City of Surrey PLANNING & DEVELOPMENT REPORT Application No.: 7920-0146-00

7920-0146-01

Planning Report Date: September 27, 2021

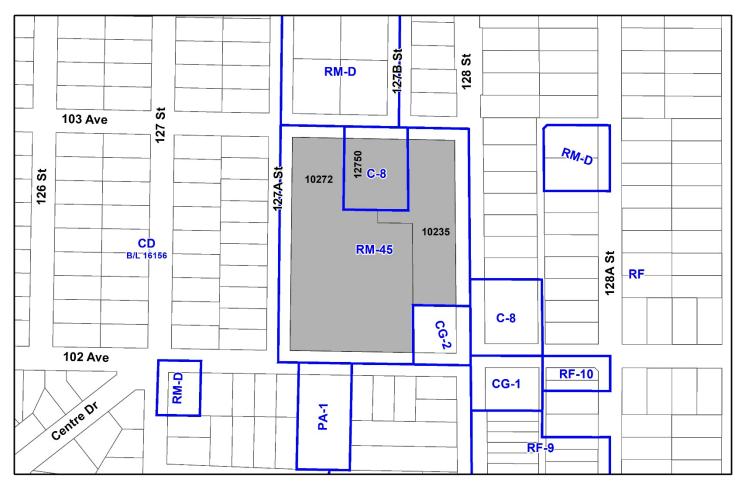
PROPOSAL:

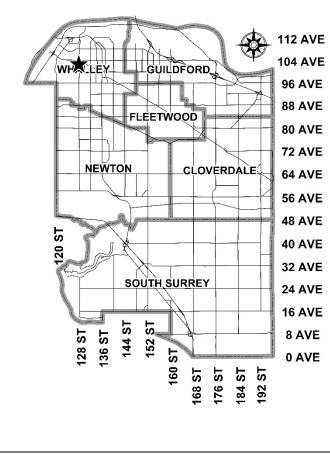
- **OCP Amendment** for a portion of the site from Commercial to Multiple Residential
- **Rezoning** from RM-45 and C-8 to CD
- Detailed Development Permit
- General Development Permit
- Housing Agreement

to permit a phased infill development consisting of one 5-storey rental apartment building, two 6-storey rental apartment buildings, and a future 1-storey commercial building

LOCATION: 10272 – 127A Street 12750 – 103 Avenue 10235 – 128 Street ZONING: RM-45 & C-8

OCP DESIGNATION: Multiple Residential & Commercial





RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
 - OCP Amendment for a portion of the site; and
 - Rezoning.
- Approval to draft a Detailed Development Permit for Form and Character for proposed Lot 2.
- Approval to draft a General Development Permit for Form and Character for proposed Lot 3.
- 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 Commercial to Multiple Residential.
- Proposing to reduce the minimum residential parking rates within the proposed CD By-law to the following:
 - 0.5 parking spaces per dwelling unit for existing rental units;
 - o 0.9 parking spaces per dwelling unit for new rental units; and
 - o 0.05 parking spaces per dwelling unit for visitor parking.

RATIONALE OF RECOMMENDATION

- The proposal complies with the General Urban designation in the Metro Vancouver Regional Growth Strategy (RGS).
- The proposed amendment to the OCP from Commercial to Multiple Residential for a portion of the site is required to accommodate the proposed 5-storey rental apartment building along 103 Avenue. The proposed commercial floor area of 990 square metres in the new development is slightly less than the approximately 1,300 square metres of existing commercial floor area on site, however, the future commercial building is proposed at a more prominent location at the corner of 103 Avenue and 128 Street, which is an arterial road.
- The proposed density and building form are appropriate for this part of Whalley as 128 Street is identified as a future Frequent Transit Network (FTN) and the site is already primarily designated as Multiple Residential in the OCP.
- The proposal complies with the Development Permit requirements in the OCP for Form and Character.
- The proposed buildings achieve an attractive architectural built form, which utilize high quality, natural materials, and contemporary lines. The street interface along 103 Avenue has been designed to a high quality to achieve a positive urban experience between the proposed new building and the public realm.

- The applicant proposed to enter into a Housing Agreement to allocate the 223 existing and 242 new dwelling units as rental for a period of 20 years.
- The proposed reduction to the minimum parking requirements is supportable based on the proposed 100% rental tenure, the current parking utilization for the existing residential buildings, and the site's location along a future Frequent Transit Network (FTN).

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RECOMMENDATION

The Planning & Development Department recommends that:

- 1. An OCP By-law be introduced to:
 - (a) amend the OCP Figure 3: General Land Use Designations for a portion of the subject site as shown in Appendix V from Commercial to Multiple Residential; and
 - (b) amend the OCP Figure 42: Major Employment Areas for a portion of the subject site as shown in Appendix VI, by removing the Commercial designation for the subject site;

and a date be set for Public Hearing.

- 3. 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.
- 4. A By-law be introduced to rezone the subject site from "Multiple Residential 45 Zone (RM-45)" and "Community Commercial Zone (C-8)" to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing.
- 5. A By-law be introduced to enter into a Housing Agreement and be given First, Second and Third Reading.
- 6. Council authorize staff to draft Detailed Development Permit No. 7920-0146-01 for proposed Lot 2 generally in accordance with the attached drawings (Appendix I).
- 7. Council authorize staff to draft General Development Permit No. 7920-0146-00 for proposed Lot 3 generally in accordance with the attached drawings (Appendix I).
- 8. 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) final approval from BC Hydro;
 - (d) resolution of all fire access issues to the satisfaction of the Fire Department;
 - (e) resolution of all urban design issues to the satisfaction of the Planning and Development Department;
 - (f) submission of a finalized landscaping plan and landscaping cost estimate to the specifications and satisfaction of the Planning and Development Department;

- (g) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
- (h) the applicant satisfy the deficiency in tree replacement on the site, to the satisfaction of the Planning and Development Department;
- the applicant enter into a Housing Agreement with the City to restrict the existing
 223 dwelling units and proposed 242 dwelling units on the subject site to rental
 housing for a period of twenty (20) years;
- (j) 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;
- (k) demolition of the existing commercial building to the satisfaction of the Planning and Development Department;
- (l) registration of access easements to ensure access to the proposed shared parking, internal drive aisle, and amenity facilities within the development;
- (m) registration of a Section 219 Restrictive Covenant for "no build" on proposed Lot 3 until the applicant has obtained a Detailed Development Permit for the proposed commercial building; and
- (n) 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 from rental housing to market units at any point in the future, after expiry of the Housing Agreement.

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Three 3-storey rental apartment buildings and a 1-storey commercial building	Multiple Residential & Commercial	RM-45 & C-8
North (Across 103 Avenue):	3-storey apartment buildings and single family dwelling	Multiple Residential	RM-D & RF
East (Across 128 Street):	Single family dwellings and 2-storey commercial building	Urban & Commercial	RF & C-8
South (Across 102 Avenue):	Single family dwellings and Amazing Grace United Church	Urban	CD (Bylaw No. 16156), PA-1 & RF
West (Across 127A Street):	Single family dwellings	Urban	CD (Bylaw No. 16156)

SITE CONTEXT & BACKGROUND

Context & Background

- The subject site is approximately 2.4 hectares in size and is comprised of three lots within the block (10272 127A Street, 12750 103 Avenue, 10235 128 Street) bordered by 103 Avenue to the north, 128 Street to the east, 102 Avenue to the south, and 127A Street to the west. There is one lot within the block, at the corner of 128 Street and 102 Avenue, that is not included in the subject application, which is the site of a former gas station.
- The subject site is presently occupied by three low-rise rental apartment buildings constructed in the 1960s, collectively known as "Surrey Gardens" and a 1-storey commercial building fronting 103 Avenue.
- The subject properties are designated Multiple Residential and Commercial in the Official Community Plan (OCP) and are zoned Multiple Residential 45 Zone (RM-45) and Community Commercial Zone (C-8).
- "Surrey Gardens" currently consists of 223 one-bedroom rental apartment units with at grade parking. The properties are owned by Primex Investments Ltd., which specializes in the acquisition and management, through a partner company (Pacific Cove Property Management) of multiple residential rental properties, while aiming to improve the quality and increase the supply of rental housing in British Columbia.
- Primex Investments Ltd. is proposing an infill development, which would retain the existing three rental apartment buildings, but remove the existing commercial building, in order to accommodate three new rental apartment buildings, 5- and 6-storeys in height, with 242 rental dwelling units, and a future 1-storey commercial building at the corner of 103 Avenue and 128 Street.

DEVELOPMENT PROPOSAL

Planning Considerations

- In order to permit the development of two 6-storey purpose-built rental apartment buildings, one 5-storey purpose-built rental apartment building, and the future development of a 1-storey commercial building, the applicant has proposed the following:
 - Official Community Plan (OCP) amendment to redesignate a portion of the site from Commercial to Multiple Residential;
 - Rezoning the subject site from Multiple Residential 45 Zone (RM-45) and Community Commercial Zone (C-8) to Comprehensive Development Zone (CD) (based on RM-70 and C-8);
 - Subdivision from three lots into four lots;
 - Detailed Development Permit for Form & Character for the three new rental apartment buildings on proposed Lot 2; and
 - General Development Permit for the future commercial building on proposed Lot 3.

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• Development details are provided in the following table:

	Proposed		
Lot Area			
Gross Site Area:	23,838 sq. m.		
Road Dedication:	418 sq. m.		
Net Site Area:	23,420 sq. m.		
Number of Lots:	4		
Building Height:	8.5 m to 21.0 m	(3 to 6 storeys)	
Floor Area Ratio (FAR):	Residential: 1.51	· · · ·	
	Commercial: o.	48	
	Total: 1.40		
Floor Area			
Residential:	32,290 sq. m.		
Commercial:	990 sq. m.	990 sq. m.	
Total:	33,280 sq. m.		
Residential Units:			
	Proposed	Existing	Total
Studio:	2		2
1-Bedroom:	149	223	372
2-Bedroom:	79		79
3-Bedroom:	12		12
Total:	242	223	465

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 36 school-age children generated by this development, of which the School District has provided the following expected student enrollment.
	12 Elementary students at Prince Charles Elementary School 15 Secondary students at L. A. Matheson 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 2025.

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Parks, Recreation & Culture:	All residents should have equal access to the indoor and outdoor amenity space or provide amenity space within each building. This comment has been addressed; a reciprocal access easement will be provided to ensure shared access to the facilities.	
BC Hydro	BC Hydro has a registered right-of-way on the property. BC Hydro has no objection in principle to the proposed subdivision and associated development. The applicant should be guided by the terms of the right-of-way agreement. Any relocation of existing BC Hydro services is at the developer's expense and a new statutory right-of-way may be required at the time of servicing the new development. The final subdivision plan is to be submitted to BC Hydro for signature before the plan can be registered.	
Surrey Fire Department:	 Fire Access Plan is deemed acceptable pending the following: Buildings A and B to be addressed off 127A Street and Building C to be addressed off 103 Avenue; Illuminated address sign blocks required for all buildings; Proposed parking spaces must not restrict the required 6.0 metre Fire Department Access width on the internal roadway; The road over the parkade must be designed to support a fire truck of 80,000 lbs.; Roundabout must meet City Standards and if a traffic button is utilized it must be able to support the 80,000 lb. load of a fire truck; Signage is required to indicate no parking areas on the internal drive aisles (i.e. for hydrant clearance); The existing fire lane adjacent to 12747 – 102 Avenue is to be maintained or reinstated and shall be able to support the 80,000 lb. load of a fire truck. 	
Advisory Design Panel:	The proposal was considered at the ADP meeting on May 27, 2021 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	

Transportation Considerations

The site is located adjacent to 128 Street, which is a major north south arterial road in Whalley • and Newton and currently has existing on-street bike lanes, and on-street parking in sections.

and Development Department.

will be completed prior to Council's consideration of Final

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

There is existing transit service on 128 Street (with a stop fronting the site near 103 Avenue), ٠ served by Routes 323 and 393. Route 323 is one of the top five busiest transit routes in TransLink's Southeast Region and pre-COVID-19 was a top 50 transit route in the region. As a result, it is being planned for inclusion into TransLink's Frequent Transit Network (FTN) where service is provided 15 minutes or better 16 hours a day, 7 days a week.

Traffic Impacts

- This proposal did not meet the Surrey Design Criteria Manual Threshold for requiring a Traffic Impact Analysis (TIA) threshold of generating 100 trips during the peak hour.
- The Institute of Traffic Engineers (ITE) Trip Generation Manual apartment land use designation indicates that the site is anticipated to generate fewer than 70 new trips during either the weekday morning or afternoon peak hour (equating to just over 1 vehicle per minute).

Road Network and Infrastructure

- The applicant is required to dedicate 2.808 metres towards 128 Street for the ultimate 30.0 metre arterial road standard, as well as 3.0 metre by 3.0 metre corner cuts at all fronting road intersections.
- The applicant will also be required to construct road upgrades to 127A Street, 102 Avenue, and 103 Avenue, including pavement widening, new sidewalks, streetlights, boulevards, and street trees. Existing conditions of these road infrastructure will be assessed to confirm adequacy and upgraded where required.

<u>Access</u>

- The primary vehicle access to the site will be via a private north-south drive aisle accessible from 102 Avenue and 103 Avenue and will include sidewalks adjacent to the drive aisle to connect to the buildings primary access points. The access to the underground parking garage is proposed to be located at the south end of this drive aisle under proposed Building A.
- A secondary vehicle access to the site will be via a shared vehicle and pedestrian drive aisle that runs east-west from 127A Street and intersects with the north-south drive aisle to the east. Passenger pick-up and drop-off will be located along the east-west drive aisle.
- The existing vehicle access on 128 Street will be removed and replaced with curb and boulevard.

<u>Parking</u>

- The 223 existing and 242 proposed rental dwelling units require 746 parking spaces to be provided on site for residential and visitor parking, as per the existing Zoning Bylaw. In addition, the proposed future commercial building requires an additional 30 parking spaces.
- 333 parking spaces are to be supplied in underground parking for the purposes of the rental residential parking requirements.
- 48 parking spaces are to be provided on the surface for the purposes of residential visitor and commercial parking requirements.
- The variance to the parking rates is discussed in further detail in the CD Bylaw section below.

Sustainability Considerations

- The applicant has met all of the typical sustainable development criteria, as indicated in the Sustainable Development Checklist.
- In addition, the applicant has highlighted the following additional sustainable features:
 - New buildings will meet Step 3 of the BC Energy Step Code;
 - Efficient Variable Refrigerant Flow HVAC system (including A/C);
 - Low flow fixtures and water conservation measures;
 - Metered utilities, including energy and hot water;
 - Substantial bike parking and bike workshop facilities;
 - o Community gardens that utilize efficient self-watering planters; and
 - Significant natural landscaping and drought resistant plantings.

POLICY & BY-LAW CONSIDERATIONS

Regional Growth Strategy

- The subject property is designated General Urban in the Regional Growth Strategy (RGS).
- The proposed development complies with the General Urban RGS designation.

Official Community Plan

Land Use Designation

- The subject site is designated Multiple Residential and Commercial in the Official Community Plan (OCP).
- The applicant is proposing an amendment to the OCP to redesignate a portion of the Commercial designated lands on proposed Lots 2 and 4 to Multiple Residential.

Amendment Rationale

- The proposed amendment to the OCP from Commercial to Multiple Residential for a portion of the site is required to accommodate the proposed 5-storey rental apartment building facing 103 Avenue.
- The proposed amendment equates to an approximately 3,500 square metre reduction in available land designated Commercial in the OCP. However, since a portion of the lands currently designated Commercial are presently utilized only for parking, the proposed commercial floor area in the new development will be similar to what is currently on site (existing commercial floor area is approximately 1,300 square metres vs. 990 square metres of proposed commercial floor area in the new development).

- The proposed future commercial building will also be better located in a more prominent location at the corner of 103 Avenue and 128 Street, which is an arterial road.
- As the residential portion of the development is proposed to be 100% purpose-built rental with a Housing Agreement, the application will not be subject to the Tier 2 Capital Plan Project CACs for proposed density greater than the OCP designation, as per Schedule G of the Zoning Bylaw.
- Pursuant to Section 475 of the <u>Local Government Act</u>, 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

- The proposed development is consistent with the following OCP Themes and Policies:
 - o Growth Management
 - Growth Priorities: Support compact and efficient land development that is consistent with the Metro Vancouver *Regional Growth Strategy* (RGS).
 - Growth Priorities: After City Centre, Town Centre, Urban Centre, FTDA, and Skytrain Corridor Planning Areas, accommodate urban land development in vacant or under-developed commercial, mixed-use and multi-family locations in existing urban areas, particularly along transit corridors and areas wellserved by existing community amenities and infrastructure.
 - Sensitive Infill: Support infill development that is appropriate in scale and density to its neighbourhood context and that uses compatible design to reinforce neighbourhood character.
 - o Centres, Corridors and Neighbourhoods
 - Transit Corridors: Support higher-density residential, commercial and mixeduse development in appropriate locations along existing and planned Frequent Transit Corridors and Skytrain Corridor Planning Areas outside of Surrey's Town Centres.
 - Society and Culture
 - Affordable Market Rental: Ensure an adequate supply of rental housing units in all areas of the city.
 - Affordable Market Rental: Encourage and support the development of new purpose-built rental apartments through such actions as expedited development application and reduced parking requirements, where appropriate.

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 proposed Housing Agreement will regulate both the 223 dwelling units in the existing three apartment buildings on site, as well as the proposed 242 dwelling units in the three proposed new buildings.
- The attached Housing Agreement (Appendix VII) will be adopted by Bylaw and registered on title of the property. The agreement will restrict all 465 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 three proposed rental buildings and a future commercial 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)" and the "Community Commercial Zone (C-8)".
- A comparison of the density, lot coverage, setbacks, building height and permitted uses in the RM-70 Zone and C-8 Zone and the proposed CD By-law is illustrated in the following table:

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Zoning	RM-70 Zone (Part 24)	C-8 Zone (Part 36)	Proposed CD Zone
Floor Area Ratio:	1.50	0.80	Lot 1/Block A: 1.24
			Lot 2/Block B: 1.96
			Lot 3/Block C: 0.48
			Lot 4/Block D: 1.09
Lot Coverage:	33%	50%	Lot 1/Block A: 41%
			Lot 2/Block B: 36%
			Lot 3/Block C: 48%
			Lot 4/Block D: 36%
Lot 1/Block A			
Setbacks:			
North Front Yard			7.1 M
South Front Yard			7.5 m
Side Yard			4.6 m
Side Yard Flanking			7.1 M
Lot 2/Block B			
Setbacks:			
Front Yard			7.5 m
Rear Yard			4.6 m
West Side Yard			3.1 M
East Side Yard	7.5 m to all lot lines	7.5 m to all lot lines	14.4 M
Lot 3/Block C			
Setbacks:			
Front Yard			3.0 m
Rear Yard			7.1 M
Side Yard			12.0 M
Side Yard Flanking			3.0 M
Lot 4/Block D			
Setbacks:			
Front Yard			5.8 m
Rear Yard			15.5 m
North Side Yard			3.9 m
South Side Yard			5.1 M

Principal Building Height:	50.0 M	12.0 M	21.0 M
Permitted Uses:	 Multiple unit residential buildings Ground-oriented multiple unit residential buildings Child care centres 	 Retail stores Personal service uses General service uses Beverage container return centres Eating establishments Neighbourhood pubs Liquor store Office uses Parking facilities Automotive service uses Indoor recreational facilities Entertainment uses Assembly halls Community services Child care centres One dwelling unit Cultural uses 	Blocks A, B & D • Multiple unit residential buildings • Ground-oriented multiple unit residential buildings • Ground-oriented multiple unit residential buildings Block C • Retail stores • Personal service uses • General service uses • Eating establishments • Neighbourhood pubs • Liquor store • Office uses • Indoor recreational facilities • Entertainment uses • Assembly halls • Community services • Child care centres • One dwelling unit • Cultural uses
Amenity Space			
Indoor Amenity: Outdoor Amenity:	 3.0 sq. m. per dwelling unit 1.0 sq. m. per lock- off suite 4.0 sq. m. per micro unit 3.0 sq. m. per 	 N/A N/A 	 The proposed 519 sq. m. [+ CIL of \$140,000] meets the Zoning By-law requirement. The proposed 1,443
	 dwelling unit 1.0 sq. m. per lock-off suite 4.0 sq. m. per micro unit 		sq. m. meets the Zoning By-law requirement.

