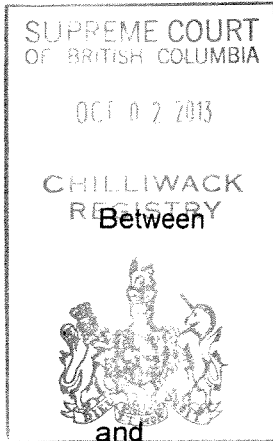


This is the 2<sup>nd</sup> Affidavit  
of Ramin Seifi in this case  
and was made on 27<sup>th</sup> ~~Oct~~<sup>Sept</sup> 2013

No. S026696  
Chilliwack Registry



In the Supreme Court of British Columbia

SOCIETY OF FORT LANGLEY RESIDENTS FOR  
SUSTAINABLE DEVELOPMENT, DAVID M. ABREO, DIANE  
ERIKA MORRISON, and VICKY L. FRASER

Petitioners

TOWNSHIP OF LANGLEY

Respondent

Re: In the matter of the *Judicial Review Procedure Act* RSBC 1996, c. 241  
and Township of Langley Heritage Alteration Permit No. 100685

### AFFIDAVIT

I, Ramin Seifi, of 20338 - 65 Avenue, Langley, British Columbia V2Y 3J1, MAKE OATH AND SAY AS FOLLOWS:

1. I am the General Manager of Engineering and Community Development for the Respondent, the Corporation of the Township of Langley (the "**Township**"). I have personal knowledge of the facts and matters hereinafter deposed, save and except where the same are stated to be based on information and believe, and where so stated, I verily believe them to be true.
2. I am authorized to make this Affidavit on behalf of the Township.
3. The records attached as Exhibits to this my Affidavit are all documents kept in the usual and ordinary course of business of the Township.

#### The Heritage Alteration Permit Application

4. On May 2, 2012 Eric Woodward submitted an application (the "**Application**") to the Township for a heritage alteration permit for a three storey mixed use commercial, retail and residential development (the "**Development**") on the property located at 9202/9224 Glover Road, Fort Langley, British Columbia (the "**Land**"). The Application was completed on the Township's Development Application Form which form was created for administrative purposes and is not mandated by any Township bylaw. The Amended

Petition has raised issues regarding the following two items listed on the Development Application Form:

- (a) a title search and, if the property is owned by a company, a BC Company Summary Search; and a letter on company letterhead to confirm the applicant's authority to sign on the company's behalf ("**Item B**"); and
  - (b) a letter of intent detailing the proposal ("**Item K**").
5. With respect to Item B, the Application included a title search for the Land indicating that Statewood Properties Ltd. (the "**Developer**") was the owner of the Land and a BC Company Summary Search for the Developer indicating that Mr. Woodward was the Developer's President, Secretary and sole Director and Officer. The Township did not require a letter on the Developer's letterhead to confirm Mr. Woodward's authority to sign on the Developer's behalf because the BC Company Summary Search sufficiently demonstrated Mr. Woodward's authority to sign on the Developer's behalf. Attached as Exhibit A to this my affidavit is a copy of the BC Company Summary Search for the Developer.
  6. With respect to Item K, attached as Exhibit B to this my affidavit is the letter of intent detailing the proposal that was received by the Township in support of the Application.

#### **Re-Calculation of Parking Requirements**

7. The Heritage Alteration Permit does not regulate the requirement for, nor the calculation of, the off-street parking spaces required for the Development. Parking requirements are regulated by Township of Langley Zoning Bylaw 1987 No. 2500 and the Fort Langley Off-Street Parking Bylaw 1995 No. 3472 (together the "**Parking Requirements**").
8. In May 2013, the Developer provided the Township with:
  - (a) new building surveys which revised the gross floor area for the existing commercial building on the Land, the Frontier Hardware building, from 699 m<sup>2</sup> to 553.3 m<sup>2</sup>; and
  - (b) new building drawings that altered the apartment mix in the Development to six two-bedrooms units, three one-bedroom units and one studio unit.
9. The Township subsequently re-calculated the number of residential and commercial off-street parking spaces required for the Development and confirmed that the Developer continued to comply with the Parking Requirements.
10. Attached as Exhibit C to this my affidavit is a copy of the Fort Langley Off-Street Parking Bylaw 1995 No. 3472.

