development For L & J BINNING ENTERPRISES LTD.

PRECEDENTS

JULY 18, 2023	SURREY FILE # 20-0041	IK
APR 23, 2023	REVISED PARCALS	IK
MAR 29, 2023	REVISED 2D MEIR ENCLOSURE	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
JULY 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	DESCRIPTION

1902 SCALE:
JULY 18, 2023

A0.5

SYNOPSIS

ZONING:

EXISTING: LOT 1 CG-1, LOT 2 RF, LOT 3 C-4
 PROPOSED: CD (BASED ON C-5)

LEGAL ADDRESS:

LOT 1 PLAN 18701 & LOT 1 EXCEPT PT DED. ROAD ON PLAN
 LMP 12444 & LOT 2 BOTH OF PLAN 76196 ALL OF SECTION 19
 TOWNSHIP 2 NEW WESTMINSTER DISTRICT

CIVIC ADDRESS:

12767/12769 76TH AVENUE
 7615 & 7631 128TH STREET, SURREY B.C.

EXISTING SITE AREA:

GROSS AREA:		
LOT 1	1,891.99 SM	(20,365.26 SF)
LOT 2	1,049.75 SM	(11,299.37 SF)
LOT 3	1,255.48 SM	(13,513.91 SF)
TOTAL	4,197.23 SM	(45,178.54 SF)
DEDICATION:	168.47 SM	(1,813.38 SF)
NET AREA:	4,028.76 SM	(43,365.16 SF)

PROPOSED SITE AREA:

GROSS AREA:	2,394.32 SM	(25,772.20 SF)
DEDICATION:	99.66 SM	(1,072.73 SF)
NET AREA:	2,294.66 SM	(24,699.47 SF)

SITE COVERAGE

BLDGs & STRUCTURES		
PRINCIPAL BLDG	871.92 SM	
GARBAGE ENCLOSURE	14.96 SM	
TOTAL	886.88 SM	38.65%

PAVED/HARD SURFACE	947.03 SM	41.27%
TOTAL		79.92%

FLOOR AREA (NOT INCL. INDOOR AMENITY)

LEVEL 1	641.61 SM	(6,906.26 SF)
LEVEL 2	783.59 SM	(8,434.44 SF)
LEVEL 3	783.59 SM	(8,434.44 SF)
LEVEL 4	783.59 SM	(8,434.44 SF)
LEVEL 5	459.42 SM	(4,945.11 SF)
TOTAL	3,451.78 SM	(37,154.69 SF)

FLOOR AREA RATIO

3,451.78 SM / 2,294.53 SM = **1.50**

DENSITY

35 UNITS / 0.5670 ACRES = **61.73 UPA**

BUILDING HEIGHT

PRINCIPAL 18.6 M (61.0 FT)

PARKING REQUIRED

COMMERCIAL: 591.13 SM / 100 x 3 = **17.7(18) STALLS**

RESIDENTIAL:

VISITOR	35 x 0.1	= 3.5 (4) STALLS
1 BED	17 x 1.1	= 18.7 (19) STALLS
2 BED/1 BED+DEN	18 x 1.3	= 23.4 (23) STALLS
TOTAL		45.6 (46) STALLS

BICYCLE PARKING REQUIRED

1.2 x 35 UNITS	= 42.0
VISITOR	= 6.0
TOTAL	48.0

AMENITY REQUIRED

INDOOR	3.05M x 35 UNITS = 105 SM
OUTDOOR	3.05M x 35 UNITS = 105 SM

PARKING PROVIDED

COMMERCIAL:	= 11 SURFACE
	= 7 U/G
TOTAL	= 18 STALLS

VISITOR	= 4 U/G
RESIDENTIAL	= 42 U/G
TOTAL	= 46 STALLS
SMALL CARS 6 (13%)	

BICYCLE PARKING PROVIDED

UNDERGROUND	= 42
SURFACE	= 9
TOTAL	51

AMENITY PROVIDED

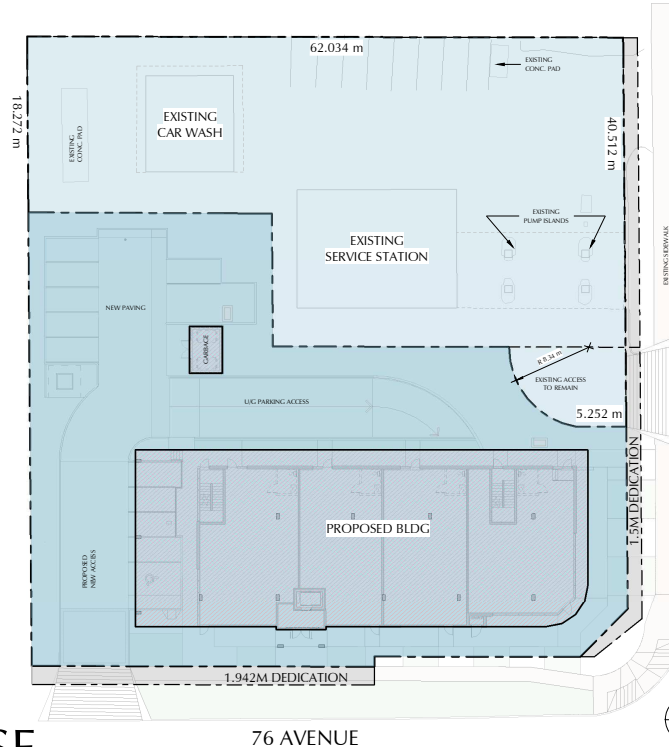
INDOOR	110.95 SM
OUTDOOR	136.22 SM



EXISTING ZONING LEGEND

- LOT 1
CG-1 SELF-SERVICE GASOLINE STATION ZONE
- LOT 2
RF SINGLE FAMILY RESIDENTIAL ZONE
- LOT 3
C-4 LOCAL COMMERCIAL ZONE

2 ZONE KEY PLAN
 A1.1 SCALE: 1/32" = 1'-0"



1 KEY SITE PLAN
 A1.1 SCALE: 1" = 20'-0"

- SITE COVERAGE (BLDGs & STRUCTURES)
- EXISTING SITE AREA
- PROPOSED SITE AREA
- DEDICATION AREA



AN BINNING MIXED-USE DEVELOPMENT

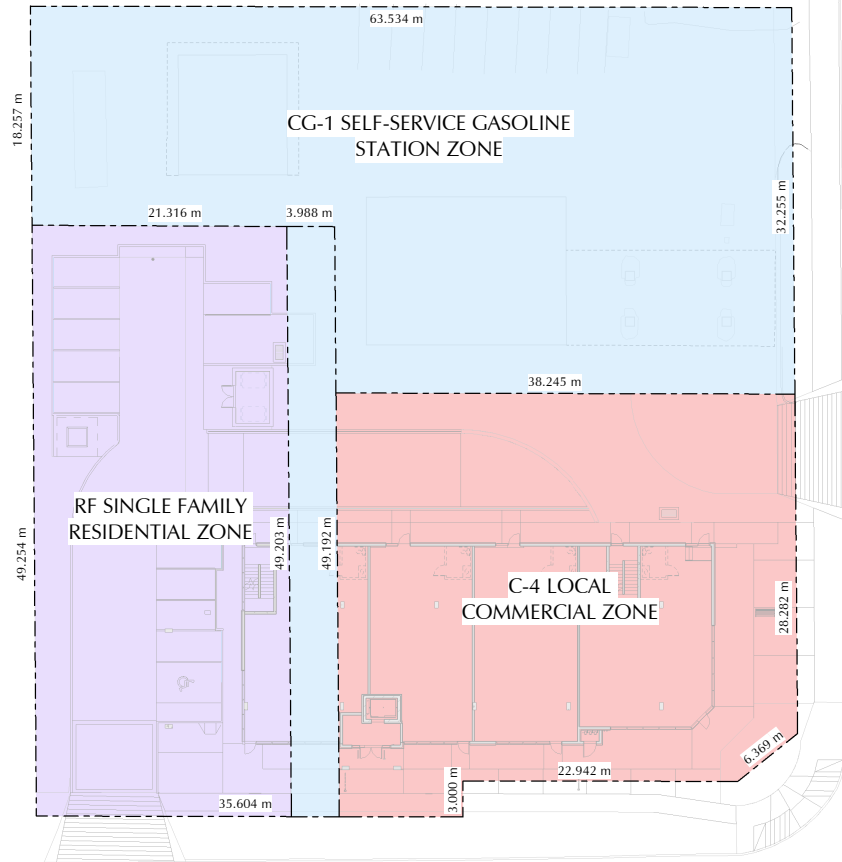
12767/12769 76 AVE. & 7615 & 7631 128 ST.
 SURREY B.C.

SYNOPSIS

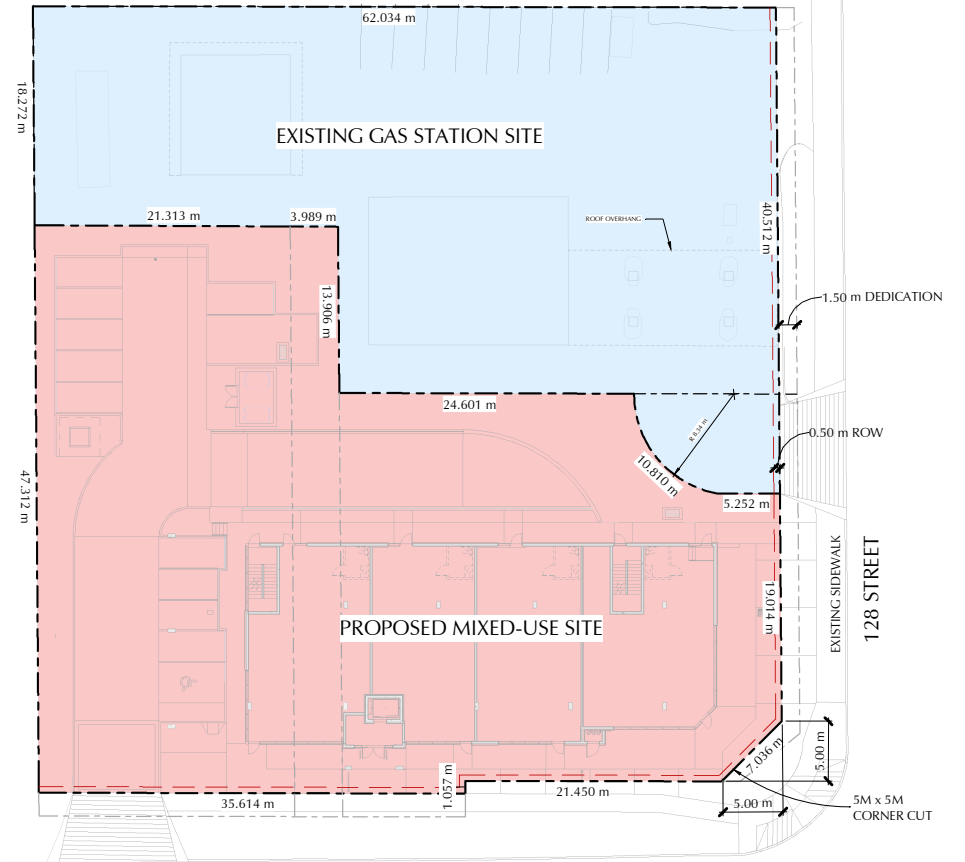
JULY 18, 2023	SURREY FILE # 20-0041	EX
APR 25, 2023	REVISED PARCALS	EX
MAR 29, 2023	REVISED GAS METER ENCLOSURE	EX
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	EX
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	EX
MAY 31, 2022	SUBMISSION FOR ADP	EX
REV	DATE	DESCRIPTION

1902 SCALE: As indicated
 JULY 18, 2023

A1.1



1 CURRENT PROPERTY LINES
SCALE: 1/16" = 1'-0"



2 PROPOSED PROPERTY LINE
SCALE: 1/16" = 1'-0"

LEGEND	
	EXISTING PROPERTY LINE
	PROPOSED PROPERTY LINE



BINNING MIXED-USE DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST. PROPERTY LINE
SURREY B.C. BASE PLAN

JULY 18, 2023	SURREY FILE # 20-0041	IK
APR 25, 2023	REVISED PARCALCS	IK
MAR 29, 2023	REVISED GAS METER ENCLOSURE	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
FEB 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	SUBSCRIPTION