Parking (Part 5)	Required	Proposed
Number of Stalls		
Commercial:	30	25* (shared)
Residential:	623	333
Residential Visitor:	93	23* (shared)
Total:	746	381
Bicycle Spaces		
Residential Secure Parking:	290	293
Residential Visitor:	18	18

- The proposed CD By-law will incorporate similar uses as the RM-70 Zone for the residential component and the C-8 Zone for the commercial component.
- The proposed net floor area ratio (FAR) and lot coverage will be distinct for each lot. The FAR varies from 0.48 for the proposed commercial lot (Lot 3/Block C) to 1.96 for Lot 2/Block B, which will contain the three new proposed rental buildings, while the lot coverage ranges from 36% to 48%.
- The overall net residential density is proposed to be 1.51 FAR, which aligns with the Multiple Residential designation in the Official Community Plan (OCP), while the net commercial density is proposed to be 0.48 FAR, which complies with the Commercial designation in the OCP.
- Both the RM-70 and C-8 Zones require setbacks for 7.5 metres to all lot lines. The proposed setbacks along the road frontages for the residential buildings are a minimum of 7.1 metres, while the proposed setbacks to the road frontages for the future commercial building is proposed to be a minimum of 3.0 metres. The setbacks internal to the site range from a minimum of 3.1 metres to a maximum of 15.5 metres in order to ensure adequate separation between the existing and proposed buildings on site.

<u>Parking</u>

- The 223 existing and 242 proposed rental dwelling units require 746 parking spaces to be provided on site for residential and visitor parking, as per the existing Zoning Bylaw. In addition, the proposed future commercial building requires an additional 30 parking spaces.
- The applicant is proposing to provide 381 parking spaces on site, equivalent to:
 - o.5 parking spaces per dwelling unit for existing rental units. This is a grand-parented rate based on a Parking Analysis Study observations and existing leased demand;
 - 0.9 parking spaces per dwelling unit for new rental units. This is consistent with Council approved rate reductions for rental housing approved in June 2021;
 - 0.05 parking spaces per dwelling unit for visitor parking. This is a reduction based on Parking Analysis Study observations and existing demand; and
 - 3 spaces per 100 square metres of commercial parking. This is based on an anticipated commercial site floor area of 990 square metres, including shared parking provisions.
- 333 parking spaces are to be supplied in underground parking for the purposes of the rental residential parking requirements.

• 48 parking spaces are to be provided on the surface for the purposes of residential visitor and commercial parking requirements.

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.
- As the proposed development is comprised entirely of market rental housing units, neither Tier 1 nor Tier 2 Capital Project Community Amenity Contributions are required for this development.

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.
- Since all of the proposed units of the subject development are market rental housing units, no contribution is required.
- The proposed development is in line with the City's Affordable Housing Strategy to encourage the development of new purposed-built rental housing.

Public Art Policy

• Typically, an applicant is required to provide public art, or register a Restrictive Covenant agreeing to provide cash-in-lieu, as at rate of 0.5% of construction value, to adequately address the City's needs with respect to public art, in accordance with the City's Public Art Policy requirements. Since all of the proposed units are market rental housing units, this contribution is not required.

PUBLIC ENGAGEMENT

- Pre-notification letters were sent on March 18, 2021, and the Development Proposal Signs were installed on August 5, 2020. Staff received seven responses from neighbouring (*staff comments in italics*):
- All of the residents that reached out to staff were seeking further clarification on the project, particularly related to whether the existing buildings were proposed to be retained or demolished, whether existing tenants would have to relocate, the location of the proposed new buildings, and the timing of the project. None of the residents provided specific comments on the proposal.

(Staff provided further clarification that the proposal was primarily an infill development that would retain the existing residential buildings on site, while replacing the existing commercial building with a new commercial building at the corner of 103 Avenue and 128 Street. Staff clarified that the three proposed new residential buildings would also be rental and would be located along the centre of the site, with one building fronting 103 Avenue in the approximate location of the existing commercial building, with the other two south of that in the current open space within the site.)

DEVELOPMENT PERMITS

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 applicant is seeking both a General Development Permit for the future commercial building and a Detailed Development Permit for the three new proposed rental apartment buildings (Buildings A, B, and C) as part of the current application. A further Detailed Development Permit will be required for the future commercial building on the corner of 103 Avenue and 128 Street.
- The applicant is proposing one 5-storey apartment building (Building C) and two 6-storey apartment buildings (Buildings A and B) containing a total of 242 rental units as the first phase of the development. The three proposed rental buildings will consist of 2 studios units, 149 one-bedroom units, 79 two-bedroom units, and 12 three-bedroom units. The second phase of the development is a proposed 1-storey commercial building with 990 square metres of floor area.
- The site is bisected by two internal drive aisles: one that runs north-south from 103 Avenue to 102 Avenue; and a second that runs east-west from 127A Street to the north-south drive aisle.
- The three new rental buildings are proposed to be aligned down the centre of the site to the west of the north-south drive aisle. Building C is proposed to front 103 Avenue mid-block with one of the three existing rental buildings to the west and the north-south drive aisle and the future commercial building to the east.
- Building B, an L-shaped building is proposed directly south of Building A and will front onto the north-south drive aisle to the east and the east-west drive aisle to the south. Building C, also an L-shaped building, mirrors Building B on the south side of the east-west drive aisle.
- The lobbies for Buildings B and C each front onto the east-west drive aisle, which is also envisioned as a pedestrian connection. There is a passenger pick-up and drop-off area directly adjacent to the lobbies of Buildings B and C.

- The applicant has worked with staff to develop a design that incorporates OCP design guidelines and addresses staff and ADP comments. The building placement, massing, and internal lane interfaces have been well developed. The ADP expressed concerns with the development of the end elevations, a lack of weather protection for the outdoor amenity, the dark colour palette, and the interface between the existing and new landscaping.
- The proposed development reflects a contemporary design with a palette of varied greys and colorful balconies to create more animated and interesting facades.
- The proposed apartments achieve an attractive architectural built form, which utilizes suitable materials and contemporary lines. The street interface has been designed to accommodate ground-oriented units with good landscaping with the potential to achieve a positive urban experience between the building and the public realm.
- The use of brick and corrugated panels on the façade are beneficial to the overall design concept of the development and public realm.

Landscaping

- The proposed landscaping for the site includes a mix of trees, shrubs, ferns, flowering plants, and grasses, as well as hardscaping, site furnishings, lighting, and fencing.
- The landscaping concept has two main focal areas: the outdoor amenity courtyard for Building A and the outdoor amenity courtyard for Buildings B and C.
- At grade units have patio spaces with pavers, sod, trees, and landscaping to create semiprivate outdoor spaces for residents.
- The applicant is proposing to update the planting around the existing buildings to match the planting palette of the new development.

Indoor Amenity

- The required indoor amenity space for the proposed new buildings is 728 square metres, while the applicant is proposing to provide 519 square metres of indoor amenity across Buildings B and C, requiring cash-in-lieu for the shortfall in accordance with City Policy No. O-48.
- The indoor amenity area in Building B is proposed to be on the ground floor at the west end of the building, adjacent to the outdoor amenity courtyard. The programming of the area is proposed to include a gym/yoga room and a lounge, as well as washrooms and an undefined amenity space for which programming is yet to be determined.
- The indoor amenity area in Building C is also proposed to be on the ground floor and consists of a library, a movie room, and an undefined amenity space for which programming is yet to be determined.
- The existing three residential buildings also contain indoor amenity areas consisting of a gym, and a party room in each of the three buildings.

• The indoor amenity spaces are proposed to be shared throughout the site with the tenants of both the existing and new residential buildings having access to them. This will require the applicant to register an access easement across the site to ensure access to the proposed shared amenity facilities within the development for all residents.

Outdoor Amenity

- The required outdoor amenity space for the site is 1,397 square metres. The applicant is proposing 1,443 square metres of outdoor amenity, exceeding the minimum requirement.
- There will be two outdoor amenity courtyards for the site. The first is proposed to be between Building A and the existing building to the southwest. It is proposed to have the following:
 - Community garden plots;
 - Tables and chairs; and
 - Dog run with benches.
- The second outdoor amenity courtyard is proposed to be between Buildings B and C and the existing building to the west. It is proposed to have the following:
 - Community garden plots;
 - Children's play area;
 - Tables and chairs; and
 - o Benches.

Outstanding Items

- The applicant is required to resolve all outstanding urban design and landscaping issues and Advisory Design Panel comments, as follows:
 - Design development to improve the public realm interface at the ground floor units.
 - Coordination of the required additional surface parking and public realm along the private driveways.
 - Design development to enhance the corner plazas.
 - Illustration of the landscape interface resolution between new and existing buildings.
 - Design development and resolution of the internal corner unit for privacy issues.
- 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

• Jori Porter, ISA Certified Arborist of McElhanney 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		isting	Remove	Retain
Alder and Cottonwood Trees				
Alder	2	1	1	
	Decidu	ous Trees	1	1
(excluding		nd Cottonwo	ood Trees)	
American ash		1	0	1
Armstrong red maple		2	2	0
European hornbeam		8	0	8
European mountain ash		1	1	0
Flowering cherry		1	0	1
Japanese maple		5	0	5
London plane		6	0	6
Norway maple		10	0	10
Purple leaf plum		1	1	0
Red sunset maple		3	0	3
Scarlet oak		10	0	10
Zelkova 'Green Vase'		6	0	6
	Conife	rous Trees		
Austrian pine		2	0	2
Deodar cedar		1	1	0
Douglas Fir		1	1	0
Emerald cedar		1	0	1
Excelsa cedar		11	1	10
False cypress		3	0	3
Giant sequoia		1	1	0
Norway spruce		2	1	1
Western hemlock		2	1	1
Total (excluding Alder and Cottonwood Trees)		78	10	68
Total Replacement Trees Proposed (excluding Boulevard Street Trees)87		87		
Total Retained and Replacement T	rees	156		
Contribution to the Green City Program			N/A	

Table 1: Summary of Tree Preservation by Tree Species:

Staff Report to Council

Application No.: 7920-0146-00

- The Arborist Assessment states that there are a total of 78 mature trees on the site, excluding Alder and Cottonwood trees. Two (2) existing trees, approximately 3% of the total trees on the site, are Alder and Cottonwood trees. It was determined that 69 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 1 to 1 replacement ratio for Alder and Cottonwood trees, and a 2 to 1 replacement ratio for all other trees. This will require a total of 21 replacement trees on the site. The applicant is proposing 87 replacement trees, exceeding City requirements.
- The new trees on the site will consist of a variety of trees including Bloodgood Japanese Maple, Coral Bark Maple, Autumn Blaze Maple, Eddie's White Wonder Dogwood, European Beech, Worplesdon Sweet Gum, Tulip Tree, Royal Star Magnolia, Colorado Spruce, Pyramidal White Pine, Japanese Stewartia, Ivory Silk Japanese Lilac Tree, and Western Hemlock.
- In summary, a total of 156 trees are proposed to be retained or replaced on the site with no contribution to the Green City Program required.

INFORMATION ATTACHED TO THIS REPORT

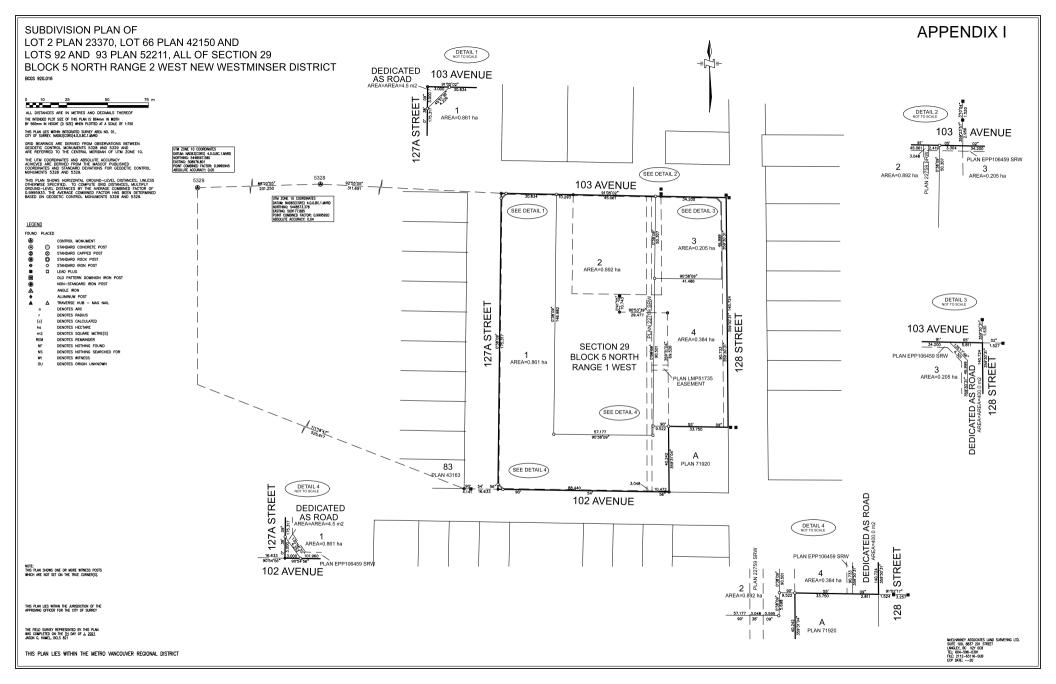
The following information is attached to this Report:

Appendix I.	Survey Plan, Proposed Subdivision Layout, 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.	OCP Amendment – Figure 3
Appendix VI.	OCP Amendment – Figure 42
Appendix VII.	ADP Comments and Response
Appendix VIII.	Proposed Housing Agreement

approved by Ron Gill

Rémi Dubé Acting General Manager Planning and Development

CB/cm



SURREY GARDENS

REZONING / DP SUBMISSION



A-00.00 STATISTICS A-00.01 GENERAL NOTES AND LEGENDS A-00.05 AERIAL VIEWS A-00.06 SITE PHOTOS A-00.07 DESIGN RATIONALE CONTA PHONE EMAIL ARC GBL AR CONTA PHONE EMAIL A-00.32 SITE PLAN A-00.33 FIRE DEPARTMENT SITE PLAN 4.00.30 RRC EDARTIMONT SITE PLAN 4.00.31 SHADOWSTUDES A-0.01.3 SHADOWSTUDES A-0.01.2 UNICEGROUND PARKING P1 A-0.01.2 SHARE PARKING A-0.01.2 SHARE PARKING A-0.01.1 FLOOR PLAN A-0.01.2 FLOOR PLAN A-0.01.3 FLOOR PLAN A-0.01.4 FLOOR PLAN A-0.01.7 FLOOR PLAN A-01.20.01.7 FLOOR PLAN A-01.20.01.7</ CONTA PHONE EMAIL LA VDZ+A CONTAG PHONE EMAIL CIV A-01.26 BUILDING A - ROOF PLAN A-01.27 BUILDING B AND C - GROUND FLOO McELH CONTACT NAI PHONE EMAIL LIGHT HOUSE CONTACT NAME PHONE EMAIL ME MCW CONTA PHON EMAIL MCW CONTACT NAME PHONE EMAIL TRAFFIC BUNT CONTACT NAME PHONE EMAIL FAR - BUILDING B & C - LEVEL 6

DRAWING LIST

Number

A-00.00 STATISTICS

A-00.20
 DESIGN RATIONALE
 A-00.21
 SUBDIVISION PLAN
 A-00.21
 SUBDIVISION PLAN
 A-00.22
 PROPERTY LINE GRADING
 A-00.30
 CONTEXT PLAN
 A-00.31
 BASE PLAN
 A-00.31

PROJECT TEAM:

OWNER Primex Investments Ltd.	
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ELECTRICAL CARLOS SOTO 604.687.1821 csotol@mcw.com

JAMES LEE 604.685.6427 jlee@bunteng.com

PROJECT INFORMATION

TOTALS

COURTYARD BUILDING B AND C

1,443 m²

BUILDING AREAS CALCULATION

ADDRESS:	272 127A Street 1023	5 128 Street, and 12750 103 Avenue		JILDIŅG FLOC	
Abbit255.	272 1274 50 660, 1025	5 120 Siteet, and 12750 105 Avenue	TYPE		AREA
GROSS SITE AREA:	23838 m²		AMENITY		519 m ²
GRUSS SITE AREA:	REA: 23838 m ²		CIRCULATION		2,186 m²
IET CITE ADEA 22/202		COMMERCIAL EXISTING		990 m ² (FUT 14,839 m ²	
NET SITE AREA:	23420 m ²		LOBBY		14,839 m ² 174 m ²
			OFFICE		27 m ²
PROPOSED GROSS FAR:	1.39		PARCEL		22 m ²
			SERVICE		90 m ²
PROPOSED NET FAR:	1.40		STORAGE		342 m²
			UNIT		14,612 m²
LOT 1 FAR:	1.24		TOTALS		33,799 m²
LOT 2 FAR:	1.95			FAR	
LOT 3 FAR:	0.48 (FUTURE DEVEL	UPMENIJ	TYPE	AREA	FAR
LOT 4 FAR:	1.09				
		ENCITV)	CIRCULATION	2,186 m ²	0.09
LOT 1, LOT 2, LOT 4 FAR:	1.51 (RESIDENTIAL D		COMMERCIAL	990 m ²	0.04(FU
			EXISTING	14,839 m ²	0.62
			LOBBY	174 m ²	0.01
			OFFICE	27 m ²	0.00
PROPOSED HEIGHT:	BUILDING A AND B 2		PARCEL SERVICE	22 m ² 90 m ²	0.00
	BUILDING C 16.6 m /		STORAGE	225 m ²	0.00
	EXISTING BUILDING	S: 3 storeys)	UNIT	14,612 m ²	0.61
PROPOSED ZONING:	CD		TOTALS	33,164 m²	1.39
LOT COVERAGE:		SETBACKS:		AR PER LEVEL	-
			TYPE	AREA	FAR
LOT 1 - 3547 m ² - 41%		LOT 1 - 7.1 m N, 4.6 m N, 7.1 m W,	GROUND LEVEL		
LOT 2 - 3206 m ² - 36%		10.3 m S, 22 m E, 6.2 m E.	CIRCULATION	424 m ²	0.02
LOT 3 - 990 m ² - 48% (FUT)	JRE DEVELOPMENT	LOT 2 - 7.5 m N, 3.1 m W, 4.6 m S,	COMMERCIAL	990 m ²	0.04/FU
LOT 4 - 1400 m ² - 36%		14.4 m.	EXISTING	4,946 m ²	0.21
		LOT 3 - 3 m N, 12 m W, 7.1 S, 3 m E	LOBBY	174 m ²	0.01
TOTAL SITE COVERAGE: 914	3 m² - 39%	(FUTURE DEV.)	OFFICE	27 m²	0.00
		LOT 4 - 3.9 m N, 15.5 m W, 5.1 m S,	PARCEL	22 m²	0.00
		5.8 m E.	SERVICE	16 m ²	0.00
AMENITY AREAS	CALCULATION		STORAGE	22 m ²	0.00
			UNIT	1,558 m ² 8,178 m ²	0.07
			L2	8,178 m²	U.34
REQUIRED INDOOR AMENITY	AREA:		CIRCULATION	371 m ²	0.02
			EXISTING	4,946 m ²	0.21
3 m ² x 242 = 726 m ²			SERVICE	15 m²	0.00
			STORAGE	41 m ²	0.00
TOTAL REQUIRED INDOOR A	MENITY AREA: 726 m ²		UNIT	2,638 m ²	0.11
				8,012 m ²	0.34
PROPOSED INDOOR AMENIT	Y AREA:		L3		
			CIRCULATION	371 m ²	0.02
	RAMENITY		EXISTING	4,946 m ² 15 m ²	0.21
			STORAGE	41 m ²	0.00
TYPE	AREA		UNIT	2,766 m ²	0.00
AMENITY-B	308 m ²		U.I.I.	8,139 m ²	0.34
AMENITY-C	211 m ²		L4		
TOTALS	519 m ²		CIRCULATION	371 m ²	0.02
			SERVICE	15 m²	0.00
REQUIRED OUTDOOR AMENI	TY AREA:		STORAGE	41 m ²	0.00
			UNIT	2,766 m ²	0.12
3 m² x 465 = 1395 m²				3,193 m ²	0.13
			L5	071	
TOTAL REQUIRED OUTDOOR	AMENITY AREA: 1395	m²	CIRCULATION	371 m ²	0.02
			SERVICE STORAGE	15 m ² 41 m ²	0.00
PROPOSED OUTDOOR AMEN	ITY AREA:		UNIT	41 m ⁴ 2,766 m ²	0.00
ſ			UNIT	2,788 m ²	0.12
	R AMENITY		L6	-,	1.10
TYPE	AREA		CIRCULATION	278 m ²	0.01
			SERVICE	13 m²	0.00
COURTYARD BUILDING A	589 m ²		STORAGE	41 m ²	0.00
COURTYARD BUILDING B AND C	855 m ²		LINIT	2 118 m ²	0.09

