



City of Delta
COUNCIL REPORT
Regular Meeting

To: **Council** File No.: **LU009830**
From: **Development Department** Bylaw No: **8517**
Date: **September 17, 2025** Application Date: **March 18, 2025**

Rezoning for Conversion of Commercial Area to Residential Area at 4872 Delta Street

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

Council is asked to consider the following alternatives:

ALTERNATIVE ONE:

- A. THAT first, second, and third readings be given to Zoning Amendment Bylaw No. 8517.
- B. THAT the owner satisfy the following requirements prior to final consideration and adoption of Zoning Amendment Bylaw No. 8517:
 - i. Completion of works under a plumbing permit for upgrades to the building's plumbing and mechanical systems; and
 - ii. Submission of a complete building permit application for the proposed commercial area conversion that includes an accepted Code Compliance Report from a Certified Code Consultant.

ALTERNATIVE TWO:

THAT the application for a text amendment to Comprehensive Development Zone No. 476 be denied.

▪ **PURPOSE:**

The purpose of this report is to present for Council's consideration Zoning Amendment Bylaw No. 8517 (Attachment A) to permit the conversion of a portion of existing ground floor commercial area into two residential dwelling units. A location map and an aerial photo are provided in Attachment B and architectural plans are provided in Attachment C.

▪ **BACKGROUND:**

Site Description and Context:

The subject property is located in Ladner Village. The 519.6 m² (5,593 ft²) lot contains a newer mixed-use three-storey building that presently contains two ground floor commercial units and four residential dwelling units above. The site is bounded by a two-storey retail commercial building to the southeast, a newer two and one-half storey retail commercial building to the northwest, a six-storey mixed-use building currently

under construction across the rear lane, and a two-storey mixed-use building and three-storey residential development across Delta Street to the west. A timeline regarding permitting and construction for the building is provided below.

December 28, 2022	Building Permit BP019503 issued by Delta for construction of the mixed-use building.
August 16, 2024	Inquiry by the owner about converting ground floor commercial units into residential area. Staff advised on the process for Council approval for amendments to the existing Comprehensive Development Zone.
February 25, 2025	Occupancy Permit granted by Delta based on as-built drawings and inspections by the Certified Professional of Record.
March 18, 2025	Application received by Delta to request amendments to the C.D. 476 Zone to permit the conversion.
Between February 26, 2025 and June 11, 2025	Unpermitted alterations were made to the ground floor to convert a portion of the two commercial units into two new residential dwelling units contrary to Building Permit BP019503 and the C.D. 476 Zone.
June 11, 2025	While reviewing the March 18 application, Delta became aware of unpermitted alterations to the ground floor commercial units.
July 2025	Partial remedial works were carried out to comply with code safety requirements, including reopening doorways to allow commercial access to the rear of the building (Attachment D).
Current	The conversion and alterations remain partially completed and unpermitted.

Council Policy:

The Official Community Plan (OCP) designation for this site is Urban Centre (UC). This designation is intended for mid-rise residential and mixed-use buildings with ground floor uses primarily being commercial and civic uses.

The current zoning of the site is Comprehensive Development Zone No. 476 (C.D. 476) under “Delta Zoning Bylaw No. 2750, 1977”. The zone is intended for mixed-use commercial and residential development and allows a three-storey mixed-use building with commercial at-grade, four residential units above ground level and requires a minimum of one commercial parking space and one residential parking space per dwelling unit. Properties in the general vicinity of the site are primarily zoned Core Commercial (C1) and Comprehensive Development Zones.

The subject property is located within the Ladner Village Core Development Permit Area (LVC), which is intended to revitalize an area in which a commercial use is permitted and establish guidelines for form and character of commercial and multiple family residential development. A Development Permit was issued in conjunction with the previous rezoning to C.D. 476.

▪ **DISCUSSION:**

Proposal:

The subject application includes a request to amend the C.D. 476 Zone to permit the conversion of a portion of existing ground floor commercial area into new residential

dwelling units comprised of a 37.4 m² (403 ft²) studio unit and a 57.9 m² (623 ft²) one-bedroom unit. A Project Data Table is provided in Attachment E.

Community Consultation:

A public notification letter regarding the proposal was sent on August 25, 2025 and a public notice sign was installed on the site on September 7, 2025. To date, comments have been received from three members of the public noting concerns about the conduct of the property owner during the construction of the building, the owner's request for retroactive approvals subsequent to unpermitted alterations being made, parking requirements, and the livability of dwelling units.

A Public Hearing must not be held for Zoning Amendment Bylaw No. 8517, as the bylaw is consistent with the Official Community Plan. 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 amend the existing C.D. 476 Zone in order to:

- increase the maximum residential apartment unit density from four to six units;
- permit residential use on the ground floor level behind the commercial units;
- reduce the minimum strata lot area from 85 m² (915 ft²) to 37 m² (398 ft²);
- reduce the minimum number of off-street parking spaces for each dwelling unit from 1 resident space per unit to 0.66 resident spaces per unit; and
- amend the permitted commercial uses to align with the reduced commercial unit sizes and limited garbage and recycling facilities.