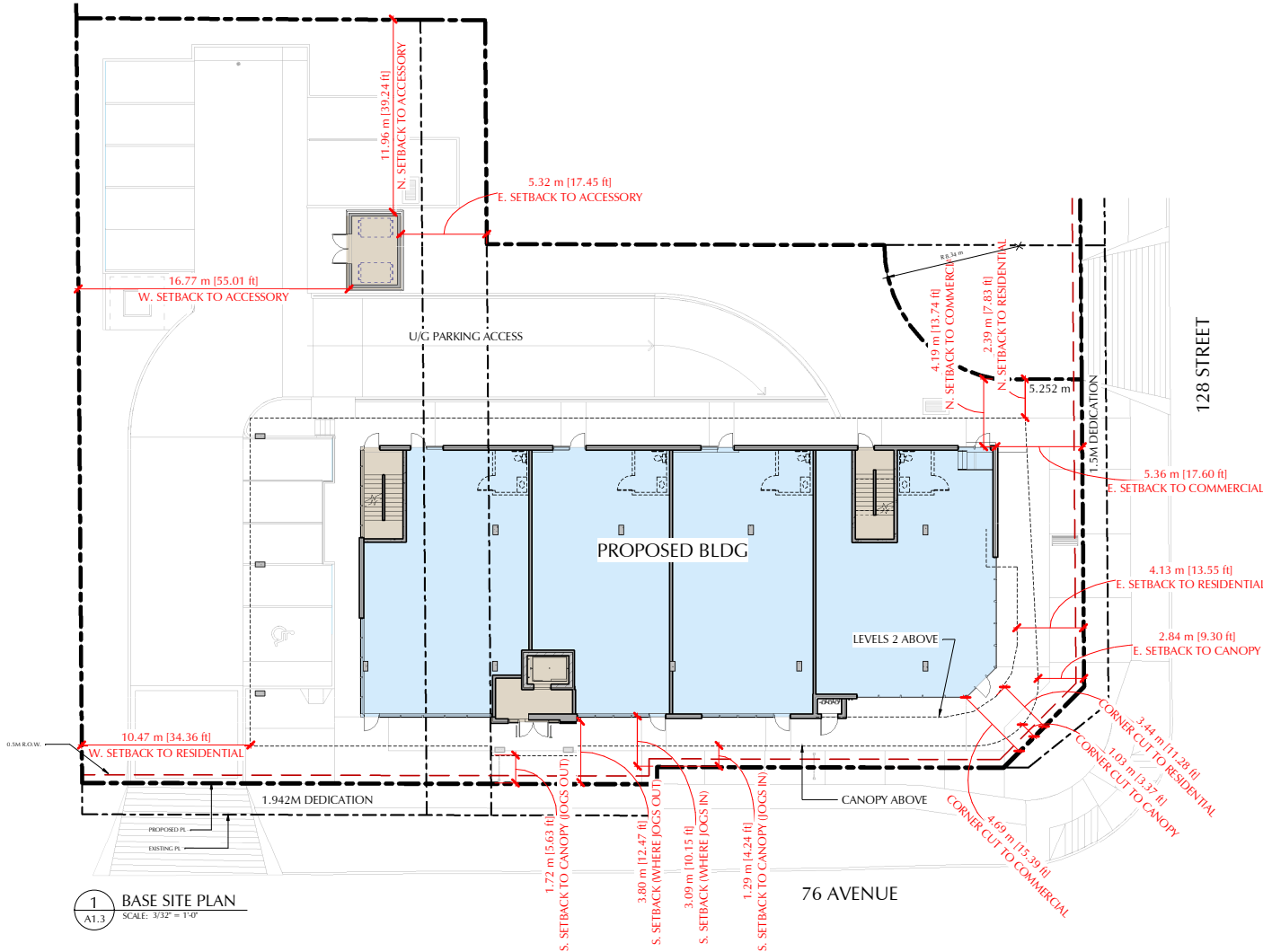
Ankenman Associates Architects Inc.
12321 Beecher St., Crescent Beach, BC V4A 3A7 604.536.1600

Development For L & J BINNING ENTERPRISES LTD.

1902

SCALE: 1/16" = 1'-0"
JULY 18, 2023

A1.2



1 BASE SITE PLAN
AT.3
SCALE: 3/32" = 1'-0"

SETBACKS	
COMMERCIAL (1ST FLOOR)	
NORTH	4.19 M (13.74 FT)
EAST	5.36 M (17.60 FT)
SOUTH (JOGS IN)	3.09 M (10.15 FT)
SOUTH (JOGS OUT)	3.80 M (12.47 FT)
WEST	17.35 M (56.94 FT)
CORNER CUT	4.69 M (15.39 FT)
TO COLUMNS AT LOBBY ENTRY	
SOUTH	1.87 M (6.14 FT)
RESIDENTIAL (2ND & 3RD FLOOR)	
NORTH	2.39 M (7.83 FT)
EAST	4.13 M (13.55 FT)
SOUTH (JOGS IN)	3.09 M (10.15 FT)
SOUTH (JOGS OUT)	3.80 M (12.47 FT)
WEST	10.47 M (34.36 FT)
CORNER CUT	3.44 M (11.28 FT)
CANOPY	
NORTH	-
EAST	2.84 M (9.30 FT)
SOUTH (JOGS IN)	1.29 M (4.24 FT)
SOUTH (JOGS OUT)	1.72 M (5.63 FT)
WEST	-
CORNER CUT	1.87 M (6.15 FT)
ACCESSORY (GARBAGE ENCLOSURE)	
NORTH	11.96 M (39.24 FT)
EAST	5.38 M (17.64 FT)
WEST	16.71 M (54.83 FT)

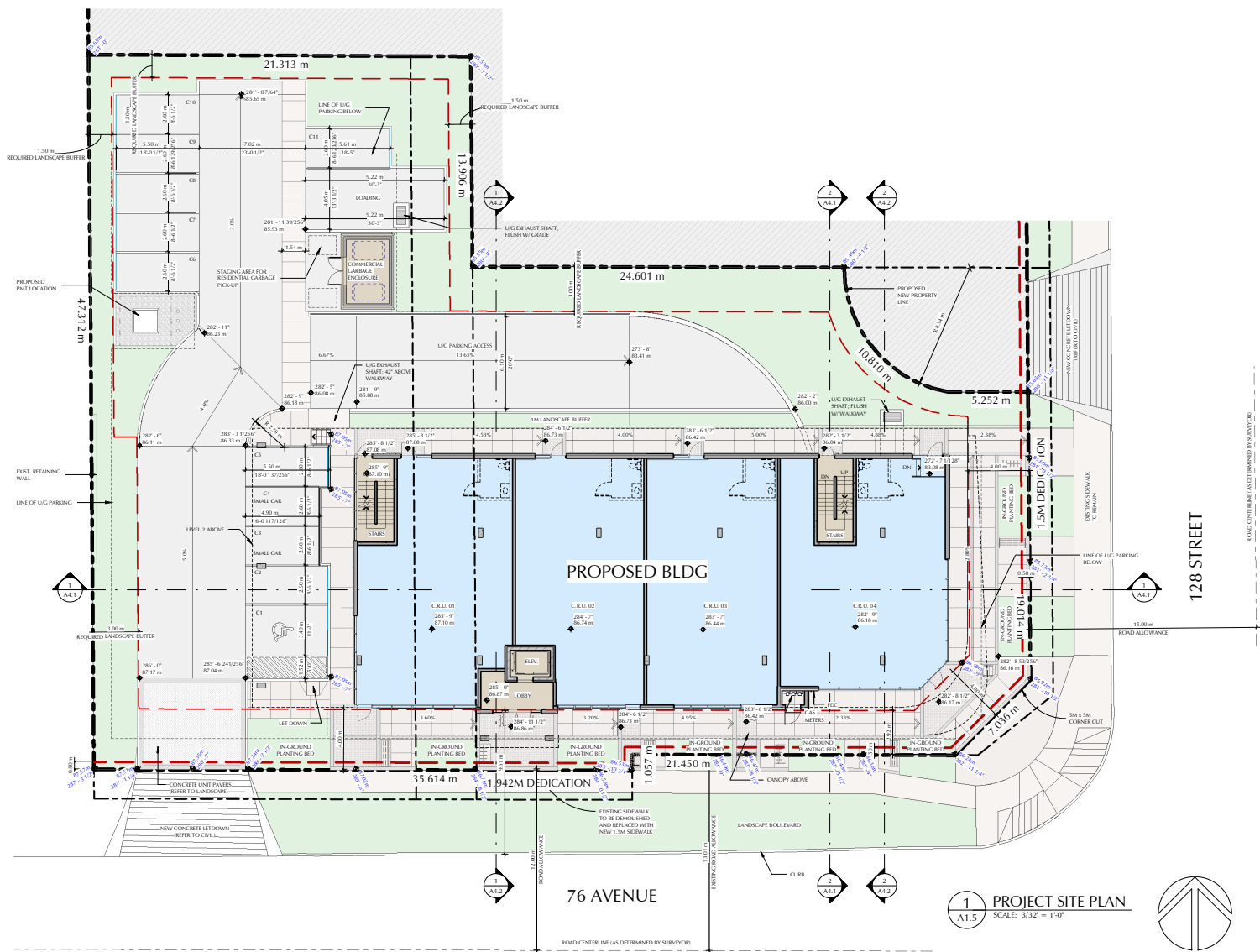
BINNING MIXED-USE DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

SETBACK BASE PLAN



REV	DATE	SUBSCRIPTION	BY
JULY 18, 2023	SURREY FILE # 20-0041	IK	
APR 25, 2023	REVISED PARK CALC	IK	
MAR 29, 2023	REVISED GAS METER ENCLOSURE	IK	
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK	
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK	
FEB 26, 2022	RESPONSE TO ADP COMMENTS	IK	
MAY 31, 2022	SUBMISSION FOR ADP	IK	
REV	DATE	SUBSCRIPTION	BY



1 PROJECT SITE PLAN
SCALE: 3/32" = 1'-0"

BINNING MIXED-USE DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

PROJECT SITE PLAN

Ankenman Associates Architects Inc.
12321 Beecher St., Crescent Beach, BC V4A 3A7 604.536.1600