	LDING FLU			
TYPE		AREA		
ALATAUTS:		F101		
AMENITY		519 m²		
CIRCULATION		2,186 m ² 990 m ² (FUTURE DEV.		
EXISTING		990 m ² (FUTURE DEV. 14,839 m ²		
LOBBY		174 m ²		
OFFICE		27 m ²		
PARCEL		22 m ²		
SERVICE		90 m ²		
STORAGE		342 m²		
UNIT		14,612 m ²		
TALS		33,799 m ²		
	FAR			
		1		
TYPE	AREA	FAR		
0.001.0.1700.0		0.09		
CIRCULATION	2,186 m ²	0.04/FUTURE DEV		
COMMERCIAL EXISTING	990 m ² 14,839 m ²			
LOBBY	14,839 m ² 174 m ²	0.62		
OFFICE	27 m ²	0.00		
PARCEL	27 m ²	0.00		
SERVICE	22 m+ 90 m ²	0.00		
STORAGE	225 m ²	0.00		
UNIT	14,612 m ²	0.61		
TALS	33,164 m ²	1.39		
	<u>R PER LEVE</u>			
TYPE	AREA	FAR		
OUND LEVEL				
CIRCULATION	424 m ²	0.02		
COMMERCIAL	990 m²	0.04/FUTURE DE		
EXISTING	4,946 m ²	0.21		
LOBBY	174 m ²	0.01		
OFFICE	27 m²	0.00		
PARCEL	22 m²	0.00		
SERVICE	16 m²	0.00		
STORAGE	22 m²	0.00		
UNIT	1,558 m ² 8,178 m ²	0.07		
	8,178 m²	U.34		
CIRCULATION	371 m ²	0.02		
EXISTING	4,946 m ²	0.02		
SERVICE	4,946 m ²	0.00		
STORAGE	41 m ²	0.00		
UNIT	2,638 m ²	0.00		
UNIT	8,012 m ²	0.34		
	0,012 111	0.04		
CIRCULATION	371 m²	0.02		
EXISTING	4,946 m ²	0.21		
SERVICE	15 m ²	0.00		
STORAGE	41 m ²	0.00		
UNIT	2,766 m ²	0.12		
	8,139 m ²	0.34		
CIRCULATION	371 m ²	0.02		
SERVICE	15 m²	0.00		
STORAGE	41 m ²	0.00		
UNIT	2,766 m ²	0.12		
	3,193 m²	0.13		
CIRCULATION	371 m²	0.02		
SERVICE	15 m²	0.00		
STORAGE	41 m²	0.00		
UNIT	2,766 m ²	0.12		
	3,193 m²	0.13		
CIRCULATION	278 m ²	0.01		

371 m ²	0.02
15 m²	0.00
41 m ²	0.00
2,766 m ²	0.12
3,193 m ²	0.13
371 m ²	0.02
15 m²	0.00
41 m ²	0.00
2,766 m ²	0.12
3,193 m ²	0.13
278 m ²	0.01
13 m ²	0.00
41 m ²	0.00
2,118 m ²	0.09
2,450 m ²	0.10
33,164 m²	1.39
	15 m² 41 m² 2,766 m² 3,193 m² 35 m² 15 m² 2,766 m² 3,193 m² 2,768 m² 3,193 m² 13 m² 13 m² 13 m² 41 m² 2,78 m² 13 m² 41 m² 2,118 m² 2,18 m²

UNIT

TOTALS

DADKING SDACES CALCUL ATION

EXISTING 1 BED:	223 x 1.3 = 290
STUDIO/1BED :	151 x 1.3= 196
2 BED:	79 x 1.5 = 118
3 BED:	12 x 2 = 24
VISITORS:	465 x 0.2 = 93
REQUIRED PARKING SPACES:	721
PROPOSED UNDERG	ROUD PARKING SPACES
TYPE	NUMBER
P1	
ACCESSIBLE	3
ACCESSIBLE VAN	3
ACCESSIBLE VAN VISITOR	1
	7
RESIDENTIAL	199
RESIDENTIAL SMALL	105
RESIDENTIAL SMALL 2.9x4.9 m	3
	307
RESIDENTIAL SMALL 2.9x4.9 m VISITO	IR 9
VISITOR	8
VISITOR SMALL	2
P1	19 333
TOTALS	333
SURFAC	E PARKING
TYPE	NUMBER
RESIDENTIAL/VISITOR	16
RESIDENTIAL/VISITOR PARALLEL	17
TOTALS	33
TOTAL PROPOSED PARKING S	PACES: 366
PROPOSED PARKING SPACES	FOR FUTURE DEVELOPMENT: 15
PROPOSED PARKING SPACES	CALCULATION
	CALCULATION
BICYCLE SPACES C	CALCULATION
BICYCLE SPACES C	CALCULATION
BICYCLE SPACES C	CALCULATION

PROPOSED BICYCLE SPACES:

TYPE

HORIZONTAL

VERTICAL

6 SURFACE BIKE SPACES FOR EACH PROPOSED BUILDING

TOTAL PROPOSED BICYCLE SPACES:

TOTALS

BICYCLE SPACES

NUMBER

150

143

293

18

311

TYPE

1 BED

STUDIO

TOTALS

TOTALS

UNITS CALCULATION

TYPE		AREA
1 BED		6,501 m ²
1 BED+DEN	4	1,030 m ²
2 BED		3,782 m ²
2 BED+DEN	4	2,082 m ²
3 BED		1,146 m ²
STUDIO		71 m ²
TOTALS		
В	UILDING A	
	UILDING A	14,612 m
В		
ТУРЕ	NUMBER	AREA
TYPE 1 BED+DEN	NUMBER 9	AREA 502.7 m ²
TYPE 1 BED+DEN 1 BED	9 45	AREA 502.7 m ² 2,221.8 m ²
TYPE 1 BED+DEN 1 BED 2 BED+DEN	NUMBER 9 45 11	AREA 502.7 m ² 2,221.8 m ² 848.2 m ²

BI	JILDING B	
TYPE	NUMBER	AREA
1 BED+DEN	5	286.6 m ²
1 BED	56	2,767.8 m ²
2 BED+DEN	12	919.0 m ²
2 BED	22	1,581.8 m ²
3 BED	6	572.8 m ²
STUDIO	1	35.3 m²
TOTALS	102	6,163.3 m ²

BUILDING C NUMBER AREA 288.2 m² 29 1,464.0 m²

2 BED+DEN	4	314.8 m ²	
2 BED	8	617.2 m ²	
STUDIO	1	35.3 m²	
ALS	47	2,719.6 m ²	

UNITS TOTAL COUNT TYPE NUMBER 1 BED 131 1 BED+DEN 18 2 BED 52 2 BED+DEN 27 3 BED 12

242

SURREY GARDENS

REZONING / DP SUBMISSION

STATISTICS

DATE DRAWN BY CHECKED BY SCALE	9/21/2021 3:45:11 PM
JOB NUMBER	19061
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GBL ARCHITECTS INC. 300-224 WEST 8TH AVENUE TEL 404.736 1156 VANCOUVER, BC CANADA VEY 1N5 FAX 404.731 5279 OF GREAP OF THE TANK NOTES

No. Date 1 20/06/08 Description Rezoning/DP application 2 21/02/11 Rezoning/DP re-submission Updated for rezoning/DP re-submission 3 21/84/06 4 21/84/15 Updated Fire department pla 5 21/09/08

REVISIONS

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300-2	24 WEST 8TH AVENUI DUVER, BC CANADA	
COPINION OF COLLAR	FREEPARS THE REAL AND DESIGN OFFICE INC. AND MALINET BE USED	DRE AND AT ALL TIMES REMAIN THE DECLARGE PROPERTY OR REPRODUCED WITHOUT THEIR ANYTHIN COMMUNI-
NOT		
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REVI	SIONS	
No.	Date	Description
1	20/06/08	Rezoning/DP application
2	21/02/11 21/04/06	Rezoning/DP re-submission Updated for rezoning/DP
		re-submission
4	21/04/15	Updated Fire department plan
5	21/09/08	Updated for rezoning/DP re-submission

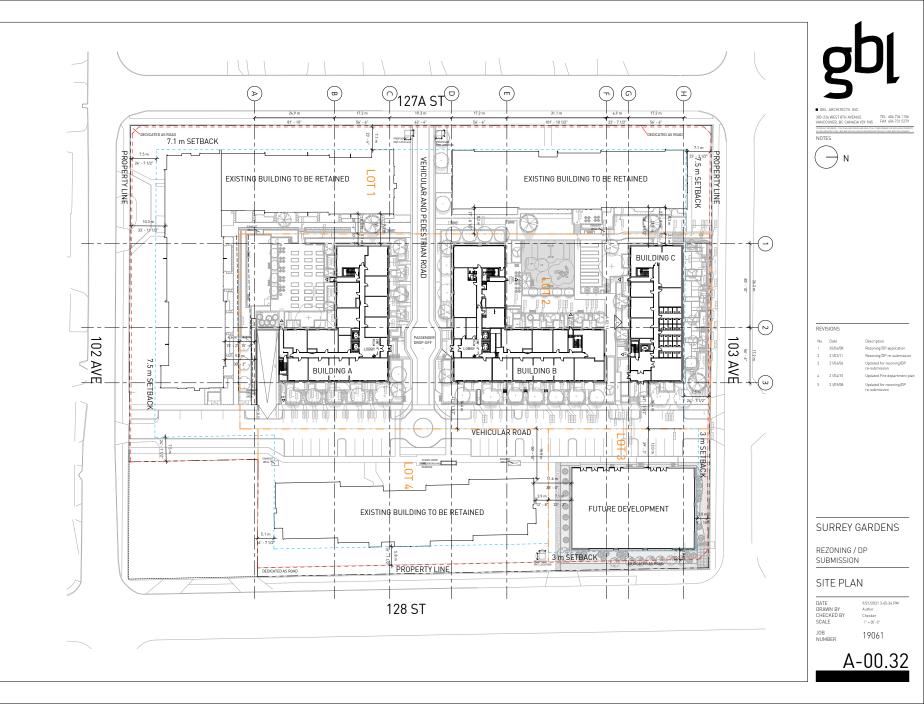
SURREY GARDENS

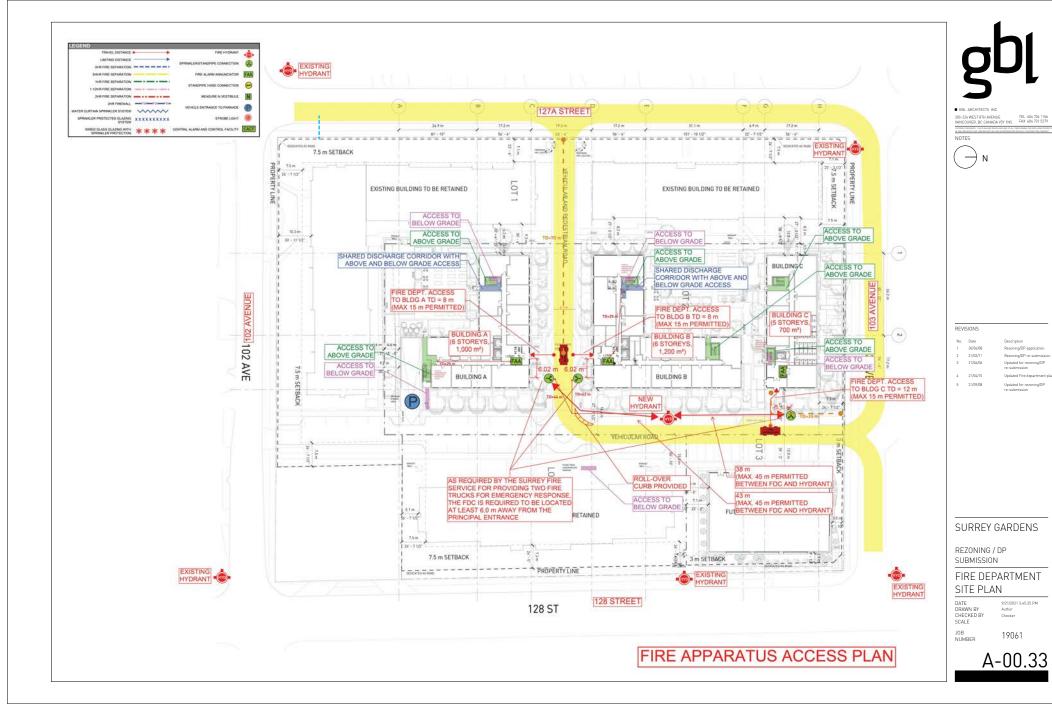
REZONING / DP SUBMISSION

CONTEXT PLAN

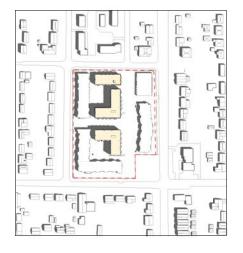
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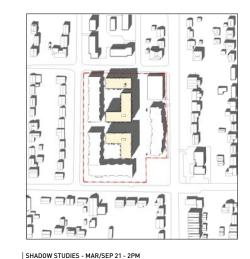




SHADOW STUDIES - JUNE 21 - 10 AM









 GBL ARCHITECTS INC. 300-224 WEST 8TH AVENUE TEL 604 736 1156 VANCOUVER, BC CANADA VSY 1N5 CONNECT NEUROSE THE PLANE AND CONNECTION AND A LOCATION OF NOTES Ν

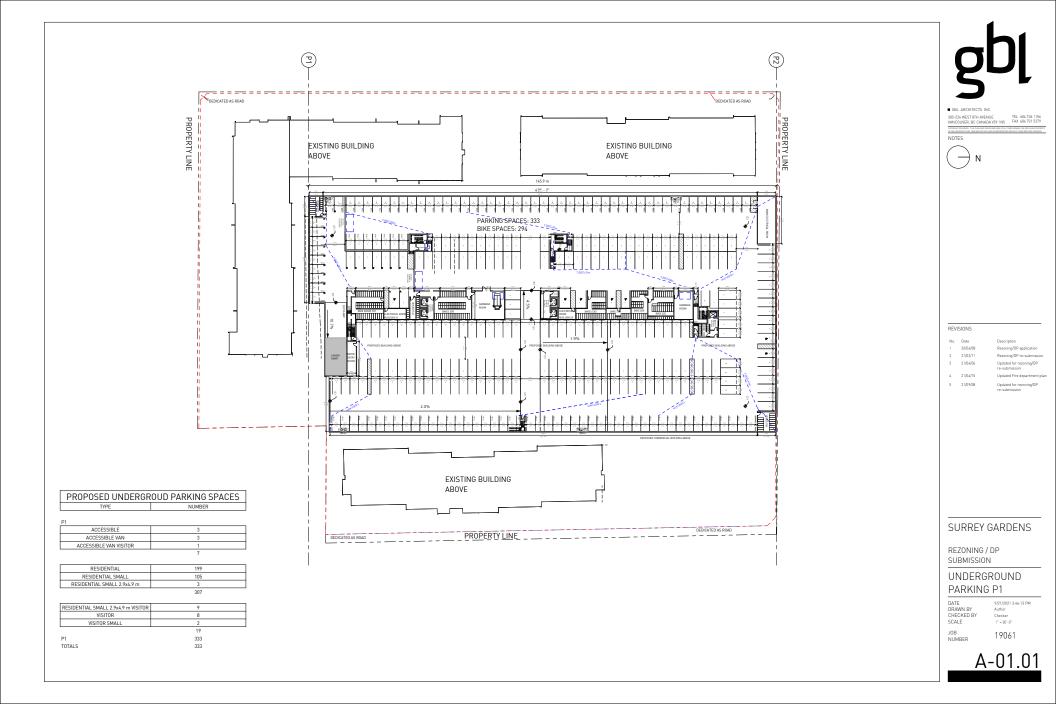
REVISIONS		
No.	Date	Description
1	20/06/08	Rezoning/DP application
2	21/02/11	Rezoning/DP re-submission
	21/04/06	Updated for rezoning/DP re-submission
	21/04/15	Updated Fire department plar
	21/09/08	Updated for rezoning/DP re-submission