### The Excavation Permit

11. On August 19, 2013, Township staff issued Building Permit No. BP125892 authorizing the installation of on-site plumbing works and subsequent excavation on the Land (the "Excavation Permit"). The Developer has completed the demolition pursuant to the earlier issued Demolition Permit and has commenced work pursuant to the Excavation Permit.

SWORN (OR AFFIRMED) BEFORE ME )  
 at the Township of Langley, Province of )  
 British Columbia, on 27th ~~October~~ *September* )  
Susan Palmer )  
 A Commissioner for taking )  
 Affidavits for British Columbia )  
 )  
 Name of Commissioner )

  
 RAMINA SEIFI

**SUSAN PALMER**  
 A COMMISSIONER FOR TAKING AFFIDAVITS IN  
 THE PROVINCE OF BRITISH COLUMBIA  
 TOWNSHIP OF LANGLEY  
 20338 65 Avenue  
 Langley, BC V2Y 3J1  
 604-533-8032



**BC Registry  
Services**

Mailing Address  
PO BOX 9431 Stn Prov Govt  
Victoria BC V8W 9V3  
www.corporateonline.gov.bc.ca

Location  
2nd Floor - 940 Blanshard St  
Victoria BC  
250 356 8628

## BC Company Summary

For  
**STATEWOOD PROPERTIES LTD.**

Date and Time of Search: April 26, 2012 01:54 PM Pacific Time  
Currency Date: March 15, 2012

### ACTIVE

Incorporation Number: BC0552433  
Name of Company: STATEWOOD PROPERTIES LTD.  
Recognition Date: Incorporated on October 20, 1997  
Last Annual Report Filed: October 20, 2011  
In Liquidation: No  
Receiver: No

### COMPANY NAME INFORMATION

Previous Company Name	Date of Company Name Change
STATEWOOD INVESTMENT CORPORATION	January 12, 2005
552433 B.C. LTD.	December 19, 1997

### REGISTERED OFFICE INFORMATION

Mailing Address:	Delivery Address:
2480 - 1066 WEST HASTINGS STREET	2480 - 1066 WEST HASTINGS STREET
BOX 12577	VANCOUVER BC V6E 3X2
VANCOUVER BC V6E 3X2	CANADA
CANADA	

### RECORDS OFFICE INFORMATION

Mailing Address:	Delivery Address:
2480 - 1066 WEST HASTINGS STREET	2480 - 1066 WEST HASTINGS STREET
BOX 12577	VANCOUVER BC V6E 3X2
VANCOUVER BC V6E 3X2	CANADA
CANADA	

### DIRECTOR INFORMATION

This is Exhibit " A ", referred to in the  
Affidavit of Ramin Seifi #2  
Sworn before me at Langley  
this 27th day of September A.D. 2013.

Susan Palmer  
A Commissioner for the  
Province of British Columbia  
**SUSAN PALMER**  
COMMISSIONER FOR TAKING AFFIDAVITS IN  
THE PROVINCE OF BRITISH COLUMBIA  
TOWNSHIP OF LANGLEY  
20330 65 Avenue  
Langley, BC V2Y 3J1  
604-533-8032

**Last Name, First Name, Middle Name:**  
WOODWARD, ERIC

**Mailing Address:**  
205 280 NELSON ST  
VANCOUVER BC V6B2E2

**Delivery Address:**  
205 280 NELSON ST  
VANCOUVER BC V6B2E2

**OFFICER INFORMATION AS AT October 20, 2011**

**Last Name, First Name, Middle Name:**  
Woodward, Eric  
name corrected, formerly WOODWARD, ERIC  
**Office(s) Held:** (President, Secretary)