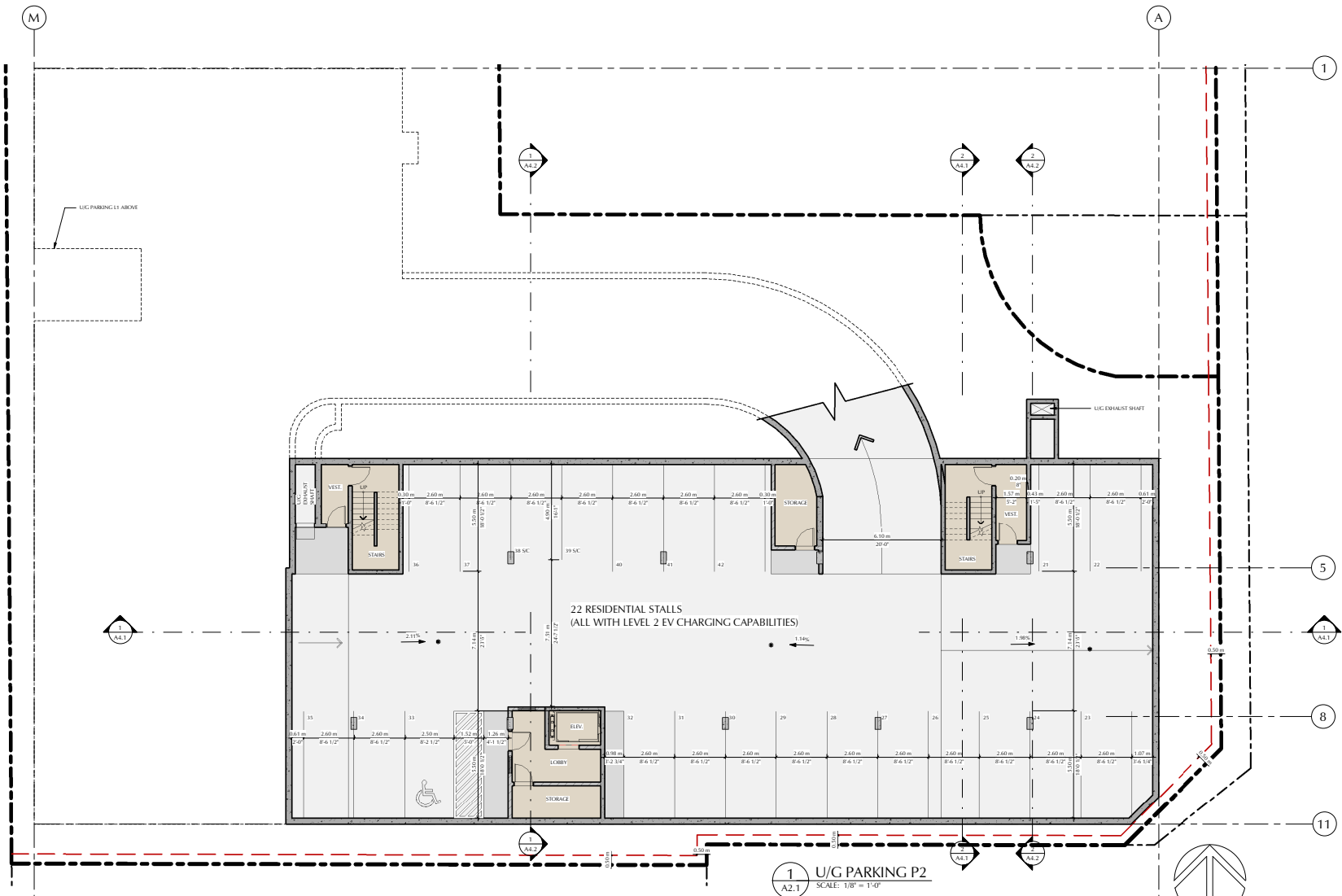
Development For L & J BINNING ENTERPRISES LTD.

1902

SCALE: 3/32" = 1'-0"
JULY 18, 2023

JULY 18, 2023	SURREY FILE # 20-0041	EK
APR 25, 2023	REVISED PARCELS	EK
MAR 29, 2023	REVISED GAS METER ENCLOSURE	EK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	EK
FEB 26, 2022	RESPONSE TO ADP COMMENTS	EK
MAY 31, 2022	SUBMISSION FOR ADP	EK
REV	DATE	DESCRIPTION

A1.5



1 U/G PARKING P2
A2.1 SCALE: 1/8" = 1'-0"

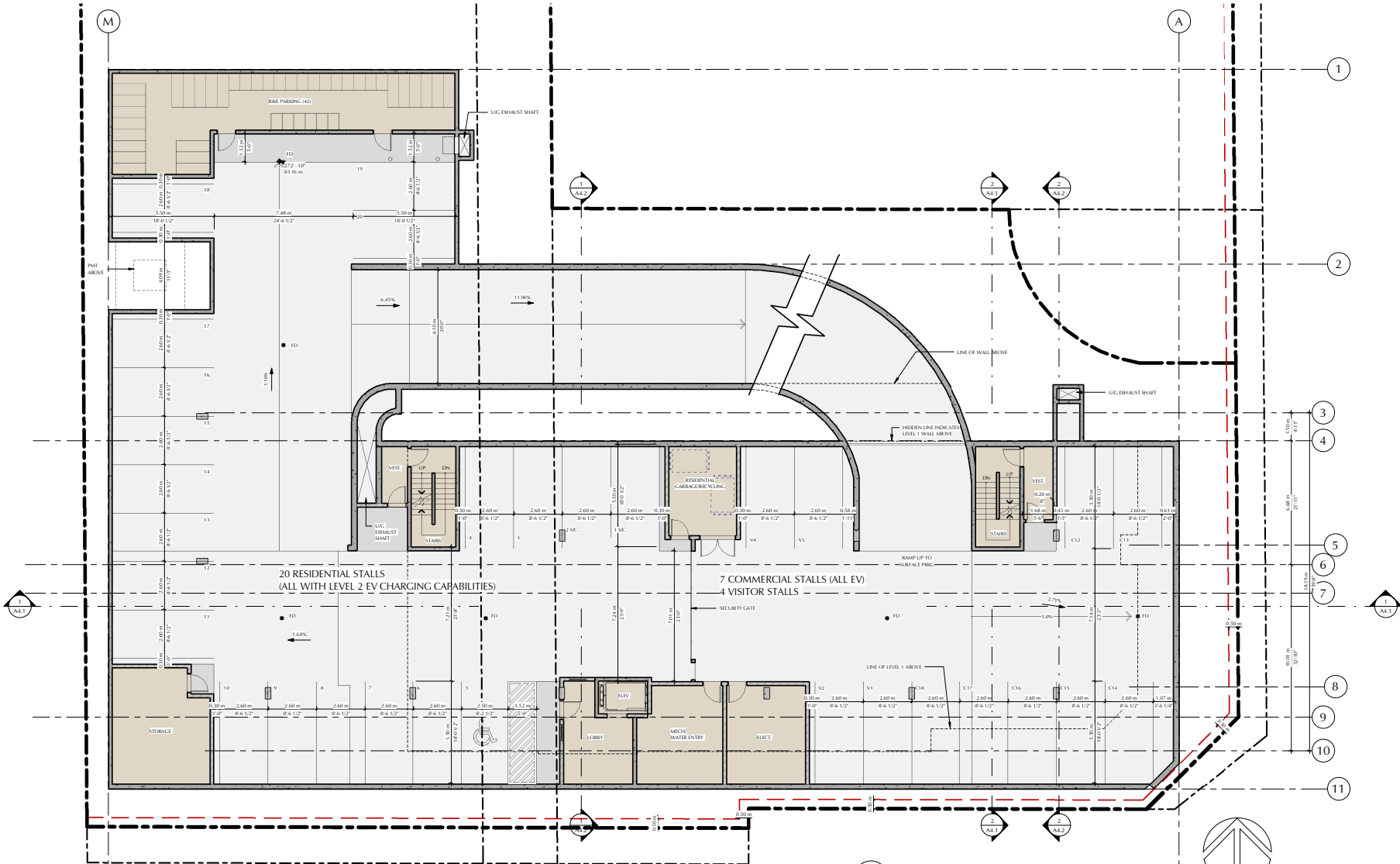


**BINNING MIXED-USE
DEVELOPMENT**

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

U/G PARKING

REV	DATE	SUBSCRIPTION	BY
JULY 18, 2023		SURVEY FILE # 20-0041	EK
APR 25, 2023		REVISED PARCELS	EK
MAR 29, 2023		REVISED GAS METER ENCLOSURE	EK
SEPT 16, 2022		RESPONSE TO ADP COMMENTS	EK
FEB 26, 2022		RESPONSE TO ADP COMMENTS	EK
MAY 31, 2022		SUBMISSION FOR ADP	EK
		DATE	
		SUBSCRIPTION	BY



1 U/G PARKING P1
A.2.2 SCALE: 1/8" = 1'-0"



BINNING MIXED-USE DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

U/G PARKING

REV	DATE	SUBSCRIPTION	BY
JULY 18, 2023	SURREY FILE # 20-0041	IK	
APR 25, 2023	REVISED PARCELS	IK	
MAR 29, 2023	REVISED AND METRIC ENCLOSURE	IK	
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK	
FEB 26, 2022	RESPONSE TO ADP COMMENTS	IK	
MAY 31, 2022	SUBMISSION FOR ADP	IK	

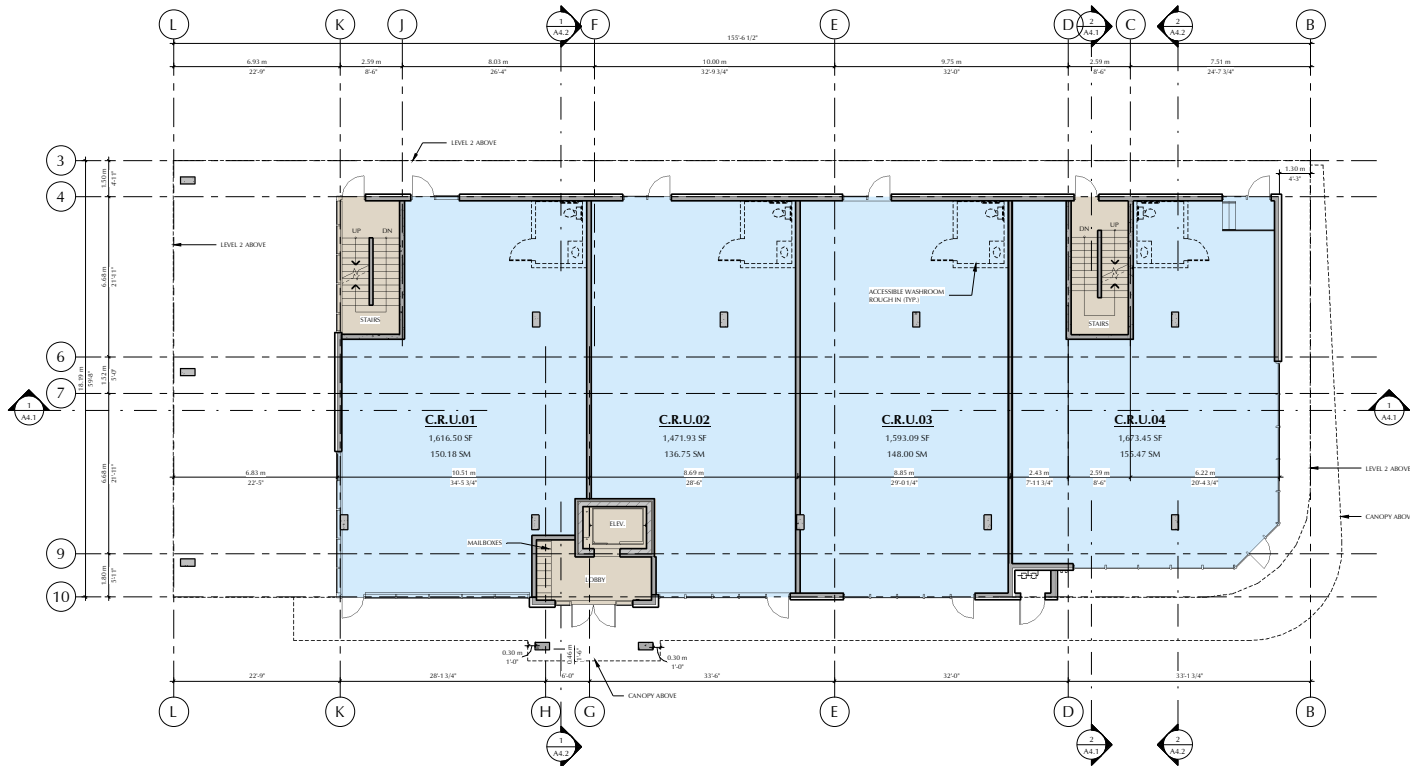
Ankenman Associates Architects Inc.
12321 Beecher St., Crescent Beach, BC V4A 3A7 604.536.1600

Development For L & J BINNING ENTERPRISES LTD.