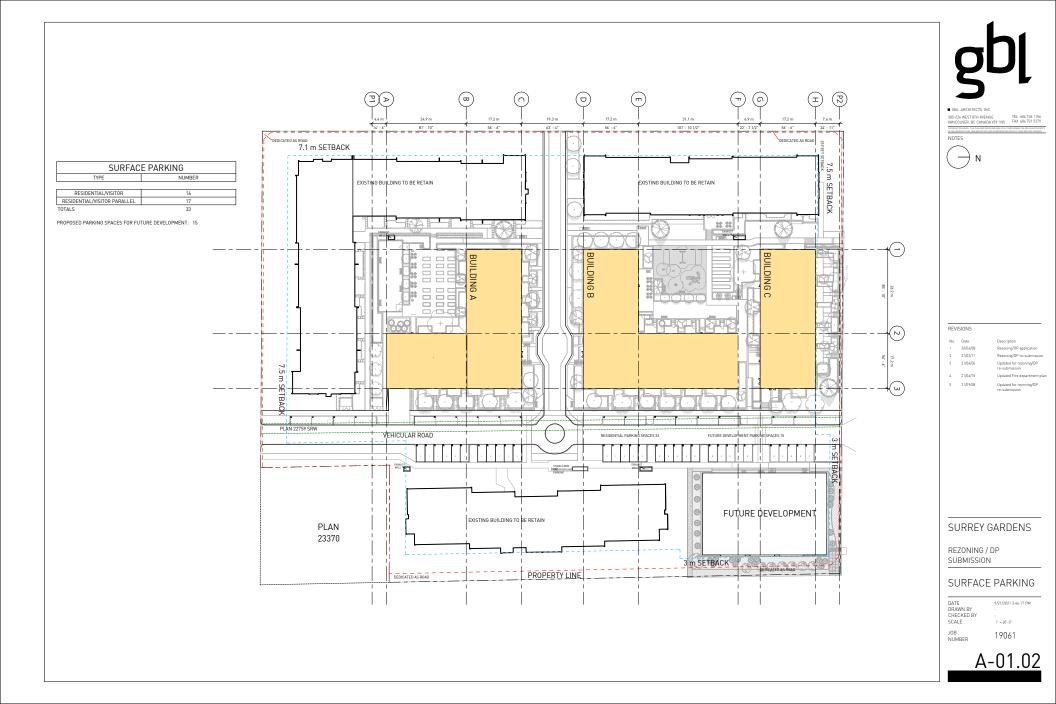
SURREY GARDENS

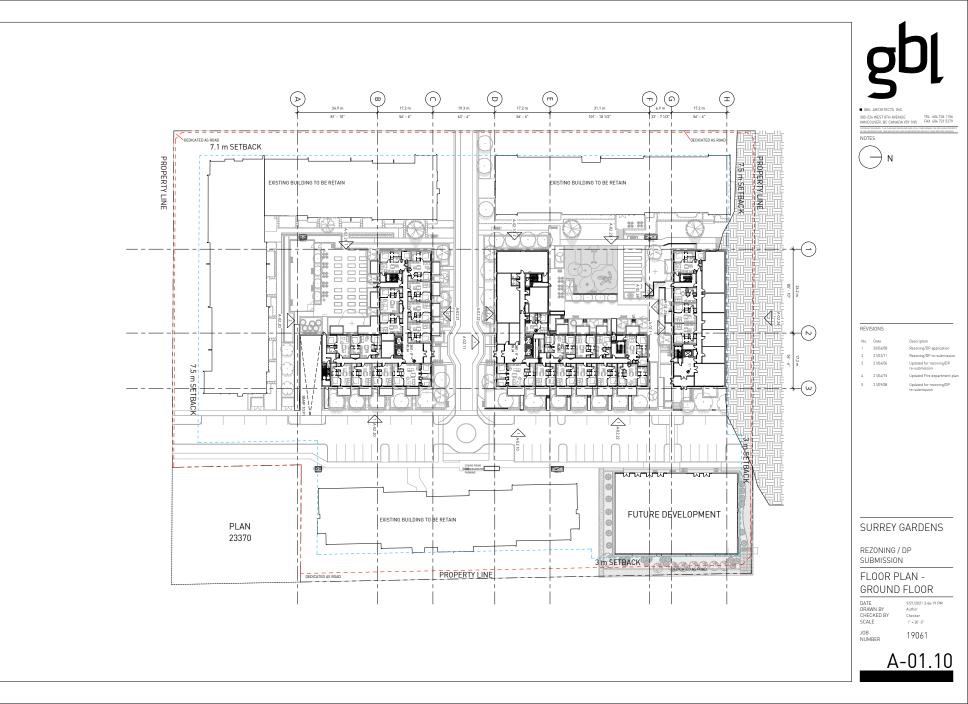
REZONING / DP SUBMISSION

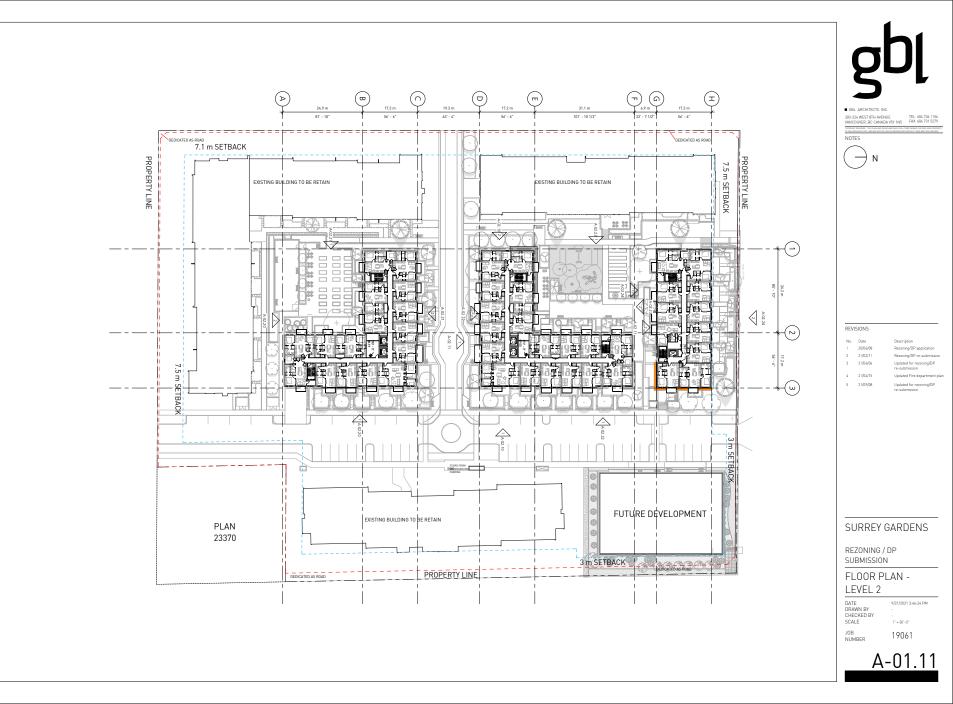
SHADOW STUDIES

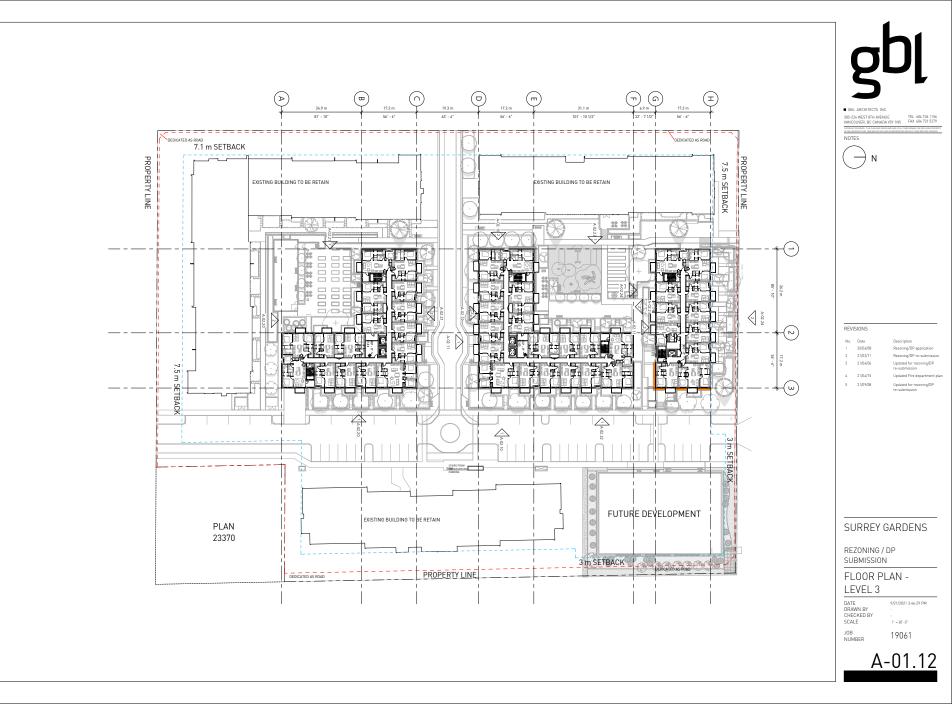
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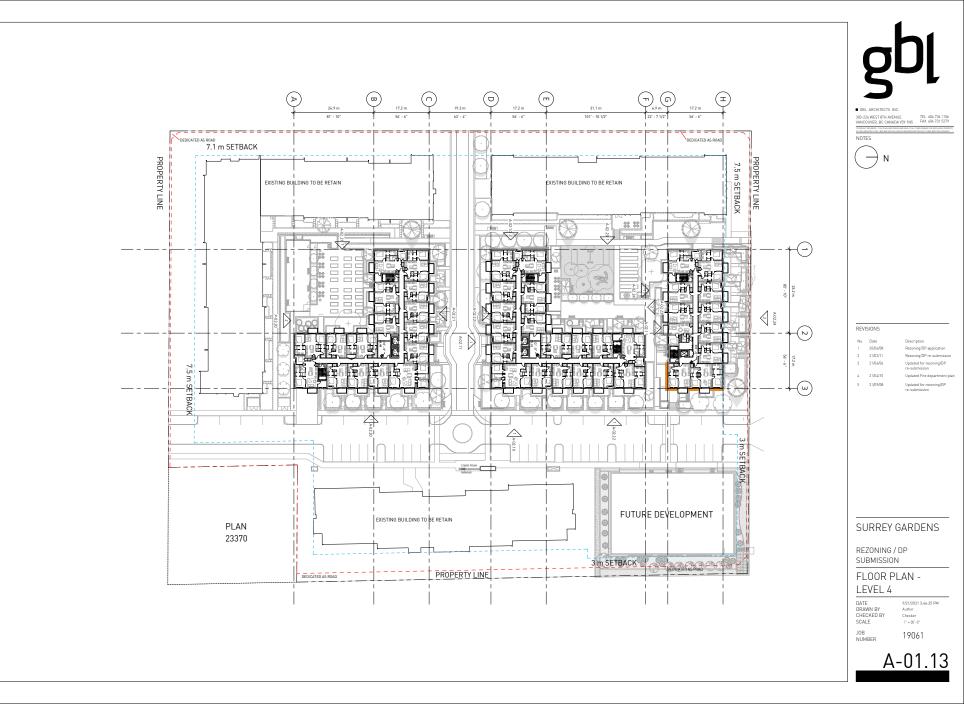


