

**PROPOSAL:**

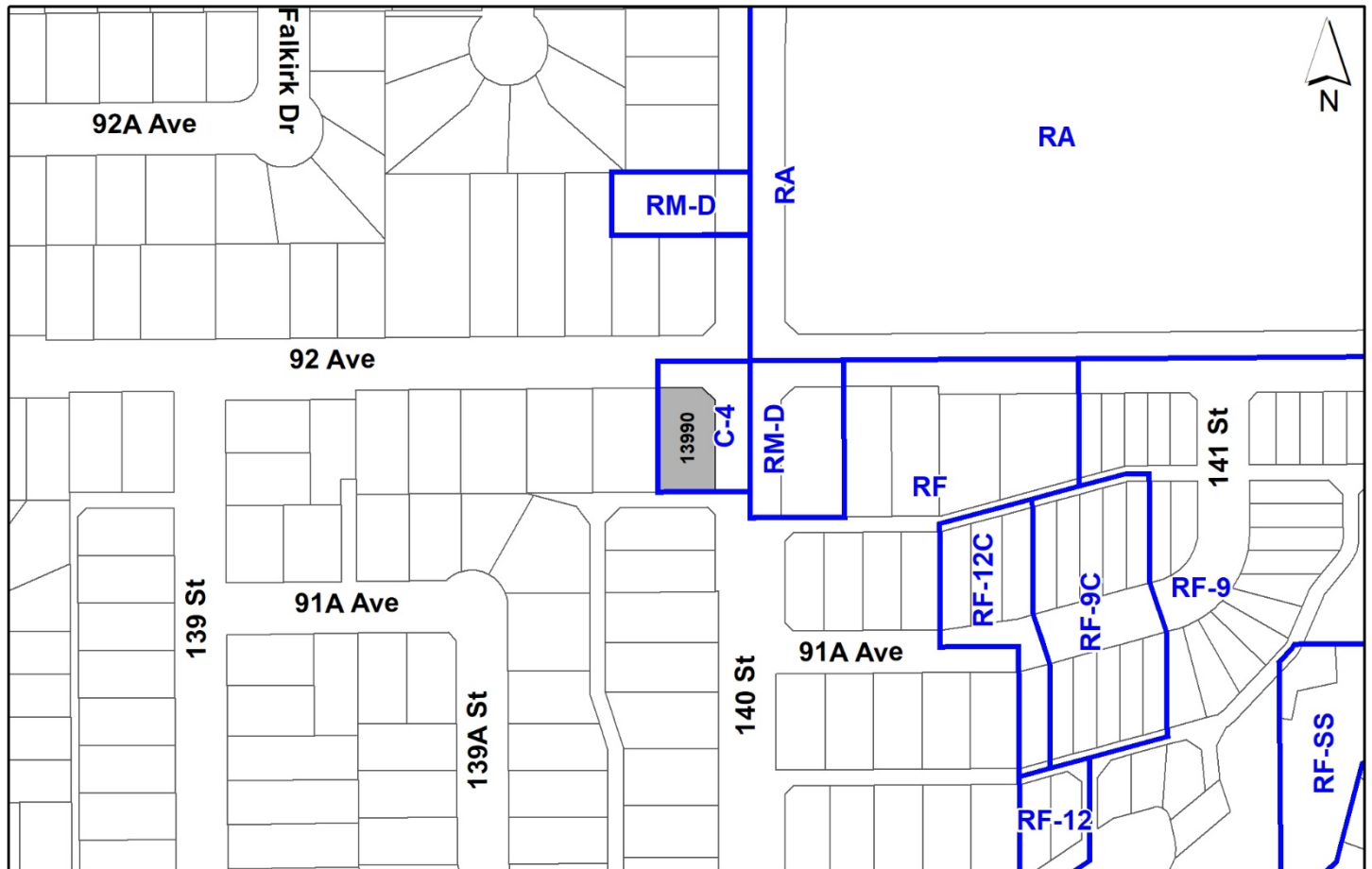
- **Rezoning** from C-4 to C-5
- **Development Variance Permit**

To permit the conversion of an existing commercial building to accommodate a medical clinic, pharmacy and caretaker suite.

**LOCATION:** 13990 - 92 Avenue

**ZONING:** C-4

**OCP DESIGNATION:** Urban



**RECOMMENDATION SUMMARY**

- By-law Introduction and set date for Public Hearing for Rezoning.
- Approval for Development Variance Permit to proceed to Public Notification.