1902

SCALE: 1/8" = 1'-0"
JULY 18, 2023

A2.2



LEGEND	
	COMMERCIAL
	1 BEDROOM UNITS
	1 BED+DEN UNITS
	2 BEDROOM UNITS
	INDOOR AMENITY
	COMMON

1 LEVEL 1
A2.3 SCALE: 1/8" = 1'-0"



AN BINNING MIXED-USE DEVELOPMENT

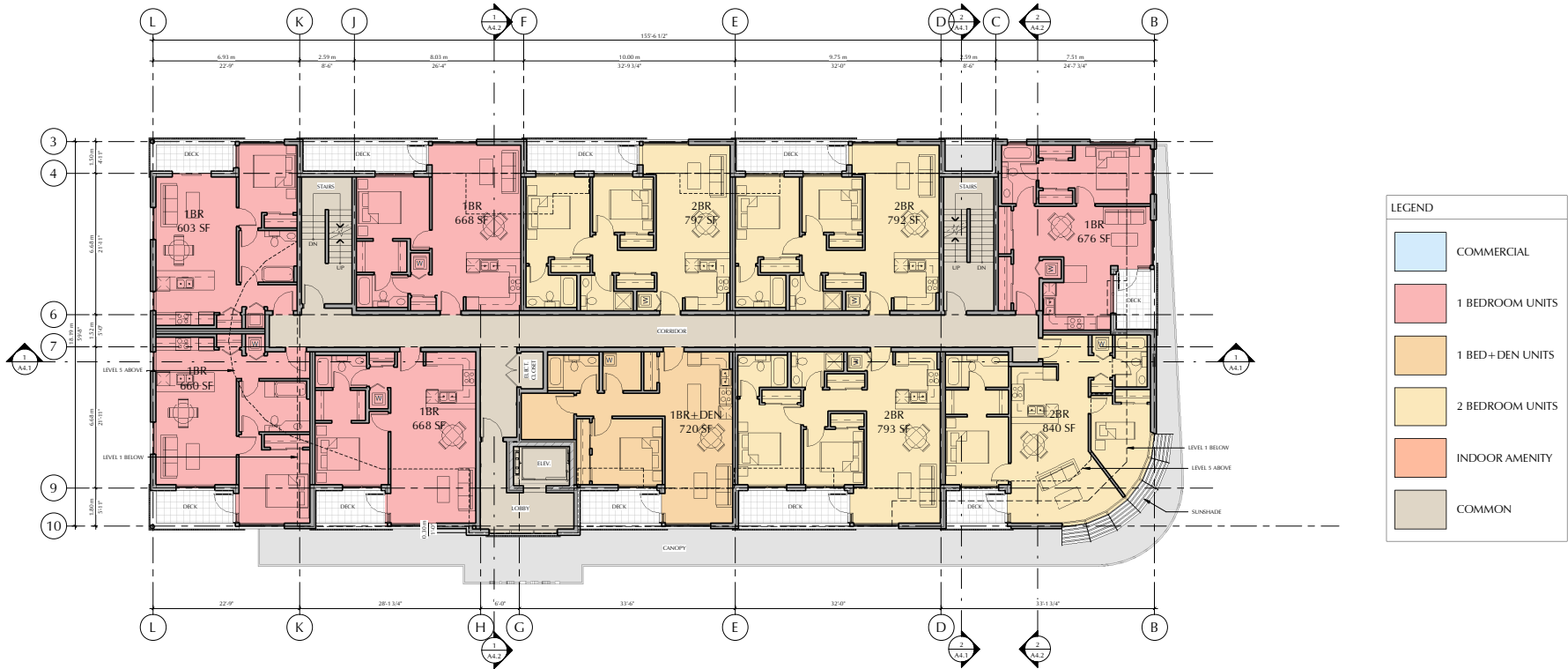
12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

FLOOR PLAN

JULY 18, 2023	SURVEY FILE # 20-0041	IK
	REVISED PARCALES	IK
APR 25, 2023	REVISIONS W/ METRE ENCLOSURE	IK
MAR 29, 2023	RESPONSE TO ADP COMMENTS	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
FEB 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	DESCRIPTION

1902 SCALE: As indicated
JULY 18, 2023

A2.3



1 LEVEL 2 (LEVEL 3 & 4 SIMILAR)
SCALE: 1/8" = 1'-0"



AN BINNING MIXED-USE
DEVELOPMENT

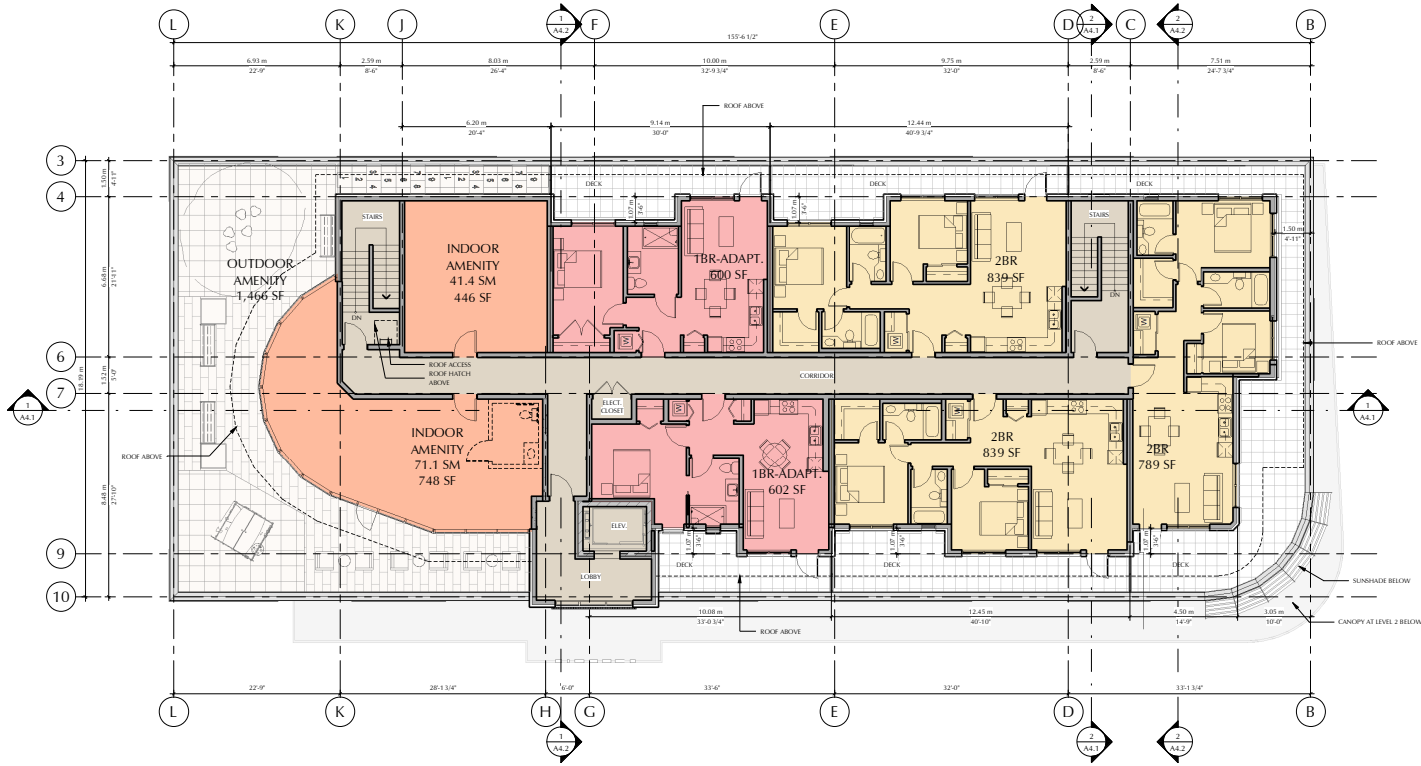
12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

FLOOR PLAN

JULY 18, 2023	SURREY FILE # 20-0041	IK
APR 25, 2023	REVISED PARCALCS	IK
MAR 29, 2023	REVISED GAS METER ENCLOSURE	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
SEPT 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	SUBSCRIPTION
		BY

1902 SCALE: As indicated
JULY 18, 2023

A2.4



LEGEND

	COMMERCIAL
	1 BEDROOM UNITS
	1 BED+DEN UNITS
	2 BEDROOM UNITS
	INDOOR AMENITY
	COMMON

1 LEVEL 5
SCALE: 1/8" = 1'-0"



AN BINNING MIXED-USE
DEVELOPMENT

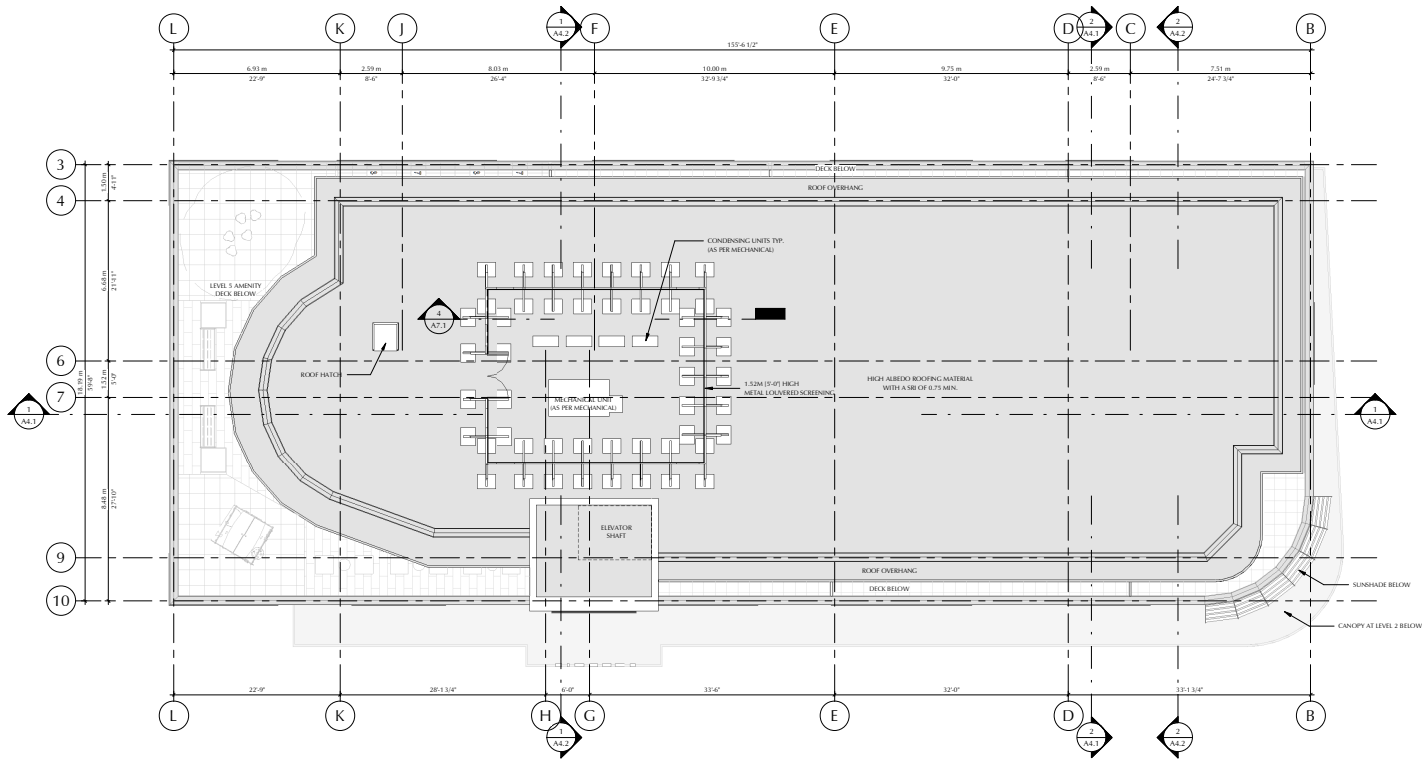
12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

FLOOR PLAN

JULY 18, 2023	SURVEY FILE # 20-0041	IK
APR 25, 2023	REVISED PARCELS	IK
MAR 29, 2023	REVISED GAS METER ENCLOSURE	IK
MAR 29, 2023	RESPONSE TO ADP COMMENTS	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
FEB 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	DESCRIPTION