**Mailing Address:**  
205-280 NELSON STREET  
VANCOUVER BC V6B 2E2  
CANADA

**Delivery Address:**  
205-280 NELSON STREET  
VANCOUVER BC V6B 2E2  
CANADA

This is Exhibit " B ", referred to in the  
 Affidavit of Ramin Seifi #2  
 Sworn before me at Langley, BC  
 the 27th day of September A.D. 2013  
 SUSAN PALMER Susan Palmer  
 A COMMISSIONER FOR TAKING AFFIDAVITS IN THE PROVINCE OF BRITISH COLUMBIA  
 TOWNSHIP OF LANGLEY  
 20338 65 Avenue  
 Langley, BC V2Y 3J1  
 604-533-8032

May 23, 2012

## Design Rationale

**The Coulter Berry Building** – 9224 & 9202 Glover Road, Fort Langley, BC

### Overview

The proposed development covers an area of 0.55 acres. It is bounded by Glover Road to the West, Mavis Avenue to the North, and a lane shared with the new IGA store to the East. There is also an existing restaurant, Beatniks Bistro, to the South.

The proposed building has been designed to enhance this very important commercial corner in Fort Langley, respecting both the heritage character and enhanced public use of the area.

### Proposed Occupancies: Retail, Office & Residential

The proposed Coulter Berry Building is a three story mixed-use building with:

- Ten new locations for pedestrian oriented speciality shops and services
- At least 2 new restaurants
- 11,200 square feet of Class A office space
- A central elevator
- Ten residential suites
- Underground parking with 58 parking stalls, 67 in total

This rare combination of retail, office and residential within a single building, unique to Fort Langley, epitomizes new urbanism, with many inherent benefits.

Class A office space reduces Fort Langley's dependence on fair-weather visitors, generating more consistent, weekday activity. New residences also help support local businesses, and add more "eyes on the street." Additionally, new restaurants and shops increase the variety of shopping and services; which will bring more people to Fort Langley - and keep them coming back.



## **Heritage Character**

The Coulter Berry Building's architectural character is based on the Fort Langley Building Facade Guidelines, with a few contemporary design elements woven in. Incorporating many of the expected heritage elements, such as multiple distinct parapets, horizontal lap siding, brick veneer, & ornate detailing, will ensure the building fits in well with Fort Langley's established character.

Extensive articulation has been added on all sides of the building, especially along Glover Road. The breezeway entrance on Glover Road is centred under its own unique parapet so that it stands out from the rest. And distinctive heritage details have been added on the parapets, window trim, signage, and awnings.

Designed with traditional heritage character, the building is intended to be as timeless as possible, with a form and quality that will remain distinctive, distinguished, and historical for many years to come.

## **Underground Parking**

The Coulter Berry Building will have a very efficient underground parkade of 58 parking stalls, with only 2 restricted to small cars. There are also 9 surface stalls, for a total of 67 stalls, well in excess of the required number. Bicycle parking is located directly across the lane from the IGA, and designated scooter parking is provided for those with limited mobility.

With a third story for residences, the parkade is justifiable. All business owners and employees, residents, and visitors will have access to ample parking. This extra parking, underground, will help with the persistent parking shortage in the Fort Langley commercial district, while preserving ground level spaces for more people-orientated features.

## **An Anchored Corner**

The corner of Glover Road & Mavis Avenue is the premier corner in Fort Langley, and as such, it deserves a statement design. With a stepped brick veneer for the first two stories, the corner is "anchored", conveying strength, permanence, and quality.



### **Central Pedestrian Breezeway**

Key to the design of the building is a pedestrian breezeway that connects Glover Road to the new IGA, and the new IGA to Glover Road. The breezeway will be 10' wide, such that multiple people will be able to walk past and not need to sidestep each other.

With wide walkways, and an inviting entrance at both the front and rear, the Coulter Berry breezeway will become a key feature of the site, connecting Mavis Avenue and the rear plaza area of the IGA to the activity on Glover Road.

