



City of Delta
COUNCIL REPORT
Regular Meeting

To: **Council**

File No.: **LU009735**

From: **Development Department**

Bylaw No(s): **8477**

Date: **May 12, 2025**

Application Date: **August 15, 2024**

Rezoning, Road Closure and Cancellation and Disposition, Lot Consolidation and Subdivision for Four-Lot Subdivision at 809 51 Street and 5140 8A Avenue (T-Town Developments Ltd.)

The following report has been reviewed and endorsed by the City Manager's Office.

▪ **RECOMMENDATIONS:**

- A. THAT Zoning Amendment Bylaw No. 8257 and Road Closure and Cancellation Bylaw No. 8256 be abandoned.
- B. THAT first, second, and third readings be given to Zoning Amendment Bylaw No. 8499.
- C. THAT first, second and third readings be given to Road Closure and Cancellation Bylaw No. 8477.
- D. THAT the Road Transfer and Exchange Agreement provided as Attachment F be received for consideration and that the amount of \$1,005,000 be conditionally accepted for the purchase of the closed road dedication.
- E. THAT public notice of the intention to close and dispose of a 733 m² (7,890 ft²) portion of road dedication as identified in reference plan EPP128656 attached to and forming part of Bylaw No. 8477 be provided in accordance with the Community Charter.
- F. THAT the owner satisfies the following requirements as a condition of final consideration and adoption:
 - 1. Provide a final landscape and tree planting plan;
 - 2. Enter into a Section 219 Covenant and provide associated securities for building design, landscaping and tree retention; and
 - 3. Provide an easement to allow reciprocal access over the shared driveways.

▪ **PURPOSE:**

The purpose of this report is to present for Council's consideration Zoning Amendment Bylaw No. 8499 (Attachment A), and Road Closure and Cancellation Bylaw No. 8477 (Attachment B) to allow subdivision of the properties at 809 51 Street and 5140 8A Avenue into four small-scale residential lots, and construction of a four-unit houseplex

on each lot for a total of 16-units. A location map and an aerial photo are provided in Attachment C.

▪ **BACKGROUND:**

Site Description and Context:

The subject site is located in the community of Tsawwassen. The 5,054 m² (54,401 ft²) site consists of two single detached residential lots, both of which contain a single-family house which would be demolished, along with a 733 m² (7,890 ft²) portion of 51 Street running between the two properties. The site is surrounded by single detached residential lots. Dennison Park, South Delta Secondary School, and South Park Elementary School are located one block east.

This proposal follows a previous application (LU009414) for a seven-lot subdivision that received third reading from Council on August 8, 2023. The previous application was withdrawn by the applicant and replaced with the current proposal following updates to provincial legislation on small-scale multi-unit housing (SSMUH). It is also recommended that Council abandon Zoning Amendment Bylaw No. 8257 (Attachment I) and Road Closure and Cancellation Bylaw No. 8256 (Attachment J).

Council Policy:

The OCP designation for this site is Small-Scale Residential (SSR). This designation is intended for residential uses. Main building types include single detached houses, duplexes, houseplexes, and accessory dwelling units with a height of up to two-and-a-half storeys. The proposed development is consistent with the SSR designation.

The current zoning of the site is Single Detached Residential 1 (RS1). The RS1 Zone is intended for single detached housing in lower density residential areas. SSMUH regulations allow up to four units on a lot, including a single detached dwelling or duplex dwelling, and accessory dwelling units. Properties in the general vicinity of the site are zoned RS1, Single Detached Residential 4 (RS4), and Single Detached Residential 5 (RS5).

▪ **DISCUSSION:**

Proposal:

The subject application includes a request for a zoning bylaw amendment and road closure and cancellation which would enable the subdivision of the subject site from two lots and a portion of road into four lots. Each lot would accommodate the construction of a four-unit houseplex with a maximum floor area of 758 m² (8,159 ft²) on each lot. A project data table is provided in Attachment D.

Community Consultation:

A public notification letter regarding the proposal was sent on November 4, 2024 and a public notice sign was installed on the site on November 7, 2024. To date, emails from nine households have been received: two in opposition, four in support, and three with questions. Issues of interest include concerns regarding parking and building design.

The applicant is proposing two parking spaces per unit, double the number required under the Zoning Bylaw, and would be required to enter into a design covenant to secure the proposed building design. There were also some concerns about the number of trees to be removed; however, many residents responded positively to the number of replacement trees proposed.

A Public Hearing must not be held for Zoning Amendment Bylaw No. 8499, as the bylaw is consistent with the OCP. Notice of the application has been provided in accordance with Section 467 of the *Local Government Act*. Any correspondence received in response to the notice will be provided to Council in the agenda package and presented alongside this report.

Rezoning:

The owner wishes to rezone the subject properties from Single Detached Residential 1 (RS1) to a new Comprehensive Development Zone No. 57 (CDZ57) to permit subdivision into four small-scale residential lots and the construction of a four-unit houseplex on each lot. Although SSMUH regulation does permit up to four units on a lot, "Delta Zoning Bylaw No. 7600, 2017" does not include standard zoning for houseplexes. A site plan and subdivision plan are provided in Attachment E. The proposed lots would each be 22.6 m (74 ft) wide with an average lot depth of 56 m (184 ft). The area of each lot would be approximately 1,263 m² (13,595 ft²).