1902 SCALE: As indicated
JULY 18, 2023

A2.5



1 ROOF
A2.6 SCALE: 1/8" = 1'-0"

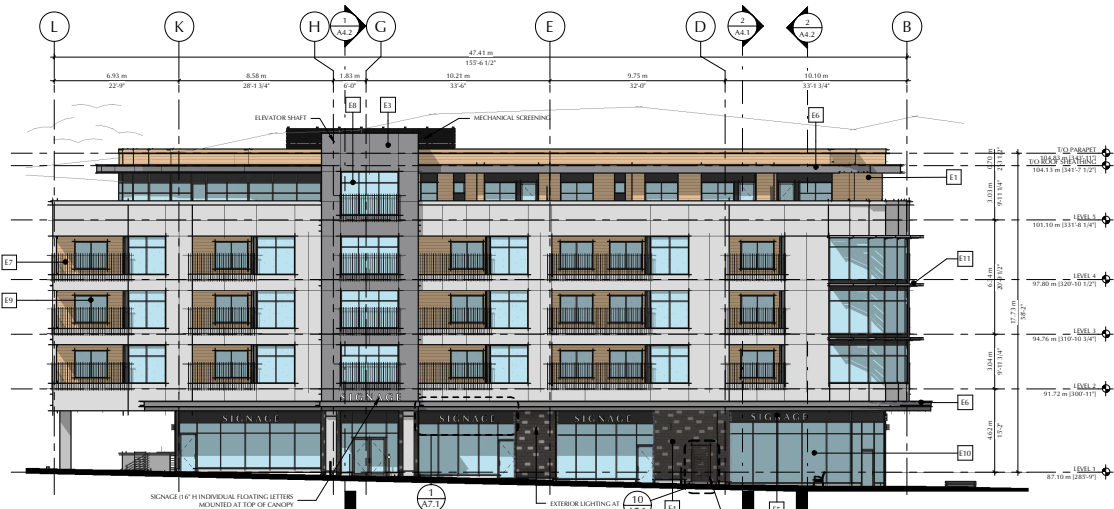


BINNING MIXED-USE DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

ROOF PLAN

JULY 18, 2023	SURVEY FILE # 20-0041	IK
APR 25, 2023	REVISED PAR CALC	IK
MAR 29, 2023	REVISED GAS METER ENCLOSURE	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
FEB 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	DESCRIPTION



1 SOUTH ELEVATION (76 AVE.)
SCALE: 3/32" = 1'-0"



2 EAST ELEVATION (128 ST.)
SCALE: 3/32" = 1'-0"

DP - MATERIAL LEGEND	
KEY #	DESCRIPTION
E1	MATERIAL: HORIZONTALLY INSTALLED CEMENTITIOUS BOARD SIDING 7" EXPOSURE COLOUR: WOODGRAIN FINISH FISHER COATINGS AULTON 210
E2	MATERIAL: CEMENTITIOUS PANEL C/W PAINTED REVEALS (SHARDE 20) COLOUR: TO MATCH BENJAMIN MOORE 2126-60 (GRAY CLOUD)
E3	MATERIAL: CEMENTITIOUS PANEL C/W PAINTED REVEALS (SHARDE 20) COLOUR: TO MATCH BENJAMIN MOORE 2112-40 (STONE)
E4	MATERIAL: BRICK XL INTERSTATE (BLIND) COLOUR: CHARCOAL GRAY SMOOTH 495 PLATINUM MATTIE 135
E5	MATERIAL: INDIVIDUAL INTERNALLY ILLUMINATED CHANNEL LETTERS AND/OR LOGO CENTRE MOUNTED ON WIRING RACKWAY COLOUR: RACKWAY - TO MATCH SIGNAGE BACKING PANEL PANEL - TO MATCH BENJAMIN MOORE 2127-20 (BLACK INK)
E6	MATERIAL: PAINTED STEEL CHANNEL FASCIA COLOUR: TO MATCH BENJAMIN MOORE 2112-40 (STONE)
E7	MATERIAL: PREFINISHED ALUMINUM ROSS VERTICAL PICKETS AT MAX 100mm O/C COLOUR: TO MATCH BENJAMIN MOORE 2127-20 (BLACK INK)
E8	MATERIAL: ALUMINUM WINDOW WALL SYSTEM C/W CLEAR DOUBLE GLAZING COLOUR: MULLIONS - BLACK GLAZING - CLEAR
E9	MATERIAL: WHITE WINDOW/DOOR FRAME C/W CLEAR DOUBLE GLAZING COLOUR: TO MATCH BENJAMIN MOORE BLACK
E10	MATERIAL: THERMALLY BROKEN ALUMINUM STOREFRONT SYSTEM C/W WITH DOUBLE GLAZING COLOUR: TO MATCH BENJAMIN MOORE BLACK
E11	MATERIAL: ANODIZED ALUMINUM HORIZONTAL SUN CONTROL LOUVERS

BINNING MIXED-USE DEVELOPMENT

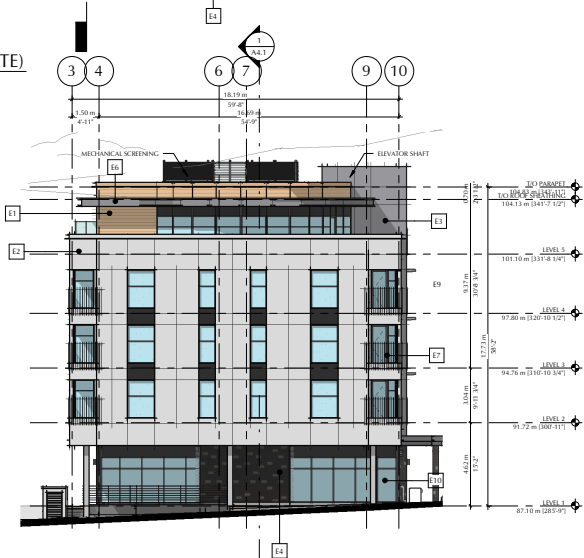
12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

ELEVATIONS

REV	DATE	SUBMISSION FOR ADP	DESCRIPTION
JULY 18, 2023		SURREY FILE # 20-0041	IK
APR 25, 2023		REVISED GAS METER ENCLOSURE	IK
MAR 29, 2023		RESPONSE TO ADP COMMENTS	IK
SEPT 16, 2022		RESPONSE TO ADP COMMENTS	IK
FEB 26, 2022		RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022		SUBMISSION FOR ADP	IK



1 NORTH ELEVATION (FACING EXIST. GAS STATION SITE)
SCALE: 3/32" = 1'-0"



2 WEST ELEVATION (FACING ADJACENT RESIDENTIAL SITE)
SCALE: 3/32" = 1'-0"

DP - MATERIAL LEGEND	
KEY #	DESCRIPTION
E1	MATERIAL: HORIZONTALLY INSTALLED CEMENTITIOUS BOARD SIDING 7" EXPOSURE COLOUR: WOODGRAIN FINISH FISHER COATINGS-AUTUMN 2.0
E2	MATERIAL: CEMENTITIOUS PANEL C/W PAINTED REVEALS (HARDIE 2.0) COLOUR: TO MATCH BENJAMIN MOORE 2126-60 (GRAY CLOUD)
E3	MATERIAL: CEMENTITIOUS PANEL C/W PAINTED REVEALS (HARDIE 2.0) COLOUR: TO MATCH BENJAMIN MOORE 2112-40 (STONE)
E4	MATERIAL: BRICK XL INTERSTATE (ILEND) COLOUR: CHARCOAL GRAY SMOOTH 495 PLATINUM MATTE 155
E5	MATERIAL: INDIVIDUAL INTERNALLY ILLUMINATED CHANNEL LETTERS AND/OR LOGO CENTRE MOUNTED ON WIRING RACKWAY COLOUR: RACKWAY - TO MATCH SIGNAGE BACKING PANEL PANEL - TO MATCH BENJAMIN MOORE 2127-20 (BLACK INK)
E6	MATERIAL: PAINTED STEEL CHANNEL FASCIA COLOUR: TO MATCH BENJAMIN MOORE 2112-40 (STONE)
E7	MATERIAL: PREFINISHED ALUMINUM ROSS VERTICAL PICKETS AT MAX 100mm O/C COLOUR: TO MATCH BENJAMIN MOORE 2127-20 (BLACK INK)
E8	MATERIAL: ALUMINUM WINDOW WALL SYSTEM C/W CLEAR DOUBLE GLAZING COLOUR: MULLIONS - BLACK GLAZING - CLEAR
E9	MATERIAL: VINYL WINDOW/DOOR FRAME C/W CLEAR DOUBLE GLAZING COLOUR: TO MATCH BENJAMIN MOORE BLACK
E10	MATERIAL: THERMALLY BROKEN ALUMINUM STOREFRONT SYSTEM C/W WITH DOUBLE GLAZING COLOUR: TO MATCH BENJAMIN MOORE BLACK
E11	MATERIAL: ANODIZED ALUMINUM HORIZONTAL SUN CONTROL LOUVERS

AN BINNING MIXED-USE
DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

ELEVATIONS

JULY 18, 2023	SURREY FILE # 20-0041	IK
APR 25, 2023	REVISED PAR CALCS	IK
MAR 29, 2023	REVISIONS TO MEET ENCLOSURE	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
FEB 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	DESCRIPTION

1902 SCALE: 3/32" = 1'-0"
JULY 18, 2023

A3.2



E1 MATERIAL: HORIZONTALLY INSTALLED CEMENTITIOUS BOARD SIDING 7" EXPOSURE
COLOUR: WOODGRAIN FINISH FISHER COATINGS AUTUMN 2.0



E2 MATERIAL: CEMENTITIOUS PANEL C/W PAINTED REVEALS (HARDIE 2.0)
COLOUR: TO MATCH BENJAMIN MOORE 2126-60 GRAY CLOUD



E3 MATERIAL: CEMENTITIOUS PANEL C/W PAINTED REVEALS (HARDIE 2.0)
COLOUR: TO MATCH BENJAMIN MOORE 2112-40 STONE



E4 MATERIAL: BRICK 1XL INTERSTATE (BLEND)
COLOUR: CHARCOAL GRAY SMOOTH 85%
 PLATINUM MATTE 15%



E5 MATERIAL: INDIVIDUAL INTERNALLY ILLUMINATED CHANNEL LETTERS AND/OR
 LOGO CENTRE MOUNTED ON WIRING RACEWAY
COLOUR: RACEWAY - TO MATCH SIGNAGE BACKING PANEL
 PANEL - TO MATCH BENJAMIN MOORE 2127-20 BLACK INK



E6 MATERIAL: PAINTED STEEL CHANNEL FASCIA
COLOUR: TO MATCH BENJAMIN MOORE 2112-40 STONE



E7 MATERIAL: PREFINISHED ALUMINUM RAILS VERTICAL PICKETS AT MAX 100mm O/C
COLOUR: TO MATCH BENJAMIN MOORE 2127-20 BLACK INK



E8 MATERIAL: ALUMINUM WINDOW WALL SYSTEM C/W CLEAR DOUBLE GLAZING
COLOUR: MULLIONS - BLACK
 GLAZING - CLEAR



E9 MATERIAL: VINYL WINDOW/DOOR FRAME C/W CLEAR DOUBLE GLAZING
COLOUR: BLACK



E10 MATERIAL: THERMALLY BROKEN ALUMINUM STOREFRONT SYSTEM C/W WITH DOUBLE GLAZING
COLOUR: BLACK



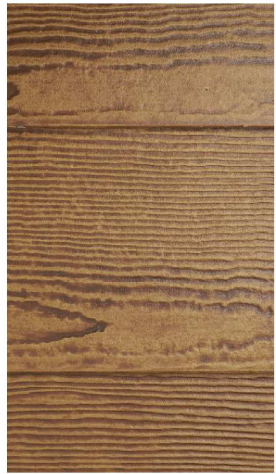
AN BINNING MIXED-USE
 DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST.
 SURREY B.C.