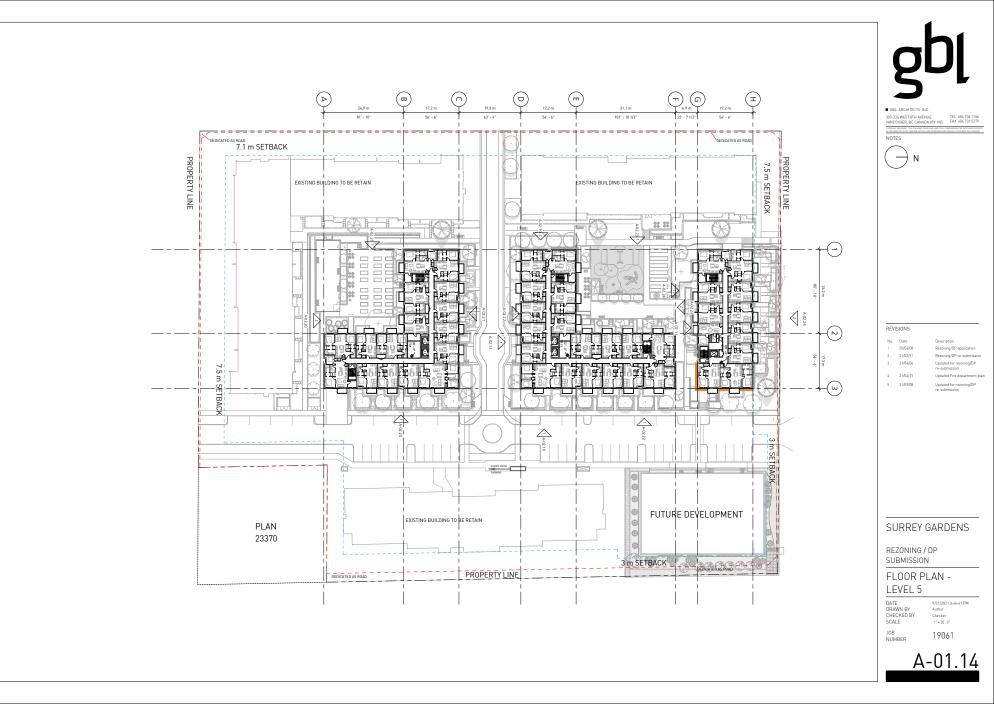


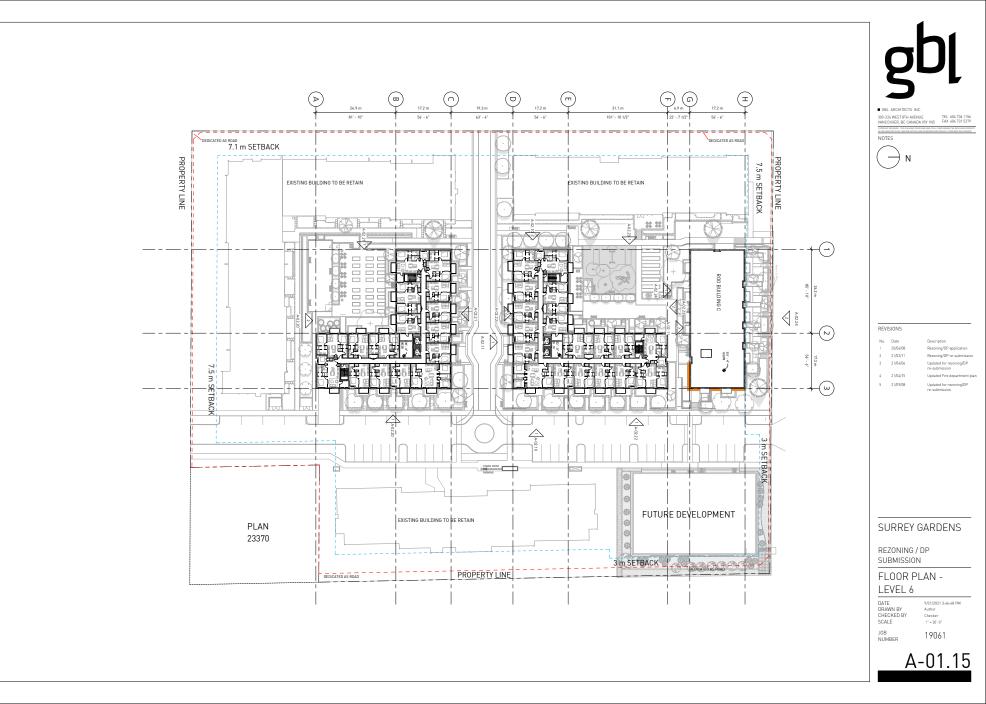


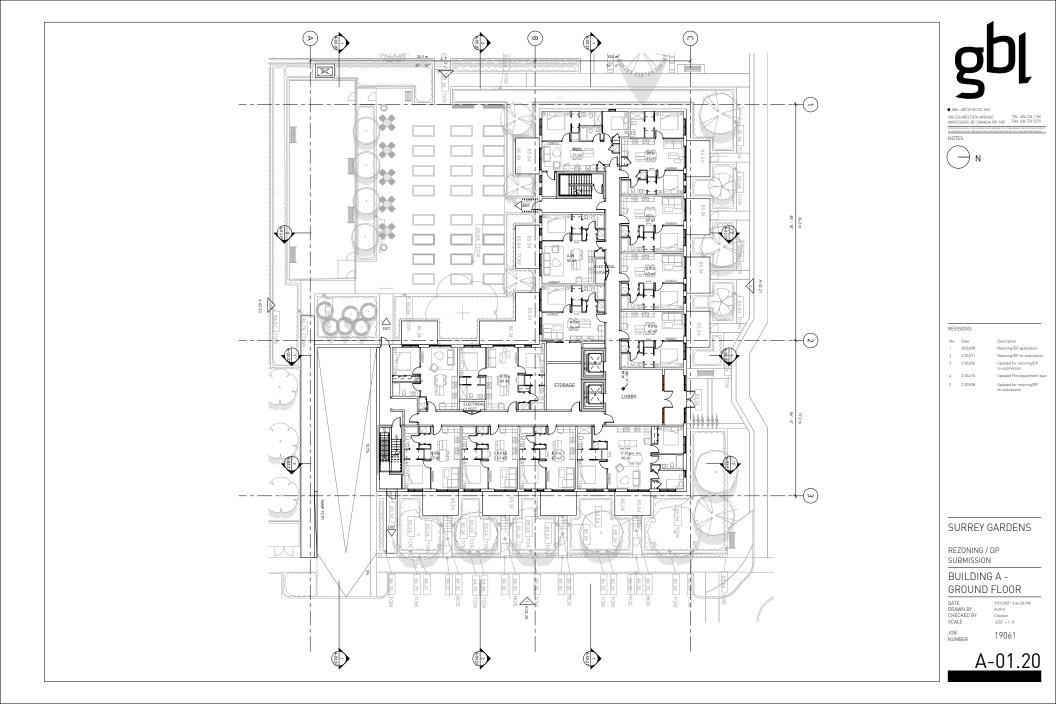


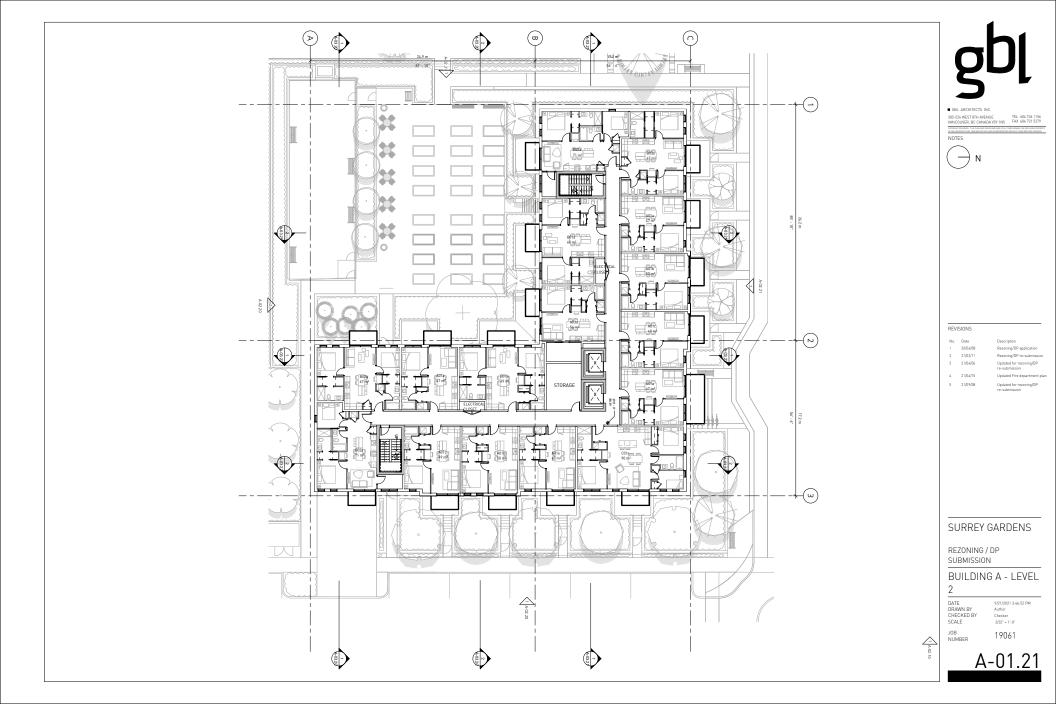


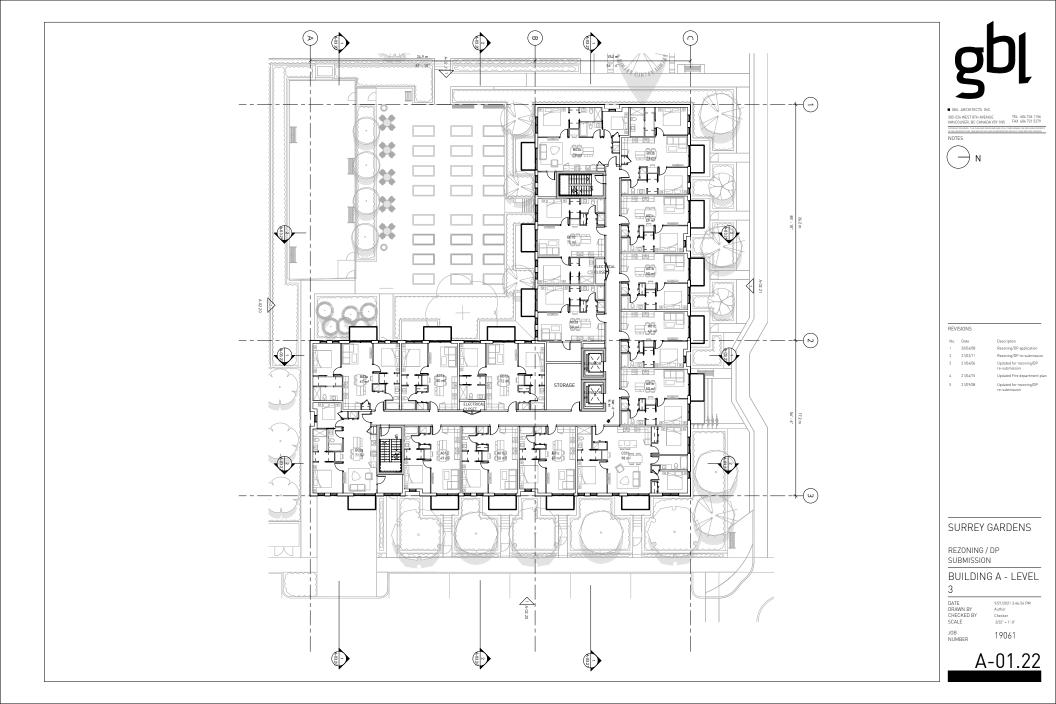


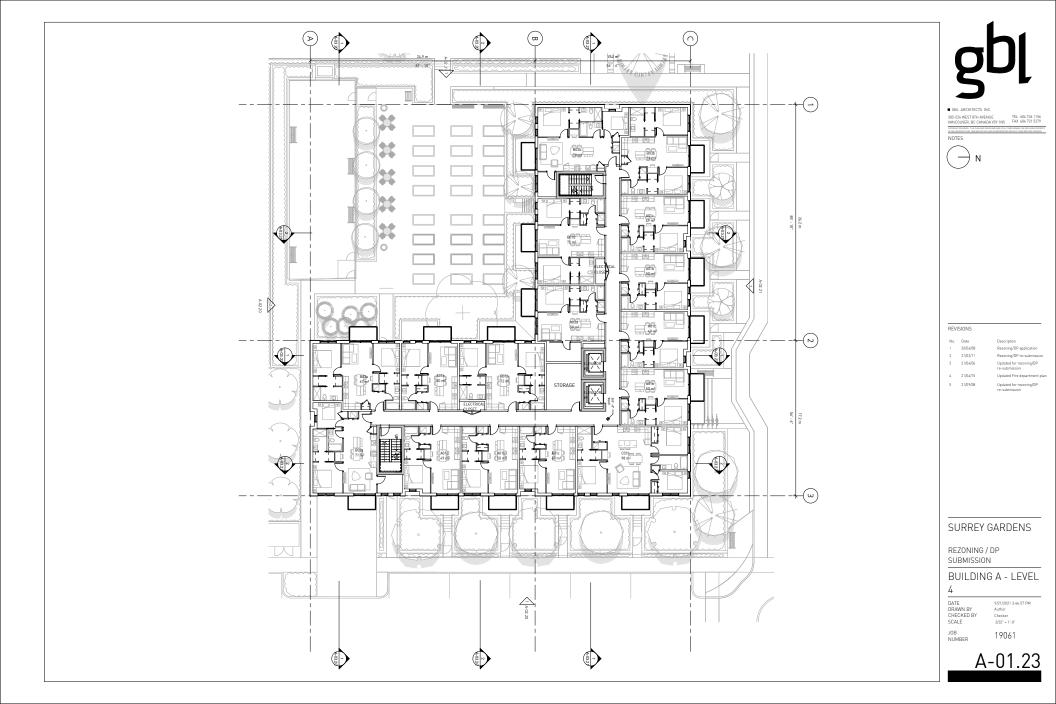


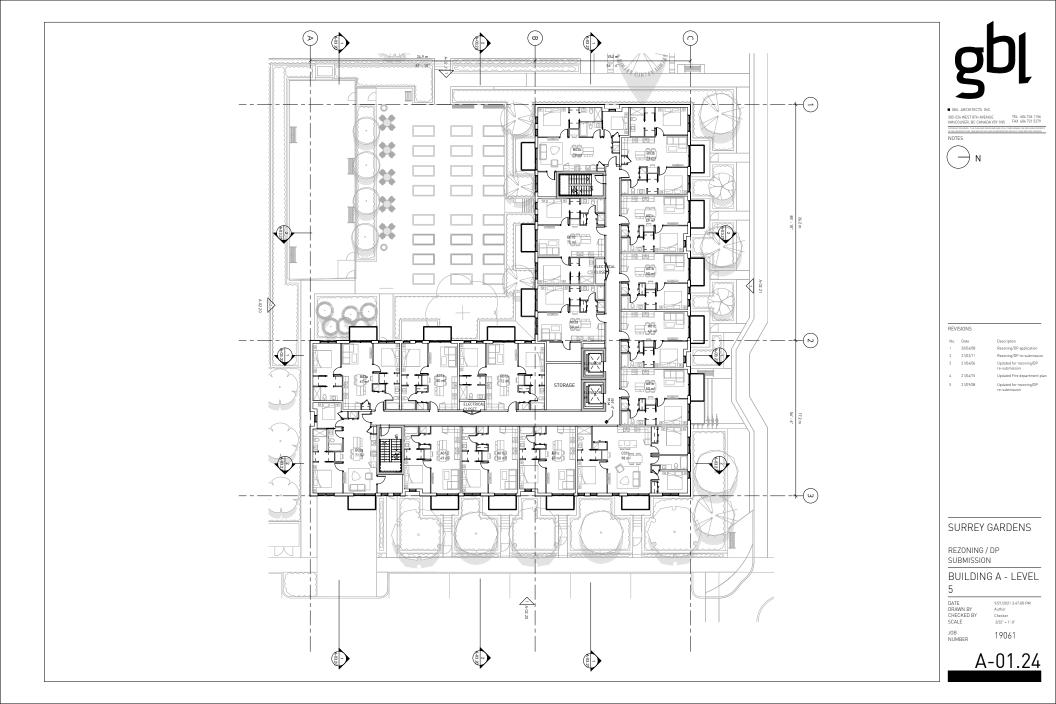


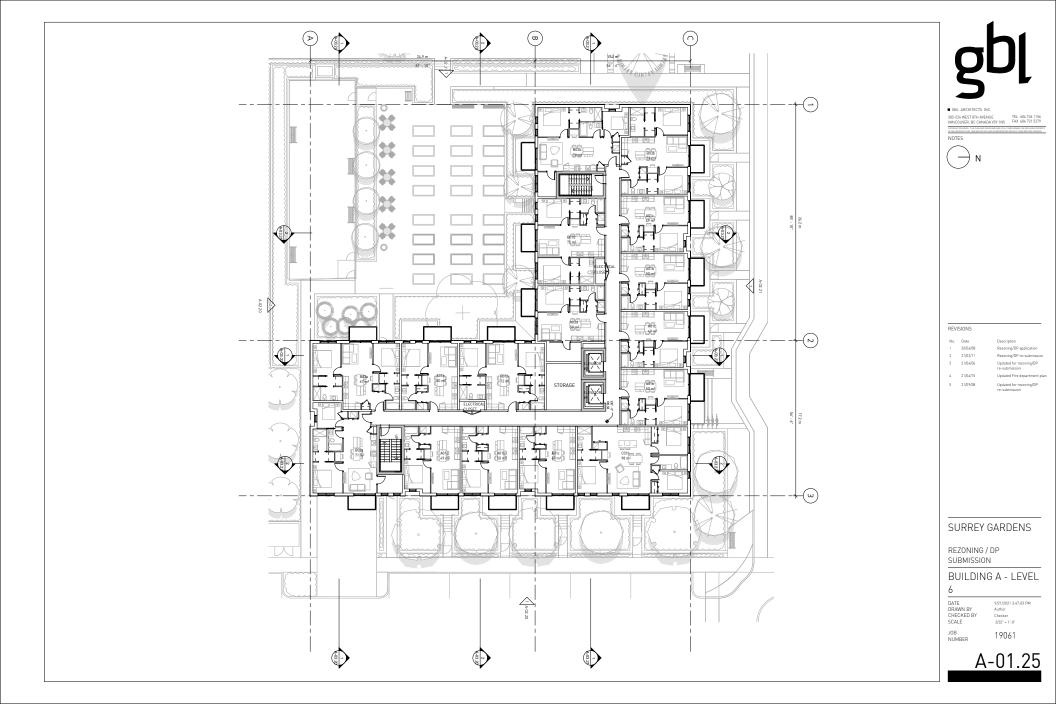


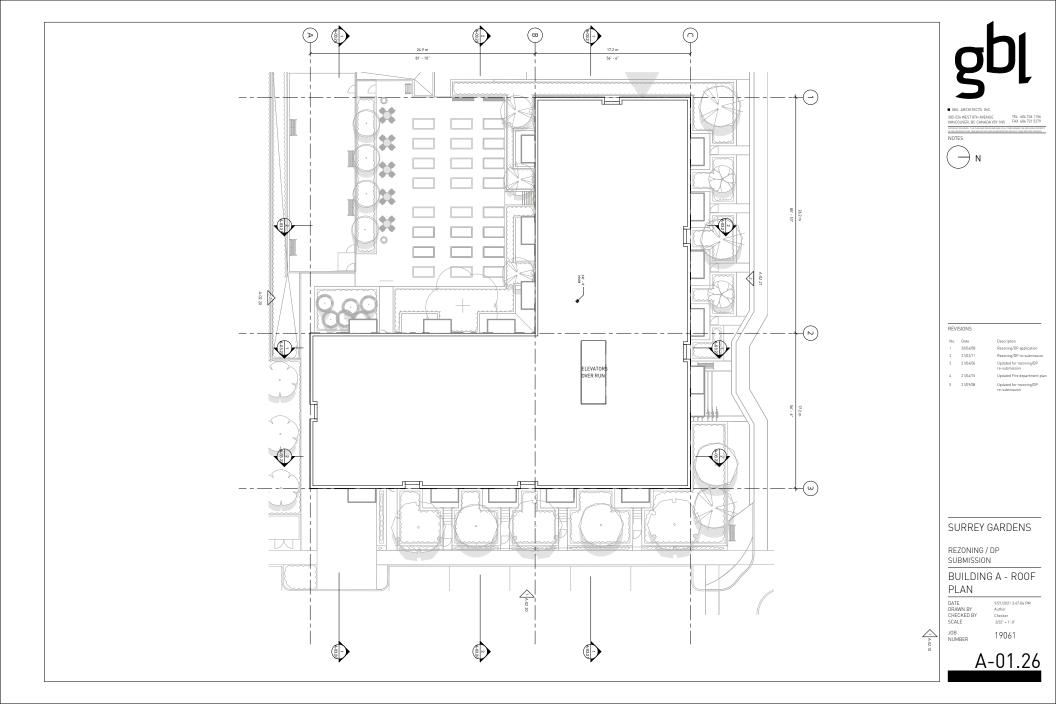


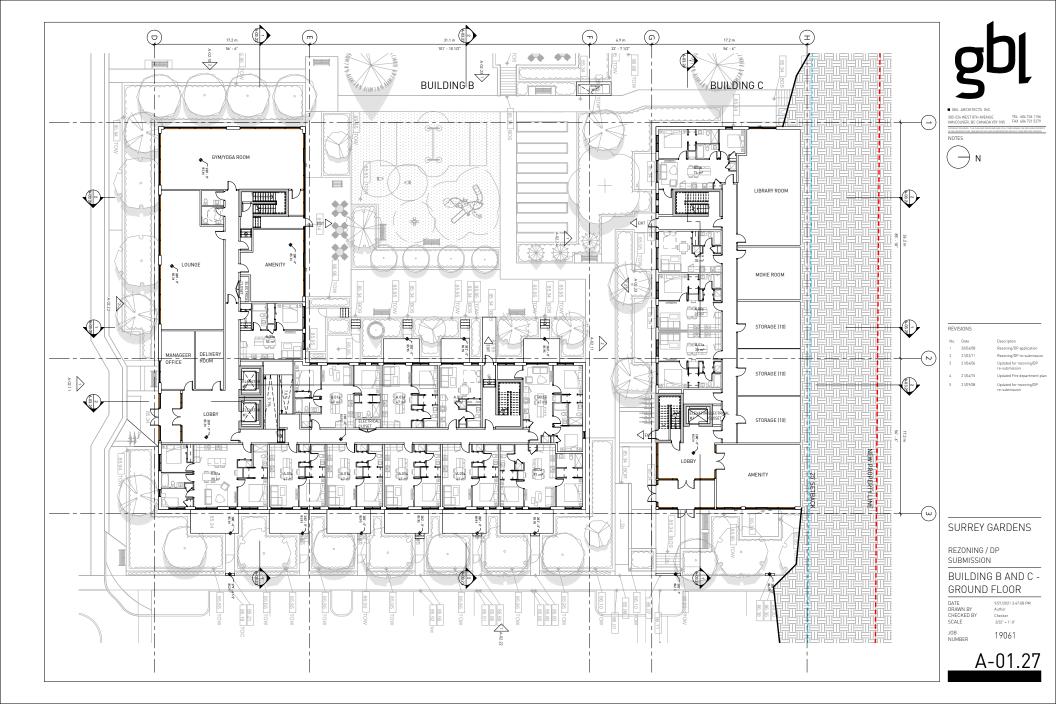












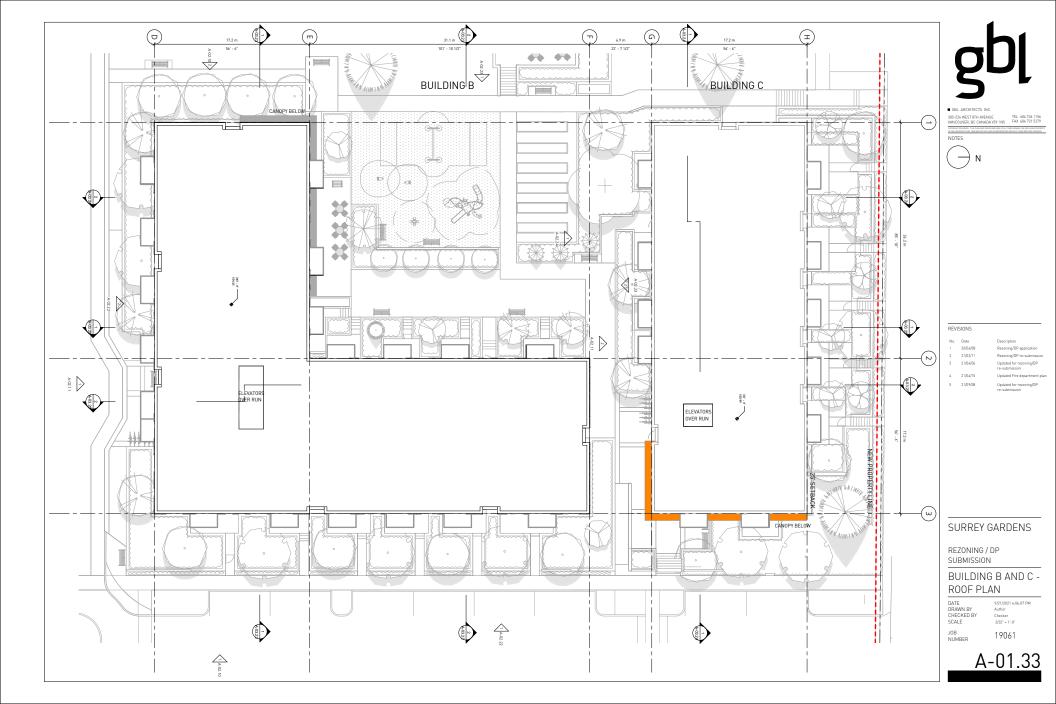


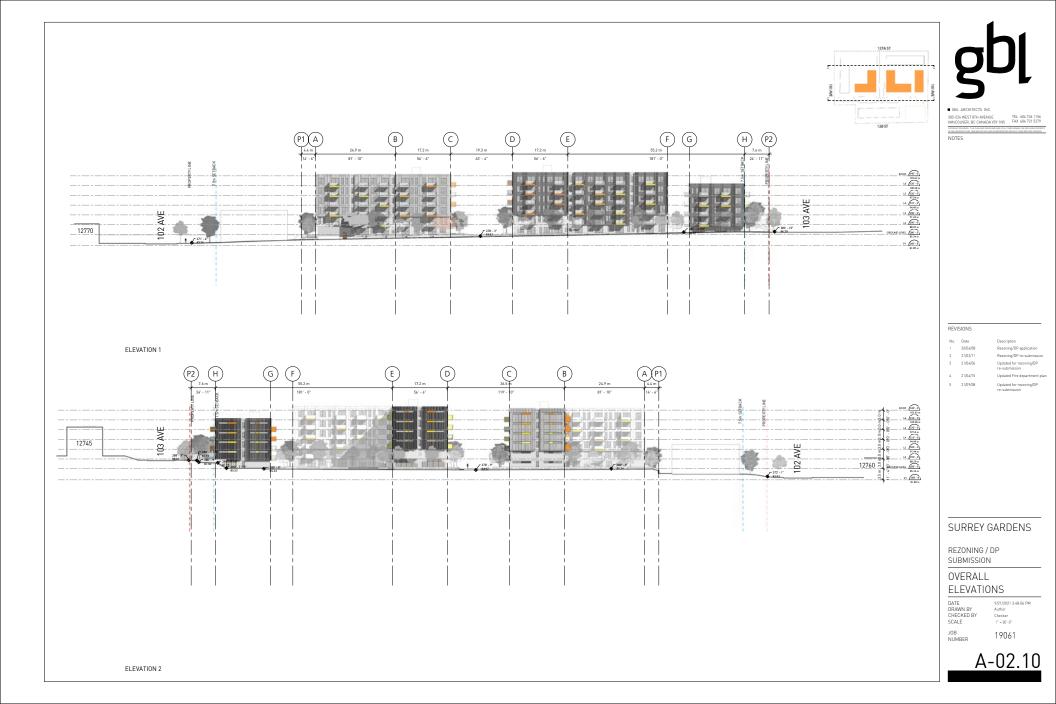


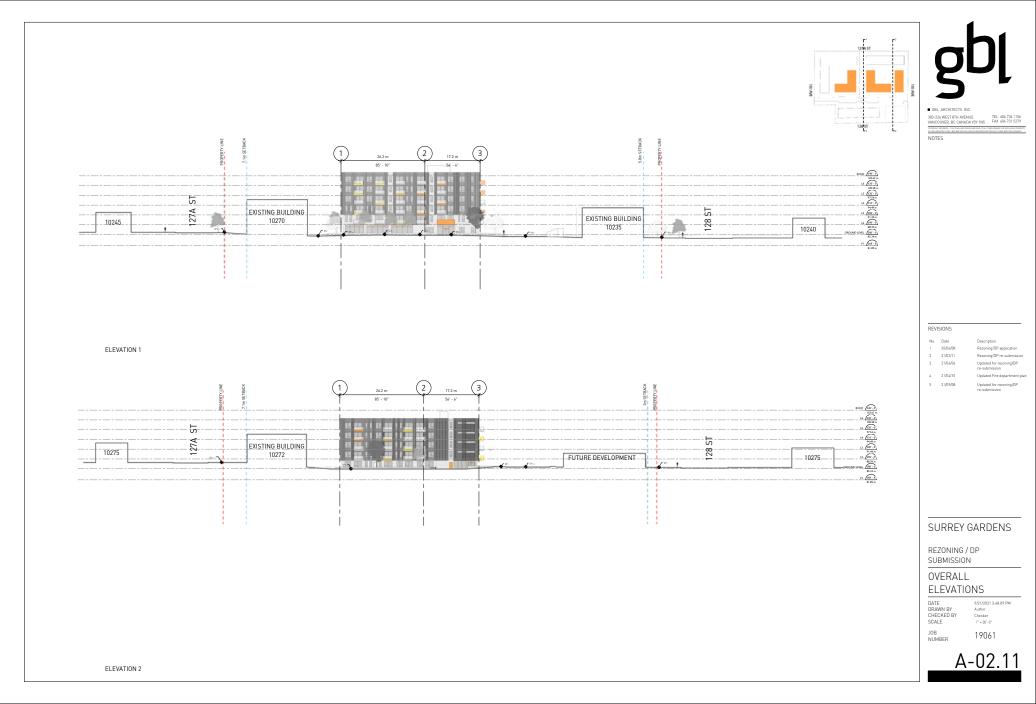


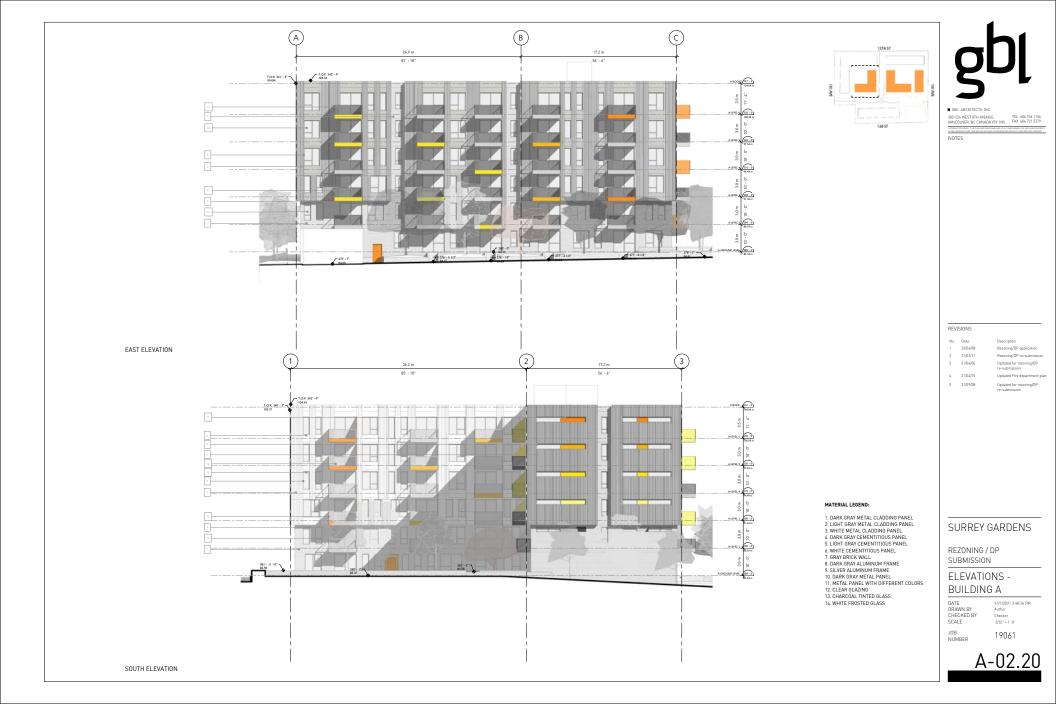


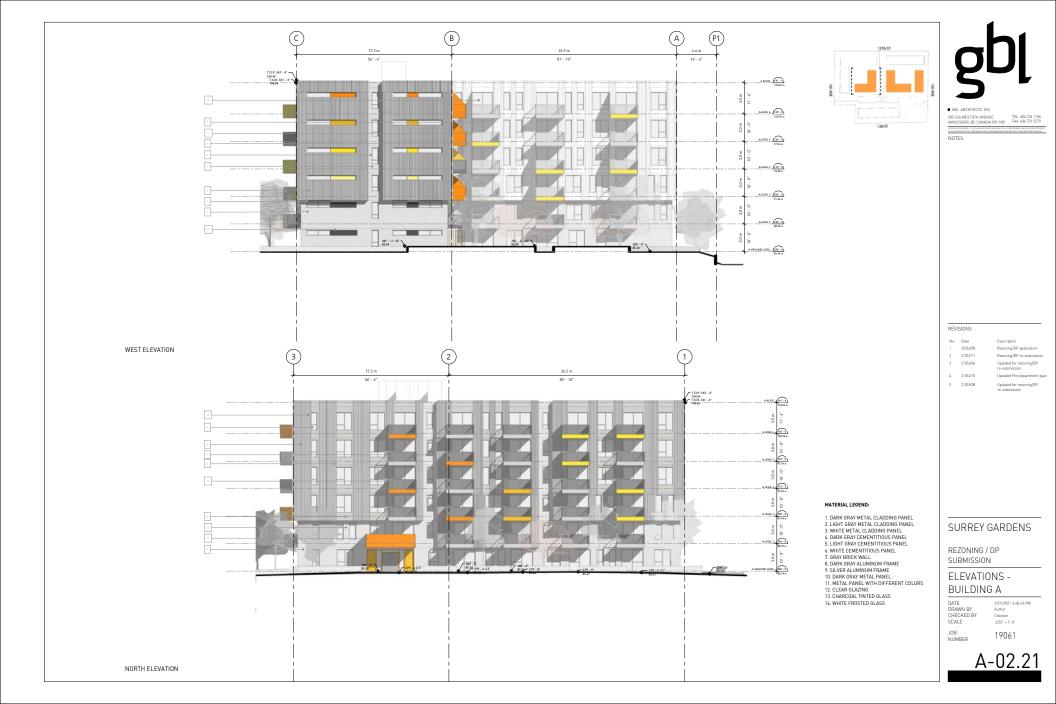




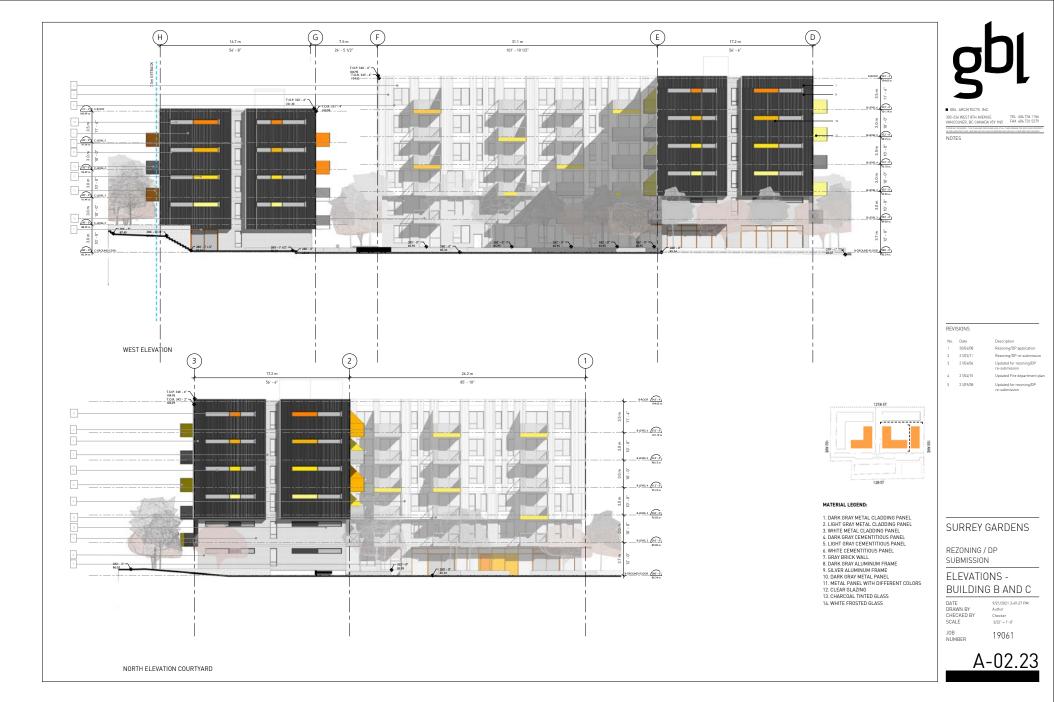




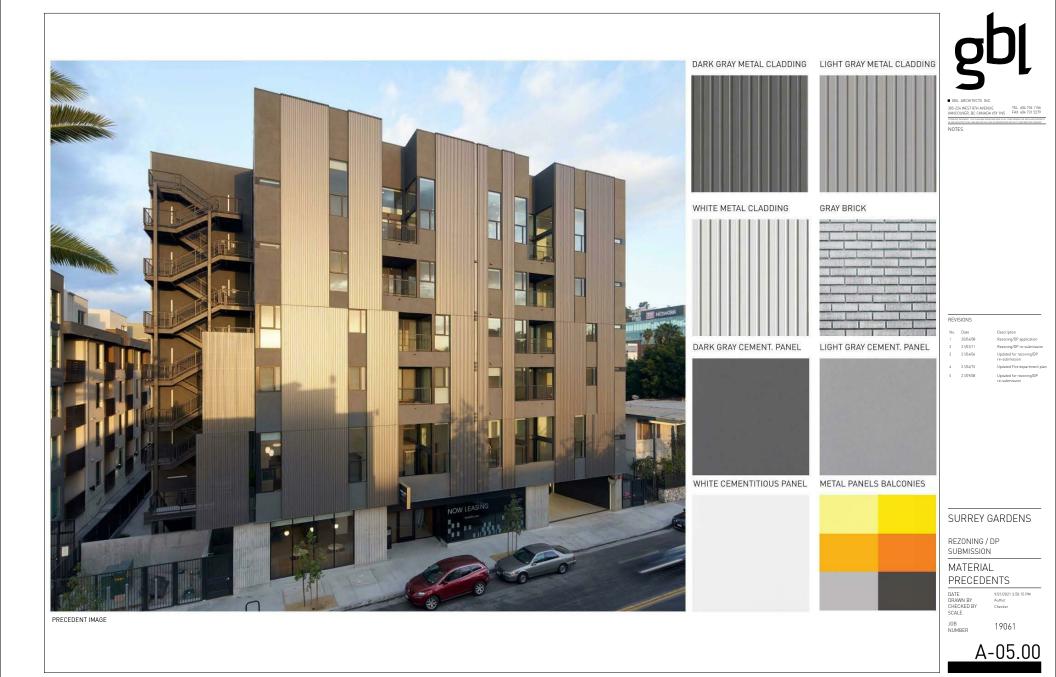


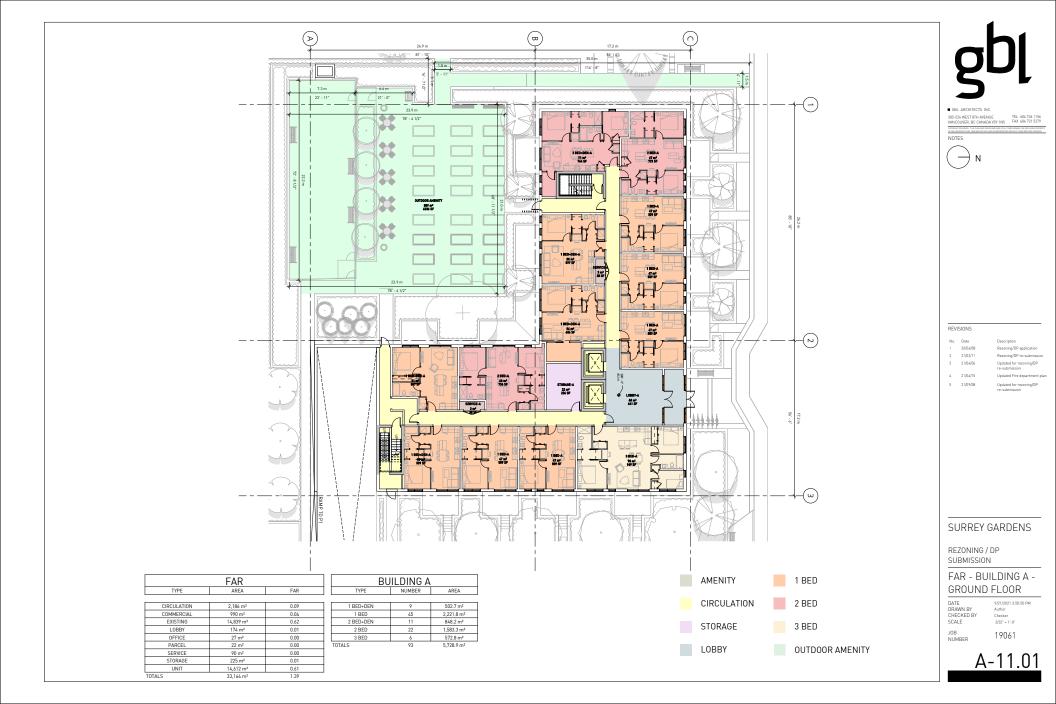


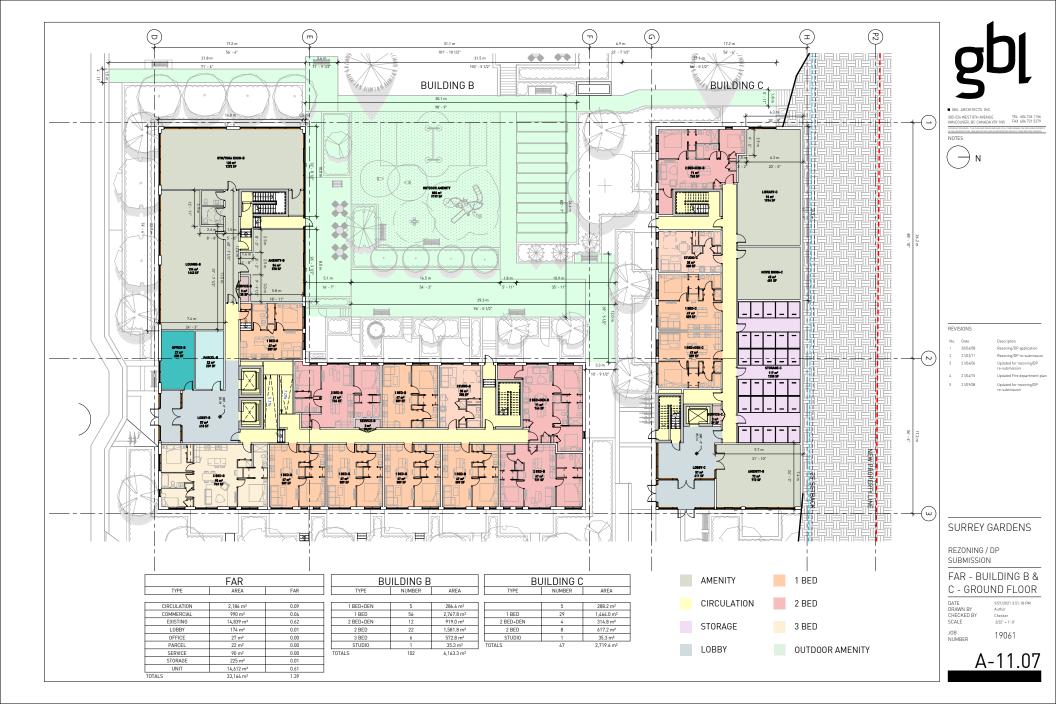




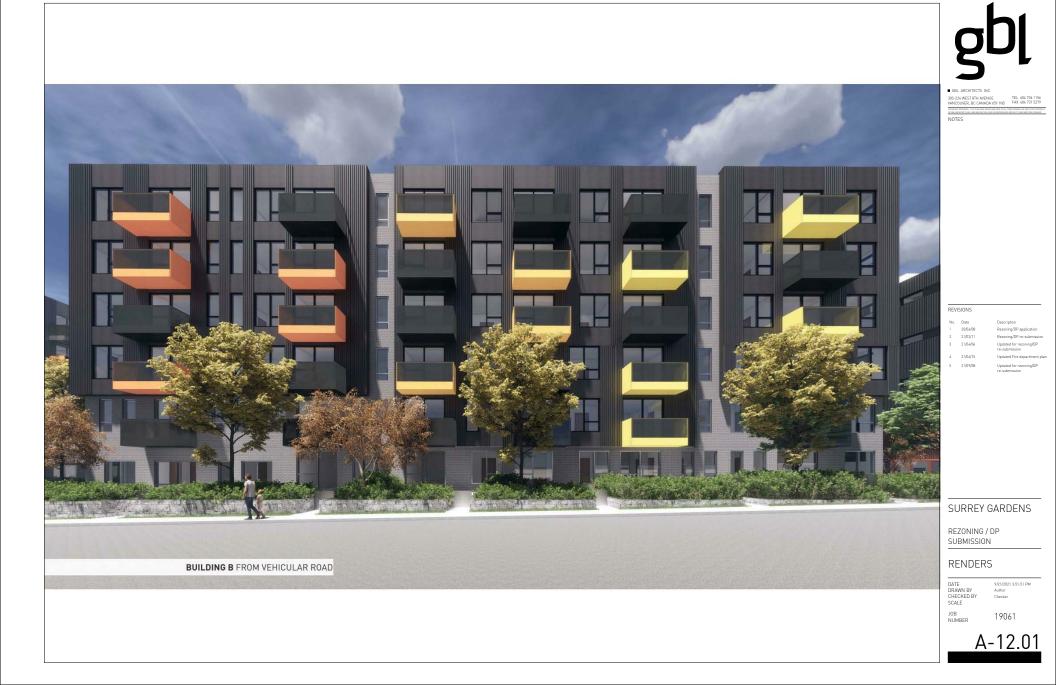














GBL ARCHITECTS INC.
 300-224 WEST BTH AVENUE
 TEL 4047 734 1156
 VANCOURSP, BIC CANADA VSY INS
 FAX 404 731 5279
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 NOTES