In order to accommodate the proposal, CDZ57 defines and permits the houseplex as a principal use. CDZ57 is modelled after the Single Detached Residential 6 (RS6) Zone, the proposal meets or exceeds all zoning bylaw requirements with a few minor differences to accommodate the houseplex form including:

- A maximum Floor Space Ratio of 0.6. This floor space ratio is less than what was permitted in the Single Detached Residential Coach House (RSC) Zone.
- A minimum 3.5 m (11 ft) setback for the interior side setbacks to create an additional buffer and provide outdoor space between lots. This setback would also limit massing next to neighbouring properties.
- A maximum of two storeys to limit massing and convey the appearance of single detached dwellings.
- A maximum 0.6 m (2 ft) projection into the front setback to encourage articulation of the building's frontage with the goal of maintaining the small-scale residential character of the neighbourhood.
- A minimum of 15 m² (161 ft²) of private outdoor amenity space for each dwelling unit.
- One enclosed parking space per unit.

Road Closure and Cancellation and Land Exchange:

The owner is proposing to purchase the existing 733 m² (7,890 ft²) portion of 51 Street that runs between the two subject properties and incorporate it into the project site area. This dead-end portion of 51 Street is currently only used to provide access to the subject properties. There are no existing municipal services in the road dedication and access to the proposed lots would be from 8A Avenue. Therefore this portion of 51 Street would not be required for City purposes moving forward.

Bylaw No. 8477 would close and cancel the portion of road dedication as shown on reference plan EPP128656 (Attachment B) prior to the land being disposed of in accordance with the *Community Charter* and transferred to the owner. The lands are proposed to be acquired under the terms of the road transfer and exchange agreement (Attachment F). Disposition of the lands would be subject to execution of the agreement and payment of the conditionally accepted purchase price of \$1,005,000 as required under the *Community Charter* and determined by a third-party appraisal. Should the application proceed, notice of the proposed road closure and cancellation and consideration to be received by the City for the disposition of the lands would be provided in accordance with Section 94 of the *Community Charter*. Any correspondence received in response to the notice will be provided to Council for consideration.

Building Design:

The immediate neighbourhood is made up of single detached dwellings. The proposed houseplexes would be designed to fit within the existing character of the neighbourhood. The designs feature two-storey buildings with four dwelling units that range in floor area from 175 m² (1,884 ft²) to 203 m² (2,185 ft²). The units fronting 8A Avenue would be oriented towards the street to create the appearance of single detached dwellings. Each unit has one enclosed parking space. Two driveways are proposed to minimize impacts to street parking. Each driveway would provide shared access to eight units (four per lot) from a centre drive aisle. A list of building materials and a full set of elevation drawings would be required that align with the elevations and renderings provided in Attachment G. The owner would be required to enter into a design covenant to ensure that the plans submitted with a building permit application are consistent with the designs presented to Council in this report.

Tree Retention, Removal and Landscaping:

There are 85 trees on the subject property, all of which are proposed to be removed. There are also four off-site trees and two street trees, of which two street trees are proposed to be removed. Urban Forestry has agreed to the removal of the street trees. The tree removal and landscape plans are provided in Attachment H. The applicant is proposing a combination of 60 replacement trees and cash-in-lieu for the balance of the replacement trees in accordance with the "Delta Tree Protection and Regulation Bylaw No. 7969, 2021". One new tree is required in the front yard of each lot as per Section 7.3.2 of "Delta Zoning Bylaw No. 7600, 2017". Included in the landscaping is surface treatment of the driveway and hardscaped areas to provide variation and definition of pedestrian areas, and to minimize the visual impact of the hardscaped areas.

▪ Implications:

Financial Implications – The increased taxes from fourteen net new small scale residential dwelling units would be \$31,000.

Interdepartmental Implications – The owner would be required to comply with the regulations as set out in the "Delta Development and Subdivision Standards Bylaw No. 8288, 2024" and enter into a Development Agreement.

Intergovernmental Implications – Delta is under a Provincial Housing Target Order. Should this application be approved, the 14 net new units would contribute towards achieving the required 3,607 units and provide much needed missing middle housing options. Occupancy must be achieved prior to September 30, 2028, in order to be counted towards the Housing Target Order.

The road closure proposal was circulated to the following agencies; BC Hydro, Fortis BC, Telus, Rogers, and Eastlink. No concerns were raised.

The Delta School Board estimates the development could generate up to 7 Kindergarten to Grade 12 students which could be accommodated at nearby elementary and secondary schools.

▪ **CONCLUSION:**

The applicant is proposing to rezone the subject properties and incorporate a portion of 51 Street into the development site to allow subdivision of the subject properties into four small-scale residential lots, and construction of a four-unit houseplex on each lot for a total of 16-units. Closure and cancellation of the existing 51 Street road dedication and disposition of the lands by Delta would be required to allow the development to proceed.

It is recommended that Bylaws No. 8477 and 8499 be given first, second and third readings and that the proposed conditional road closure and transfer agreement be approved for the disposition of the closed road.



Doreann Mayhew, P.Eng
General Manager, Development

Department submission prepared by: Emma Adams, Planner
EA/rl

This report has been prepared in consultation with the following listed department.

Concurring Department		
Department	Name	Signature
Corporate Services	Mike Brotherston	MB

▪ **ATTACHMENTS:**

- A. Bylaw No. 8499
- B. Bylaw No. 8477
- C. Location Map and Aerial Photo
- D. Project Data Table
- E. Site Plan and Subdivision Plan
- F. Draft Road Transfer and Exchange Agreement
- G. Elevations and Renderings

- H. Tree Removal and Landscape Plans
- I. Zoning Amendment Bylaw No. 8257
- J. Road Closure and Cancellation Bylaw No. 8256