COLOUR BOARD

JULY 18, 2023	SURREY FILE # 20-0041	IK
APR 25, 2023	REVISED PARCALCS	IK
MAR 29, 2023	REVISED 2ND FLOOR ENCLOSURE	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
JULY 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	DESCRIPTION

1902 SCALE: As indicated
 JULY 18, 2023



E1



E2

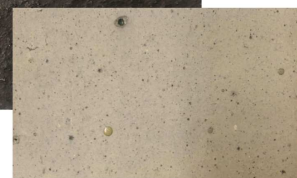


E3

E6



E4



E5

E7



E8

E9

E10



BINNING MIXED-USE DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

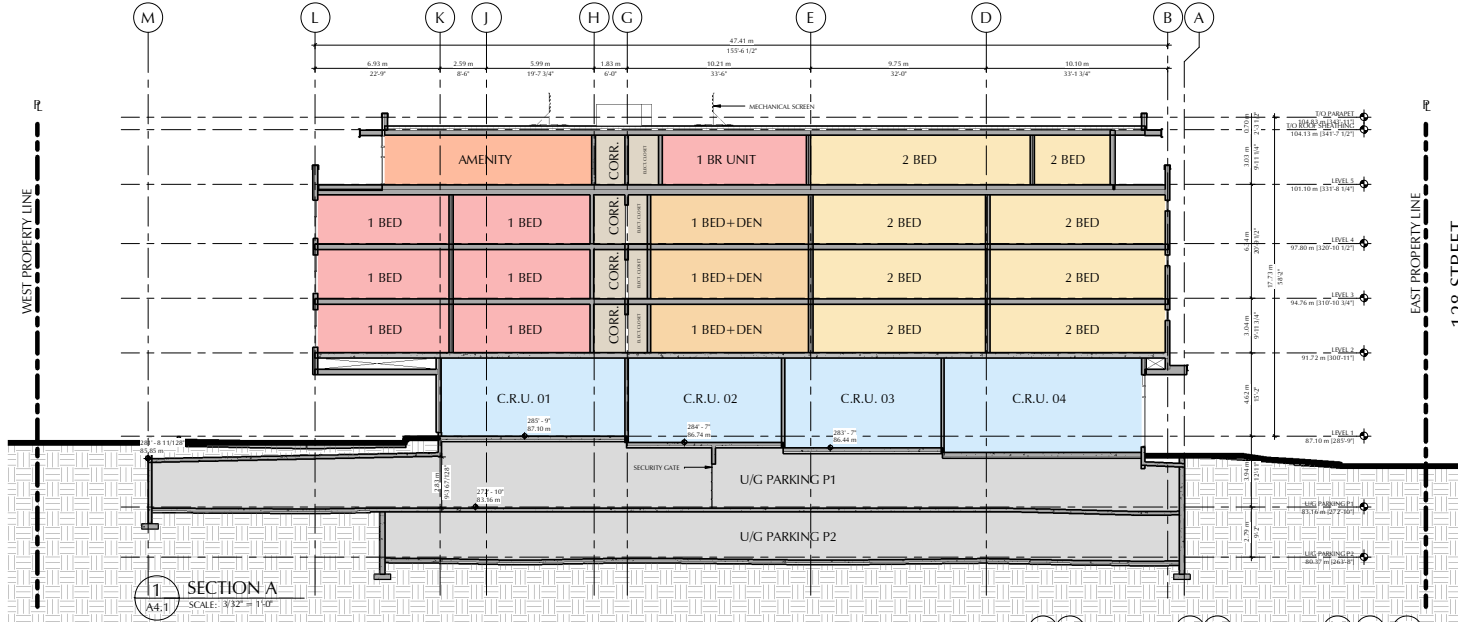
MATERIAL BOARD

JULY 18, 2023	SURREY FILE # 20-0041	IK
APR 23, 2023	REVISED PARCELS	IK
MAR 29, 2023	REVISED ASSESSMENT ENCLOSURE	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
JULY 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	DESCRIPTION

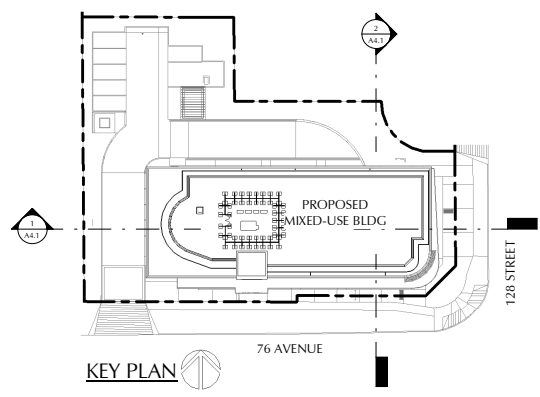
1902

SCALE: As indicated
JULY 18, 2023

A3.4

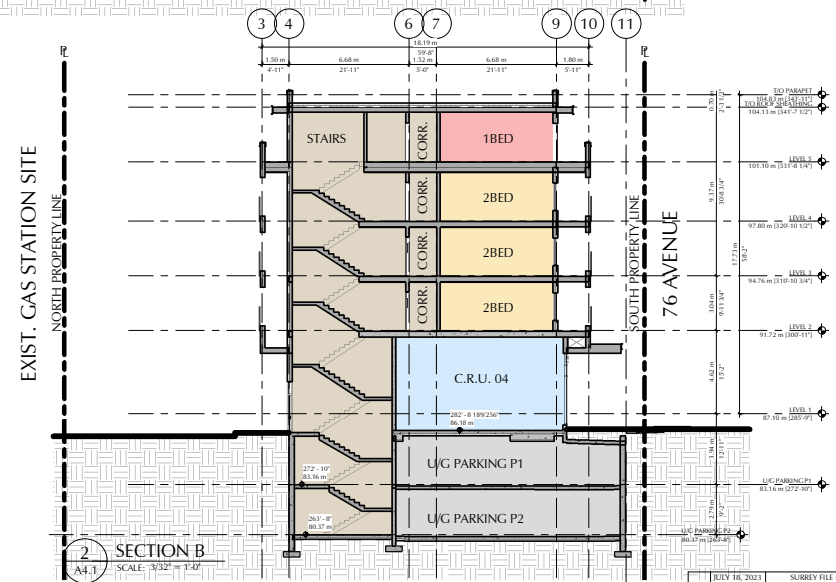


1 SECTION A
SCALE: 3/32" = 1'-0"



LEGEND

	COMMERCIAL
	1 BEDROOM UNITS
	1 BED+DEN UNITS
	2 BEDROOM UNITS
	INDOOR AMENITY
	COMMON



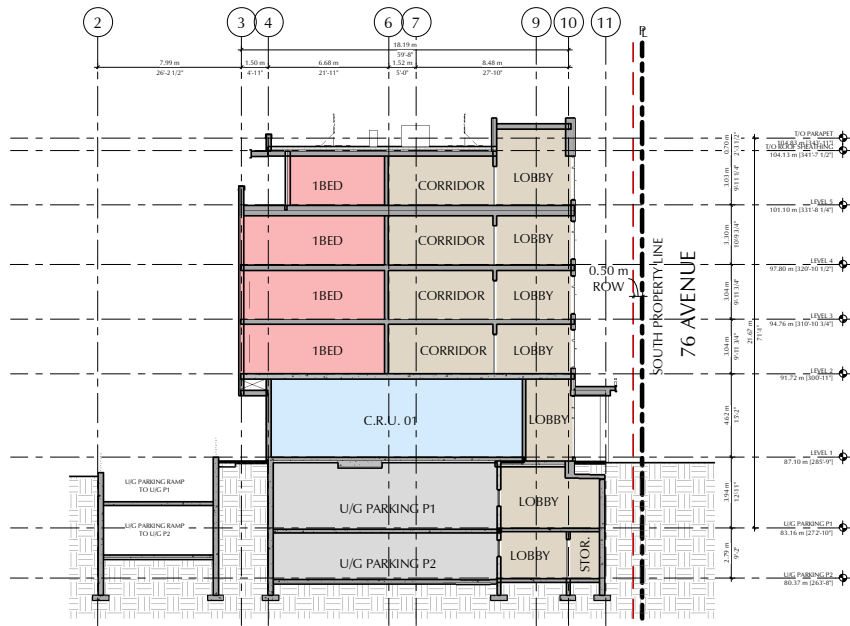
2 SECTION B
SCALE: 3/32" = 1'-0"

BINNING MIXED-USE DEVELOPMENT

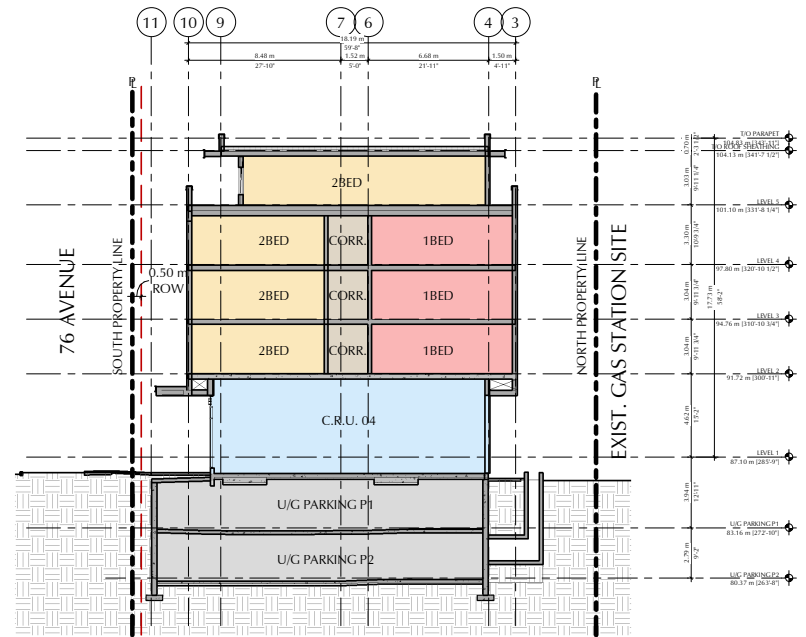
12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

SECTIONS

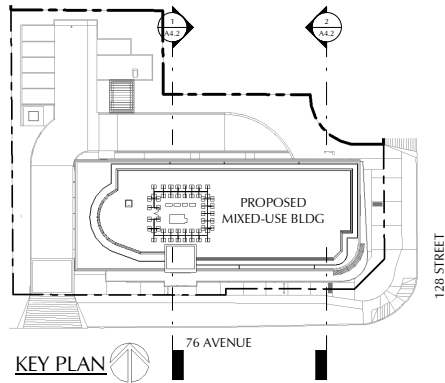
REV	DATE	DESCRIPTION	BY
JULY 18, 2023	SURREY FILE # 20-0041	IK	
APR 25, 2023	REVISED PAR CALCS	IK	
MAR 29, 2023	REVISED GAS METER ENCLOSURE	IK	
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK	
FEB 26, 2022	RESPONSE TO ADP COMMENTS	IK	
MAY 31, 2022	SUBMISSION FOR ADP	IK	
		DESCRIPTION	



1 SECTION C
A4.2 SCALE: 3/32" = 1'-0"



2 SECTION D
A4.2 SCALE: 3/32" = 1'-0"



LEGEND	
	COMMERCIAL
	1 BEDROOM UNITS
	1 BED+DEN UNITS
	2 BEDROOM UNITS
	INDOOR AMENITY
	COMMON

BINNING MIXED-USE DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

Ankenman Associates Architects Inc.
12321 Beecher St., Crescent Beach, BC V4A 3A7 604.536.1600

Development For L & J BINNING ENTERPRISES LTD.