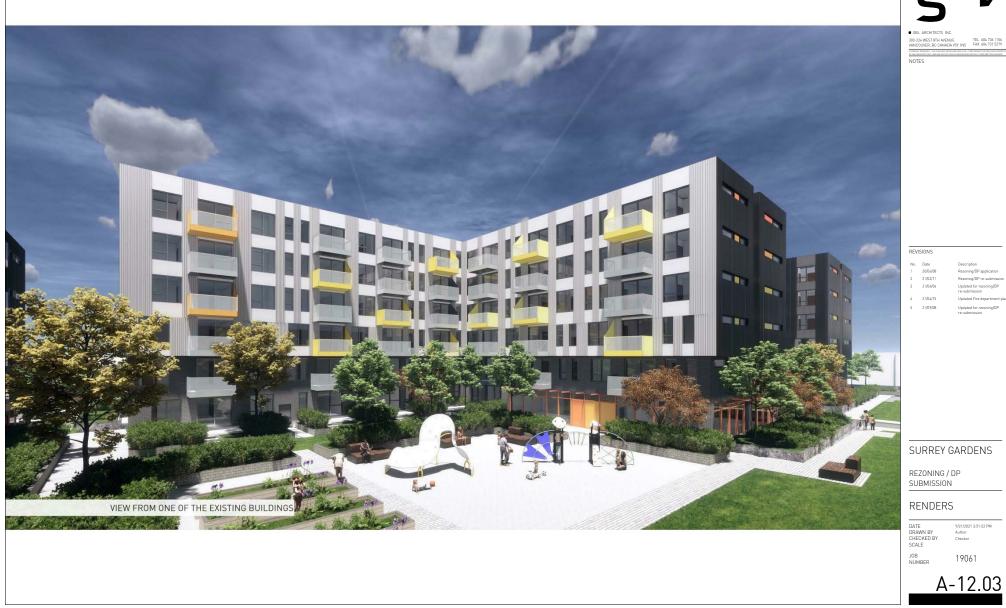
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SURREY GARDENS

REZONING / DP SUBMISSION

RENDERS

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Rezoning/DP application Rezoning/DP re-submi Undated for rea

9/21/2021 3:51:52 PM Author Checker 19061



Surrey Gardens

Issued for Development Permit



Sheet List Table

Sheet Number	Sheet Title
L-01	COVER PAGE
L-02	OVERALL SITE PLAN
L-03	SITE PLAN A
L-04	SITE PLAN B
L-05A	PLANT PALETTE
L-05B	PLANTING PLAN A
L-05C	PLANTING PLAN B
L-06	SECTIONS
L-07	SECTIONS
L-08	SECTIONS
L-09	SECTIONS

LD-01 DETAILS LD-02 DETAILS LD-03 DETAILS LD-04 DETAILS

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		REVISIONS Project: SURREY GA Location: Surrey, B.C.	
102 AVENUE	Dra	awr:	Sun
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2 LOCATION MAP	So	ale: i SHOW	VN SEASON

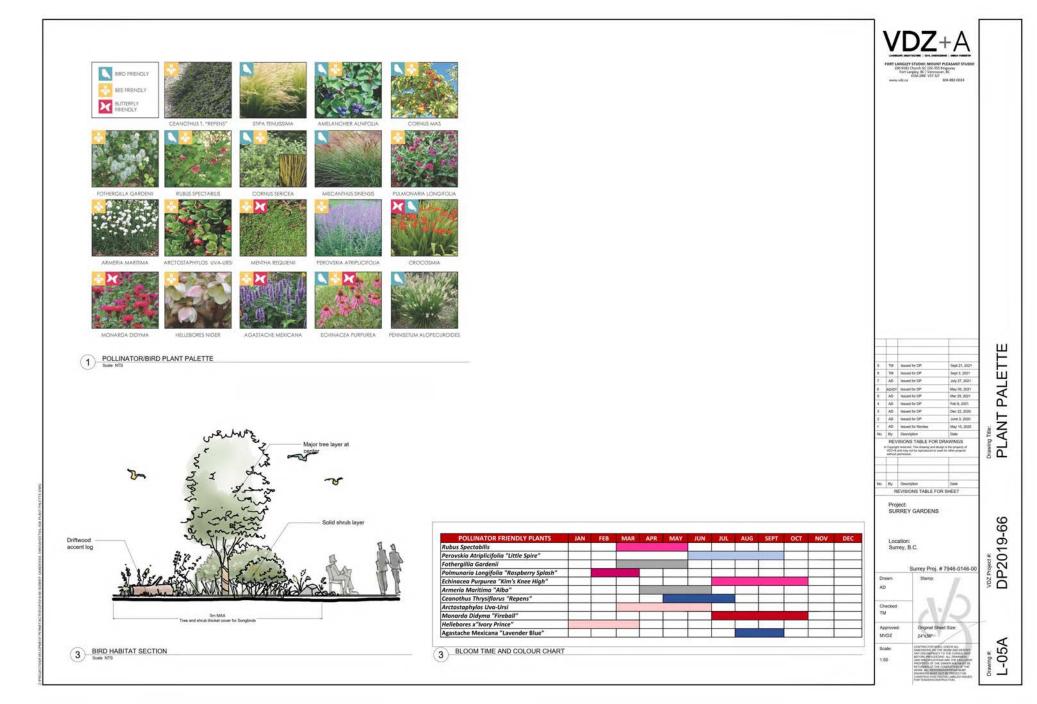


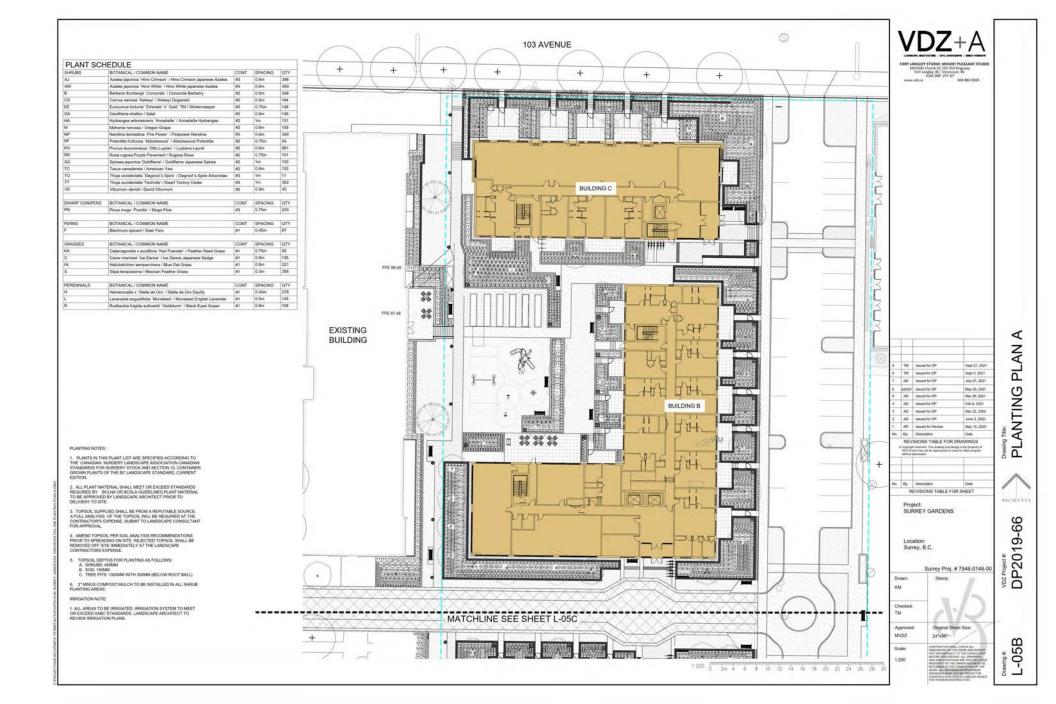
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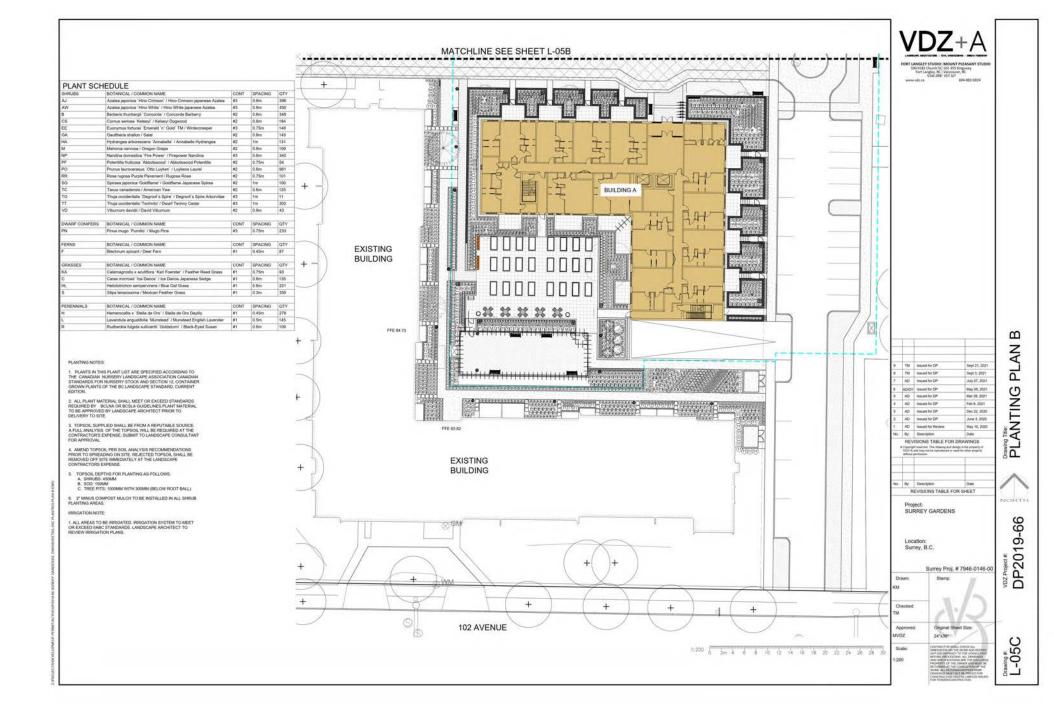


