

# City of Surrey PLANNING & DEVELOPMENT REPORT Application No.: 7921-0311-00

Planning Report Date: June 27, 2022

#### **PROPOSAL:**

- OCP Amendment to Figure 16: Central Business District Densities from 3.5 FAR to 7.5 FAR
- City Centre Amendment from Residential Mid to High Rise 3.5 FAR to Residential High Rise 7.5 FAR and to amend the road network on the subject site
- **Rezoning** from RF to CD
- Development Permit
- Housing Agreement

to permit the development of a 41-storey high-rise purposebuilt rental residential tower consisting of approximately 401 dwelling units.

LOCATION: 9759 - 137A Street

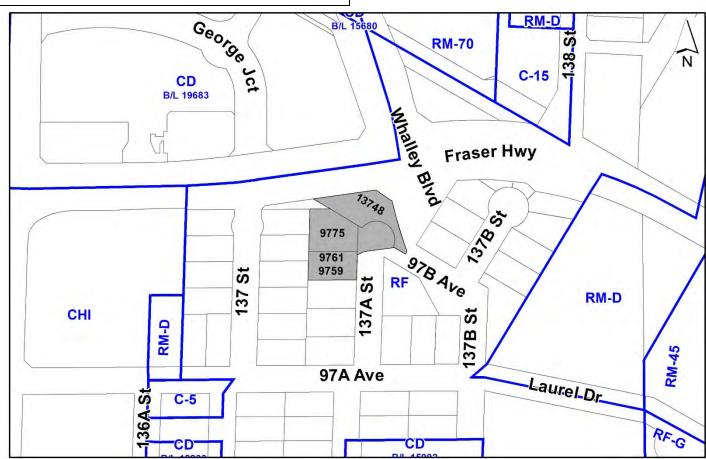
(9761 – 137A Street) 9775 - 137A Street 13748 - Fraser Highway Portion of 137A Street Road

ZONING: RF

**OCP DESIGNATION:** Central Business District

**CCP DESIGNATION:** Residential Mid to High Rise 3.5

FAR



#### RECOMMENDATION SUMMARY

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

## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Requires an amendment to the Official Community Plan (OCP) Figure 16: Central Business District Densities from 3.5 FAR to 7.5 FAR.
- Requires an Amendment to the City Centre Plan to redesignate the subject site from Residential Mid to High Rise 3.5 FAR to Residential High Rise 7.5 FAR and to the road network for the relocation of the 137A Street cul-de-sac further south.

#### RATIONALE OF RECOMMENDATION

- Although the proposed density on the subject site is higher than that prescribed in the OCP and City Centre Plan, the proposed purpose-built rental residential tower will form part of the future high-density mixed-use area in the Medical District.
- The proposed density and building form are also appropriate for this part of Surrey City Centre, as it conforms to the goal of achieving high-rise, high density, and mixed-use development around the three City Centre SkyTrain Stations.
- The King George SkyTrain Station is currently located within a walking distance of 350 metres (approximately 5 minutes) of the subject site.
- The proposed height and density of the development is consistent with an evolving urban context in the City Centre, as it relates to nearby tower developments within City Centre.
- The proposed setbacks achieve a more urban, pedestrian streetscape in compliance with the Surrey City Centre Plan and in accordance with the Development Permit (Form and Character) design guidelines in the OCP.
- The proposed building achieves an attractive architectural built form, which utilizes high quality, natural materials, and contemporary lines. The street interface has been designed to a high quality to achieve a positive urban experience between the proposed building and the public realm.
- The proposal includes 401 purpose-built rental units, which will be secured through a Housing Agreement for a minimum 20-year duration.

#### RECOMMENDATION

The Planning & Development Department recommends that:

- 1. A Bylaw be introduced to amend the OCP Figure 16: Central Business District Densities for the subject site from "3.5 FAR" to "7.5 FAR" (Appendix VIII) and a date for Public Hearing be set.
- 2. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 475 of the <u>Local Government Act</u>.
- 3. A Bylaw be introduced to rezone the subject site and the portion of road shown as Block A on the attached Survey Plan (Appendix I), from "Single Family Residential Zone (RF)" to "Comprehensive Development Zone (CD)", and a date be set for Public Hearing.
- 4. A Bylaw be introduced to enter into a Housing Agreement and be given First, Second and Third Reading.
- 5. Council authorize staff to draft Development Permit No. 7921-0311-00 generally in accordance with the attached drawings (Appendix II).
- 6. Council instruct staff to resolve the following issues prior to final adoption:
  - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
  - (b) submission of a subdivision layout to the satisfaction of the Approving Officer;
  - (c) resolution of all urban design issues to the satisfaction of the Planning and Development Department;
  - (d) submission of a finalized landscaping plan and landscaping cost estimate to the specifications and satisfaction of the Planning and Development Department;
  - (e) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
  - (f) the applicant satisfy the deficiency in tree replacement on the site, to the satisfaction of the Planning and Development Department;
  - (g) the applicant enter into a Housing Agreement with the City to restrict a total of 401 dwelling units on the subject site to rental housing for a period of twenty (20) years;
  - (h) provision of cash-in-lieu or other demand management measures to address the shortfall in residential parking spaces to the satisfaction of the General Manager, Engineering;

- (i) submission of a finalized Traffic Impact Assessment (TIA) to the satisfaction of staff;
- (j) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department;
- (k) completion of the road closure and acquisition of 137A Street;
- (l) submission of an acoustical report for the dwelling units adjacent to Fraser Highway and registration of a Section 219 Restrictive Covenant to ensure implementation of noise mitigation measures; and
- (m) registration of a Section 219 Restrictive Covenant to reflect the 401 rental units and ensure the proposal will adequately address the City's needs with respect to Public Art, Affordable Housing and Capital Project CACs (Tier 1 and Tier 2) if the market rental tenure of the proposed development changes, at any point in the future.
- 7. Council pass a resolution to amend the City Centre Plan to redesignate the subject site from Residential Mid to High Rise 3.5 FAR to Residential 7.5 FAR and to amend the road network for the relocation of the 137A Street cul-de-sac further south, as shown in Appendix VII, when the project is considered for Final Adoption.

#### SITE CONTEXT & BACKGROUND

Direction	<b>Existing Use</b>	CCP Designation	<b>Existing Zone</b>
Subject Site	Vacant treed single family lots and single family dwelling.	Residential Mid to High Rise 3.5 FAR	RF
North (Across Fraser Highway):	PCI's King George Hub mixed-use development.	Mixed-Use 5.5 FAR	CD (Bylaw No. 19683)
East (Across future Whalley Blvd. extension):	Vacant treed single family lots.	Residential Mid to High Rise 3.5 FAR	RF
South:	Single family dwellings.	Park	RF
West:	Single family dwellings.	Residential Mid to High Rise 3.5 FAR	RF

## **Context & Background**

- The o.87-acre subject site consists of three properties located south of Fraser Highway at 137A Street in the Medical District in City Centre.
- The site is designated Central Business District in the Official Community Plan (OCP), Residential Mid to High-Rise 3.5 FAR in the City Centre Plan (CCP) and is currently zoned Single Family Residential Zone (RF).
- The applicant is also proposing to rezone a portion of the 137A Street road allowance. The 137A Street cul-de-sac is proposed to be shifted further south, with the remaining road allowance closed, acquired, and consolidated to form part of the development site. A portion of the cul-de-sac bulb will be dedicated and constructed as part of the proposed development.

#### **DEVELOPMENT PROPOSAL**

# **Planning Considerations**

- The applicant is proposing the following:
  - o OCP and City Centre Plan amendments for higher density;
  - Subdivision (consolidation) from 3 lots into 1 with the closure/consolidation of a portion of the 137A Street road allowance;
  - o Rezoning from RF to a CD Zone based on the RM-135 Zone;
  - o Development Permit for Form and Character; and
  - o Housing Agreement to secure the 401 market rental units for a period of 20 years.

to permit the development of a 41-storey high-rise purpose-built rental residential tower consisting of approximately 401 dwelling units.

	Proposed
Lot Area	
Gross Site Area:	3,535 square metres
Road Dedication:	98 square metres
Road Acquisition:	532 square metres
Net Site Area:	3,438 square metres
Number of Lots:	Existing – 3 plus road; Proposed - 1
Building Height:	122 m (41 storeys)
Floor Area Ratio (FAR):	7.7 (gross)
	7.9 (net)
Floor Area	
Residential:	27,973 square metres
Total:	27,973 square metres
Residential Units:	
Studio:	4
1-Bedroom:	240
1-Bedroom + den:	74
2-Bedroom:	79
2-Bedroom + den:	2

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	Proposed
3-Bedroom:	2
Total:	401

#### Referrals

Engineering: The Engineering Department has no objection to the project

subject to the completion of Engineering servicing requirements as

outlined in Appendix III.

School District: The School District has advised that there will be approximately 8

of school-age children generated by this development, of which the

School District has provided the following expected student

enrollment.

4 Elementary students at Simon Cunningham School

4 Secondary students at Queen Elizabeth School

(Appendix IV)

The applicant has advised that the dwelling units in this project are

expected to be constructed and ready for occupancy by summer

2026.

Parks, Recreation &

Culture:

No concerns with the proposed development application.

The closest active park is Holland Park and is 550 metres away, and

the closest natural area is Quibble Creek and is 150 metres away. Future parkland is proposed adjacent to the south of the subject

site as part of the Surrey City Centre Plan.

Surrey Fire Department: The Fire Department has no concerns with the proposed

development application. However, there are some items which will be required to be addressed as part of the Building Permit

application.

Advisory Design Panel: The proposal was considered at the ADP meeting on April 28, 2022

and was supported. The applicant has resolved most of the

outstanding items from the ADP review as outlined in the

Development Permit section of this report. Any additional revisions

will be completed prior to Council's consideration of Final

Adoption of the rezoning bylaw, to the satisfaction of the Planning

and Development Department.

# **Transportation Considerations**

#### <u>Transit</u>

- King George SkyTrain Station and surrounding transit hub are approximately 350metres from the subject site (approximately 5-minute walk). While King George Station is currently the eastbound terminus station for the Expo Line, the future Surrey-Langley SkyTrain project will extend the line to the Township and City of Langley by 2028.
- The subject site is located two blocks east of the Frequent Transit Network along King George Boulevard that serves bus routes #314 (Surrey Central / Sunbury), #321 (White Rock / Newton / Surrey Central), #326 (Guildford / Surrey Central), #329 (Surrey Central / Scottsdale), #394 (White Rock / King George Station) and R1-King George Rapid Bus.
- The subject site is located two blocks north of 96 Avenue, which has bus stops serviced by route #326 (Guildford / Surrey Central) and one block south of Whalley Boulevard, serviced by routes #345 (King George Station / White Rock Centre), #395 (King George Station / Langley Centre) and #502 (Surrey Central Station / Langley Centre).

# Road Network and Infrastructure

- The applicant is proposing to amend the road network in the City Centre Plan by shortening 137A Street and shifting the existing cul-de-sac further south. The applicant is proposing to close, acquire and consolidate a portion of the 137A Street road and cul-de-sac to form part of the development site. A portion of the relocated cul-de-sac bulb will be dedicated and constructed to City Centre Local Road standards as part of the proposed development, including sidewalk, boulevard and streetlighting.
- A 6-metre wide east-west walkway connection from the 137A Street cul-de-sac to Whalley Boulevard within the 97B Avenue road allowance will remain following dedication and consolidation of existing road allowance and will be constructed through the development.
- The frontages of Whalley Boulevard and Fraser Highway will be completed through City Capital Construction projects R-7405 and R-18741, respectively. The timeline for these projects is anticipated to align with the proposed development so that they are completed at occupancy.

# **Traffic Impacts**

A TIA was required for this application given the scale of the residential development. The
results of the TIA indicate the road network is adequate considering the planned Capital
projects and adjacent developments.

#### **Access**

• The primary vehicle access to the site (underground parking) and loading area will be via the 137A Street cul-de-sac.

## **Parking**

- Corporate Report No. R115, Parking Update: Rapid Transit Corridors and Rental Housing, supported by Council, outlines parking requirements for secured market rental developments located in Surrey City Centre. The proposed rental rates comply with the rates outlined in the Corporate Report.
- The applicant is proposing a reduction in the proposed parking rates for the rental dwelling units from 0.9 parking spaces per unit to 0.65 spaces per unit and then a further reduction to 0.55 spaces per unit with the provision of Transportation Demand Management (TDM) measures and cash-in-lieu (CIL).
- Based on the reduced rental dwelling rate of 0.55 spaces per unit, the proposed development would require a total of 261 vehicle parking spaces, consisting of 221 resident parking spaces and 40 parking spaces for visitors, including 5 accessible spaces.
- Staff will be working with the applicant to confirm the specific TDM measures and amount of CIL to meet the accepted reduction in parking rates. The applicant will be expected to meet or exceed the minimum values outlined above within the proposed three-level underground parkade.
- The reduced parking rates are supportable based on the proposed 401 purpose-built rental units secured through a Housing Agreement for a minimum 20-year duration.
- The applicant will be required to provide 1.2 bicycle parking spaces per unit, resulting in 481 residential bike parking spaces, in addition to a minimum of 6 visitor bike parking spaces near the building entrance(s).