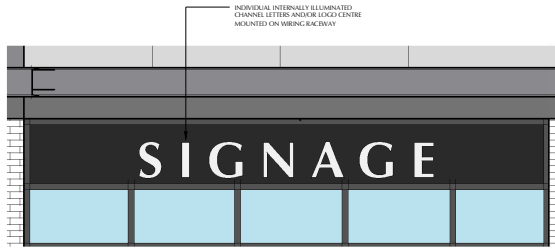
SECTIONS

1902

REV	DATE	DESCRIPTION	BY
JULY 18, 2023	SURREY FILE # 20-0041		EK
APR 25, 2023	REVISED PARCALCS		EK
MAR 29, 2023	REVISED GAS METER ENCLOSURE		EK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS		EK
FEB 26, 2022	RESPONSE TO ADP COMMENTS		EK
MAY 31, 2022	SUBMISSION FOR ADP		EK

SCALE: As indicated
JULY 18, 2023

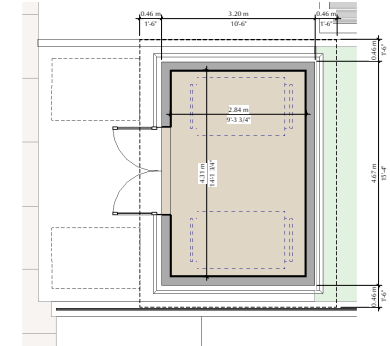
A4.2



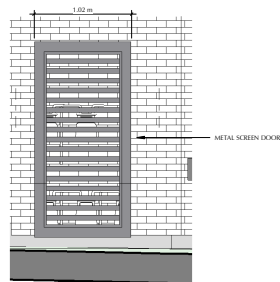
1 FACADE SIGNAGE
SCALE: 1/2" = 1'-0"



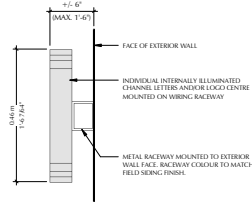
5 GARBAGE ENCLOSURE - 3D VIEW
SCALE:



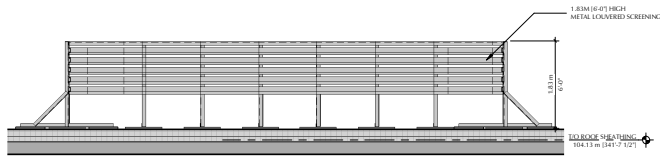
6 GARBAGE ENCLOSURE-PLAN
SCALE: 1/4" = 1'-0"



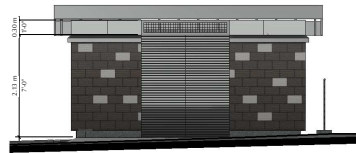
10 GAS METER ENCLOSURE
SCALE: 1/2" = 1'-0"



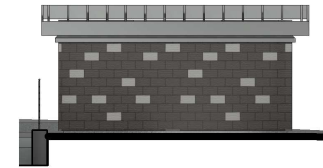
3 SIGNBAND DETAIL
SCALE: 1 1/2" = 1'-0"



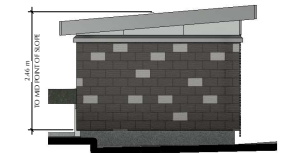
4 MECHANICAL SCREEN DETAIL
SCALE: 1/4" = 1'-0"



7 GARBAGE ENCLOSURE - FRONT
SCALE: 1/4" = 1'-0"

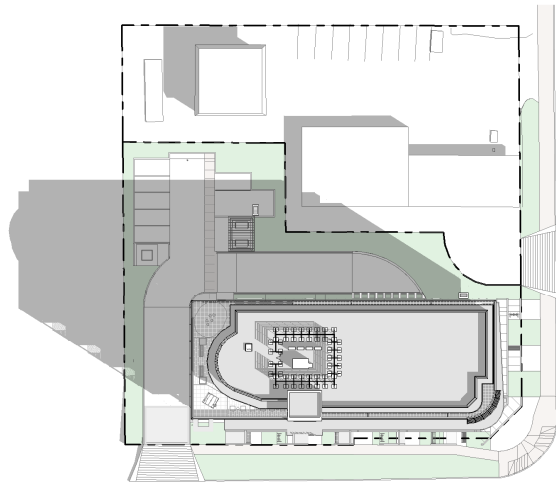


8 GARBAGE ENCLOSURE - BACK
SCALE: 1/4" = 1'-0"

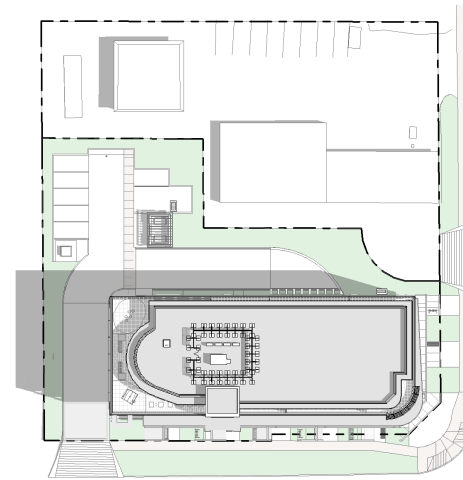


9 GARBAGE ENCLOSURE - SIDE
SCALE: 1/4" = 1'-0"

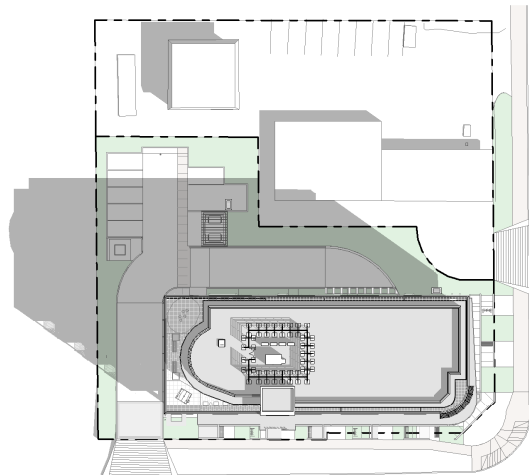
JULY 18, 2023	SURREY FILE # 20-0041	DK
APR 25, 2023	REVISED PAR CALCS	DK
MAR 29, 2023	REVISED GAS METER ENCLOSURE	DK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	DK
FEB 26, 2022	RESPONSE TO ADP COMMENTS	DK
MAY 31, 2022	SUBMISSION FOR ADP	DK
REV	DATE	DESCRIPTION
		BY



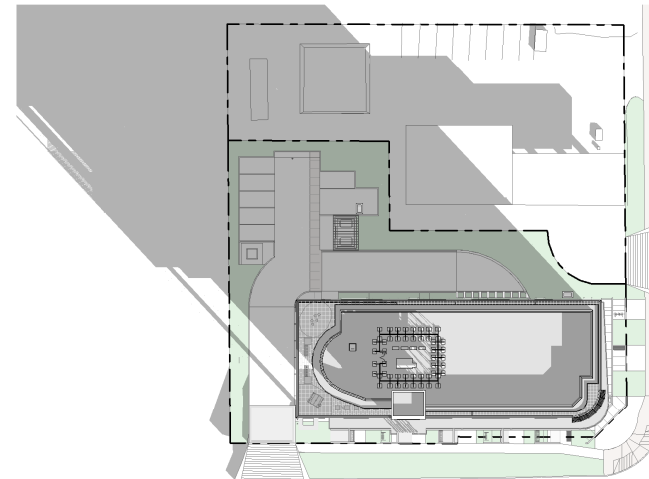
1 SHADOW - SPRING EQUINOX
SCALE: 1" = 30'-0"



2 SHADOW - SUMMER SOLSTICE
SCALE: 1" = 30'-0"



3 SHADOW - FALL EQUINOX
SCALE: 1" = 30'-0"



4 SHADOW - WINTER SOLSTICE
SCALE: 1" = 30'-0"



BINNING MIXED-USE DEVELOPMENT

12767/12769 76 AVE. & 7615 & 7631 128 ST.
SURREY B.C.

SHADOW STUDY

JULY 18, 2023	SURREY FILE # 20-0041	IK
APR 25, 2023	REVISED PARCELS	IK
MAR 29, 2023	REVISED ASSESSMENT ENCLOSURE	IK
MAR 29, 2023	RESPONSE TO ADP COMMENTS	IK
SEPT 16, 2022	RESPONSE TO ADP COMMENTS	IK
SEPT 26, 2022	RESPONSE TO ADP COMMENTS	IK
MAY 31, 2022	SUBMISSION FOR ADP	IK
REV	DATE	DESCRIPTION

TO: **Manager, Area Planning & Development
- South Surrey Division
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **May 29, 2023** PROJECT FILE: **7820-0041-00**

RE: **Engineering Requirements (Commercial/Industrial)
Location: 12767 76 Avenue**

OCP AMENDMENT/DEVELOPMENT PERMIT/DEVELOPMENT VARIANCE PERMIT

There are no engineering requirements relative to the OCP Amendment/ Development Permit/ Development Variance Permit except for the requirements listed below.

REZONE/SUBDIVISION

Property and Right-of-Way Requirements

- Dedicate 1.5 m on 128 Street and dedicate 5 m x 5 m corner cut at 128 Street/76 Avenue.
- Dedicate 1.942 m on 76 Avenue.
- Register 0.5 m SRW along 128 Street and 76 Avenue.

Works and Services

- Construct 1.8 m wide concrete sidewalks on 128 Street and on 76 Avenue.
- Provide stormwater calculation to confirm downstream storm system capacity; upgrade as required.
- Provide on-lot source controls and infiltration facilities to meet the Cruikshank and Grenville ISMP requirements. including but not limited to bioswales, rain gardens, infiltration galleries, amended topsoil, permeable pavement, etc.
- Provide water quality/sediment control inlet chamber for outdoor surface parking.
- Construct a new 300mm water main on 128 Street fronting the development site.
- Construct new water service connection, meter and backflow preventer for the new lots.
- Submit meter and service connection sizing calculation to confirm the size of domestic service connection and the size of the fire service required for the proposed development.
- Submit sanitary flow calculation with full build out to the existing zonings up to King George Boulevard and 81 Avenue (Include all instream applications).
- Construct sanitary sewers to service the proposed lots.
- Upgrade the existing 200mm sanitary sewer on 76 Avenue to a minimum 250mm sewer.
- Construct adequately-sized storm and sanitary service connections for each lot.

A Servicing Agreement is required prior to Rezone/Subdivision.



Jeff Pang, P.Eng.
Development Services Manager
IK1

Department: **Planning and Demographics**
Date: **July 18, 2023**
Report For: **City of Surrey**

Development Impact Analysis on Schools For:

Application #: **20 0041 00 (Updated July 18, 2023)**

The proposed development of **35** Low Rise Apartment units are estimated to have the following impact on elementary and secondary schools within the school regions.

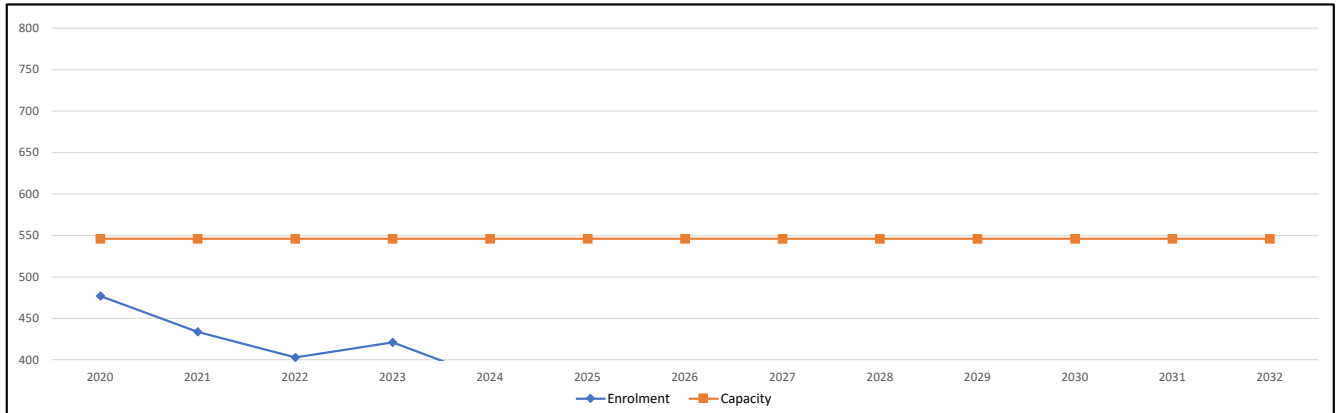
School-aged children population projection	5
---	---

Projected Number of Students From This Development In:	
Elementary School =	3
Secondary School =	1
Total Students =	4