A redline of the proposed text amendments are provided in Attachment F. The proposed amendments would permit two new ground floor dwelling units located behind the commercial units that front on Delta Street (Attachment C). Access to the proposed ground floor dwelling units would be from Tenant Lane at the rear. The amendments would also allow for a reduction in resident parking requirements to accommodate the new units, the result being that 2 of the proposed 6 residential units would not have any off-street parking. The owner has provided a rationale that supports a reduced parking ratio given the property is located in Ladner Village, which represents a walkable, transit-accessible neighbourhood with immediate access to local amenities, services, and retail. The rationale also notes that the dwelling units are small in size and would likely only have a single occupant who may not require personal vehicle use.

The owner notes that the proposal would help address housing needs by adding two dwelling units as there are few rentals in the area. The owner also notes that the reduction in the size of the commercial units is necessary stating the market demand for commercial units in this area is limited to smaller retail sale businesses.

Staff Analysis:

Although staff are committed to the delivery of residential dwelling units in Delta, staff have identified a number of concerns relating to safety, functionality and livability of the proposed dwelling units.

The proposed dwelling units would have limited access to natural light and fresh air. The proposed one-bedroom unit would have only one window located in the bedroom, and the proposed studio unit would have no windows and the access door would be located directly beside the garbage and recycling room door. This arrangement could pose risk to the residents of the studio unit if there were to be a fire in the garbage and recycling room, given there are no windows or other means of secondary egress (see comment below regarding Building Code).

The proposal would result in commercial units that would only be accessible from Delta Street and residential unit access solely from Trenant Lane. This means all commercial deliveries will be from Delta Street and there will be no direct access to garbage for commercial units. To access the garbage and recycling room, commercial tenants would need to walk down Delta Street around the corner and into Trenant Lane; a travel distance of approximately 120 m (394 ft) to dispose of waste through an active commercial area including an outdoor restaurant patio.

Building Division staff note that while BC Building Code (BCBC) may be achieved, conversion of the commercial space will require a number of major changes to plumbing and mechanical systems. These changes include:

- provision of separate shut-off valves for each proposed new residential unit;
- relocation of all plumbing works and water shut-off valves from the closet located in the bedroom of the one-bedroom unit to a location that can be accessed by building maintenance and trades; and
- relocation of commercial HVAC units out of the proposed residential units.

Staff have communicated their concerns to the owner, including that the proposed residential units may not achieve compliance with the BCBC. The owner provided a letter from a Registered Professional Architect, Jeremy Stam from Buro 47 Architecture Inc., that provides a high-level overview of BCBC implications for the proposed conversion and states that the proposed suites can be constructed to meet BCBC (Attachment G).

Staff have provided two alternative recommendations for Council's consideration. Alternative one would require a number of assurances prior to final adoption of the Bylaw No. 8517 amendments. These assurances include:

- Submission of a complete building permit application for the proposed commercial area conversion that includes an accepted Code Compliance Report from a Certified Code Consultant; and
- Completion of plumbing permit works, including provision of separate shut-off valves for each proposed new residential unit, relocation of all plumbing works and water shut-off valves from the closet of the one-bedroom unit and relocation of the HVAC units from the proposed residential units.

Alternative one would also limit the permitted commercial uses to those that would not generate significant commercial garbage or recycling due to the lack of direct access to and the overall reduction in garbage and recycling storage areas. Uses such as retail sales and office operations would continue to be permitted, whereas businesses that generate larger volumes of waste such as cafes and restaurants would not be permitted.

Alternative two would result in denial of the proposal and restoration of the commercial unit floor plans to those originally approved under Building Permit BP019503.

Development Permit:

The subject properties are located within the Ladner Village Core Development Permit Area (LVC). No development permit is required for the proposed conversion commercial areas, as no exterior alterations to form and character are proposed.

Implications:

Financial Implications – There are no financial implications to Delta.

Interdepartmental Implications – Delta Building and Fire and Emergency Services have noted deficiencies that must be corrected and BCBC compliance that must be demonstrated, subject to any approvals.

Intergovernmental Implications – Delta is under a Provincial Housing Target Order. Should this application be approved, the two net new units would contribute towards achieving the required 3,607 units.

▪ **CONCLUSION:**

This report has provided an overview of the application outlining staff concerns regarding safety, livability and functionality for the proposed conversion of a portion of commercial area into two new residential dwelling units. Two alternative recommendations are presented for Council's consideration. Alternative one is that first, second, and third readings be given to Zoning Amendment Bylaw No. 8517 and that the owner satisfy a number of conditions prior to final consideration and adoption of Bylaw No. 8517. Alternative two is that the application be denied.



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▪ **ATTACHMENTS:**

- A. Bylaw No. 8517
- B. Location Map and Aerial Photo
- C. Architectural Plans
- D. Interior Alteration Photos
- E. Project Data Table
- F. Redline of C.D. 476
- G. Buro47 Architecture Inc. Sealed Code Compliance