#### **Sustainability Considerations**

- The applicant has met all of the typical sustainable development criteria, as indicated in the Sustainable Development Checklist. This project will be required to meet a minimum of Step 2 of the BC Energy Step Code, and possibly higher based upon the date of Building Permit issuance.
- In addition, the applicant has highlighted the following additional sustainable features:
  - O Phase E will strive for a sustainable building design with a focus on maintaining appropriate U and R values for envelope thermal efficiency including air tightness, continuous insulation and having the appropriate glazing to wall ratios to avoid excessive heat gain/loss. These approaches will improve comfort and help to reduce heating and cooling costs and reduce carbon pollution.
  - Reduced glazing ratios from a typical window wall residential building provides the opportunity for greater wall insulation and reduced solar heat gain derived from fenestration.
  - o Phase E to utilize a radiant mechanical system supplied with hot water produced by the City's District Energy System located on Phase B.
  - The site stormwater quantity will be managed to mitigate run off surges by retaining water within vegetated roof areas of the development and at selected ballasted inverted roof areas.
  - o Proximity to the Skytrain, and multiple bus stops will reduce the number of vehicular trips to and from the building.

- After occupancy waste diversion and recycling planning initiatives are to be engaged to foster ongoing diversion of materials from the waste system through re-use, occupant composting and material recycling.
- Special attention will be paid to the longevity and durability of all materials in the envelope and core of the base building considering the building and its components life cycles.
- Materials will be climate appropriate, long lasting, and easily maintainable and replaceable to ensure actual building longevity meets the intended service life of the building.
- o Where appropriate materials will be made of recycled content.
- o Green roofs and light-colored amenity deck surfaces will reduce the heat island effect of the building and site.
- Phase E will be constructed using construction diversion waste management principles.

# **School Capacity Considerations**

- Simon Cunningham Elementary enrolment projections have trended downwards over the last 3 years. Future high-density high-rise development along King George Boulevard and in the Medical District will affect enrolment growth over the next 10 years. There are currently no plans to expend the school, however, this facility will be monitored closely over the next several years.
- As of September 2021, Queen Elizabeth Secondary enrolment continued to modestly grow. There are no plans to expand the school at this time, however this facility will be monitored closely over the next several years.

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

# **Regional Growth Strategy**

• The subject site is designated General Urban in Metro Vancouver's Regional Growth Strategy (RGS). The proposed development complies with the RGS.

# **Official Community Plan**

# **Land Use Designation**

- The subject site is designated Central Business District in the Official Community Plan, with a permitted maximum density of 3.5 FAR as noted in Figure 16 of the OCP.
- The applicant is proposing to amend Figure 16 for the proposed development lot (Lot 1) from 3.5 FAR to 7.5 FAR.

#### Amendment Rationale

• The proposed density and building form are appropriate for this part of Surrey City Centre, and forms part of an emerging high-density mixed-use hub located within the Medical District of the City Centre Plan area.

- The proposed development conforms to the goal of achieving high-rise, high-density development around the three SkyTrain Stations. The King George SkyTrain Station is located within a walking distance of 350 metres from the subject site.
- The proposed tower is entirely purpose-built rental residential units, which is desirable in City Centre. It also includes a mix of housing types with 21% 2-bedroom, 2-bedroom, and den and 3-bedroom units.

# Public Consultation for Proposed OCP Amendment

• Pursuant to Section 475 of the Local Government Act, it was determined that it was not necessary to consult with any persons, organizations or authorities with respect to the proposed OCP amendment, other than those contacted as part of the pre-notification process

#### **Themes/Policies**

- The proposed development is consistent with the following OCP Themes and Policies:
  - o Growth Management
    - Accommodating Higher Density: Direct higher-density development into Surrey's City Centre, through the development of a high-density development within City Centre.
  - o Centres, Corridors and Neighbourhoods:
    - Dynamic City Centre: Strengthen Surrey's City Centre as a dynamic, attractive, and complete Metropolitan Core.
    - Transit Corridors: Support Transit Oriented Development along major corridors linking urban centres and employment areas, through the development of a high density development within walking distance to the SkyTrain and other transit infrastructure.
    - Healthy Neighbourhood: Plan and design urban neighbourhoods with sufficient densities to support a higher-quality transit system that is accessible to most residents.
    - Urban Design: Encourage beautiful and sustainable urban design, by promoting a vibrant, active, pedestrian-friendly environment.

# **Secondary Plans**

# **Land Use Designation**

- The subject site is designated Residential Mid to High Rise 3.5 FAR in the City Centre Plan (CCP).
- The applicant is proposing to amend the City Centre Plan from Residential Mid to High Rise 3.5 FAR to High Rise 7.5 FAR and the road network to accommodate the proposed purposebuilt rental residential tower.

#### **Amendment Rationale**

- Although the proposed density on the subject site is higher than that prescribed in the City Centre Plan, the proposed purpose-built rental residential tower will support and complement the Medical District of the City Centre.
- The proposed density and building form are appropriate for this part of Surrey City Centre, and forms part of an emerging high-density residential hub around the King George SkyTrain Station.
- The proposed development conforms to the goal of achieving high-rise, high-density development around the three SkyTrain Stations. The King George SkyTrain Station is located within a walking distance of 350 metres from the subject site.
- The proposed tower is entirely purpose-built rental residential units, secured by a housing agreement, which is desirable in City Centre.
- As the proposal involves a market rental building secured through a Housing Agreement, the proposed development is not subject to Capital Project CACs (i.e. Tier 1 or Tier 2) for the proposed increase in density beyond the maximum 3.5 FAR (gross density) that would be allowed under the City Centre Plan designation.
- However, the applicant is required to register a Restrictive Covenant on title indicating that proposal both Tier 1 and Tier 2 CAC are applicable and payable to the City should the proposal be converted, in the future, from market rental to market condos, after the term of the Housing Agreement expires.

# Themes/Objectives

- The proposed development is consistent with the following guiding principles:
  - o Encourage Housing Diversity, with a variety of unit types and sizes;
  - Create Vibrant Urban Space, with high quality architectural aesthetics and amenities such as plazas and street furniture to encourage people to interact with the public realm:
  - o Green the Downtown, with appropriate new tree planting and landscaping treatments; and
  - o Promote Identity and Sense of Place, with a blend of open landscaped spaces and enclosed residential spaces.

#### **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 applicant has proposed to enter into a Housing Agreement with the City of Surrey that will allocate all 401 dwelling units created under this development proposal as market rental units for a period of 20 years.

• The applicant will be required to enter into a Housing Agreement, as part of the subject development application (Appendix IX).

# **CD Bylaw**

- The applicant proposes to rezone the subject site from "Single Family Residential Zone (RF)" to "Comprehensive Development Zone (CD)".
- The applicant is proposing a "Comprehensive Development Zone (CD)" to accommodate a proposed purpose-built rental high-rise development on the subject site. The proposed CD Bylaw for the proposed development site identifies the uses, densities and setbacks proposed. The CD Bylaw will have provisions based on the "Multiple Residential 135 Zone (RM-135)".
- A comparison of the density, lot coverage, setbacks, building height and permitted uses in the RM-135 Zone and the proposed CD Bylaw is illustrated in the following table:

Zoning	RM-135 Zone (Part 25)	Proposed CD Zone
Floor Area Ratio (net):	2.5	7.9
Lot Coverage:	33%	42%
Yards and Setbacks		North: 6.0 metres
	50% of the height of the	South: 4.5 metres
	building	East: 5.5 metres
		West: 4.5 metres
Principal Building Height:	n/a	122 metres (41-storeys)
Permitted Uses:	<ul> <li>Multiple unit residential buildings.</li> <li>Ground-oriented multiple residential buildings.</li> <li>Child Care Centres.</li> </ul>	<ul> <li>Multiple unit residential buildings.</li> <li>Ground-oriented multiple residential buildings.</li> </ul>
Amenity Space		
Indoor Amenity:	773 square metres	The proposed 784 m <sup>2</sup> exceeds the Zoning By-law requirement. The proposed 1,313 m <sup>2</sup>
Outdoor Amenity:	1,203 square metres	exceeds the Zoning By-law requirement.
Parking (Part 5)	Required	Proposed
Number of Stalls		
Residential:	221	225
Residential Visitor:	40	40
Total:	261	261
Bicycle Spaces		
Residential Secure Parking:	481	481
Residential Visitor:	6	6

• The proposed CD Bylaw will incorporate similar uses as the RM-135 Zone.

- The proposed net floor area ratio (FAR) of the development will be 7.9, and the lot coverage is proposed to be 42%, which will exceed the maximum 2.5 FAR and 33% lot coverage permitted under the RM-135 Zone. The proposed density complies with the proposed 7.5 FAR designation in the Surrey City Centre Plan and the proposed lot coverage is appropriate for the proposed high-rise development.
- The RM-135 Zone requires the setbacks to be 7.5 metres or a minimum of 50% of the building height, whichever is greater. The applicant is proposing reductions for all setbacks in the CD Bylaw. The reduction in building setbacks is supportable as they allow for more active engagement of the streets, which is desirable for the City Centre area and consistent with the City Centre Plan design guidelines.

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

- On December 16, 2019, Council approved the City's Community Amenity Contribution and Density Bonus Program Update (Corporate Report No. R224; 2019). The intent of that report was to introduce a new City-wide Community Amenity Contribution (CAC) and updated Density Bonus Policy to offset the impacts of growth from development and to provide additional funding for community capital projects identified in the City's Annual Five-Year Capital Financial Plan.
- The proposed development is comprised entirely of market rental units that will be secured through a Housing Agreement. As such, the development proposal will not be subject to the Tier 1 or Tier 2 Capital Plan Project CACs.
- The applicant will be required to register a Section 219 Restrictive Covenant on title specifying that, if there is a future change in tenure, the applicable Tier 1 and Tier 2 CACs will be paid to the City at the rate in effect at the time of final approval.

#### Affordable Housing Strategy

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

# **Public Art Policy**

• In accordance with the City's Public Art Policy, the Public Art contribution will not be required given that the proposal is entirely market rental and secured through a Housing Agreement. A Section 219 Restrictive Covenant will be required to be registered on title that states the Public Art contribution will be applicable and payable to the City if there is a future change in tenure from market rental residential units.

#### **PUBLIC ENGAGEMENT**

• Pre-notification letters were sent on February 14, 2022, and the Development Proposal Signs were installed on February 23, 2022. Staff received one (1) response from a neighbouring property owner indicating it is positive to see new developments in the neighbourhood, however they would like to see more developments with dwellings units to purchase rather than for rent.

#### **DEVELOPMENT PERMITS**

# Form and Character Development Permit Requirement

- The proposed development is subject to a Development Permit for Form and Character and is also subject to the urban design guidelines in the Surrey City Centre Plan.
- The proposed development generally complies with the Form and Character Development Permit guidelines in the OCP and the design guidelines in the Surrey City Centre Plan.
- The applicant has worked with staff to develop a design that incorporates City Centre urban
  design guidelines and principles through tower and podium refinement, public realm, and
  street interface. The applicant has continued to work with staff on an ongoing basis to resolve
  specific design-related concerns.
- The applicant and staff will continue to work on the following items prior to final adoption of the development:
  - o Clarification and refinement of the public realm interface at the northwest corner;
  - o Continue to refine the loading and landscape design elements at the 137A Street cul-de-sac edge;
  - o Further refinement of the interface of the proposed amenity building adjacent to the future park to the south;
  - o Design development and refinement of the architectural form, features, and materials;
  - o Refinement of the public realm interface to mitigate CPTED issues and ensure a strong interface; and
  - o General design refinements to address ADP and Staff comments.
- The site is located in the Medical District, on the south side of Fraser Highway across from the first four phases of PCI's high-density mixed-use master-planned development called "King George Hub". The current proposal, "Phase E", is the fifth phase of this community and is intended to continue the development of the Hub across Fraser Highway.
- The proposed development includes one 41-storey high-rise purpose-built rental residential tower consisting of approximately 401 dwelling units and an overall gross density of 7.7 FAR.
- The proposed tower sits above a 4-storey podium fronting Fraser Highway. The podium provides a continuous street wall along Fraser Highway and Whalley Boulevard and includes ground-oriented units with individual patios and front door access directly from the street.

- A triangular shaped portion of a neighbouring site owned by MOTI projects into the
  northwest corner of the subject site. The applicant is exploring the purchase of this land to
  consolidate with the subject site. The change in grade to this triangular piece of land creates a
  retaining wall that in the interim. It is expected that the four storey podium will be revised to
  respond to the change in site area to maintain a strong street edge.
- The primary pedestrian building entrance is located at the southwest corner of Fraser Highway and the future Whalley Boulevard extension. Secondary pedestrian access is provided through the mail room from the 137A Street cul-de-sac entrance.
- The tower expression is visually modulated into three parts and is defined with balconies wrapping in to a plane of red metal panels and a projected grid frame to emphasize the shift of the middle building section. Building cutouts on the northeast and southwest corners of the tower are intended to provide a vertical expression.
- A stand-alone amenity building is proposed along the south property line adjacent to the future park to the south. The amenity building is designed to overlook the park and provide natural surveillance.
- The applicant has agreed to address any outstanding post-ADP and staff comments to the satisfaction of the City Architect, prior to final adoption (Appendix VI).

# Landscaping

- The landscape concept has been designed to respond to the urban nature of City Centre as an active, pedestrian-friendly space. The overall design considers site circulation, navigates the significant slope, and incorporates an inclusive interface between the public and private realm.
- Each individual ground-oriented unit will have a small private patio enclosed by a low metal fence with layered planting and a tree.
- A small, landscaped seating area is proposed at the north-west corner of the site and includes seating.
- Additional landscaping is provided on the tower roof and has been designed as a green outdoor area with both programmed and passive space.

#### **Indoor Amenity**

- Per the required Indoor Amenity Space requirements, high-rise towers that are 25 storeys or higher must meet a base requirement of 3 square metres per unit up to 557 square metres per tower, which equates to 186 units, plus 1 square metre per unit above 557 square metres.
- Based upon the City's revised Zoning Bylaw requirement, the proposed development must provide 773 square metres of indoor amenity space to serve the residents of the proposed 401 units.
- The applicant is proposing 784 square metres of indoor amenity space, which exceeds the total indoor amenity space required under the Zone.