### **Restaurant with Rooftop Patio**

The south end of the building boasts a separate, specialized restaurant space with a 25' foot high ceiling, interior mezzanine, and a south-facing rooftop patio for up to 60 people. It has a different form and character which portrays it as a separate building unto itself. This helps to break up the front facade along Glover Road.

The rooftop patio provides the unique opportunity for a reduced building height at this end of the building. This serves as a "step down" from three stories to two, to better fit in next to the single story neighbour, Beatniks Bistro. Like the Beatniks Bistro, this new customized space will provide another destination unto itself that will surely become a permanent part of Fort Langley's unique character.

### **Unique Corner on Mavis Avenue**

At the corner of Mavis Avenue and the lane, the ground level unit will have floor to ceiling windows that will fold or lift away. This will enable a seamless inside-outside transition among covered seating, with an intimate connection to the sidewalk. Intended for a restaurant or cafe, it will also undoubtedly become a special destination within Fort Langley.

### **Central Residences**

How many people get to live in the heart of the village of Fort Langley, next to their favourite cafe, shops and local neighbourhood grocery store? The Coulter Berry Building will have six 2-bedroom, and four 1-bedroom residences, each with its own covered balcony. There is also a skylight over the 3rd floor lobby, which provides natural light to a 500 s.f. exercise room.





### **Rear Plaza with the IGA**

One of the objectives of the Coulter Berry Building is for the rear of the building to be as attractive and useful as the front. The rear area of the building, on the lane, transitions to match the architectural style of the new IGA, for a consistent experience. Garbage and recycling bins are located in the parkade, not on the lane. There is surface parking on raised pavers, bicycle and scooter parking, lighting, security cameras, and rear-facing service retail with its own parking lot.

The rear of the building is also the entry point to the core of the building, which allows access to the underground parking, offices and residences, via the central elevator and staircase. This entry point is also connected to Glover Road by means of the central breezeway. Together with the IGA, there will be a new pedestrian plaza area unlike anything else in Fort Langley. And it will be viewable from the interior mezzanine of the restaurant along with the rooftop patio.

### **The Coulter Berry Building**

Overall, the Coulter Berry Building aims to become a vital new asset within Fort Langley. The thoughtfully designed retail units, offices, residences, and special amenities will provide a variety of unique destinations within the downtown core. Likewise, the architectural form and character present a distinctly heritage feel that will complement and add to the village's character for many decades to come.

Regards,

Norm Davis

MAIBC, MAAA, MRAIC

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

EXPLANATORY MEMO

FORT LANGLEY OFF-STREET PARKING BYLAW 1995 NO. 3472

Bylaw No. 3472 allows Council to hold, use, improve, operate, maintain and manage certain real property owned and/or leased by the Township for the purpose of providing public off-street parking facilities in the commercial area of Fort Langley, and to regulate, charge and collect fees and rents for such use.

As recommended by the Fort Langley Enhancement Committee, this Bylaw establishes a cash-in-lieu parking system to be implemented in the commercial area of Fort Langley. This Bylaw identifies the parking lot for the Fort Langley Marina Park as a public off-street parking facility for the purposes of establishing a cash-in-lieu parking system. The Marina Park parking lot will only be used in the interim in order to commence the cash-in-lieu system. An alternate location in the commercial core could be identified when sufficient funds are collected for acquisition and development of a public parking facility.

This is Exhibit " C ", referred to in the  
Affidavit of..... Ramin Seifi #2 .....  
Sworn before me at ... Langley, BC .....  
this 27<sup>th</sup> day of September A.D. 2013..  
..... Susan Palmer .....  
A Commissioner for taking Affidavits  
for British Columbia

**SUSAN PALMER**  
A COMMISSIONER FOR TAKING AFFIDAVITS IN  
THE PROVINCE OF BRITISH COLUMBIA  
TOWNSHIP OF LANGLEY  
20338 65 Avenue  
Langley, BC V2Y 3J1  
604-533-6032

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**FORT LANGLEY OFF-STREET PARKING BYLAW 1995 NO. 3472**