**DEVIATION FROM PLANS, POLICIES OR REGULATIONS**

- The applicant is seeking to reduce setback requirements to accommodate retention of the existing building under the proposed C-5 Zone.

**RATIONALE OF RECOMMENDATION**

- The proposal complies with the Urban designation in the Official Community Plan (OCP).
- The proposal complies with the General Urban designation in the Metro Vancouver Regional Growth Strategy (RGS).
- The proposed rezoning to C-5 Zone to permit a medical centre, pharmacy and caretaker suite is considered appropriate at this corner location (92 Avenue and 140 Street) in Whalley.
- This application will help address the growing need for medical services and care in Surrey and helps minimize existing gaps in service provision.
- The proposed setback reductions are to accommodate retention of the existing building in its current location.
- The proposed rezoning application and associated Tenant Improvement to permit a medical clinic, pharmacy and caretaker suite are considered appropriate re-use of the existing under-utilized building on the site and the site has sufficient parking as required under the Zoning By-law No. 12000 to support the proposed uses.
- The applicant will incorporate landscaping enhancements along the 92 Avenue and 140 Street frontages of the site to improve the overall aesthetic.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to rezone the subject site from "Local Commercial Zone (C-4)" to "Neighbourhood Commercial Zone (C-5)" and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7923-0180-00 (Appendix III), varying the following, to proceed to Public Notification:
  - (a) to reduce the east street side yard setback of the C-5 Zone from 7.5 metres to 2.0 metres to the principal building face and to 0 metres to the main floor overhang of the existing building;
  - (b) to reduce the north front yard setback of the C-5 Zone from 7.5 metres to 2.0 metres to the principal building face and to 0 metres to the main floor overhang of the existing building; and
  - (c) to reduce the west side yard setback of the C-5 Zone from 7.5 to 4.0 metres to the principal building face of the existing building.
3. Council instruct staff to resolve the following issue 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 landscaping plan and landscaping cost estimate for landscaping improvements along the 140 Street and 92 Avenue frontages of the site to the satisfaction of the City Landscape Architect.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Vacant commercial building	Urban	C-4
North (Across 92 Avenue):	Single family residential	Urban	RF
East (Across 140 Street):	Duplex residential	Urban	RM-D
South:	Single family residential	Urban	RF
West:	Single family residential	Urban	RF

**Context & Background**

- The 872-square metre subject property is located at 13990 – 92 Avenue in Whalley.
- The subject lot is designated Urban in the Official Community Plan (OCP) and is zoned “Local Commercial Zone (C-4)”.
- The site is not in a secondary plan area.
- The site is occupied by an empty commercial building that was formerly a grocery store. An original building permit for the building could not be found through a records search, but the records search did find renovation permit records indicating that the site had been used as a grocery store since 1971.

**DEVELOPMENT PROPOSAL**

**Planning Considerations**

- The applicant is proposing to rezone the site to accommodate a medical clinic, pharmacy and caretaker suite within the existing commercial building.
- External upgrades to the building are not proposed. As such, a Form and Character Development Permit is not required.
- The following applications are required to facilitate the proposal:
  - Rezoning from "Local Commercial Zone (C-4)" to "Neighbourhood Commercial Zone (C-5)"; and
  - Development Variance Permit to reduce setback requirements for the existing building.

	<b>Proposed</b>
<b>Lot Area</b>	
Gross Site Area:	872 square metres
Road Dedication:	92 Avenue - Arterial: <ul style="list-style-type: none"> <li>- 3.442 metres for 13.5 metres of road allowance for 92 Avenue</li> <li>- Corner cut at 92 Avenue/ 140 Street intersection.</li> </ul> 140 Street – Arterial: <ul style="list-style-type: none"> <li>- 1.5 metres for 15.0 metres of road allowance for 140 Street.</li> <li>- Corner cut at lane.</li> <li>- Register 0.5 metre Statutory Right of Way (SRW)</li> </ul> Total Road Dedication - 135 square metres
Net Site Area:	736 square metres

## Referrals

Engineering: The Engineering Department has no objection to the project.

## Transportation Considerations

### 92 Avenue – Arterial:

- Dedicate 3.442 metres for 13.5 metres road allowance from centreline for 92 Avenue. Transportation can accept a reduced dedication for the subject proposal. Additional dedication to the ultimate road allowance (15.0 m from centreline) may be required as part of any future development proposals.
- Dedicate corner cut at 92 Avenue/140 Street intersection.
- Special setback requirements apply; all proposed setbacks to be measured from ultimate property line at 15.0 m from centreline.
- No construction required at this time.