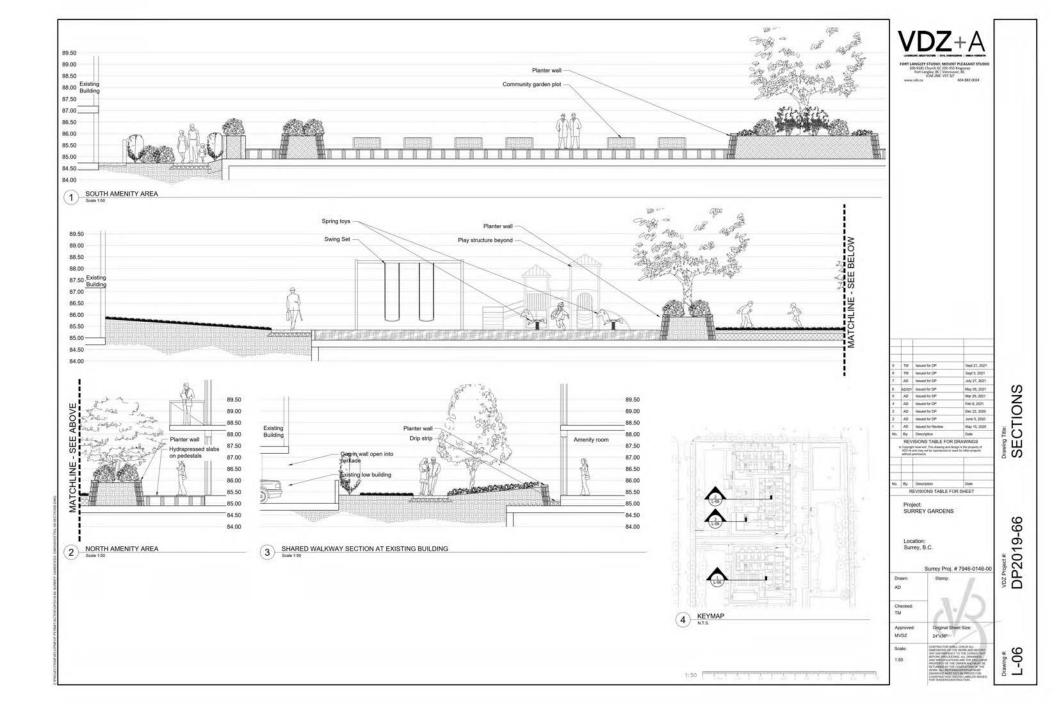


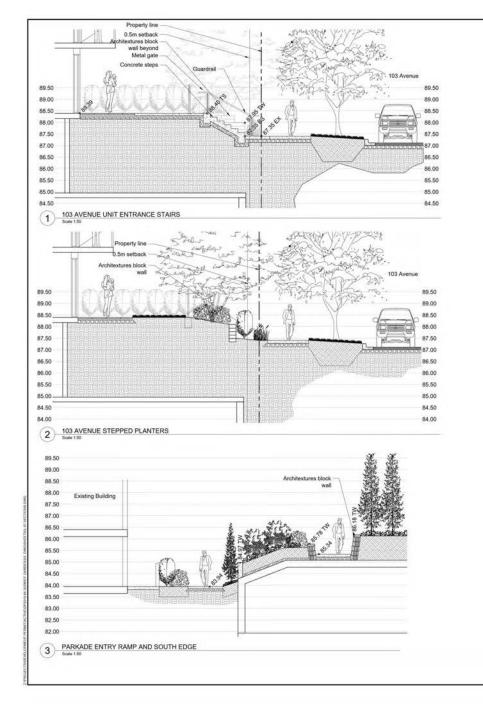


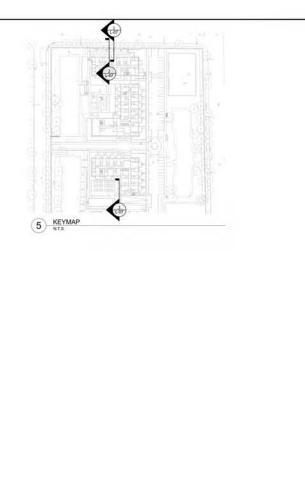


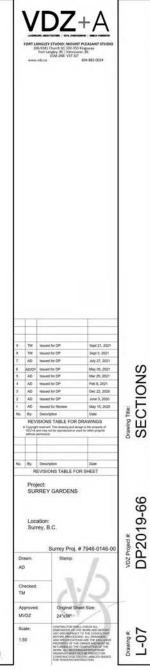


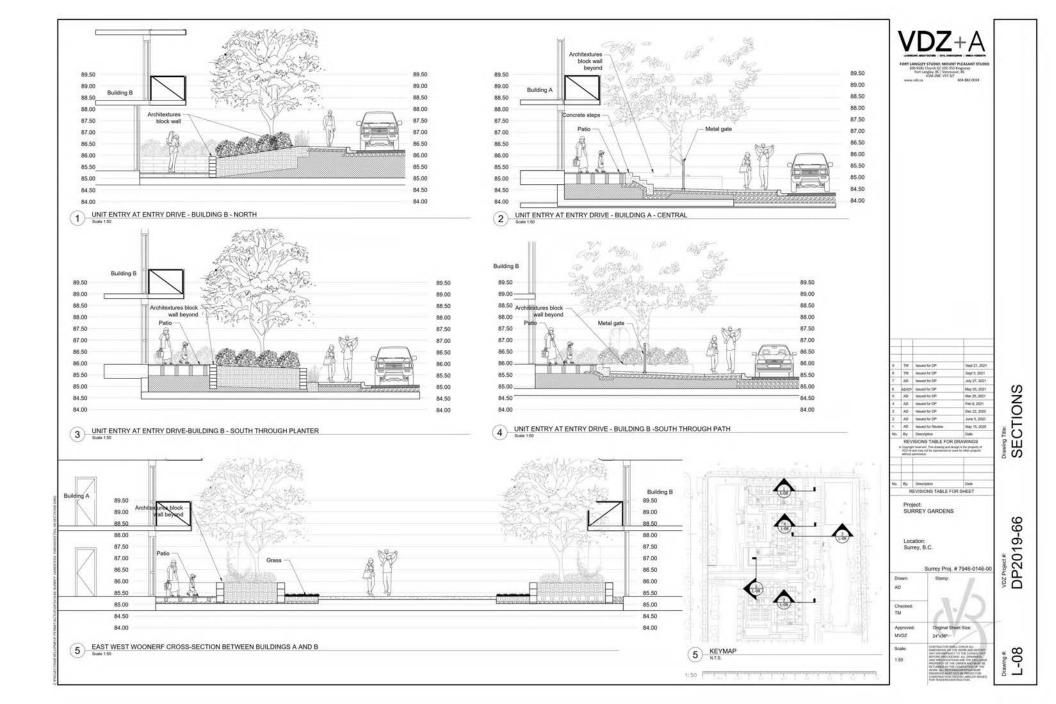


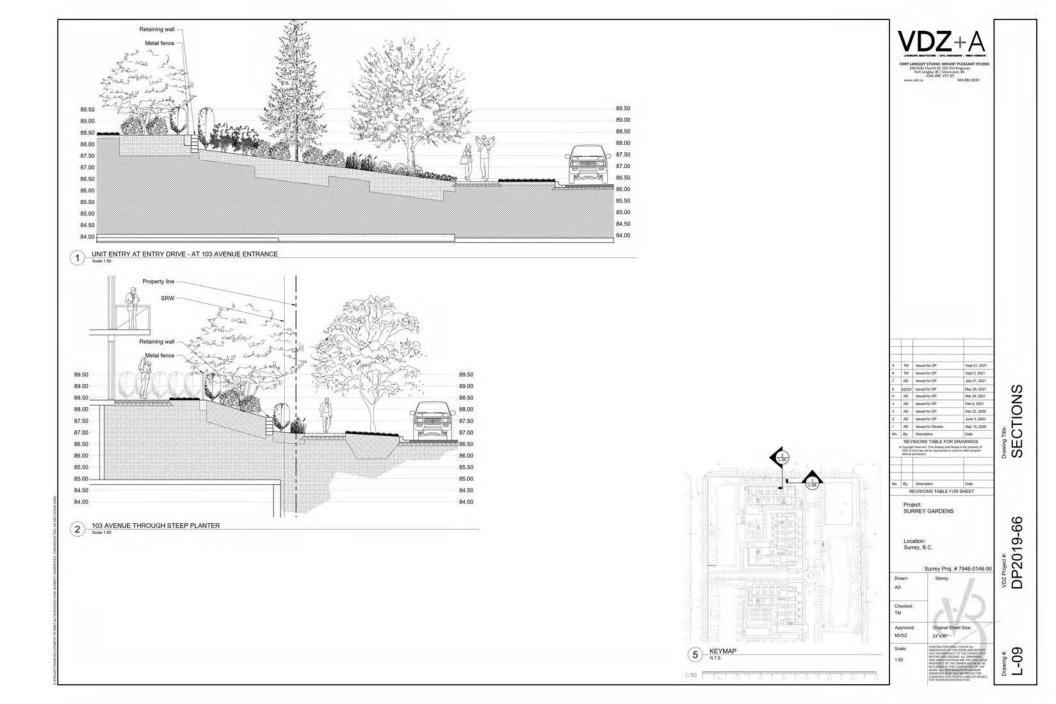


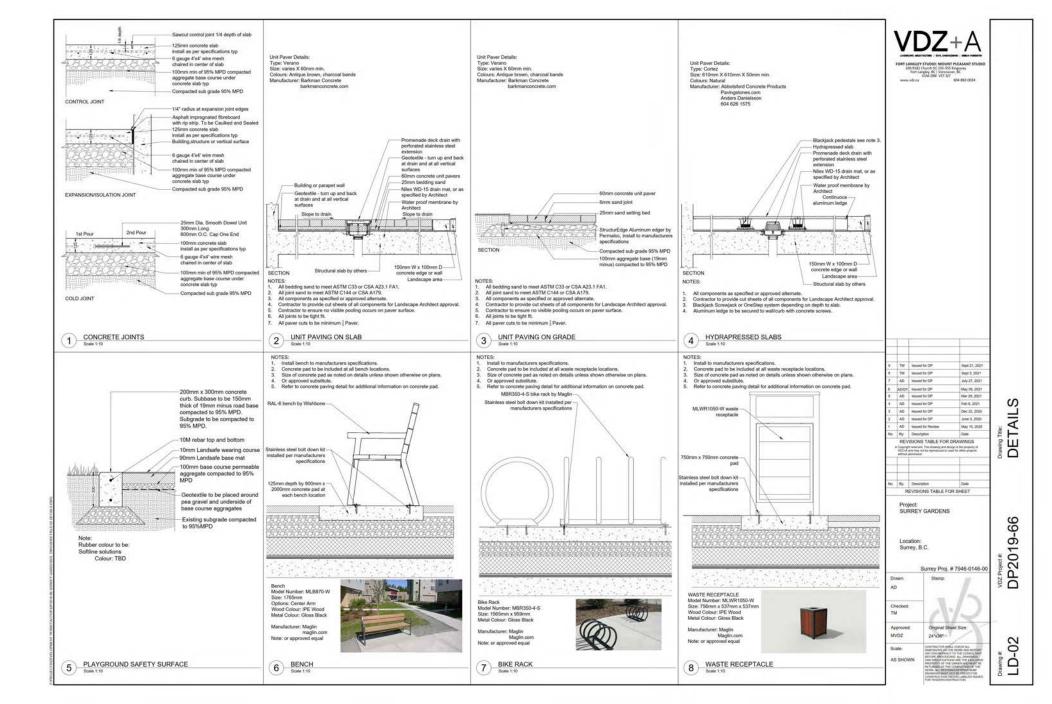


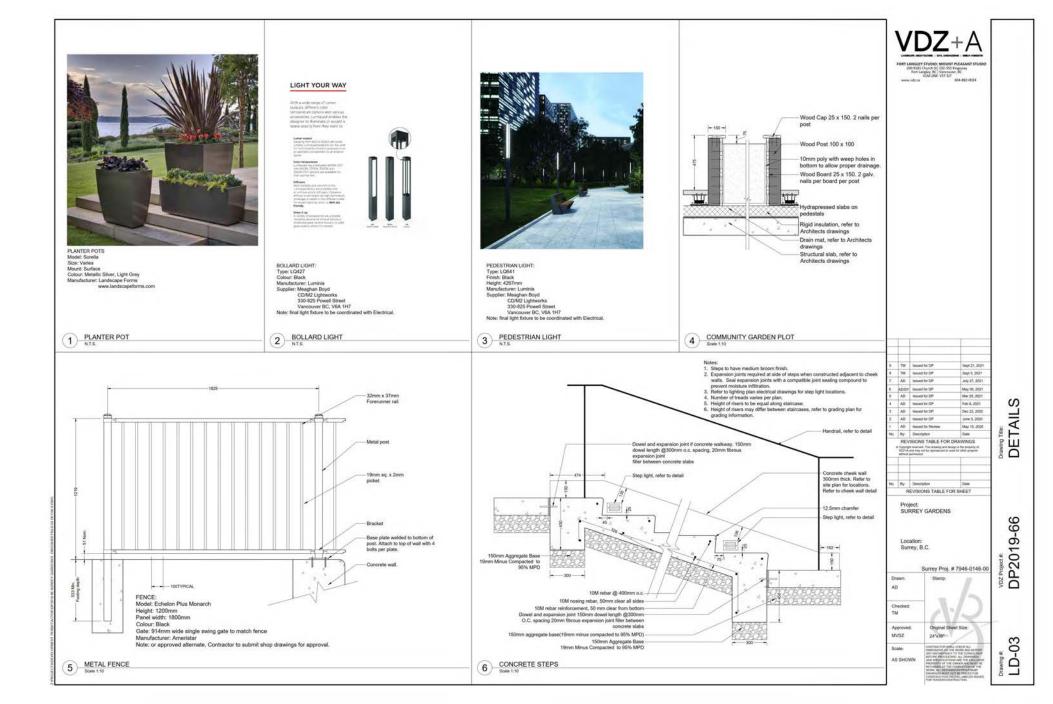














INTER-OFFICE MEMO

TO:Manager, Area Planning & Development
- North Surrey Division
Planning and Development DepartmentFROM:Acting Development Services Manager, Engineering Department

DATE:	September 21, 2021	PROJECT FILE:	7820-0146-00
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RE: Engineering Requirements (Commercial/Industrial/Multi-Family) Location: 10272 127A Street / 12747 102 Avenue / 12750 103 Avenue / 10205, 10235 and 10269-10289 128 Street

OCP AMENDMENT

There are no engineering requirements relative to the OCP Amendment.

REZONE/SUBDIVISION

Property and Right-of-Way Requirements

- Dedicate 2.808 m towards 128 Street for ultimate 30.0 m arterial road standard.
- Dedicate three 3.0 m x 3.0 m corner cuts at the fronting road intersections.
- Provide 0.5 m wide statutory rights-of-way (SRW) along all road frontages.

Works and Services

- Regrade the property line abutting 128 Street to suit ultimate road elevations.
- Construct road upgrades to 127A Street, 102 Avenue and 103 Avenue as required.
- Construct water mains on 102 Avenue and 127A Street.
- Construct sanitary mains on 103 Avenue and 128 Street.
- Abandon existing 150 mm sanitary main on SRW E1986-0425.
- Construct storm main(s) as required to address downstream constraints.
- Construct water, sanitary, and storm service connections to each lot.
- Construct on-site storm water mitigation and water quality treatment features.

A Servicing Agreement is required prior to Rezone/Subdivision. A processing fee of \$54,936.00 (GST included) is required.

DEVELOPMENT PERMIT

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

Jeffy lang

Jeff Pang, P.Eng. Acting Development Services Manager

DJS



September 22, 2021

Planning

School Enrolment Projections and Planning Update:

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

Prince Charles Elementary serves a residential area that sits on top of an escarpment which overlooks a portion of the industrial area along the Fraser River. The 10 year projections indicate there will be growth in the catchment. However, the school is currently operating under capacity and will be able to accommodate all the growth within its current capacity. There are no capital expansion project requests for this school.

As of September 2020, LA Mathieson Secondary is currently operating at 81%. There are no capital expansion project requests for this school.