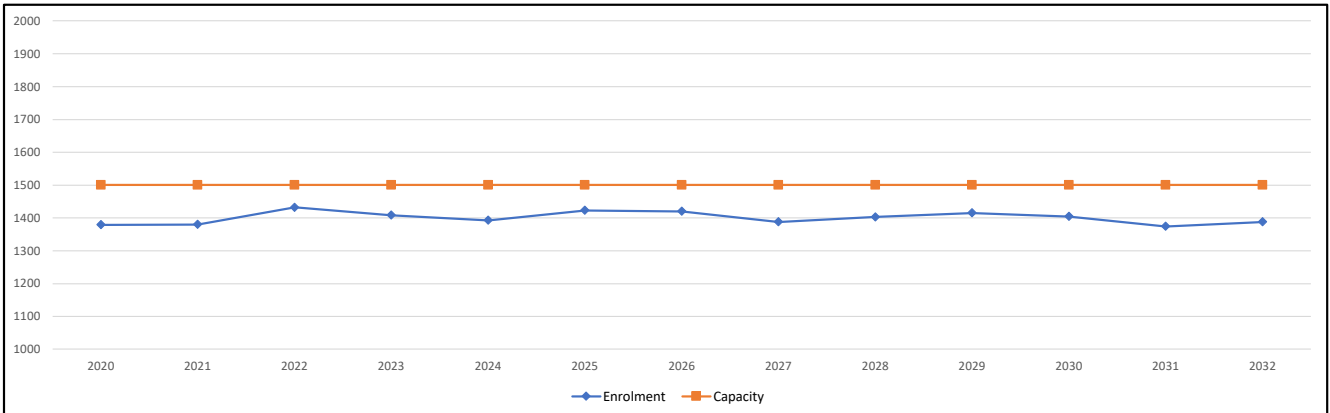
Current Enrolment and Capacities:	
Dr F D Sinclair Elementary	
Enrolment	403
Operating Capacity	546
# of Portables	0
Princess Margaret Secondary	
Enrolment	1432
Operating Capacity	1500
# of Portables	5

<p>Summary of Impact and Commentary</p> <p>The following tables illustrate the historical, current and future enrolment projections including current/approved ministry operating capacity for the elementary and secondary schools serving the proposed development.</p> <p>There are no new capital projects proposed at the elementary school and no new capital projects identified for the secondary school. The proposed development will have minimal impact on these projections.</p> <p>The overcrowding at Princess Margaret was alleviated with the opening of the new Panorama Ridge Secondary School in September 2006.</p>

Dr F D Sinclair Elementary



Princess Margaret Secondary



Population : The projected population of children aged 0-17 impacted by the development.
Enrolment: The number of students projected to attend the Surrey School District ONLY.

Tree Preservation Summary

Surrey Project No: -
Address: 12767/12769 76 Avenue & 7615 128 Street, Surrey
Registered Arborist: Xudong Bao, PN-8671A

On-Site Trees	Number of Trees
Protected Trees Identified (on-site and shared trees, including trees within boulevards and proposed streets and lanes, but excluding trees in proposed open space or riparian areas)	1
Protected Trees to be Removed	1
Protected Trees to be Retained (excluding trees within proposed open space or riparian areas)	0
Total Replacement Trees Required: <ul style="list-style-type: none"> - Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio $\underline{\quad 0 \quad} \times \text{one (1)} = 0$ - All other Trees Requiring 2 to 1 Replacement Ratio $\underline{\quad 1 \quad} \times \text{two (2)} = 2$ 	2
Replacement Trees Proposed	2
Replacement Trees in Deficit	0
Protected Trees to be Retained in Proposed [Open Space / Riparian Areas]	n/a

Off-Site Trees	Number of Trees
Protected Off-Site Trees to be Removed	0
Total Replacement Trees Required: <ul style="list-style-type: none"> - Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio $\underline{\quad \quad \quad} \times \text{one (1)} = 0$ - All other Trees Requiring 2 to 1 Replacement Ratio $\underline{\quad 0 \quad} \times \text{two (2)} = 2$ 	0
Replacement Trees Proposed	0
Replacement Trees in Deficit	0

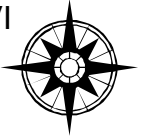
Summary, report and plan prepared and submitted by:



(Signature of Arborist)

14-Jul-23

Date



76A Ave

IND

“Proposed amendment from "Urban " to "Multiple Residential".

128 St

76 Ave

127A St

URB



APPENDIX VII

Form and Character

- Consider further design development to the lobby to reduce the length of the interior ramp. Alternatively, relocate the lobby to the centre of the building which will assist with proximity to the elevator.
- The black window frames are a key element of the attractive 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. Alternatively, the applicant should provide alternative elevations showing white or beige frames, so the actual design can be properly assessed.

Landscape

- Consider increased planting area and revising the type of tree at the entry.
- Reduce the use of lawn in the north patios.

CPTED

- No specific issues were identified

Sustainability

- Refer to Key Points

Accessibility

- No specific issues were identified

M. Heeney left the meeting.

2. 5:10 p.m.

File No.:	7920-0041-00
New or Resubmit:	New
Last Submission Date:	N/A
Description:	OCP Amendment from Urban and Industrial to Commercial for the development portion of the site. Rezoning from C-4 and RF to CD (based on C-5 and RM-70), and Development Permit for Form and Character in order to permit the development of a five-storey mixed use building with ground floor commercial and rental apartments.
Address:	12767 76 Avenue, 7615 128 Street and 7631 128 Street
Developer:	L&J Binning Enterprises
Architect:	Emily Kearns, Ankenman Associates Architects
Landscape Architect:	Meredith Mitchell, M2 Landscape Architecture
Planner:	Heather Kamitakahara
Urban Design Planner:	Ann McLean for Vanessa Goldgrub

E. Kearns declared a conflict of interest as the Architect for the project and did not participate in discussion of this item.

The City Architect advised that staff generally support the project.

The Panel was asked to comment on the general form of development, including its proposed form, height, and landscape treatment; the interfaces with the public realm and neighbouring sites including CPTED considerations; as well as the character of the building in the neighbourhood context.

The Project Architect presented an overview of the site planning, streetscapes, building concept, floor plans, and elevations.

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

ADVISORY DESIGN PANEL STATEMENT OF REVIEW

It was Moved by J. Azizi
Seconded by N. Couttie
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

Key Points

- Further develop the curved corner considering horizontal features such as a sunshade and utilizing curved, rather than segmented panels. **Sunshade implemented on south-east elevation; # of glazed panels increased from 4 to 6 to further soften this corner.**
- Consider increasing the porosity of the balcony guards **We respectfully request the balcony guards stay as they are currently detailed as they provide some visual interest and additional articulation on the façade.**
- Provide further emphasis on the residential entry; consider using columns **Columns extended & lobby re-programmed to provide further emphasis on the entry.**
- Commit to the black window frames proposed **Black window frames will be implemented.**
- Consider further developing the project at grade with the intent of increase the amount of soft scaping and reducing the amount of hardscaping **2 surface commercial stalls have been removed and reattributed in the underground, to facilitate more softscaping at grade.**
- Consider maximizing the useable programming area on the rooftop **Rooftop amenity revised to create more useable programming.**
- Consider changing the tree planters to reduce weight on the 4th floor amenity **On the 5th floor roof level outdoor amenity area, the original proposed 4 planters have been reduced to 2 planters with small**

tree species.

- Consider providing some sort of shading at the rooftop amenity **Roof overhang extended on the 5th floor roof amenity to create more shading.**
- Consider using energy and thermal comfort modeling to inform your continued design development and using future climate data to best understand the impact of shock events under project **Thank you, noted.**

Site

- Reconsider the location and approach of the driveway access to improve efficiency. **Driveway access has been predicated on avoiding conflict between our site and gas station vehicular circulation.**
- Consider looking to provide more opportunities for soft scaping at grade and reducing the dedication to the car **2 surface commercial stalls have been removed and reattributed in the underground, to facilitate more softscaping at grade.**

Form and Character

- Consider increasing the proximity of the balcony guard **We respectfully request the balcony guards stay as they are currently detailed as they provide some visual interest and additional articulation on the façade**
- Consider further design consideration to the corner **Number of glazed panels increased from 4 to 6 to further soften this corner & Sunshade implemented on south-east elevation to create more visual interest/solar shading on the corner**
- Consider increasing the number of segments in your paint material and/or horizontal sunshades to help you manage smaller heat gain **See above**
- Consider enhancing the residential entry **Columns extended & lobby re-programmed to provide further emphasis on the entry.**
- The black window frames are a key element of the attractive 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. Alternatively, the applicant should provide alternative elevations showing white or beige frames, so the actual design can be properly assessed. **Black window frames will be implemented.**

Landscape

- Consider widening the contrasted pavement feature of the residential lobby **Contrast pavement feature widened in front of residential lobby**
- Consider providing taller trees to help up with context of the building **Taller trees provided, see Landscape drawing L1/Plant schedule**
- Consider increasing the diversity of the planting **Diversity increased, see Landscape drawing L1/Plant schedule**

- Consider increasing the amount of habitable area of the rooftop amenity and variety of potential uses at the outdoor amenity **Rooftop amenity revised to create more useable programming.**

CPTED

- No specific issues were identified.

Sustainability

- Consider providing the storm water retention on site by expanding green space at grade. **2 surface commercial stalls have been removed and reallocated in the underground, to facilitate more softscaping at grade.**
- Review potential overheating issue at SE corner and amenity area. **Sunshade implemented on south-east elevation to provide solar shading on the corner**

Accessibility

- No specific issues were identified.

C. OTHER BUSINESS

This section had no items to consider.

D. NEXT MEETING

The next Advisory Design Panel is scheduled for Thursday, June 23, 2022.

E. ADJOURNMENT

The Advisory Design Panel meeting adjourned at 6:28 p.m.

Jennifer Ficocelli, City Clerk

R. Drew, Chairperson

CITY OF SURREY
HOUSING AGREEMENT
Mixed-Use

THIS HOUSING AGREEMENT made the ____ day of _____, 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:

L&J BINNING ENTERPRISES LTD., a corporation having its offices at #1 – 7615 128th Street, Surrey, B.C. V3W 4E6

(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: 002-629-615
LOT 1 SECTION 19 TOWNSHIP 2 NEW WESTMINSTER DISTRICT
PLAN 18701

Parcel Identifier: 008-929-726
LOT 1 EXCEPT: PART DEDICATED ROAD ON PLAN LMP12444,
SECTION 19 TOWNSHIP 2 NEW WESTMINSTER DISTRICT PLAN
76196

Parcel Identifier: 008-929-751
LOT 2 SECTION 19 TOWNSHIP 2 NEW WESTMINSTER DISTRICT
PLAN 76196

(the “**Lands**”);

- B. The Owner proposes to use the Lands for the development of a 5 storey residential and commercial building, with 593 square meters of commercial on the ground floor and 35 residential rental units on levels 2 to 5 and associated amenity spaces (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 35 of 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* and a subdivision pursuant to the *Strata Property Act* of British Columbia);
 - (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 and, without limitation, if the Lands are subdivided by way of a strata plan under the *Strata Property Act* of British Columbia, then “Owner” includes the strata corporation thereby created;
 - (i) **“Rental Units”** means 31 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 60 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 All of the Rental Units must be owned by the same Owner(s).
- 2.4 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. **LIABILITY**

- 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. **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:

L&J BINNING ENTERPRISES LTD.
#1 – 7615 128th Street
Surrey, B.C. V3W 4E6

Attention: Nimral Singh Binning – Director and President

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**

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 **Subdivision/Consolidation.** If the Lands are subdivided or consolidated at any time hereafter either under the provisions of the *Land Title Act* or under the *Strata Property Act*, then upon the deposit of a plan of subdivision, strata plan, consolidation plan or similar plan or application as the case may be the rights, benefits, burdens, obligations, and covenants contained in this Agreement will continue to charge each of the new parcels, lots, or other subdivided or consolidated parcels and areas so created.
- 5.11 **Subdivision by Strata Plan.** If the Lands, or any portion thereof, are subdivided by a strata plan, this Agreement will charge title to the strata lots and the common property comprising such strata plan and:

- (a) this Agreement will be registered against each individual strata lot and noted on the common property sheet;
 - (b) the strata corporation or the strata corporations created will perform and observe the Owner's covenants in this Agreement, solely at the expense of the strata lot owners; and
 - (c) the liability of each strata lot owner for the performance and observance of the Owner's covenants herein will be in proportion to the unit entitlement of his, her or its strata lot as established by the strata plan.
- 5.12 **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.
- 5.13 **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.
- 5.14 **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.
- 5.15 **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.
- 5.16 **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.
- 5.17 **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

L&J BINNING ENTERPRISES LTD.

By: _____
Authorized Signatory
Name: Nirmal Singh Binning
Title: Director