### 140 Street – Arterial:

- Dedicate 1.5 metre for ultimate 15.0 metre road allowance from centreline.
- Dedicate 3 metre x 3 metre corner cut at lane/140 Street.
- Register 0.5 metre Statutory Right-of-Way (SRW) for maintenance.
- No construction required at this time as works are planned to be completed as part of a future capital project.

### Access:

- Remove existing accesses to 92 Avenue and 140 Street and reinstate boulevard/sidewalk areas.
- Construct new concrete letdown at lane entrance.
- Construct 7.3 m concrete access to lane.

### Parking:

- As per the parking rates specified in the Zoning Bylaw, 8 parking spaces are required to be provided on-site for the proposed medical clinic, pharmacy and caretaker suite, based on medical service, small-scale drug store and caretaker unit parking rates. The applicant is proposing to provide 8 parking spaces, meeting the Zoning Bylaw.
- The subject site has existing driveway access from 92 Avenue and 140 Street (busy arterial roads). As a condition of rezoning approval, on-site parking access will be required to be relocated to the rear lane, reducing traffic impacts.

### Transit and Cycling

- The subject site is located along existing transit routes on 140 Street, which services bus routes 325 (Newton Exchange/Surrey Central Station) and 326 (Guildford/Surrey Central Station).
- As part of a City capital project, a new multi-use pathway is planned to be constructed on 140 Street, as well as protected cycling facilities at the intersection of 92 Avenue and 140 Street.

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

### **Regional Growth Strategy**

- The proposal complies with the “General Urban” designation of the subject site under the Metro Vancouver Regional Growth Strategy.

### **Official Community Plan**

#### Land Use Designation

- The site is designated Urban in the Official Community Plan (OCP).
- The Urban land use designation is primarily intended to support low and medium density residential neighbourhoods. However, small-scale neighbourhood-serving businesses are supported as a complementary use in the Urban designation.
- The proposal is consistent with the Urban land use designation.

#### Themes/Policies

- The proposal is consistent with the following OCP Themes/Policies:
- Policy B4 Healthy Neighbourhoods (General): Complete, walkable and green neighbourhoods provide opportunities for working, living and recreating while accommodating the needs of all age groups and abilities.
  - *The proposed use of the existing commercial building to accommodate a medical clinic, pharmacy and caretaker suite will contribute to the continued evolution of the existing area towards a complete neighbourhood. The proposed re-use of the existing building will establish new medical services for residents.*
- Policy B4.11 Create mixed-use neighbourhood centres that support the needs of local residents by including local-oriented shopping, services, schools, and amenities within easy walking and cycling distance in order to reduce dependency on private vehicles.
  - *The proposal will provide medical service to a local community that is well served by active transportation routes.*

### Zoning By-law

- The applicant proposes to rezone the subject site from "Local Commercial Zone (C-4)" to "Neighbourhood Commercial Zone (C-5)".
- The table below provides an analysis of the development proposal in relation to the requirements of the Zoning By-law, including the "Neighbourhood Commercial Zone (C-5)" and parking requirements.

C-5 Zone (Part 35)	Permitted and/or Required	Proposed
<b>Floor Area Ratio:</b>	0.5	0.47
<b>Lot Coverage:</b>	50%	25.6%
<b>Yards and Setbacks</b>		
North:	7.5 metres	2.0 metres, 0 metres to the main floor overhang*
East:	7.5 metres	2.0 metres, 0 metres to the main floor overhang*
South:	7.5 metres	19.8 metres
West:	7.5 metres	4.0 metres*
<b>Height of Buildings</b>		
Principal buildings:	9 metres	8.3 metres
Accessory buildings:	4 metres	N/A
<b>Landscaping and Screening</b>		
Landscaping abutting a highway	1.5 metres	1.5 metres
<b>Parking (Part 5)</b>	<b>Required</b>	<b>Proposed</b>
<b>Number of Stalls</b>		
Medical Clinic:	5	5
Pharmacy:	1	1
Caretaker Suite:	2	2

\*Variance requested

### Setbacks

- City records show that the existing commercial building has been located on the site since at least 1971 (earliest property records found are of a Board of Variance application from 1971). The siting of the proposed building does not conform to the front yard, side yard and side yard on flanking street setbacks requirements of the C-5 Zone.