• The indoor amenity space is located at ground level and on the roof (Level 41) and includes a fitness facility with yoga/stretch room, theatre, dining lounge space and multi-purpose games room. The rooftop space will include a games area, lounge space and dining lounge. All indoor spaces are connected and open onto outdoor amenity spaces with their own programs/functions.

# **Outdoor Amenity**

- Based upon the City's Zoning Bylaw requirement of 3 square metres per dwelling unit of outdoor amenity space, 1,203 square metres of outdoor amenity space is required for the proposed development.
- The applicant is proposing 1,313 square metres of outdoor amenity space, which exceeds the total indoor amenity space required under the Zone.
- The outdoor amenity space proposed includes a large central space with an open lawn area, children's play area, as well as a deck with lounge furniture, a separate dining area with table and chairs and outdoor kitchen. Urban agriculture plots are also proposed in the ground level outdoor amenity area.
- Private outdoor amenity space is also provided on the roof (Level 41) and includes an outdoor kitchen, table and chairs, lounge seating and an artificial turf area.

## **TREES**

 Glyn Romaine, ISA Certified Arborist of Van der Zalm & Associates prepared an Arborist Assessment for the subject property. The table below provides a summary of the tree retention and removal by tree species:

Table 1: Summary of Tree Preservation by Tree Species:

Table 1: Summary of Tree Preservation by Tree Species:								
Tree Species	Existing	Remove	Retain					
Ald	er and Cottonwood	Гrees						
Alder 4 1 3								
Cottonwood	3	3	0					
Deciduous Trees								
(excludir	ng Alder and Cottonwo	ood Trees)						
Bigleaf Maple	11	10	1					
Bitter Cherry	5	4	1					
English Oak	6	2	4					
Mountain Ash	2	2	0					
	<b>Coniferous Trees</b>							
Douglas Fir	15	11	4					
Oriental Spruce	1	0	1					
Hinoki Cypress	1	1	0					
Sawara Cypress	2	2	0					
Western Hemlock	3	0	3					
Western Red Cedar	22	17	5					

Tree Species	Ex	isting	Remove	Retain		
<b>Total</b> (excluding Alder and Cottonwood Trees)	66		51	15		
Total Replacement Trees Proposed (excluding Boulevard Street Trees)		47				
Total Retained and Replacement Trees		62				
Contribution to the Green City Program		\$28,050.00				

- The Arborist Assessment states that there are a total of 66 mature trees on the site, excluding Alder and Cottonwood trees. Seven (7) existing trees, approximately less than 1% of the total trees on the site, are Alder and Cottonwood trees. It was determined that no trees can be retained as part of this development proposal. The proposed tree retention was assessed taking into consideration the location of services, building footprints, road dedication and proposed lot grading.
- For those trees that cannot be retained, the applicant will be required to plant trees on a 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 98 replacement trees on the site. Since only 47 replacement trees can be accommodated on the site, the deficit of 51 replacement trees will require a cash-in-lieu payment of \$28,050.00, representing \$550 per tree, to the Green City Program, in accordance with the City's Tree Protection By-law.
- The Arborist report has also identified three (3) culturally modified trees (bark stripping present), one on-site and two in the future Whalley Boulevard extension.
- On behalf of the applicant, the arborist contacted the Provincial Archaeology Branch to confirm is these trees were modified prior to 1846. Staff at the Archaeology Branch confirmed the bark strips are very recent based on scar lobe depth, cut marks at the base of the scar, and the condition of the scar window. To be protected under the HCA the scarring event has to have taken place prior to 1846.
- The applicant has confirmed they are committed to engage with local First Nations prior to the tree removal to see if there are opportunities for re-use or documentation.
- The new trees on the site will consist of a variety of trees including Paperback Maple, Seiryu Japanese Maple, European Beach, and Columnar Sweet Gum.
- In summary, a total of 62 trees are proposed to be retained or replaced on the site with a contribution of \$28,050.00, to the Green City Program.

#### **CITY ENERGY**

- The subject site is located within Service Area A, as defined in the "City Centre District Energy System By-law" (see Appendix X for location). The District Energy System consists of three primary components:
  - o community energy centres, City-operated facilities that generate thermal energy for distribution through a piped hot water network;
  - o distribution piping that links the community energy centres with buildings connected to the system; and
  - City-owned energy transfer stations (ETS) located within the building connected to the system. The ETS transfers heat energy from the distribution system to the building's mechanical system and is used to meter the amount of energy used.
- All new developments within Service Area A with a build-out density equal to or greater than a floor area ratio (FAR) of 1.0 will be required to provide hydronic thermal energy systems in support of the City's District Energy (DE) system including domestic hot water, make-up air units and in-suite hydronic space heating. The City is committed to having the DE system operational within the timeframe of this project. Therefore, the subject application will be required to connect to the City's DE system prior to occupancy.
- In order to avoid conflicts between the District Energy System and other utilities, the location of the ETS and related service connections are confirmed by Engineering and the applicant at the servicing agreement stage. The Engineering Department also requires the applicant to register a statutory right-of-way and Section 219 Restrictive Covenant over the subject site for the following purposes:
  - o City access to, and maintenance and operation of, the ETS within the building and any infrastructure between the building and the property line; and
  - o to prevent conflicts with other utilities.
- Prior to the issuance of a building permit, the Engineering Department will confirm that the applicant has met the requirements of the "City Centre District Energy System By-law".

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# INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Survey Plan and Proposed Subdivision Layout

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

Appendix III. Engineering Summary
Appendix IV. School District Comments

Appendix V. Summary of Tree Survey and Tree Preservation

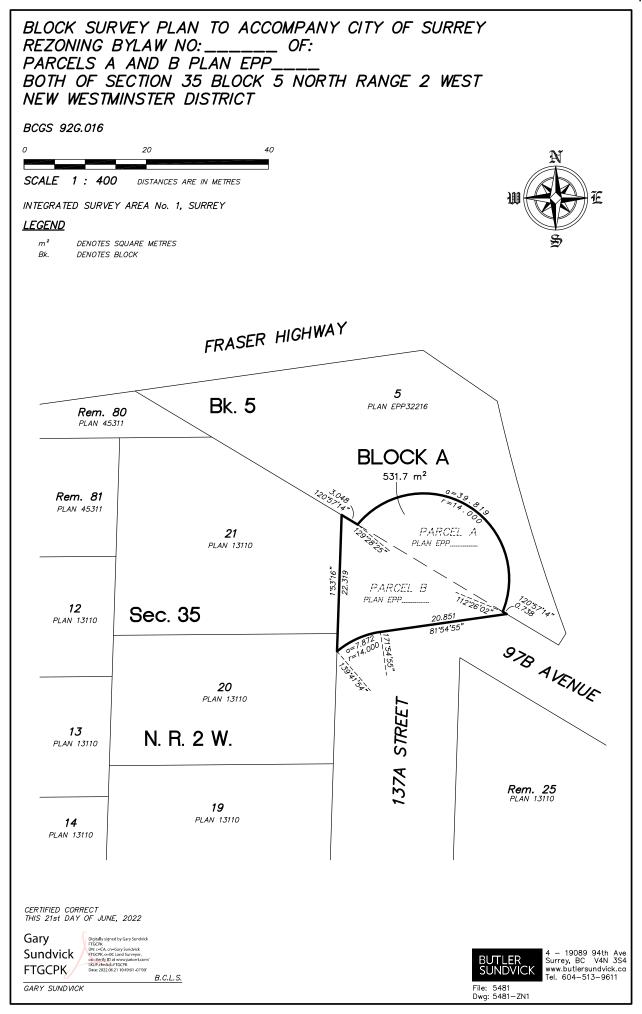
Appendix VI. ADP Comments and Response Appendix VII. City Centre Amendment Plan OCP Redesignation Map Proposed Housing Agreement

Appendix X. District Energy Map

approved by Ron Gill

Jeff Arason Acting General Manager Planning and Development

JLM/cm



PLAN EPP SUBDIVISION PLAN OF LOTS 20 AND 21 PLAN 13110, LOT 5 PLAN EPP32216 AND PARCELS A AND B PLAN EPP. ALL OF SECTION 35 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT BCGS 92G.016 SCALE 1: 250 DISTANCES ARE IN METRES THE INTENDED PLOT SCALE OF THIS PLAN IS 432 mm IN WIDTH BY 560 mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1: 250. **LEGEND** FOUND PLACED INTEGRATED SURVEY AREA No. 1, [SURREY] DENOTES CONTROL MONUMENT NAD83(CSRS) 4.0.0.BC.1.MVRD DENOTES LEAD PLUG GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 8723 AND 80H2095 AND ARE REFERRED TO CENTRAL MERIDIAN OF UTM ZONE 10. DENOTES STANDARD IRON POST DENOTES NOTHING FOUND DENOTES WITNESS 8723 THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED ARE DERIVED FROM THE MASCOT PUBLISHED COORDINATES FOR GEODETIC CONTROL MONUMENTS 8723 AND 80H2095. m² DENOTES SQUARE METRES DENOTES HECTARES DENOTES POSTING NOT PRACTICAL THIS PLAN SHOWS HORIZONTAL GROUND—LEVEL DISTANCES, UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND—LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.99959265 WHICH HAS BEEN DERIVED FROM GEODETIC CONTROL MONUMENTS 8723 AND 8042095. NOTE: THIS PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH ARE NOT SET ON THE TRUE CORNER(S). WITNESS POSTS ARE ON THE PRODUCTION OF PROPERTY LINES UNLESS OTHERWISE NOTED FRASER HIGHWAY 80H2095 81.55,23 47,564 Block 5 7,22,59, Rem. 80 5 PLAN 45311 PLAN EPP32216 Sec. 35 Rem. 81 PLAN 45311 PARCEL A 21 PLAN 13110 0.344 ha (3,438.2 m<sup>2</sup>) 319 12 61.09'56" PLAN 13110 PARCEL B 1127602 ROAD 978 AVENUE 34.2 m<sup>2</sup> ROAD 20 344 PLAN 13110 1.3 56,26,23 PLAN 13110 N. R. 2 W. 34.640 Rem. 25 18" 2.004 PLAN 13110 19 14 PLAN 13110 NAD83 (CSRS) 4.0.0.BC.1.MVRD UTM ZONE 10 COORDINATES DRAFT THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE CITY OF SURREY. TABLET MARKING ABSOLUTE ACCURACY NORTHING EASTING MAY 25, 2022 8723 5447774.223 m 511308.693 m 0.02 m THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE \_\_ DAY OF \_\_\_, 2022 GARY SUNDVICK, BCLS (637) 19089 94th Ave 80H2095 5447406.523 m 511268.354 m BUTLER SUNDVICK File: 5481 Dwg: 5481-S1 THIS PLAN LIES WITHIN THE METRO VANCOUVER REGIONAL DISTRICT

# **PROJECT STATISTICS**

					GROSS	FLOOR	AREA			
	Resid	lential	Resid	lential	Am	enity	Circulation	/ Storage	то	TAL
	Ur	nits	Lobby / Mng	Office / Mail			Garbage	+ Recycle		
	SF	m²	SF	m²	SF	m²	SF	m²	SF	m²
Level 01 GF	5,070	471	1,800	167	5,275	490	3,222	299	15,367	1,428
Level 02	5,124	476					2,733	254	7,857	730
Level 03	7,601	706					2,569	239	10,170	945
Level 04	7,601	706					2,569	239	10,170	945
Level 05	5,804	539					1,255	117	7,059	656
Level 06	5,804	539					1,255	117	7,059	656
Level 07	5,804	539					1,255	117	7,059	656
Level 08	5,804	539					1,255	117	7,059	656
Level 09	5,804	539					1,255	117	7,059	656
Level 10	5,804	539					1,255	117	7,059	656
Level 11	5,804	539					1,255	117	7,059	656
Level 12	5,804	539					1,255	117	7,059	656
Level 13	5,804	539					1,255	117	7,059	656
Level 14	5,804	539					1,255	117	7,059	656
Level 15	5,804	539					1,255	117	7,059	656
Level 16	5,754	535					1,256	117	7,010	651
Level 17	5,754	535					1,256	117	7,010	651
Level 18	5,754	535					1,256	117	7,010	651
Level 19	5,754	535					1,256	117	7,010	651
Level 20	5,754	535					1,256	117	7,010	651
Level 21	5,754	535					1,256	117	7,010	651
Level 22	5,754	535					1,256	117	7,010	651
Level 23	5,754	535					1,256	117	7,010	651
Level 24	5,754	535					1,256	117	7,010	651
Level 25	5,754	535					1,256	117	7,010	651
Level 26	5,754	535					1,256	117	7,010	651
Level 27	5,754	535					1,256	117	7,010	651
Level 28	5,754	535					1,256	117	7,010	651
Level 29	5,804	539					1,255	117	7,059	656
Level 30	5,804	539					1,255	117	7,059	656
Level 31	5,804	539					1,255	117	7,059	656
Level 32	5,804	539					1,255	117	7,059	656
Level 33	5,804	539					1,255	117	7,059	656
Level 34	5,804	539					1,255	117	7,059	656
Level 35	5,804	539					1,255	117	7,059	656
Level 36	5,804	539					1,255	117	7,059	656
Level 37	5,804	539					1,255	117	7,059	656
Level 38	5,804	539					1,255	117	7,059	656
Level 39	5,804	539					1,255	117	7,059	656
Level 40	5,912	549					1,147	107	7,059	656
Amenity Roof Level					3,160	294	883	82	4,043	376
Total	233,798	21,721	1,800	167	8,435	784	57,061	5,301	301,094	27,973

BUILDING HEIGHT & SETBACKS					
AVERAGE GRADE	79.38 m				
TOWER HEIGHT	119.04 m				
SETBACK FROM NORTH PL	6.0 m				
SETBACK FROM EAST PL	5.5 m				
SETBACK FROM SOUTH PL	4.5m				
SETBACK FROM SOUTH PL (FUTURE PARK PL)	5.4 m				
SETBACK FROM WEST PL	4.5m				

	SITE SUN	MMARY		
Original Site Area	32,329 s	sf	3,003	m²
Land Gain	5,722 s	sf	532	m²
Land Loss	1,050 s	sf	98	m²
Final Site Area	37,001 s	sf	3,438	m²
Building Footprint Area	15,367 s	sf	1,428	m²
Gross Building Area	301,094 s	sf	27,973	m²
Amenity Exclusion	8,435 s	sf	784	m²
Net Building Area	292,659 s	sf	27,189	m²
Site Coverage	41.5	%	41	.5%
FAR	7.91	1	7.	91

AMENITY							
Required Indoor (r	n²)	Proposed Indoor	Required Outdoor	(m²)	Proposed Outdoor		
186 units x 3m²/unit =	558	5,275 sf @L1	392 units x 3m²/unit =	1,203	11,250 sf @L1		
206 units x 1m²/unit = 215		3,160 sf @Roof			2,880 sf @Roof		
Total (m²)	773	784		1,203	1,313		
Total (sf)	8,321	8,435		12,949	14,130		

Unit Type	Unit Count	Total Area (sf)	Average Unit Area (sf)	Average Unit Area (m²)	%	%	
Studio	4	1,992	498	46	1.0	1.0	
1 Bed	240	117,976	492	46	59.9	78.3	
1 Bed + Den	74	46,599	630	59	18.5	/8.3	
2 Bed	79	61,928	784	73	19.7	20.2	
2 Bed + Den	2	1,964	982	91	0.5	20.2	
3 Bed	2	2,090	1,045	97	0.5	0.5	

CAR PARKING REQUIREMENTS								
		то	TAL	ACCES:	SIBLE (2)	SMA	LL (3)	
	BY-LAW REQUIREMENTS (1)	REQUIRED	PROVIDED	REQUIRED	PROVIDED	MAX. PERMITTED	PROVIDED	
RESIDENTIAL	0.65 spaces / dwelling unit	261	225	3	2	66	62	
RESIDENTIAL (visitor)	0.10 spaces / dwelling unit	40	40					
TOTAL		301	265	3	2	66	62	

(1)City of SurreyZONING BY-LAW 12000, Part 5, (3)

(2)City of SurreyZONING BY-LAW 12000, Part 5, (D) (1)

(a) "one parking space for persons with disabilities shall be provided for each sleeping unit designed to be used by persons with disabilities"

(b) "In all other occupancies, where more than 50 parking spaces are provided, parking spaces for persons with disabilities shall be provided in the ratio of 1 for every 100 or part thereof"

(3)City of SurreyZONING BY-LAW 12000, Part 5, (B) (1) (?): "Except for parallel parking, the length of a parking space may be reduced to minimum 4.9 metres [16 ft.]

for a maximum 25% of the required parking spaces, provided that each parking space with the reduced length is clearly identified with the words "small cars only"

PROVIDED CAR PARKING BY LEVEL								
	REGULAR	MODO	ACCESS.	SMALL	TOTAL	EV STALLS		
P01 LEVEL	47	2	4	14	67	26		
PO2 LEVEL	75	0	0	24	99	99		
P03 LEVEL	75	0	0	24	99	75		
TOTAL	197	2	4	62	265	200		

BIKE PARKING REQUIREMENTS					
	BY-LAW REQUIREMENTS	REQUIRED	PROVIDED		
RESIDENTIAL	1.2 bike spaces / dwelling unit	481	481		
VISITOR	6 bike spaces	6	6		
TOTAL		487	487		

\*One 120V electrical outlet will be provided for every 2 bike parking spaces.



Musson Cattell Mackey Partnership

Oceanic Pleza 1056 West Hestings Street Suite 1900 Vencouver, British Columbia Canada V65 3X1 T. 604. 687. 2990 F. 604. 687. 1771 MCMParchitects.com





KING GEORGE HUB

Phase E

Surrey, BC

PROJECT STATISTICS

211011.33 A 001

P01 LEVEL

PO2 LEVEL

P03 LEVEL

TOTAL

PARKING AREA

34,625

34,625

103,875

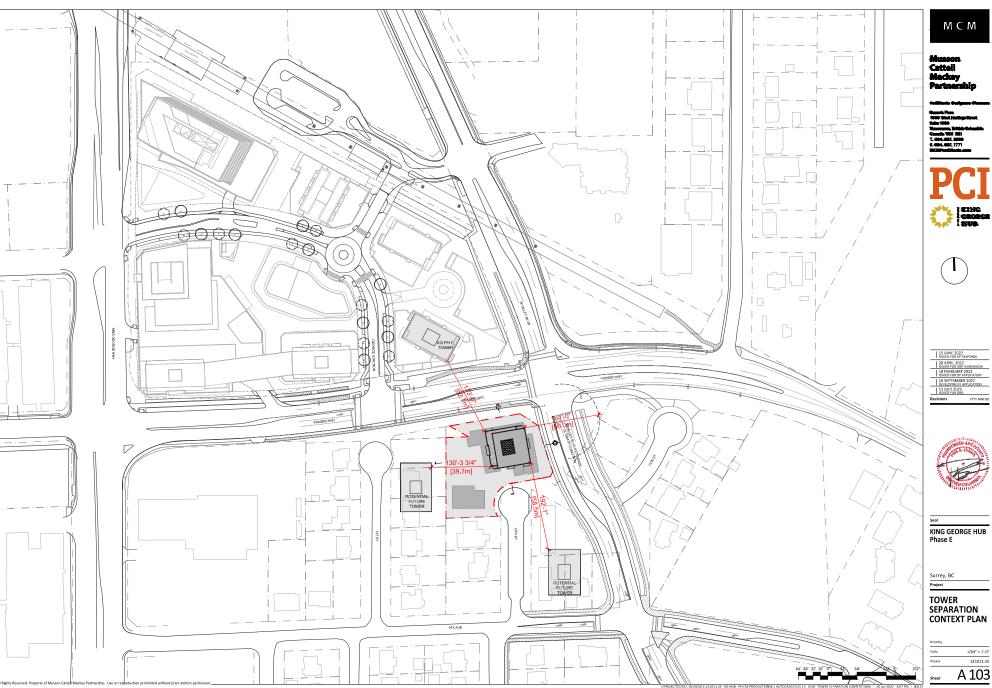
AREA (SF) AREA (m²) 34,625

3,217

3,217

3,217

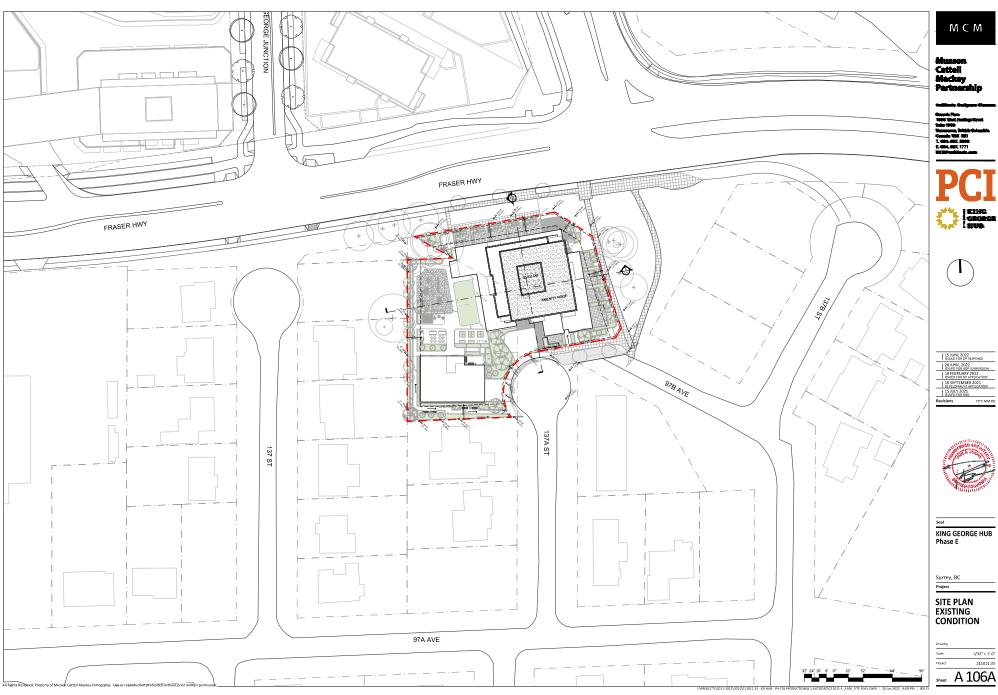
9,650





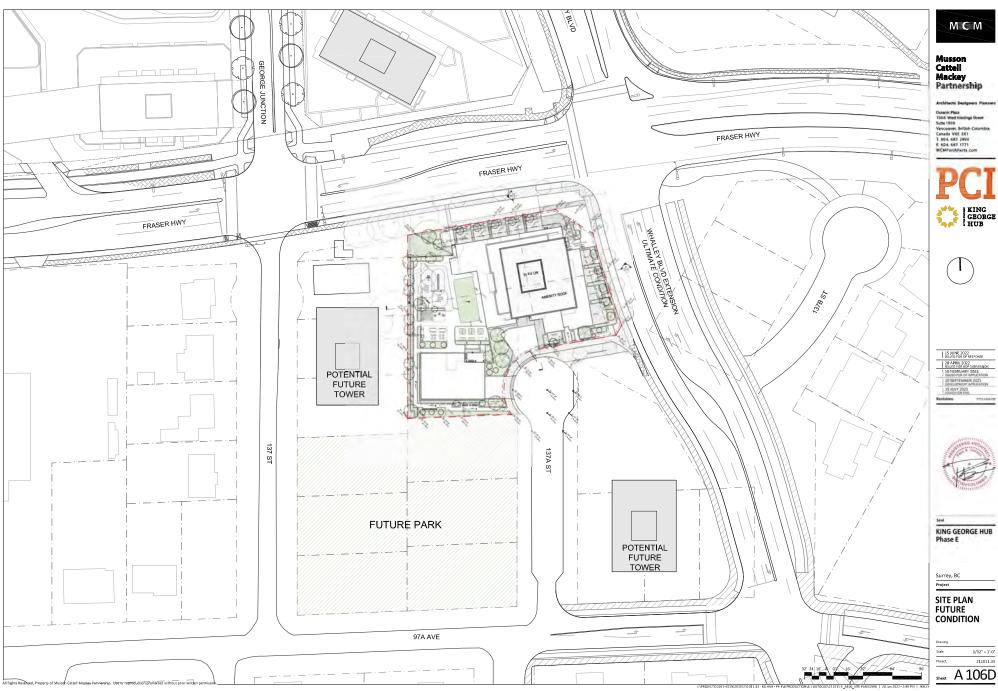
















KING GEORGE HUB







KING GEORGE HUB Phase E

PERSPECTIVE VIEW

| Scale | Project | 211011.33 | | Sheet | A 111A |



AMENITY BUILDING- FACING FUTURE PARK



2 AMENITY BUILDING- FACING COURTYARD NT.S.



2 AMENITY BUILDING- 137A ROUNDABOUT



Musson Cattell Mackey Partnership

Oceanic Plaza
1056 West Hestings Stre
Suite 1900
Vencouver, British Colu
Canada V6E 3X1
T. 604, 687, 2990
F. 604, 687, 1771
MCMParchitects.com





KING GEORGE HUB Phase E

PERSPECTIVE VIEWS

Sheet A 111B

211011.33



# 1 LOADING/MAIL ENTRY - 137A ST



2 LOADING/MAIL ENTRY - 137A ST NT.S.



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KING GEORGE HUB Phase E

Surrey, BC Project

PERSPECTIVE VIEWS



# 1 ENTRY LOBBY- FRASER & WHALLEY 1 NT.S.



2 RESIDENTIAL UNITS ALONG WHALLEY

NT.S.



# Musson Cattell Mackey Partnership

Oceanic Plaza
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15 JUNE 2022 ISSUED FOR DP F



KING GEORGE HUB Phase E

Surrey, BC Project

PERSPECTIVE VIEWS

211011.33 Sheet A 111D



Musson Cattell Mackey









(B1) DARK GREY BRICK



C4 CEMENTITIOUS PANEL GREY







WINDOW WALL RAISED METAL PANEL CLADDING, LIGHT FIR

WINDOW WALL RAISED METAL PANEL CLADDING, DARK BROWN









RESIDENTIAL GLAZING: ALUM, FRAMED, CHARCOAL



G4 WINDOW WALL GLAZING: ALUM, FRAMED, WHITE



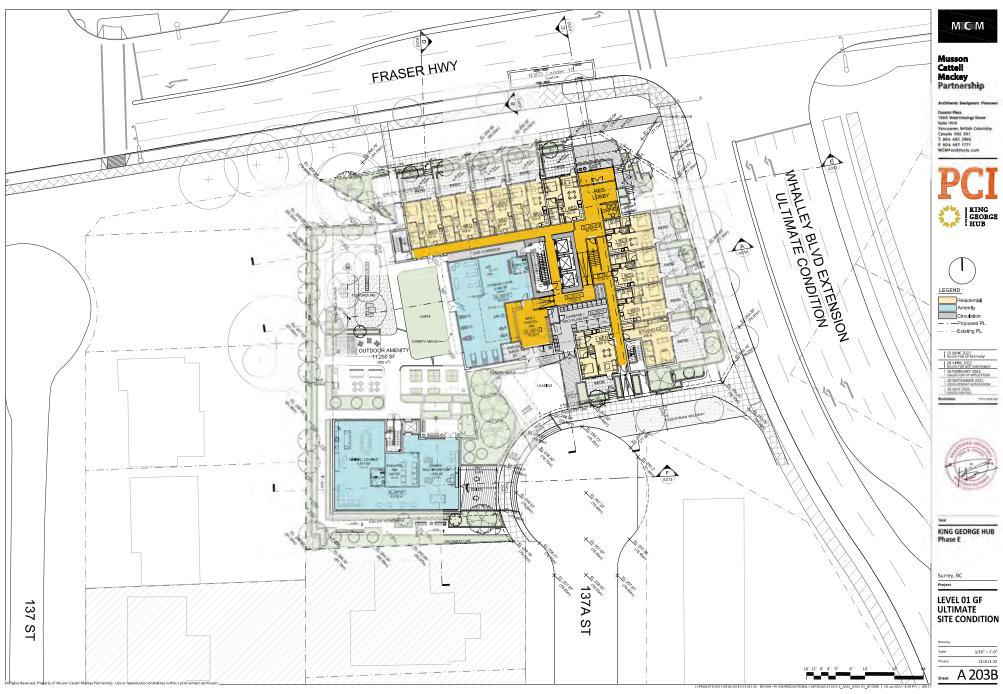
Seal
KING GEORGE HUB
Phase E

Surrey,	BC
Project	

MATERIALS

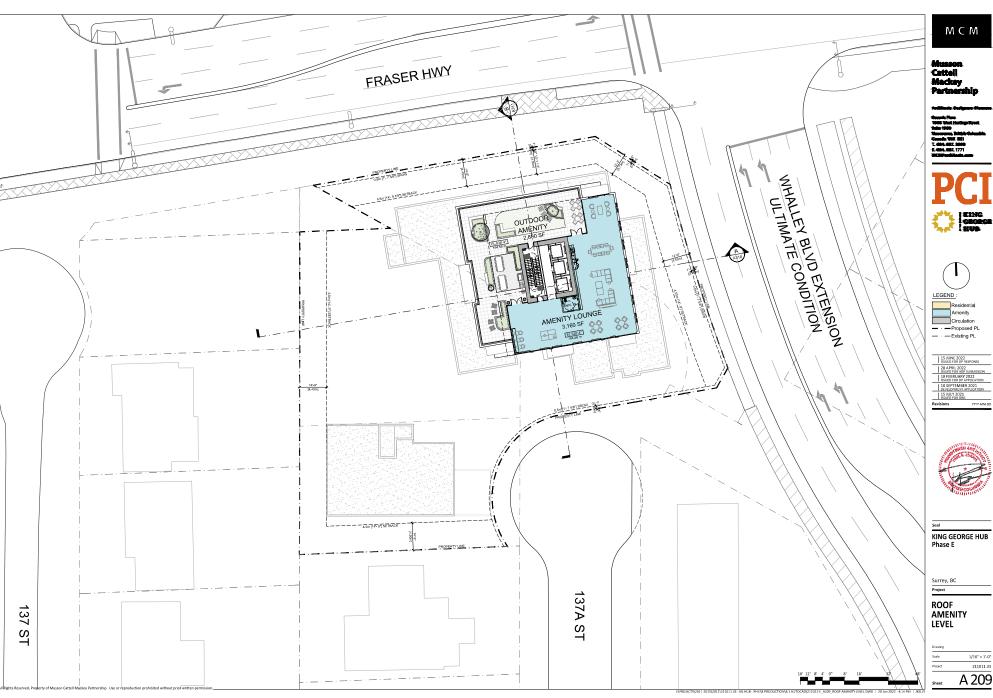
211011.33

A 112



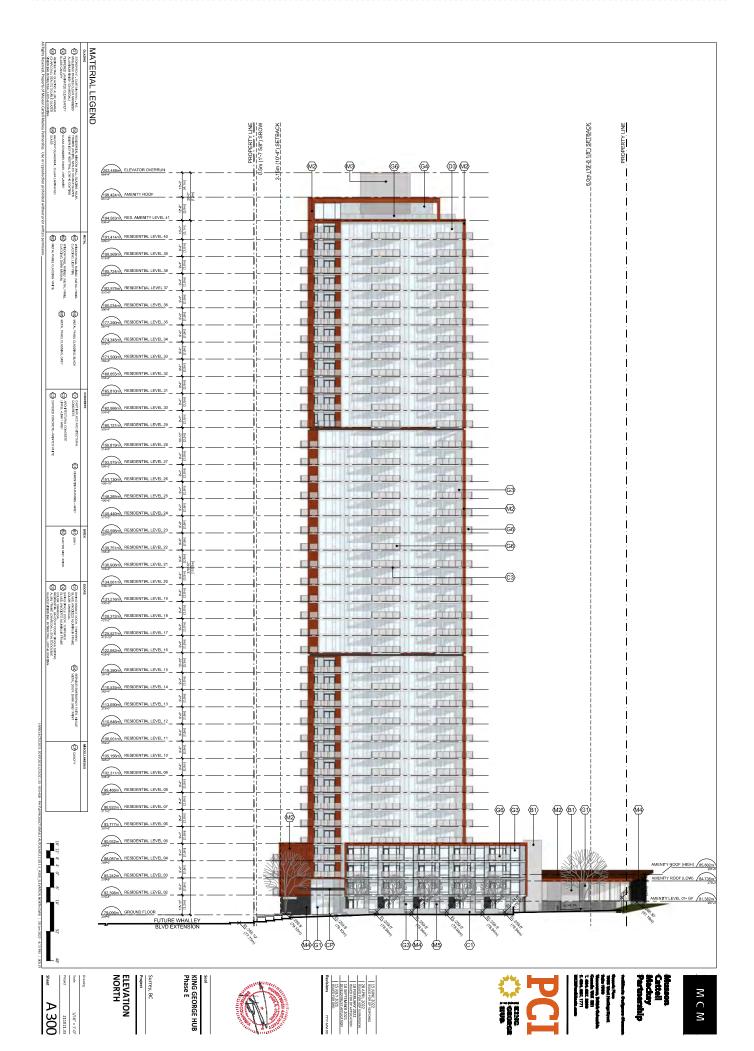


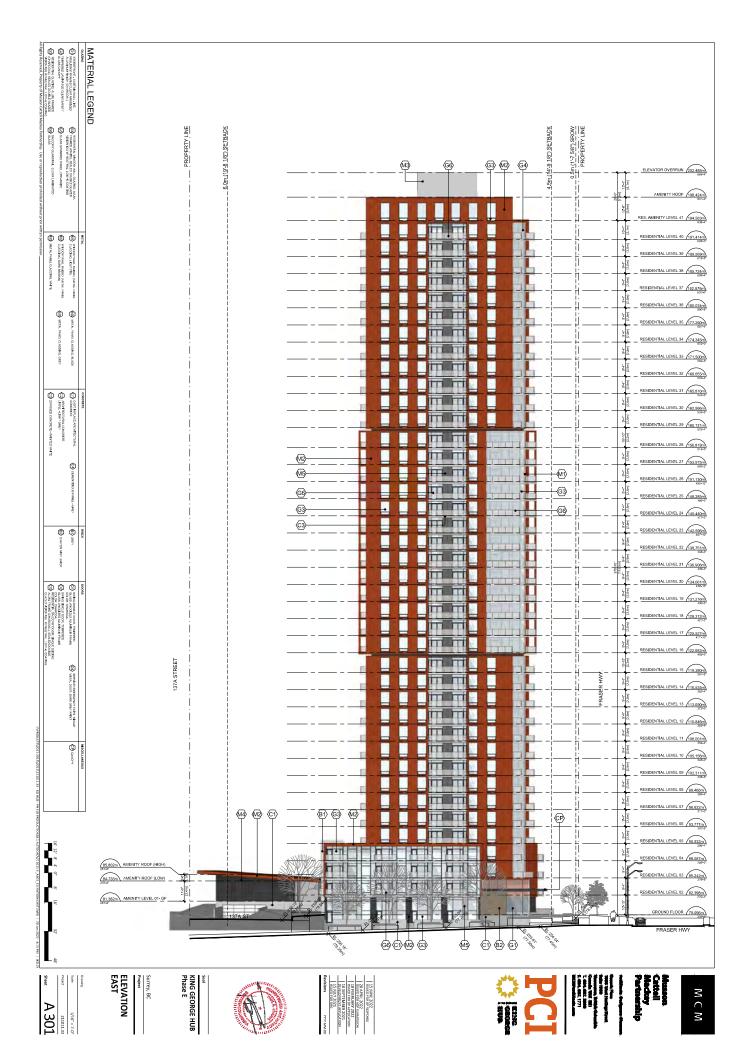


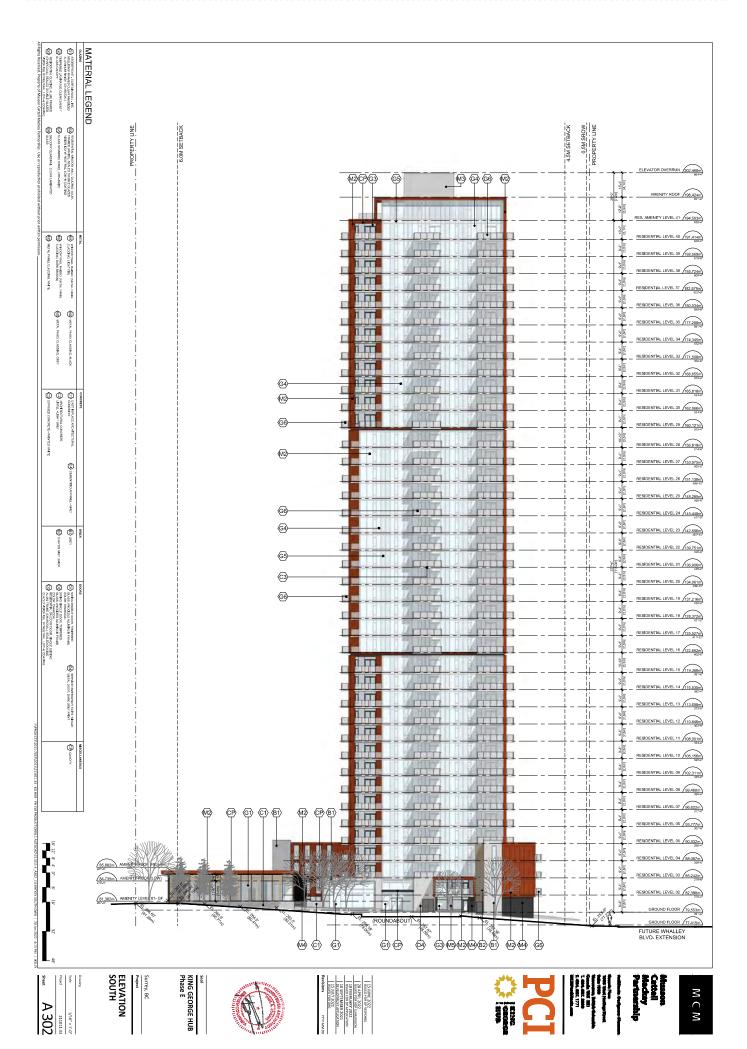


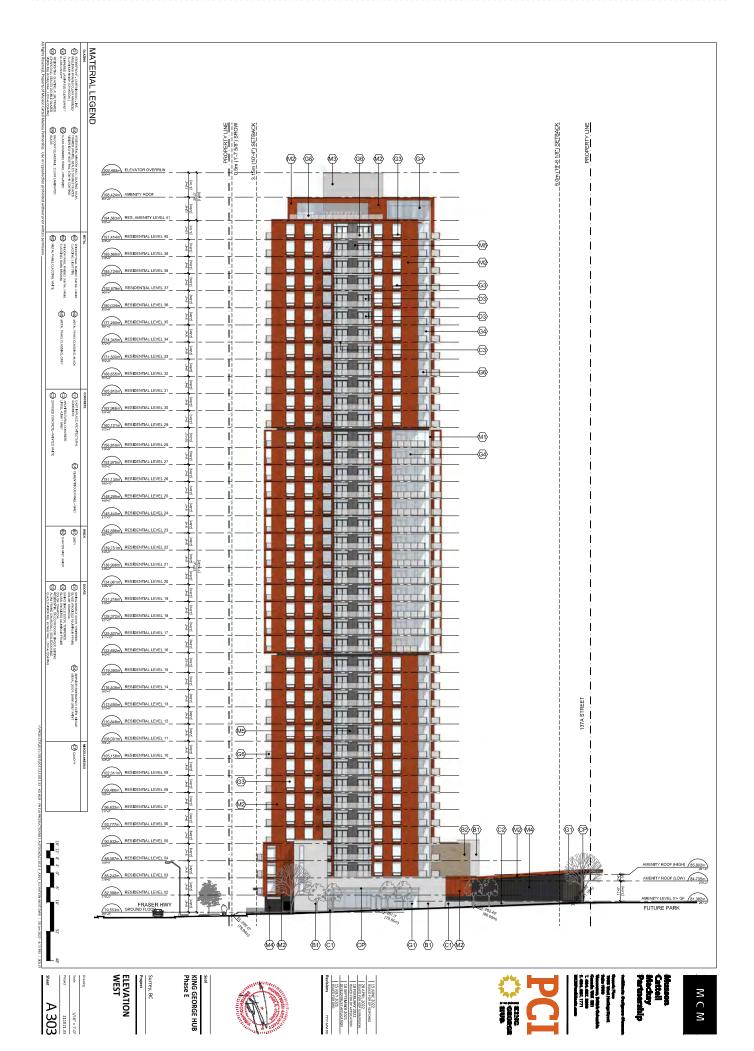


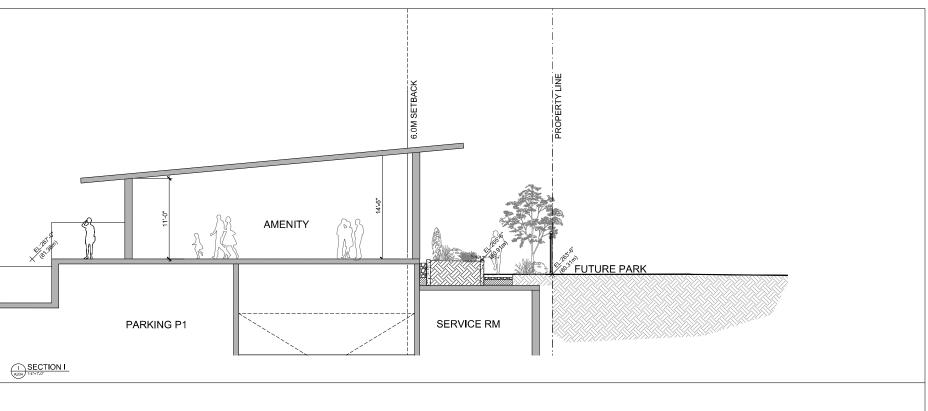
KING GEORGE HUB















LEGEND :

Residential
Amenity
Circulation
Proposed PL
Existing PL



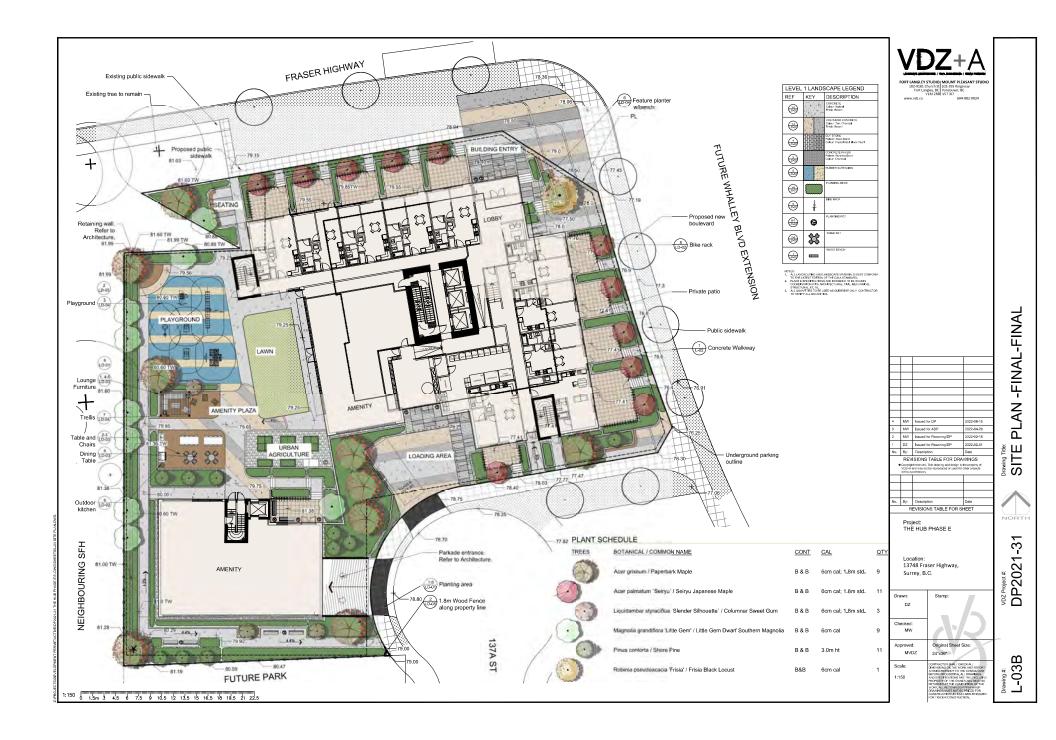
KING GEORGE HUB Phase E

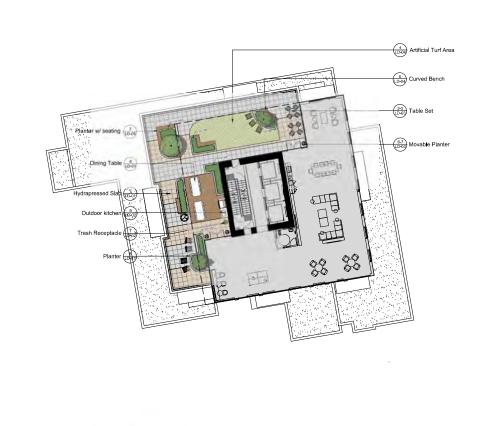
Surrey, BC Project

PARTIAL SECTIONS

1/4" = 1'-0" 211011.33

A 316

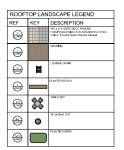




sus Pick Chieses Liquinese Pink Snowbell Dwarf B & B 6cm cal, 1.8m 1

PLANT SCHEDULE

BOTANICAL / COMMON NAME



<u>VD</u> 2	<b>Z</b> +A
FORT LANGLEY STUDIO	MOUNT PLEASANT STUDIO
102-9181 Church St 1 Fort Langley, BC	IOZ-355 Kingsway
V1M 2R8	Vancouver, BC
www.nqs.co	504.887.0074
www.vuz.ca	904-982-0024

4	MW	Issued for DP	2022-06-15
3	MW	Issued for ADP	2022-04-20
2	MW	Issued for Rezoning/DP	2022-02-16
1	DZ	Issued for Rezoning/DP	2022-02-01
No.	By:	Description	Date
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No.	By:	Description	Date
	REVISIONS TABLE FOR SHEET		

Project: THE HUB PHASE E

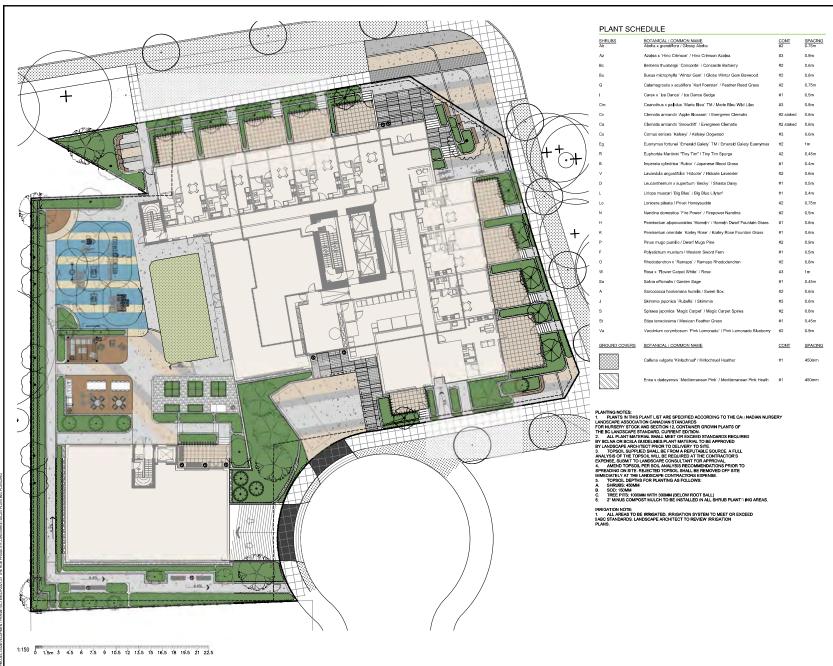
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1:150 0 1.5m 3 4.5 6 7.5 9 10.5 12 13.5 15 16.5 18 19.5 21 22.5

Drawing #: L-04

VDZ Project #:
DP2021-31

LANDSCAPE PLAN-ROOFTOP



VDZ+A

FORT LANGUES TURION MOUNT REASONAT STUDIO

100-9812 FORT Langue, BC (Vancouver, BC

VAM 2881 V3 37/

www.vdz. 2

604-882-0024

	MW	leaved for DP	2022-06-15	
1	MW	Issued for ADP	2022-04-20	
:	MW	Issued for Rezoning/DP	2022-02-16	
	DZ	Issued for Rezoning/DP	2022-02-01	à
ю.	By:	Description	Date	ř
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ю.	By:	Description	Date	
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Project: THE HUB PHASE E

Location: 13748 Fraser Highway, Surrey, B.C.

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DZ	1. /
Checked: MW	AV
Approved:	Original Sheet Size:
MVDZ	24"x36"
Scale:	CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK AND REPORT ANYDESCREEN AND TO THE CONSULTANT
1:150	BEFORE PROCEEDING, ALL DRAWINGS

Drawing #: L-05

VDZ Project #: DP2021-31

PLANTING PLAN



#### PLANT SCHEDULE

SHRUBS Ab	BOTANICAL / COMMON NAME Abelia x grandifora / Glossy Abelia	CONT #2	SPACING 0,75m
Bu	Buxus microphylla 'Winter Gem' / Globe Winter Gem Boxwood	#2	0.6m
Eg	Euonymus fortunei 'Emerald Gaiety' TM / Emerald Gaiety Euonymus	#2	1m
В	Imperata cylindrica 'Rubra' / Japanese Blood Grass	#1	0.4m
v	Lavandula angustifolia "Hidcote" / Hidcote Lavender	#2	0.6m
L	Liriope muscari 'Big Blue' / Big Blue Lilyturf	#1	0.4m
N	Nandina domestica 'Fire Power' / Firepower Nandina	#2	0.5m
к	Pennisetum orientale 'Karley Rose' / Karley Rose Fountain Grass	#1	0.6m
P	Pinus mugo pumilio / Dwarf Mugo Pine	#2	0.9m
Ro	Rosmarinus officinalis / Rosemary	#3	0.45m
Sa	Salvia officinalis / Garden Sage	#1	0.45m
J	Skimmia japonica 'Rubella' / Skimmia	#3	0.6m
	Salara Innaia Maria Carati (Maria Carat Salara	HO.	0.0-

PLANTING NOTES:

1. PLANTE IN THIS PLANT LIST ARE SPECIFIED ACCORDING TO THE CA. MADIAN NURSERY LANGUAGE ASSOCIATION CANADIAN STANDARDS.

THE BC LANDSCAPE STANDARD, CURRENT EDITION.

THE BC LANDSCAPE STANDARD, CURRENT EDITION.

2. ALL PLANT METERIAL SHALL MEET OR EXCESS STANDARDS REQUIRED BY LANDSCAPE STANDARDS.

3. YOUNG SHALL SHALL

IRRIGATION NOTE:

1. ALL AREAS TO BE IRRIGATED, IRRIGATION SYSTEM TO MEET OR EXCEED IRBC STANDARDS. LANDSCAPE ARCHITECT TO REVIEW IRRIGATION PLANS.

FORT LANGLEY STUDIO

102-9181 Church St
Fort Langley, BC
V1M 288
VST 3J7
VALUE OF THE STUDIO
VST 3J7

Drawing Title:
PLANTING F 4 M/W Issued for DP
3 M/W Issued for ADP
2 M/W Issued for Rezoning/DP
1 DZ Issued for Rezoning/DP
No. By: Description 2022-02-01 Inyt: Description Date REVISIONS TABLE FOR DRAWINGS
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PLAN-ROOFTOP

NORTH

VDZ Project#:
DP2021-31

Drawing #: L-06

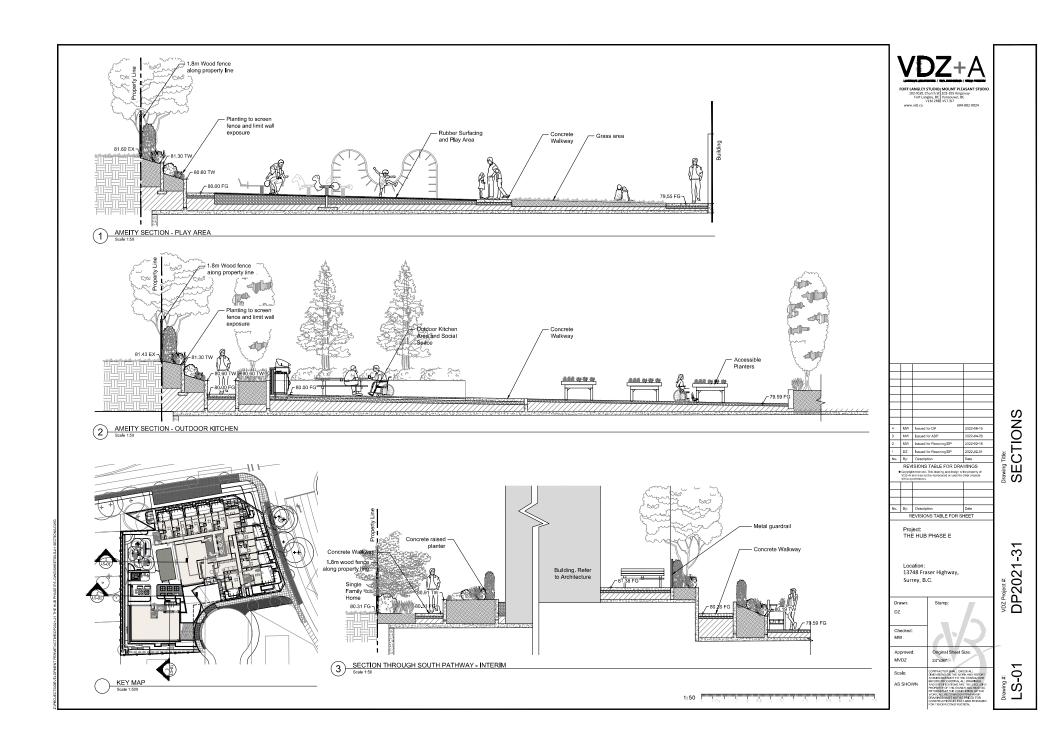
Project: THE HUB PHASE E

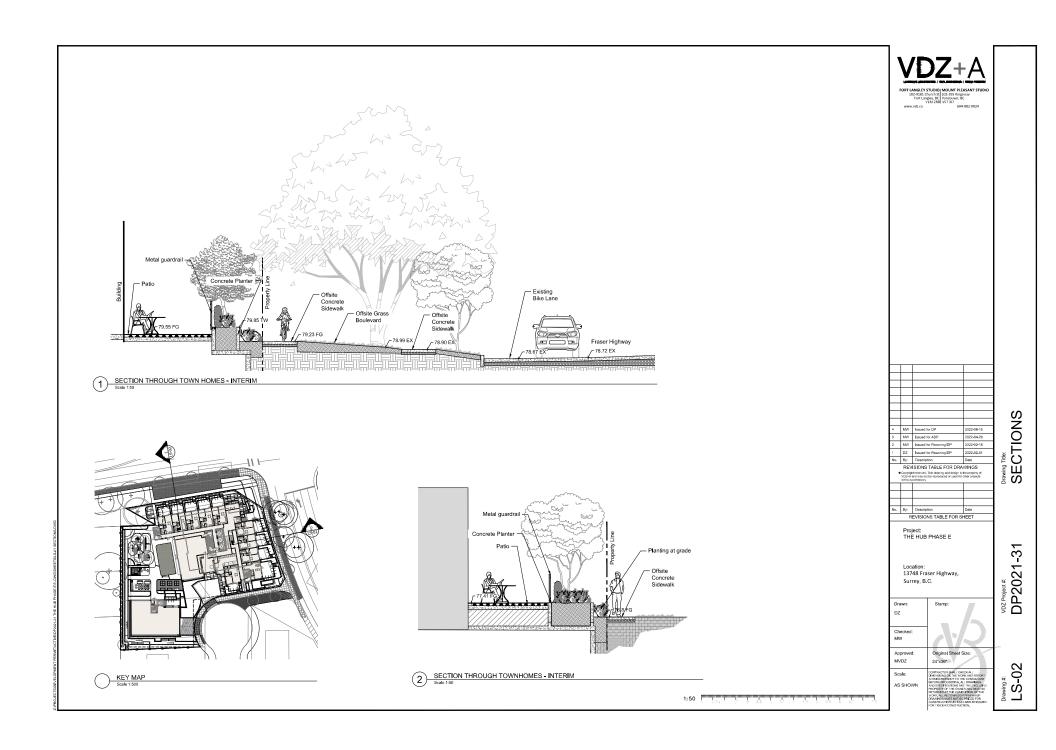
REVISIONS TABLE FOR SHEET

Location: 13748 Fraser Highway, Surrey, B.C.

DZ Checked: Approved: Original Sheet Size: MVDZ 24"x36" Scale:

1:150







## INTER-OFFICE MEMO

**TO:** Manager, Area Planning & Development

- North Surrey Division

**Planning and Development Department** 

FROM: Development Services Manager, Engineering Department

DATE: **June 21, 2022** PROJECT FILE: **7821-0311-00** 

(Supercedes June 16, 2022)

**RE:** Engineering Requirements

Location: 13748 Fraser Highway, 9759/9775 - 137A Street

OCP AMENDMENT/CCP AMENDMENT/DEVELOPMENT PERMIT

Complete sanitary and drainage catchment analysis to determine existing capacities. Resolve downstream constraints, as identified.

## **REZONE/SUBDIVISION**

## Property and Right-of-Way Requirements

- Dedicate ultimate 14.0m radius new 137A Street cul-de-sac and corner cuts, and finalize road closure/land exchange.
- Dedicate portion of 6.om wide east-west walkway.
- Provide 0.5m wide statutory rights-of-way along the ultimate property lines.

## **Works and Services**

- Construct 137A Street cul-de-sac and the ultimate road works fronting the site.
- Construct off-site road works along 137A Street to achieve the minimum 6.om wide pavement up to 97A Avenue.
- Construct east-west walkway complete with pedestrian lighting and drainage.
- Implement recommendations of Transportation Impact Analysis.
- Implement recommendations of geo-technical report.
- Construct storm main along 137A street and downstream, as applicable.
- Relocate existing water mains within dedicated road allowances, as applicable.
- Provide water, storm and sanitary service connections to support the development.
- Register applicable legal documents as determined through detailed design.
- Pay amenity charge for undergrounding the existing third party utilities.

A Servicing Agreement is required prior to Rezone/Subdivision.

Jeff Pang, P.Eng.

Development Services Manager

HB<sub>4</sub>



December 15, 2021

#### **Planning**

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

APPLICATION #: 21 0311 00

#### **SUMMARY**

The proposed 394 rental highrise units are estimated to have the following impact on the following schools:

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

Elementary Students:	4
Secondary Students:	4

#### September 2021 Enrolment/School Capacity

Simon Cunningham Elementary	
Enrolment (K/1-7):	85 K + 443
Operating Capacity (K/1-7)	57 K + 536
Queen Elizabeth Secondary	
Enrolment (8-12):	1474
Capacity (8-12):	1600

Projected population of school-age children for this development:	63
. rejected population of series age chinaren 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.

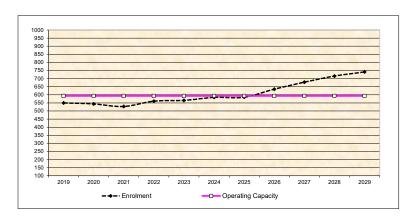
#### School Enrolment Projections and Planning Update:

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

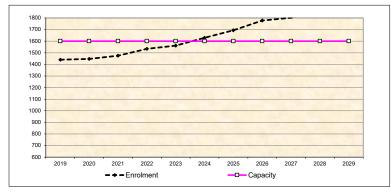
Simon Cunningham Elementary enrolment projections has trended downwards over the last 3 years. Future high-rise construction along King George Boulevard and new high-density townhomes and mid-rise apartments in the Surrey medical district will affect enrolment growth over the next 10 years. Currently there are no plans to expand the school, however, this facility will be monitored closely over the next several years.

As of September 2021, Queen Elizabeth Secondary enrolment continued to modestly grow from the previous 3 years. Over the next 10 years, enrolment projections are leveling even considering the same increased housing density as Simon Cunningham Elementary. There are no plans to expand the school, however, this facility will be monitored closely over the next several years.

#### Simon Cunningham Elementary



## Queen Elizabeth Secondary



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

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



## **Table 2: Tree Preservation Summary**

**Surrey Project No:** Project No:

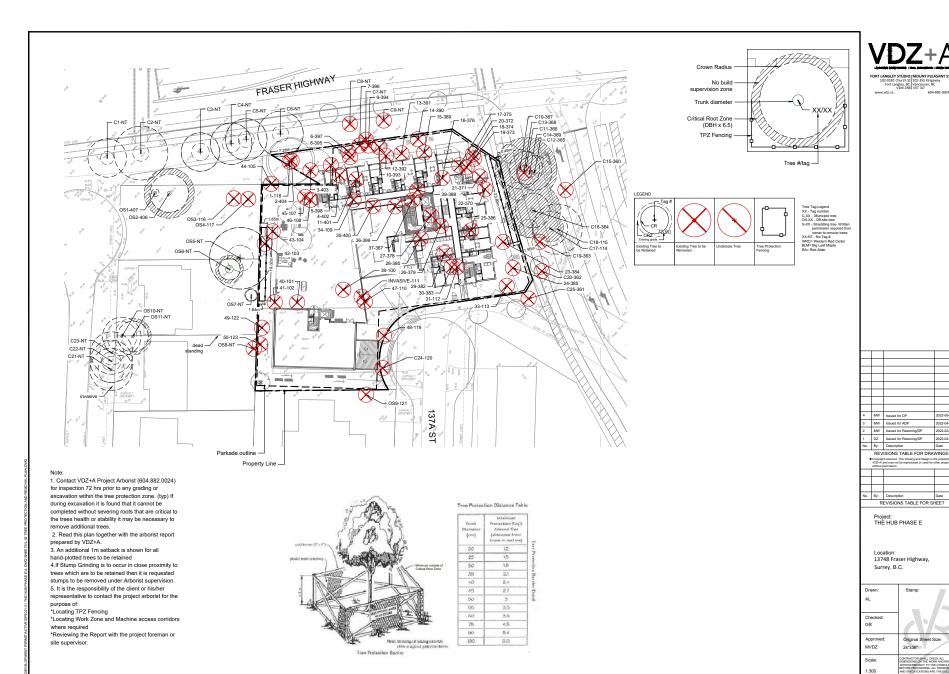
**Address:** 13748 Fraser Highway/ 9775-9761 137A Street/ 9784 137 Street, Surrey, BC

Registered Arborist: D. Glyn Romaine - ISA Certified Arborist PN 7929A

On-Site Trees	Number of Trees
Protected Trees Identified  (on-site and shared trees, including trees within boulevards and proposed streets and lanes, but excludg trees in proposed open space or riparian areas)	66
Protected Trees to be Removed	51
Protected Trees to be Retained (excluding trees within proposed open space or riparian areas)	15
Total Replacement Trees Required:  Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio  4 x one (1) = 4  All other Trees Requiring 2 to 1 Replacement Ratio  47 x two (2) = 94	98
Replacement Trees Proposed	47
Replacement Trees in Deficit	51
Protected Trees to be Retained in Proposed [Open Space / Riparian Areas]	0

Off-Site Trees	Number of Trees
Protected Off-Site Trees to be Removed	4
Total Replacement Trees Required:	
Alder & Cottonwood Trees Requiring 1 to 1 Replacement Ratio	
$0 \times 0 = 0$	0
All other Trees Requiring 2 to 1 Replacement Ratio	
4 x two (2) = 8	8
Replacement Trees Proposed	0
Replacement Trees in Deficit	8

The Hub Phase E ARBORIST REPORT



Down Title:

TREE RETENTION AND REPLACEMENT PLAN

TREE RETENTION AND REPLACEMENT PLAN

VDZ Project#: DP2021-31

> Drawing #: L-02

1:300 0 3m 6 9 12 15 18 21 24 27 30 33 36 39 42 45



# Advisory Design Panel Minutes

Location: Virtual

THURSDAY, APRIL 28, 2022

Time: 3:00 p.m.

Present: Guests:

Panel Members: Brad Howard, PCI Developments
R. Drew, Chair Vince Fernandez, MCM Architects
J. Azizi Sadaf Alerassool, MCM Architects

G. Brumpton Mark Van Der Zalm, van der Zalm & Associates Inc.

T. Bunting David Tsoi, Fore Field Group

R. Jenkins Jeff Christianson, IBI Group Architects
I. MacFadyen Orod Aris, IBI Group Architects

B. Wiebe Micole Wu, van der Zalm & Associates Inc.

Feng Wu, van der Zalm & Associates Inc. Frank Lin, Frank Lin Management Binghang Li, Williams Engineering

## **Staff Present:**

A. McLean, City Architect

S. Maleknia, Urban Design Planner

V. Goldgrub, Planner

L. Blake, Administrative Assistant

### B. **NEW SUBMISSIONS**

## 1. 3:05 p.m.

File No.: 7921-0311-00

New or Resubmit: New Last Submission Date: N/A

Description: Proposed OCP and CCP Amendment for increased density,

a Rezoning from RF to CD and a Development Permit to allow for the development of one 40-storey purpose-built rental residential tower consisting of 392 dwelling units.

Address: 9759/61, 9775 - 137A Street & 13748 Fraser Highway

Developer: Brad Howard, PCI Developments

Architect: Vince Fernandez, MCM

Sadaf Alerassool, Architect AIBC, MCM

Landscape Architect: Mark Van Der Zalm, van der Zalm & Associates Inc.

Planner: Jennifer McLean Urban Design Planner: Sam Maleknia

The Urban Design Planner advised that the Applicant is seeking to acquire a triangular portion of land to the northwest of the site that is currently owned by the Ministry of Transportation and Infrastructure. Furthermore, staff spoke about the grade challenges of the site and noted that the City plans to adjust the grading to remove existing stairs and berms along Fraser Highway. Staff also advised that while staff generally support the proposal, the preference is to have townhomes implemented at grade along Whalley Boulevard as opposed to the proposed indoor amenity space.

The Panel was asked to comment on the overall site planning, pedestrian and vehicular movement, architectural expression, overall landscape concept, wayfinding, and public realm interfaces.

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

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

#### ADVISORY DESIGN PANEL STATEMENT OF REVIEW

It was Moved by R. Jenkins

Seconded by T. Bunting

That the Advisory Design Panel (ADP)

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

**Carried** 

## **Key Points**

• Give further consideration to the delivery sequences from the cul de sac.

(The loading court design has been simplified through discussions with City of Surrey Transportation Planning.)

 Consider increasing the quality of the courtyard softscape and paving treatments.

(A path in the loading area has been added that connects between the public sidewalk and the lobby doors. We have maximized the landscaping in the courtyard as much as possible, while still achieving a functional back of house.)

• Consider a stronger connection, and experience from the courtyard entry and lobby to the outdoor amenity area.

(There is no longer access from the loading area into the outdoor amenity. Instead, we have reconfigured the ground floor so that both of the indoor amenity spaces have direct access to the outdoor amenity area.)

• Consider giving further design consideration to the connections between the building forms.

(This was reviewed extensively, however it was determined that a building-connection between the tower and stand-alone building would not be possible. We will explore enhancing the visual connection through other means (e.g. trellis, planter, trees, etc).)

• Consider increasing the monolithic quality of the red cladding, consider increasing the apparent thickness of the material.

(This has been accomplished by "untwisting" the tower thereby vertically aligning the red cladding across the full height of the building.

• Consider rotating the middle of the building 90 degrees.

(Per the preceding comment, we have done this which has resulted in a stronger vertical expression of the red cladding.)

 Consider relocating the townhouse program and creating a more continuous green space between the outdoor amenity and City park or, adding a fourth townhouse over the parkade entry and relocate the parking ramp.

(We would much prefer maintaining a defined edge between the future park and our private property, however the building will become indoor amenity space which has been relocated from Whalley Blvd. This building is slightly larger than the previous three townhomes (which we believe is positive to ADP). However, we will be keeping the parking ramp where it is to not introduce new conflicts or concerns. We understand this is acceptable to City staff per our meeting on June 1.)

• Consider adding massing with more floors over the Whalley Boulevard-facing the indoor amenity area.

(Massing has been added to the Whalley Boulevard frontage and changed the ground floor space from indoor amenity to residential.)

Consider adding a rental office near the main lobby.

(This has been done.)

 Reconsider the use of yellow glazing on the balconies, simplify the used colors.

(We agree with this comment and the yellow glazing on the tower balconies has been removed.)

 Consider compressing the play area to reduce the use of rubberized surfaces and provide additional planting space.

(We have done this as shown on the revised landscape plan.)

 Recommend that the granularity of the exterior amenity spaces be increased by introducing some smaller-scaled spaces for more variety of eating areas.

(We have done this as shown on the revised landscape plan.)

 Consider reducing the amount of paving along Whalley Boulevard and add more trees.

(We have done this as shown on the revised landscape plan.)

• Consider using energy and thermal comfort modelling to inform design development. Use future climate files to best understand the resiliency of the project.

(Noted. We will certainly consider this as we move into design development.)

• Install the maximum amount of electrical charging infrastructure for e-vehicles and e-bicycles.

(We will install at least the minimum required by City of Surrey today and will consider future-proofing the building in the event that e-bike use increases.)

Recommend adding bicycle maintenance and repair facilities.

(This has been done.)

• Consider pursuing Fitwel, Canada Green Building Council Zero Carbon Building standards (CaGBC ZCB) and/or other performance standards.

(Noted. We will consider this as we move into design development.)

## Site

- The sense of entry is welcoming and well presented.
- Consider relocating the parking ramp.

(We have reviewed this extensively but have decided to leave it where it is to not introduce new conflicts or problems to the public realm. We think that locating the parking ramp to the side of the project, and not in the middle, will avoid creating new problems in the middle of the site which is a high traffic zone. We understand that this is acceptable to the City from our meeting on June 1.)

• Review and enhance the drop of area next to the cul de sac.

(Per "Key Point" #1, we have done this by simplifying the loading area next to the cul-de-sac in discussions with City of Surrey Transportation Planning.)

## Form and Character

- Commend the building design to align with energy-efficient design policies.
- Recommend minimizing the colors, softening the building form or providing better connections between the smaller pieces of the building.

(This has been acheived by reducing the amount of colours on the tower and softening the building form by, among other things, increasing the massing of the podium along Whalley Blvd and "untwisting" the tower.)

• The tower appears heavy, especially compared to the podium and there is too much activity on the façade considering the size and scale. Overall, the building portions are not connected.

(These comments have been addressed by the previously-noted changes we have made (additional massing at Whalley Blvd podium to alleviate "heavy" feel of the tower and "untwisting" of the tower in order to simplify the expression of the façade).)

• Consider further development to the podium to be more compatible with the tower.

(We have done this as noted in prior comments.)

• Consider additional enhancement to the back door entry and redistribute ground floor spaces, and layouts to make it usable.

(Back-door entry experience has been enhanced by simplifying the design of the loading area and reorganizing the ground floor spaces (lobby/mail, waste, amenity, etc). We have maximized glazing in this area to create a welcoming experience.)

• Enhance the back lobby access from the cul de sac.

(As noted in prior comments, a path has been added in the loading area that connects between the public sidewalk and the lobby doors, and we have maximized glazing in the back lobby area. We have also maximized the landscaping in the courtyard as much as possible, while still achieving a functional back of house.)

• If the townhomes framing the courtyard are retained, consider adding an additional unit to create a better edge to the courtyard.

(Townhomes have been replaced with indoor amenity space which is slightly longer than the townhomes.)

 Amenity area along Fraser Highway and Whalley Boulevard instead of townhomes could be an option, especially as it is unclear as to what future developments will implement along the ground plane. An amenity area provides good programming and activation and the location near a future City-park is appropriate.

(Planning has advised that the City Centre Plan envisions residential uses at grade along Whalley Blvd as it is extended south. To meet the intent of the area guidelines, active uses in the form of residential patios will be provided along Whalley Blvd.)

## Landscape

- Appreciate the stormwater management concepts.
- Recommend using real grass instead of artificial turf on the upper levels, and ensure the maintenance requirements are considered.

(We understand the desire for real grass but it is problematic at the top of the tower. We are trying to avoid use of noisy gas powered maintenance tools. We feel that this small area of artificial turf is more functional, does not require soils or machine maintenance and will be dryer and more ready to use during winter. We will heed all comments for ground floor amenity and will ensure real turf in all of those areas which are more readily accessible for landscape maintenance.)

 As noted under Key Points, increasing the ratio of planting to paving for the Whalley Boulevard-facing amenity area would help balance costs and storm water management. Additional planting could improve the quality of the experience in this area.

(We agree and have increased the amount of green space along Whalley Blvd frontage partly by introducing residential units.)

• Consider additional landscape treatment along the retaining wall, if its retained, to reduce graffiti opportunities.

(We agree with this comment and have made provisions for this on our updated landscape drawing.)

Recommend further programming of the indoor amenity space.

(We will certainly be enhancing the indoor amenity programming during design development.)

#### **CPTED**

No specific issues were identified.

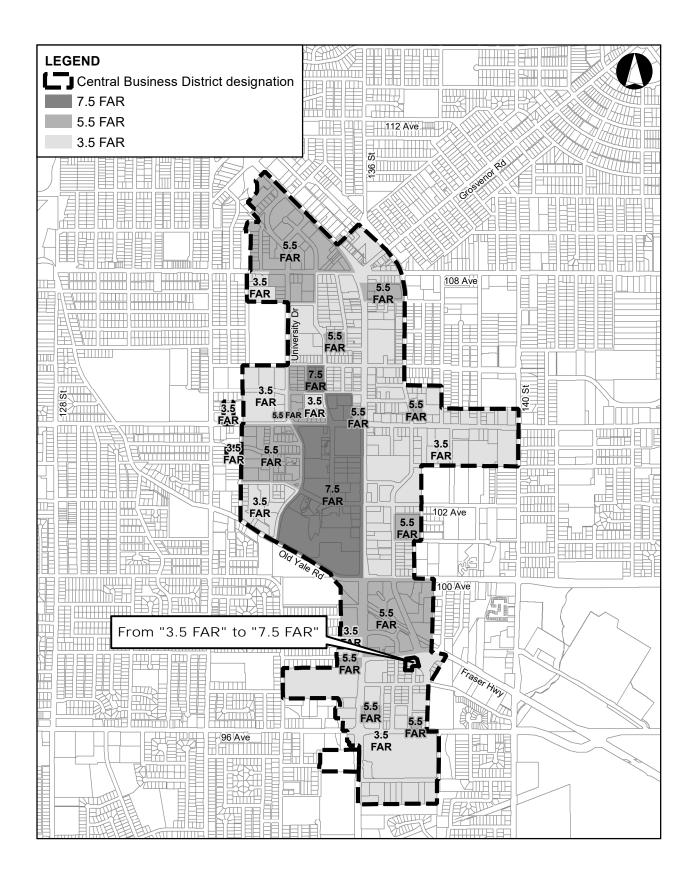
## Sustainability

• Consider building beyond Step Code 2 requirements. In addition to aligning with CMHC funding targets, consider the potential return on investment over time.

(We are considering this as stated during the ADP meeting.)

## Accessibility

No specific issues were identified.



## **CITY OF SURREY**

## HOUSING AGREEMENT (Residential Only)

THIS H	IOUSING AGREEMENT made the day of, 2022.
BETWI	EEN:
	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:	
	KGS HOLDINGS LTD., a corporation having its offices at #300 – 1030 West Georgia Street, Vancouver, BC V6E2Y3
	(the "Owner")
	OF THE SECOND PART
WHER	EAS:
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: - 029-337-089 Legal Description: - LOT 5 SECTION 35 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT PLAN EPP32216
	Parcel Identifier: - 009-770-330 Legal Description: - LOT 21 SECTION 35 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT PLAN 13110
	Parcel Identifier: - 001-949-063 Legal Description: - LOT 20 SECTION 35 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT PLAN 13110
	(the " <b>Lands</b> ");

- B. The Owner proposes to use the Lands for the development of a market rental residential building comprising approximately 401 Dwelling Units) (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 401 dwelling units to be constructed within the Development;
  - (g) "Lands" means the parcel of land situated in the City of Surrey, British Columbia and legally described in Recital A, and includes any parcel into which such land is consolidated or further subdivided (including a subdivision pursuant to the Land Title Act;
  - (h) "Owner" means the person named on the first page of this Agreement and the legal and beneficial owner at any given time and any successors in title of the Lands;
  - (i) "Rental Units" means 401 Dwelling Units which must be made available

by the Owner to the general public at arms' length for use as residential rental accommodation on a month-to-month or longer basis in accordance with all applicable laws including, without limitation, the *Residential Tenancy Act*, S.B.C. 2002, Chapter 78, as amended, and any regulations pursuant thereto; and

(j) "**Term**" means 20 years, commencing on the first day of the month after the City issues an occupancy permit for the Development.

## 2. RESTRICTION ON OCCUPANCY OF DWELLING UNITS

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

## 3. LIABILITY

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

## 4. NOTICE

- 4.1 Any notices or other documents to be given or delivered pursuant to this Agreement will be addressed to the proper party as follows:
  - (a) As to the City:

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

Attention: General Manager, Planning and Development Department

(b) As to the Owner:

Owner Name KGS Holdings Ltd.

Owner Address #300 – 1030 West Georgia Street, Vancouver, BC

V6E2Y3

Attention: Property Manager

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

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

## 5. **GENERAL**

- 5.1 **Joint and Several.** Where the Owner consists of more than one person, each such person will be jointly and severally liable to perform the Owner's obligations under this Agreement.
- 5.2 **Assignment by City.** This Agreement or any of the rights conferred by this Agreement upon the City may be assigned in whole or in part by the City without the consent of the Owner.
- 5.3 **City's Other Rights Unaffected.** Nothing contained or implied herein will derogate from the obligations of the Owner under any other agreement with the City or, if the City so elects, prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions pursuant to the *Local Government Act* and the *Community Charter*, as amended from time to time and the rights, powers, duties and obligations of the City under all public and private statutes, by-laws, orders and regulations, which may be, if the City so elects, as fully and effectively exercised in relation to the Lands as if this Agreement had not been

- executed and delivered by the Owner and the City.
- 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.

Ву:		
	Authorized Signatory	
	Doug McCallum, Mayor City of Surrey	
Ву:	Authorized Signatory	
	Authorized Signatory	
	Jennifer Ficocelli, City Clerk City of Surrey	

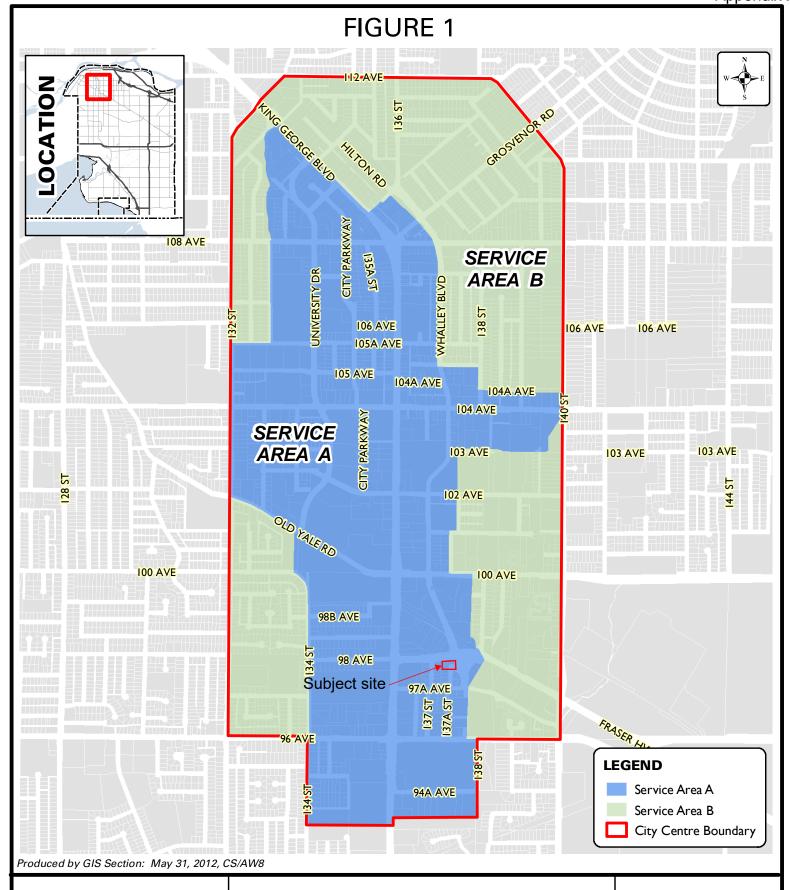
**KGS Holdings Ltd.** 

**CITY OF SURREY** 

By:

Authorized Signatory

Name: Tim Grant Title: President





DISTRICT ENERGY SERVICE AREA (SERVICE AREA A & SERVICE AREA B)

ENGINEERING DEPARTMENT