**A Bylaw to provide for the holding, use and improvement, operation, maintenance and management of certain real property owned and/or leased by the Township for the purpose of providing public off-street parking facilities in the commercial area of Fort Langley, and to regulate, charge and collect fees and rents for such use.**

WHEREAS the Township is the owner and/or leaseholder of the real property hereinafter described;

AND WHEREAS it is deemed expedient that such property be held, used and improved for the purpose of public off-street parking facilities;

AND WHEREAS it is necessary that the Council have authority to improve such real property and from time to time as it may deem requisite, acquire and hold additional real property and construct buildings and structures thereon and to equip them for such purpose;

AND WHEREAS it is also necessary to provide for the operation, maintenance and management of all real property and facilities so held and used under this bylaw;

AND WHEREAS it is deemed equitable that fees or rents for the use of any space in, or portion of, or the use of, any of the real property held under this bylaw shall be charged and collected and that the Council have the authority to enter into agreements with other persons for the leasing and sub-letting of any such property;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as the "Fort Langley Off-Street Parking Bylaw 1995 No. 3472."

**PARKING LOTS**

2. The following described real property owned by the Township of Langley, Province of British Columbia which is outlined on the plan which is marked as Schedule "A" hereto and forming part of this bylaw, from and after the final adoption of this bylaw, be held, used and improved for the purpose of providing off-street parking facilities for the use of the public:

In the Township of Langley, Province of British Columbia, and more particularly known and described as: Lot 1, Block 11, DL 19, Plan 736 (PID: 011-906-375) or municipally known as Fort Langley Marina Park (parking lot).

3. Every parcel of the real property described in Section 1 hereof shall be made available to the public for off-street parking. Each parking space shall have the minimum area required by the "Township of Langley Zoning Bylaw No. 2500" and with regard to future acquired properties, of the area then required by the Bylaw in effect at that date, and the boundaries thereof shall be clearly identified by lines painted on the pavement or by other means indicating such boundaries. The driveway providing access to and/or egress from every such parcel shall be limited in number and may be controlled by automatic devices.
4. The Council may, from time to time, and as deemed expedient, construct buildings and structures on any parcel of land described in Section 1 hereof and equip the same for the purpose of providing public off-street parking facilities.
5. The Administrator of the Township shall be responsible for the operation, maintenance and management of all real property held and used pursuant to this Bylaw.

#### *PARKING PERMITS*

6. The Township is hereby authorized to enter into agreement with any person or persons owning real property which is situated within a commercial zone described in the Township of Langley Zoning Bylaw No. 2500 and in effect at the date of this Bylaw and as from time to time amended or repealed, that is located within the Commercial designation of the Fort Langley Community Plan for the use of any number of parking spaces within a parcel of land set out in Section 1 above for use by the public as off-street parking on the real property owned by him/her in accordance with the requirements of the Township of Langley Zoning Bylaw No. 2500 and pursuant to such an agreement, the Township may grant to such person a permit for the use by the public of such number of parking spaces.
7. Every such permit granted by the Township pursuant to this Bylaw shall be subject to:
  - a) Automatic cancellation without notice if at any time the building or structure for which such off-street parking has been provided, is destroyed or is removed from its site and is not replaced by another building or structure having the same off-street parking requirements within a period of one (1) year from the date of such destruction or removal, and
  - b) Termination by the Township upon thirty (30) days notice upon adoption by the Township of some alternative method of providing the said off-street parking; or upon any reduction or relation of the requirements for such off-street parking.
8. As a consideration for the granting of every such permit on a particular parcel of real property the applicant therefor shall pay to the Township, for every space included in the permit, the non-refundable sum of Twelve Thousand Dollars (\$ 12,000), and a permit application fee of Four Hundred Dollars (\$ 400) plus applicable taxes.
9. The Township is hereby empowered to provide such parking spaces placed upon such real property and further is empowered to charge and collect fees or impose charges for the use of such parking facilities.