THE IMPACT ON SCHOOLS

APPLICATION #:

20 0146 00

SUMMARY

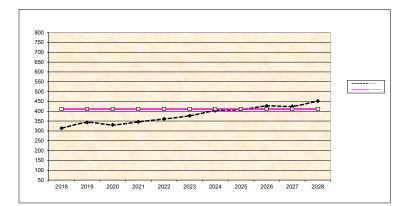
The proposed 242 rental lowrise units are estimated to have the following impact on the following schools:

Projected enrolment at Surrey School District for this development:

Elementary Students: Secondary Students:	12 15
September 2020 Enrolment/School Cap	acity
Prince Charles Elementary	
Enrolment (K/1-7):	42 K + 289
Operating Capacity (K/1-7)	38 K + 373
L. A. Matheson Secondary	
Enrolment (8-12):	1136
Capacity (8-12):	1400

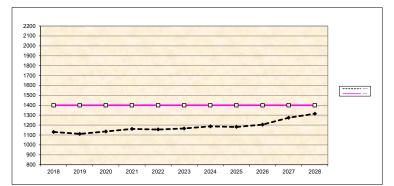
Projected population of school-age children for this development:

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



L. A. Matheson Secondary

Prince Charles Elementary

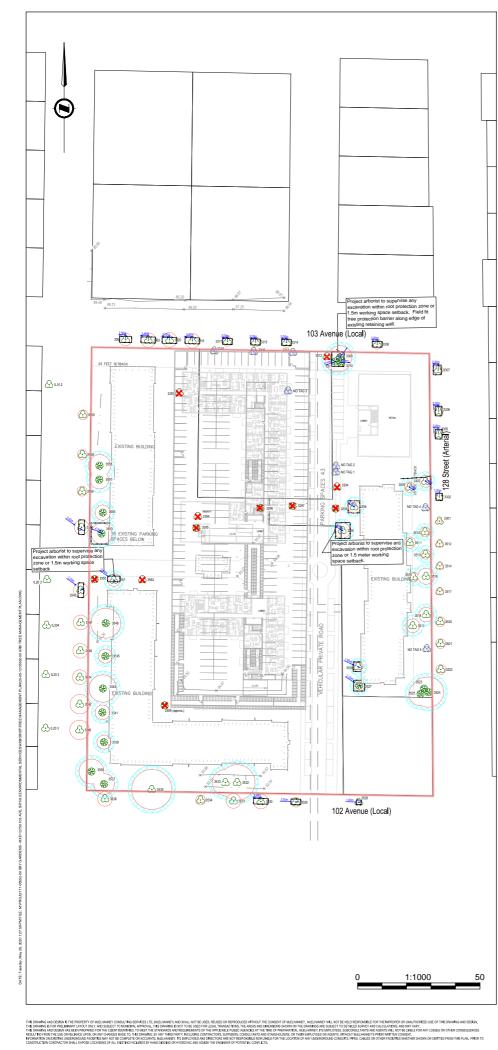


* Nominal Capacity is estimated by multiplying the number of enrolling spaces by 25 students. Maximum operating capacity is estimated by multipying the number of enrolling spaces by 27 students.

36

Appendix B: Tree Preservation Summary	
Surrey Project No: Pre application	
Address: 12750 103 Ave., 10235 128 Street, 12747 102 Ave., 10272 127A Stree	et, 10205 128 Street
Registered Arborist: Jori Porter, BA ISA Certified Arborist (PN8854A), Tree Risk Assessment Qualified	
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).	80
Protected Trees to be Removed	11
Protected Trees to be Retained (excluding trees within proposed open space or riparian areas)	69
Total Replacement Trees Required, Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio 1 Xone(1)=1-All other Trees Requiring 2 to 1 Replacement Ratio10Xtwo(2)=20	21
Replacement Trees Proposed	87
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 Retained	N/A
Protected Off-Site Trees to be Removed	N/A
Total Replacement Trees Required, Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio 0 Xone(1)-All other Trees Requiring 2 to 1 Replacement Ratio	
$\mathbf{\underline{0}} X \text{two}(2) \qquad = 0$	0
Replacement Trees Proposed	N/A
Replacement Trees in Deficit	N/A
Summary prepared and submitted by: Horte Date: September 20,	2021

ж



Root protection zone (RPZ) 1.5 meter working space setback 0-ئ^{###} Broadleaf tree w/Tag No.

LEGEND

×



- Tree to be removed (proposed)
- Tree protection barrier Non-bylaw regulated tree
- Site boundary

IMPACT MITIGATION

<u>Tree Protection Barrier</u>: The areas, surrounding the trees to be retained, should be isolated from the construction activity by erecting protective barrier fencing. Where possible, the fencing should be erected at the parimeter of the tree dripline. The barrier fencing to be erected at the parimeter of the tree dripline. The barrier fencing to be erected must be between the posts at the top and the Jobiton of the fencing. This solid frame can then be covered with flexible arow fencing. This fancing must be areaded prior to the start of any and the priority and the protection of the project. Signs should be posted around the protection prior to dealer but the final final and termain in place through completion of the project. Signs should be posted around the protection zone to declare to filmins to all and remain in place through completion of the project. Signs shou be posted around the protection zone to dedrair a toil limits to all construction related activity. The project atrotist must be consulte before his fencing is removed or moved for any purpose. <u>Excavation</u>: We recommend that no excavation occur within tree protection zones of trees that are to be relatined. Any excavation that is necessary, within the working space setback of trees to be related must be completed under the direction of the project arborist. If it is found, at the time of excavation, that the excavation cannot be completed without severing roots that are cricical to the trees health or stability it may be necessary to remove additional trees.

These. The second secon

consulted. Much layer or physicod over heavy traffic areas; Should it be necessary to access the protection areas during the construction phase of the project, and heavy foot traffic or vehicular encroachment is required, we recommend that a layer of wooth, this project actions much accounted prior to removing or moving the protection barrier for this purpose.

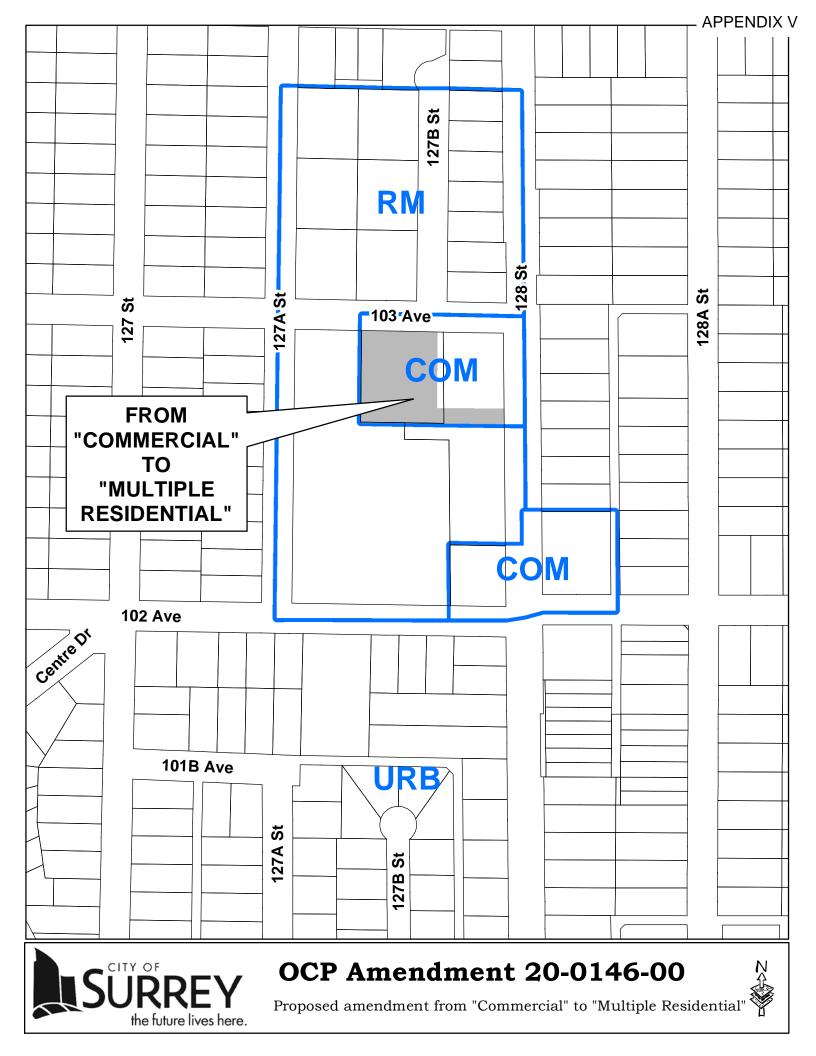
Locating work zones and machine access corridors where

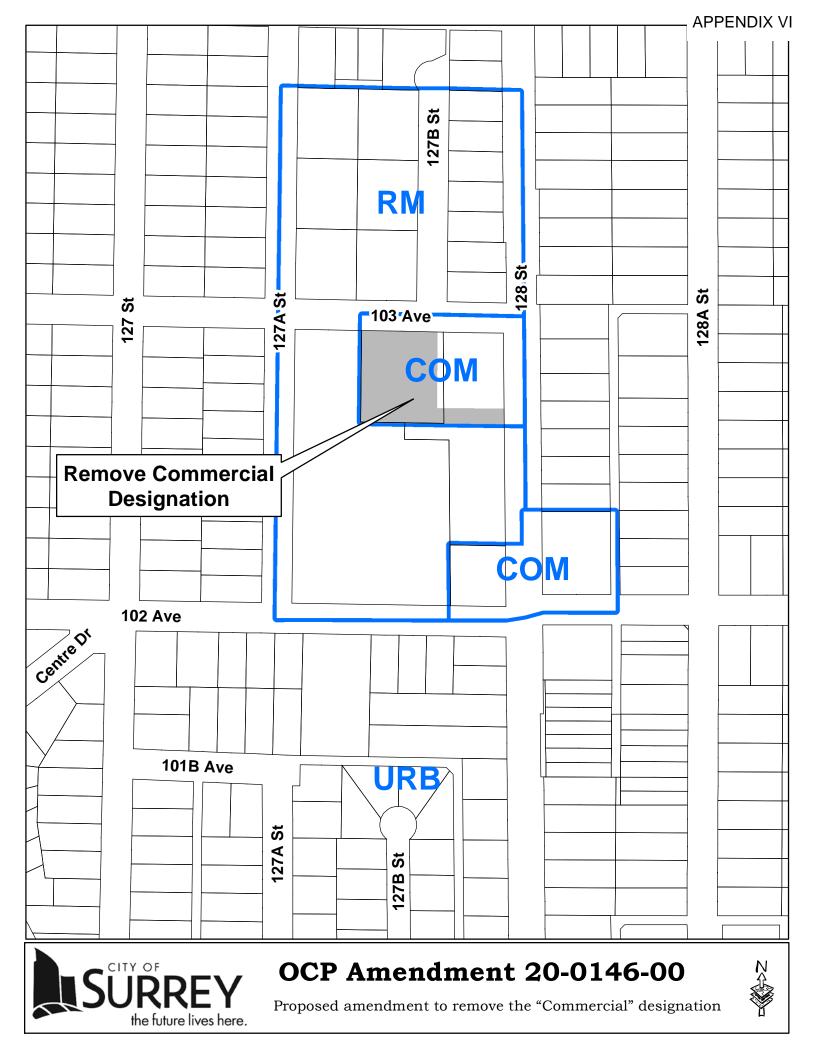
SKETCH T1

Tree Management Plan 128 Street and 103 Avenue Surrey, BC

DATE May 26, 2020 Surrey Gardens Limited Partnership 1 : 1000 @ 11" X 17" 2111-05552-00 PREPARED FOR: SCALE: MCSL PROJECT: MUN. PROJECT:









Advisory Design Panel **Minutes**

Location: Virtual Thursday, May 27, 2021 Time: 3:00 pm

Present:

J. Packer David Dove, Perkins & Will
L. Mickelson Fabio Facchini, GBL Architects
M. Derksen Greg Mitchell, Primex Investments Ltd.
M. Heeney Katya Yushmanova, PWL
M. Tashakor Nathaniel Funk, Bosa Properties
N. Couttie Travis Martin, BCSLA, van der Zalm + Associates

Guests:

Staff Present:

A. McLean, City Architect S. Maleknia, Urban Design Planner C. Eagles, Administrative Assistant

RECEIPT OF MINUTES Α.

It was

Moved by M. Heeney Seconded by R. Drew That the minutes of the Advisory Design Panel meeting of May 13, 2021 be received. Carried

B. **NEW SUBMISSIONS**

2.	Time:	4:35 p.m.

File No.:	7920-0146-00
Address:	10272 – 127A Street, 12750 – 103 Avenue & 10235 – 128 Street
New or Resubmit:	New
Last Submission Date:	N/A
Description:	Partial OCP Amendment, Rezoning, Subdivision, and
	Development Permit to allow three (3) infill rental
	apartment buildings of 5 to 6-storeys with 242 units.
	Three (3) existing rental buildings to be retained.
Developer:	Greg Mitchell, Primex Investments Ltd.
Architect:	Andrew Emmerson, Architect AIBC, GBL Architects
Landscape Architect:	Travis Martin, BCSLA, van der Zalm + Associates
Planner:	Christa Brown
Urban Design Planner:	Sam Maleknia

The Urban Design Planner advised that staff have no specific issues. Staff worked closely with the applicant on the site planning, architecture of the buildings and support the project. The Panel was asked to comment on the interfaces, architectural expression, and landscape concept.

The Project Architect presented an overview of the site and building layouts, streetscapes, 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 M. Heeney Seconded by M. Derksen That the Advisory Design Panel (ADP) is in

CONDITIONAL SUPPORT of the project and recommends that the applicant address the following issues to the satisfaction of the Planning & Development Department and, at the discretion of Planning staff, resubmit the project to the ADP for review.

<u>Carried</u>

N. Couttie left the meeting at 6:01 p.m.

Key Points:

- Consider further development of how the materials and colours turn the corners. Use a mass or plane change to make the transition.
 - The colour change for the exterior cladding is clearly delineated on the corners, where the building form returns inwards for the courtyard. The concept is clean, simple, and visually defined reinforcing the notion of an outside darker 'skin' contrasting the lighter interior façade treatment
- Consider further differentiation between the north/south streets and the east/west pedestrian oriented street.
 - The two internal streets are characterised by two unique types of permeability. The north/south street is a connection axis between 102 Ave and 103 Ave. On the ground floor, we only have private patios facing that street; making the building feel less permeable. The east/west pedestrian-oriented street is more permeable; the entrances of building A and B open there, in addition to a portion of the amenity façade fronting the pedestrian-oriented street.
- Consider developing the end elevations facing the existing buildings with the intent of making them more interesting to look at.
 - We have articulated the ends of each building with a horizontal window arrangement that provides visual contrast from the main street elevations, while respecting privacy to and from the neighbouring existing buildings. We have also added colored panels in line with the overall design of the buildings, while also introducing a cut on the façade using brick, which softens the perception of the end façade.
- Consider weather projection for outdoor amenity.
 - We have added canopies for weather protection for the outdoor amenities, as well as for each entrance of the buildings.

Site

- Shadow study should show adjacent future buildings, as well as existing buildings, if they will cast shadows on the subject site.
 - We have provided adequate information in the shadow study as per conversation with city. See A.oo-34
- All PMT's should be shown on the drawings.
 - Existing PMT's are showed on the survey. See A-00.20. Proposed locations of the PMT's are showed on the site plan. See A-00.32

Form and Character

- The overall expression of the mews is that they are dark.
 - The black cladding has been replaced by a dark grey to help lighten the perception of the buildings. Also, more realistic 3d views have been added to the set of drawings for visual reference.
- The dark colour palette is a bit too dark, reconsider alternative/lighter colors.
 - The color palette has been updated with a dark grey for Building B and C, a light gray for Building A, and white for the courtyard facing the existing buildings. See A-5.00
- Consider a more friendly townhouse expression. Consider developing the end elevations. Consider special treatment of end façade facing other buildings such as planting vines. Consider exit corridors at building A with better treatments as they are the main indoor connection to outdoor amenity.
 - The townhouse expression on 103 Ave is consistent with the overall design of the buildings. The integrated brick cuts help to create an interesting rhythm on the façade and to soften the perceived massing of the building. In addition, the use of colored balconies helps to improve the design quality of the townhouse expression, while the end elevations of each building have been articulated with windows. Colored panels have been added to the end elevations, which are in line with the balcony palette, and a brick cut on the façade has been introduced to soften the perception of the end façade. A canopy has been added to the exit from Building A to the courtyard.
- Consider create better indoor-outdoor amenity connection.
 - The indoor amenity spaces are directly adjacent to the outdoor

spaces on the ground floor level, within the courtyard.

Landscape

• Consider further integrating the landscaping and mews.

• Landscape is fully integrated with the building.

- Avoid the use of tropical woods in the landscape furnishings.
 - IPE wood is a standard wood in site furniture and is limited to benches and waste receptacles.
- Consider more at-grade plantings.
 - At grade plantings are provided where available. As the entire site is on a structural slab so most planting areas will need to be built up to achieve soil planting depth.
- Consider further development of the interface between the existing and new landscapes. The landscape plan should show the existing landscaping that will be retained, and any new planting/features that will supplement the existing. The landscaping should be seamless once the new buildings are completed.
 - Planting along edge will be replaced with new plants matching plant palette of the rest of the site. Existing patios will remain.
- Consider privacy issues between outdoor amenities and private patios.
 - Each private patio has a planting buffer between the patio amenity areas.
- Consider taking advantage of weather protections of balconies above for private patios at ground level.
 - Private patios are located for each at grade units with the balconies of the upper units located above.
- Consider providing weather protected outdoor amenity spaces.
 - We have added canopies for weather protection for the outdoor amenities, as well as for each entrance of the buildings.
- Consider fine-tuning the location of the outdoor play area using the shadow studies to provide additional daylight.
 - Outdoor play area is in as close to the middle of the amenity area as possible providing as much day light as the space permits.

- Landscape planting considers birds and bees.
 - Plant palette includes a mix of native and adaptive species as well as flowering and fruit baring species for birds and bees.

CPTED

• No specific issues were identified.

Sustainability

- Consider utilizing the energy model to inform your design process and use future climate files to best understand the resiliency of the project.
 - We have engaged a sustainability consultant during the early processes, and they have already done a preliminary review. Initial conversations regarding items such as materials, building envelope, landscaping, drinking fountains, sanitation stations, EV charging are currently in talks, and will be developed in the Building Permit Stage.
- Consider adding electrical bicycle charging facilities.
 - o Electrical bicycle charging facilities will be included
- Great to see design that encourages use of the stairs.
 - Each stair connects every floor to the courtyard. This solution makes the stairs the most convenient way to access the outdoor amenities from the residential units.
- Great to see bike maintenance and electric bike charging included.
 - Bike maintenance and electrical bike charging will be included.
- Consider high albedo (light coloured) roof to mitigate urban heat island.
 - High albedo roof will be used to mitigate urban heat island.

Accessibility
recessionity

Consider the slope in the site and Accessionity	0	Consider the slope in the site and Accessibility.
-------------------------------------------------	---	---------------------------------------------------

- The slope in the site has been considered. Also, every outdoor amenity is accessible.
- Consider 5% of units be accessible including the balconies.
 - 5% of the units will be accessible.
- Recommend emergency call button panel in the elevator and lobby.
- Call button panel will be incorporated in the elevator and lobbies.
 Recommend the slope stay as is and not reconfigured to stairs.
 - Accessible ramps will stay as per design.
- Recommend that the amenity restrooms be Accessible.
 - Amenity restrooms are accessible.
- Recommend that the entrance door be power operated.
 - The entrance door will be power operated. Additional powered doors will be considered as the design evolves.
- Consider placing the elevator and entrance call panel horizontal.
 - The elevator and entrance call panel will be horizontal.
- Recommend designated disabled parking stalls per building code.
 - The accessible stalls are designed per zoning bylaw of the City of Surrey.

C. NEXT MEETING

The next Advisory Design Panel is scheduled for Thursday, June 10, 2021.

D. ADJOURNMENT

The Advisory Design Panel meeting adjourned at 6:18 p.m.

Jennifer Ficocelli, City Clerk

Robert Drew, Chair

CITY OF SURREY

HOUSING AGREEMENT (Residential Only)

THIS HOUSING AGREEMENT made the _____ day of September, 2021.

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:

SURREY GARDENS HOLDINGS LTD., a corporation having its offices at 200 – 1785 West 4th Avenue, Vancouver, B.C. V6J 1M2

(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: 006-391-524 LOT 66 SECTION 29 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT PLAN 42150;

Parcel Identifier: 004-966-431 LOT 93 SECTION 29 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT PLAN 52211;

and

Parcel Identifier: 004-965-078 LOT 92 SECTION 29 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT PLAN 5221

(collectively, the "Lands");

B. The Owner currently uses the Lands for rental housing in three (3) buildings comprising 223 Dwelling Units, and intends to construct an additional 242 Dwelling

Units in three (3) new buildings (the "**New Buildings**") on the Lands (collectively, 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. <u>DEFINED TERMS</u>

- 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 existing 223 dwelling units on the Lands, and any new dwelling units constructed by the Owner within the Development;
 - (g) **"Lands**" means the parcels 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 all 465 Dwelling Units existing or to be constructed on the Lands, all of 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 twenty (20) years, commencing on the first day of the month after the City issues an occupancy permit for the New Buildings.

2. <u>RESTRICTION ON OCCUPANCY OF DWELLING UNITS</u>

- 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 Each building in the Development shall be owned by one 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:

Surrey Gardens Holdings Ltd. 200 – 1785 West 4th Avenue Vancouver, BC V6J 1M2

Attention: Andrew Rennison, Director

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 Doug McCallum Mayor City of Surrey

By:

Authorized Signatory

Jennifer Ficocelli, City Clerk City of Surrey

SURREY GARDENS HOLDINGS LTD.

By:

Authorized Signatory Andrew Rennison Director