### Requested Variance

- The applicant is requesting the following variances:
  - to reduce the east street side yard setback of the C-5 Zone from 7.5 metres to 2.0 metres to the principal building face and to 0 metres to the main floor overhang of the existing building;

- to reduce the north front yard setback of the C-5 Zone from 7.5 metres to 2.0 metres to the principal building face and to 0 metres to the main floor overhang of the existing building; and
- to reduce the west side yard setback of the C-5 Zone from 7.5 to 4.0 metres to the principal building face of the existing building.
- The applicant is agreeable to installing landscaping on the site to improve the overall site aesthetic from 92 Avenue and 140 Street. Existing hedging along the west and south lot lines provide adequate screening of the existing building and parking lot from neighbouring residential properties.
- The variances are to accommodate retention and re-use of the existing building on the site.
- Staff support the requested variances to proceed for consideration.

### **PUBLIC ENGAGEMENT**

- Pre-notification letters were sent on August 28, 2023 and the Development Proposal Signs were installed on September 8, 2023. Staff have not received any responses from neighbouring properties.
- Staff received no comments from the Whalley Community Advisory Association.

### **TREES**

- There are no mature trees on the site.

### **INFORMATION ATTACHED TO THIS REPORT**

The following information is attached to this Report:

Appendix I.	Site Plan
Appendix II.	Engineering Summary
Appendix III.	Development Variance Permit No. 7923-0180-00

*approved by Ron Gill*

Don Luymes  
General Manager  
Planning and Development

EM/ar





# INTER-OFFICE MEMO

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TO: **Director, Area Planning & Development  
- North Surrey Division  
Planning and Development Department**

FROM: **Acting Development Support Manager, Engineering Department**

DATE: **September 15, 2023** PROJECT FILE: **7823-0180-00**

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RE: **Engineering Requirements (Commercial/Industrial)  
Location: 13990 92 Ave**

## REZONE

### *Property and Right-of-Way Requirements*

- Dedicate 3.442 m towards 92 Ave.
- Dedicate 1.5 m towards 140 St.
- Dedicate required corner cuts.
- Register 0.5 m statutory right-of-way along 140 St frontage.


### *Works and Services*

- Construct Lane upgrades as determined through geotechnical testing.
- Construct storm mains as determined through storm catchment analysis.
- Construct storm, sanitary and water service connections.
- Construct on-site storm mitigation and water quality features.
- Register applicable legal documents.

A Servicing Agreement is required prior to Rezone. A processing fee is required.

## DEVELOPMENT VARIANCE PERMIT

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



Daniel Sohn, P.Eng.  
Acting Development Support Manager

DJS

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7923-0180-00

Issued To:

("the Owner")

Address of Owner:

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 009-682-236

East Half Lot 1 Except: Part Dedicated Road on Plan LMP20529, Section 33 Township 2 New  
Westminster District Plan 9867  
13990 - 92 Avenue

(the "Land")

1. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Part 35 - Neighbourhood Commercial Zone (C-5), Section F - Yards and Setbacks, the east street side yard setback is reduced from 7.5 metres to 2.0 metres to the principal building face and to 0 metres to the main floor overhang of the existing building;
  - (b) In Part 35 - Neighbourhood Commercial Zone (C-5), Section F - Yards and Setbacks, the north front yard setback is reduced from 7.5 metres to 2.0 metres to the principal building face and to 0 metres to the main floor overhang of the existing building; and
  - (c) In Part 35 - Neighbourhood Commercial Zone (C-5), Section F - Yards and Setbacks, the west side yard setback is reduced from 7.5 to 4.0 metres to the principal building face of the existing building.

2. This development variance permit applies to only that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule A.
3. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
4. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
5. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
6. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE      DAY OF      , 20 .  
ISSUED THIS      DAY OF      , 20 .

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Mayor – Brenda Locke

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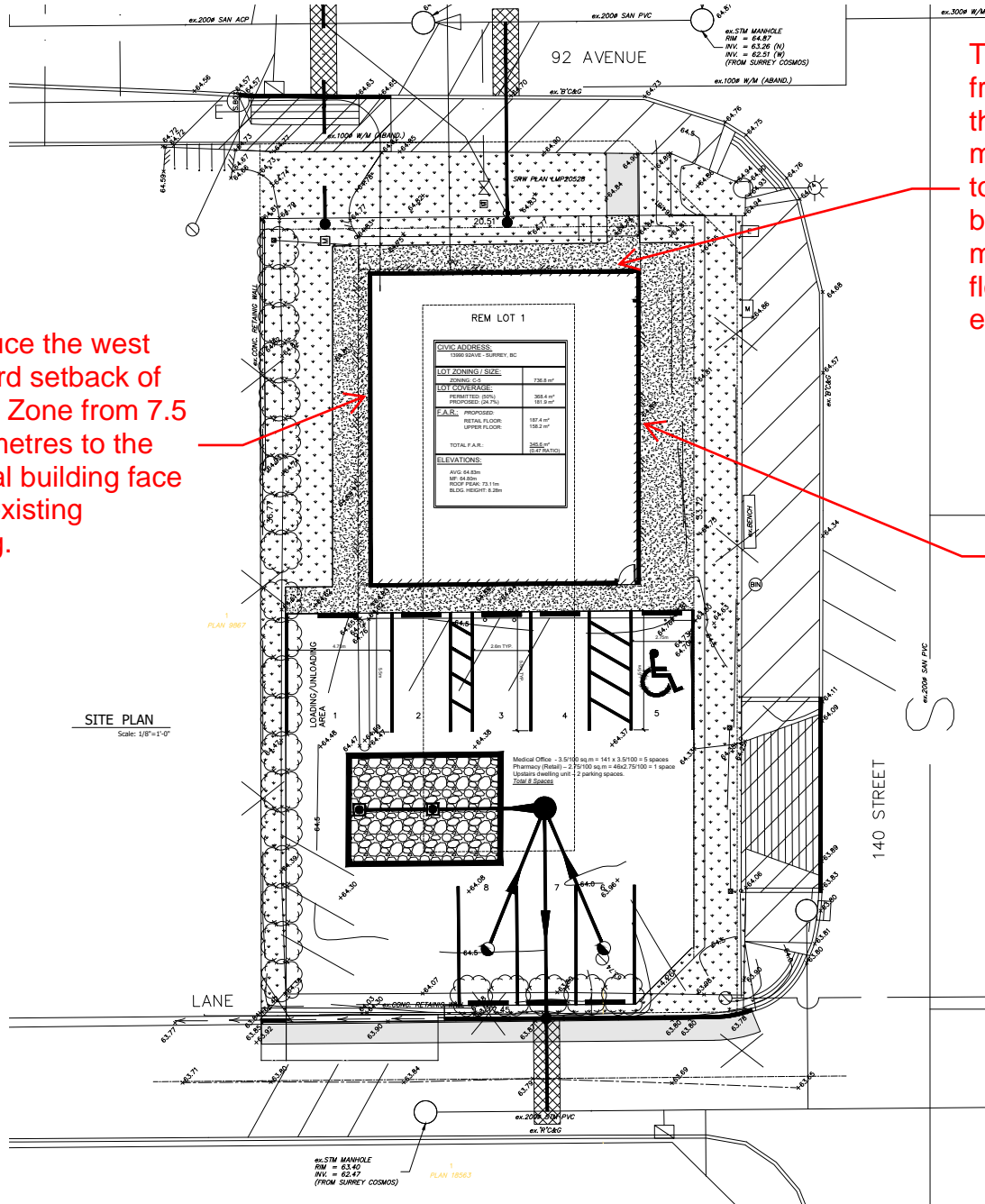
City Clerk – Jennifer Ficocelli

# Schedule A

To reduce the west side yard setback of the C-5 Zone from 7.5 to 4.0 metres to the principal building face of the existing building.

To reduce the north front yard setback of the C-5 Zone from 7.5 metres to 2.0 metres to the principal building face and to 0 metres to the main floor overhang of the existing building.

To reduce the east street side yard setback of the C-5 Zone from 7.5 metres to 2.0 metres to the principal building face and to 0 metres to the main floor overhang of the existing building.



<p><b>NORTHWEST</b> DRAFTING &amp; DESIGN LTD. 1788 863 2232 1008 92Ave - Surrey, BC</p>	<p>PROPOSED RESIDENCE FOR:</p> <p>ADDRESS: 13990 92 AVE, SURREY</p>	<p>SCALE: NOTED</p> <p>DATE: 07/09/2023</p> <p>DRAWN: NWDD</p> <p>PAGE: A 1</p>	
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