10. No such permit or agreement under this Bylaw shall be construed to convey or vest any property or right in such parking spaces or real property, in the person to whom such permit is issued, nor shall any such permit or agreement entitle such person to any allocation of specific marking spaces on said real property or to any marking thereof indicating that such spaces have been licensed to him/her. All obligations of the Township under this Bylaw shall be limited to the provision of the required number of off-street parking spaces for which permits are issued pursuant to this Bylaw. The Township shall assume no liability for the use of said parking stalls by the permit holders or others.
11. The following policy applies to the owners of land in a commercial zone located within the Commercial designation of the Fort Langley Community Plan:
  - a) In the event an owner of land wishes to add on to an existing building, only the gross floor area of the addition will be required to comply with the off-street parking requirements of the said Zoning Bylaw No. 2500 or the owner may enter into an agreement with the Township as set out in Section 6 above.
  - b) In the event of an owner of land of an existing commercially occupied building wishes to remove or demolish the said building in favour of a new building, only the increased gross floor area between the old demolished building and the new building will be required to comply with the off-street parking requirements of the said Zoning Bylaw No. 2500 or the owner may enter into an agreement with the Township, as set out in Section 5 above, provided that construction of the new building has commenced within six (6) months from the date of removal of the old building. This time limit may be extended by Council.
  - c) In the event of an addition referred to in clause (a) hereof, any parking stalls on the land shall be a credit towards the existing building and not a credit towards the addition unless the total number of parking stalls on the land exceed the off-street parking requirements under the said Zoning Bylaw No. 2500 for the existing building.
  - d) Notwithstanding clause (c) above, any parking stalls that exist, as of the final adoption of this bylaw, on privately owned and commercially occupied land within a commercial zone that are lost in favour of a new building, must be replaced on the site; provided in accordance with Section 107.2(2) of the said Zoning Bylaw No. 2500 or be purchased from the Township under an agreement with the Township as set out in Section 6 above.
  - e) Notwithstanding anything contained herein, Township Council may require an owner of land to provide some of the required parking on-site.

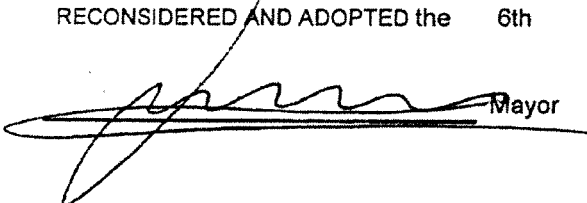
#### RESERVE FUND


12. A reserve fund, which shall be known as the "Off-Street Parking Reserve Fund" is hereby established pursuant to the provisions of Section 379 of the "Municipal Act", being Chapter 290 R.S.B.C. 1979 as amended, and the Treasurer shall annually, on or before the 31st day of December of each year, pay into such fund all monies, except the administrative fee and applicable taxes, received by the Township pursuant to Sections 6 and 8 of this Bylaw.
13. The monies set aside in such reserve fund, together with any interest earned thereon, shall be used only for:
  - a) A capital expenditure for the improvement of real property held by the Township for the purpose of providing public off-street parking, the construction of buildings and structures and the equipping of them for such purpose and use, and the acquisition of additional real property to be held, improved and used for such purpose.
  - b) Redeeming any debentures issued by the Township in respect of the capital expenditures specified in clause i) hereof.

#### PARKING STALL RENTAL

14. Whenever the Council may deem it expedient that the Township recover any costs incurred by it in the operation, maintenance and management of the off-street parking facilities provided pursuant to this Bylaw, it shall be lawful for the Council to close to the free use by the public the whole or any portion of the real property described in Section 1 hereof, and notwithstanding the provisions of Section 6 hereto to fix and charge fees or rents for the use of any space in or portion of such real property sufficient to recover such costs, such fees or rents shall be fixed or charged by resolution of the Township.

READ A FIRST TIME the	26th	day of	June	,1995
READ A SECOND TIME the	26th	day of	June	,1995
PUBLIC HEARING HELD the	16th	day of	October	,1995
READ A THIRD TIME the	23rd	day of	October	,1995
RECONSIDERED AND ADOPTED the	6th	day of	November	,1995

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk