



City of Delta
COUNCIL REPORT
Regular Meeting

To: **Council**

File No.: **LU009811**

From: **Development Department**

Bylaw No.: **8532**

Date: **September 26, 2025**

Application Date: **February 12, 2025**

Rezoning and Development Variance Permit for Six-Lot Subdivision at 10890 79 Avenue

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

▪ **RECOMMENDATIONS:**

- A. THAT first, second, and third readings be given to Zoning Amendment Bylaw No. 8532.
- B. THAT the application for Development Variance Permit LU009811 be received.
- C. THAT the owners satisfy the following requirements as a condition of final consideration and adoption and permit issuance:
 1. Enter into the following legal agreements and provide associated securities to the satisfaction of the General Manager of Development:
 - a. Section 219 Covenant for tree retention on proposed Lot 3 and tree replacement for all of the proposed lots.
 - b. Development Agreement.
 2. Provide a revised tree replacement plan to the satisfaction of the General Manager of Development.
 3. Provide a community amenity contribution in the amount of \$6,000 in accordance with the Parks, Recreation and Culture Amenity Contributions Policy.

▪ **PURPOSE:**

The purpose of this report is to present for Council's consideration Zoning Amendment Bylaw No. 8532 (Attachment A), and a development variance permit to allow subdivision of the property at 10890 79 Avenue into six small-scale residential lots. A location map and an aerial photo are provided in Attachment B.

▪ **BACKGROUND:**

Site Description and Context:

The subject property is located in the community of North Delta. The 3,085 m² (33,207 ft²) lot contains a single detached dwelling, which would be demolished. The site is rectangular in shape, aside from a narrow strip that connects to 79 Avenue, which the owners currently use for access. The property is a remnant parcel from the original subdivision of the area, which occurred in the 1980s. It is situated at the north terminus of 108B Street, where the roadway widens in a manner suggesting that the site was intended to complete the cul-de-sac when further subdivision was to occur. The site is surrounded by single detached dwellings.

Council Policy:

The OCP designation for this site is Small Scale Residential (SSR). The purpose of this designation is to enhance residential neighbourhoods and provide gentle density housing options. The designation is intended for residential and limited retail and service uses. Main building types envisaged consist of single detached houses, duplexes, houseplexes, accessory dwelling units and local neighbourhood stores, cafes, or commercial childcare facilities with a height up to two-and-a-half storeys and density up to four units per lot. The proposed subdivision is consistent with the SSR designation.

The current zoning of the site is Single Detached Residential 5 (RS5). The RS5 Zone is intended for single detached housing in lower density residential areas and permits single detached and duplex dwellings with accessory dwelling units. Properties in the general vicinity of the site are zoned Single Detached Residential 2 (RS2) and Single Detached Residential 5 (RS5).

The Provincial small-scale multi-unit housing (SSMUH) regulations permit up to four units on a property without the need for rezoning or subdivision applications. Should the application be approved, the owners could build additional units on each of the proposed lots (up to a total of 24 units) without further consideration by Council.

▪ **DISCUSSION:**

Proposal:

The subject application includes a request for a zoning bylaw amendment which would enable the subdivision of the property from one to six lots. Each lot could accommodate the construction of SSMUH up to four units per lot with the maximum floor area on each lot ranging from 168 m² (1,808 ft²) to 250 m² (2,691 ft²). A project data table is provided in Attachment C.

Community Consultation:

A public notification letter regarding the proposal was sent on May 22, 2025, and a public notice sign was installed on the site on May 30, 2025. To date, emails and phone calls from eight households expressing concerns and opposition to the proposal have been received. Issues of concern include increased traffic, compromised safety in a quiet cul-de-sac, inadequate parking, and substantial variances which are viewed as inconsistent with the established neighbourhood character.

A Public Hearing must not be held for Zoning Amendment Bylaw No. 8532 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*. Council may also pass a resolution to issue a development variance permit when prior notice has been given to surrounding owners and tenants in accordance with 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 owners wish to rezone the subject property from Single Detached Residential 5 (RS5) to Single Detached Residential 7 (RS7) to permit subdivision into six single detached residential lots and construction of a new house with an in-ground basement and secondary suite on each lot. Proposed Lots 2 and 5 would also include a garden suite. All of the new lots would be accessed from 108B Street and the existing access from 79 Avenue would be closed. A site plan and subdivision plan are provided in Attachment D.

The proposed lots are over 11 m (36 ft) wide with lot areas ranging from 336 m² (3,617 ft²) to 621 m² (6,684 ft²), meeting the RS7 Zone's minimum width and area requirements. However, aside from proposed Lots 2 and 5, variances to reduce the minimum front setback, rear setback, and average lot depth are required.

Development Variance Permit:

The owners are requesting a development variance permit to vary the following provisions in "Delta Zoning Bylaw No. 7600, 2017":

1. Section 11.70.6 by reducing the minimum front setback for a principal structure on streets other than arterial and collector, from 5 m (16 ft) to 3 m (10 ft) for proposed Lots 1 and 6.
2. Section 11.70.6 by reducing the minimum rear setback for a principal structure with two or more storeys in height, from 9 m (30 ft) to:
 - a. 5 m (16 ft) for proposed Lots 1, 3 and 4
 - b. 4.3 m (14 ft) for proposed Lot 6
3. Section 11.70.8 by reducing the minimum average lot depth for subdivision from 30 m (98 ft) to:
 - a. 19 m (62 ft) for proposed Lot 1
 - b. 24 m (79 ft) for proposed Lots 3 and 4
 - c. 18 m (59 ft) for proposed Lot 6

To facilitate the proposed subdivision, the owners are required to construct a cul-de-sac bulb in accordance with "Delta Development and Subdivision Standards Bylaw No. 8288, 2024". This design requirement results in irregular, pie-shaped lots, necessitating variances for setbacks and lot dimensions. Although the proposed lots do not meet the minimum lot depth required under the RS7 Zone, their depths are generally consistent with other properties on the block which also do not meet the required lot depth. Additionally, while front setback variances are required for the proposed buildings, they would align closely with the existing houses to the south.

These variances would support the development of appropriately sized and shaped homes, while maintaining compliance with other zoning requirements.

Tree Retention, Removal, Replacement and Landscaping:

There are 36 on-site trees and 4 hedges on the subject property, of which 29 trees and 3 hedges are proposed to be removed. There are also eight off-site trees, three off-site hedges and one hedge on the city property, of which the hedge on city property is proposed to be removed. The tree retention, removal and replacement plan is provided in Attachment E. The owners would be required to plant replacement trees and/or provide cash-in-lieu of replacement trees in accordance with the "Delta Tree Protection and Regulation Bylaw No. 7969, 2021" and plant one new tree in the front yard of each lot as per Section 7.3.2 of "Delta Zoning Bylaw No. 7600, 2017".

Given resident concerns about impacts on the neighbourhood character, staff recommend the owners enter into a covenant to address tree retention for seven western red cedars located along the rear property line of proposed Lot 3 and tree replacement requirements for all lots. Prior to final consideration and adoption, the owners would need to provide a revised tree replacement plan to the satisfaction of the General Manager of Development which shows the species of each replacement tree and meets the spacing requirements between trees specified in Delta's bylaws.

Implications:

Financial Implications – The addition of five SSMUH lots would result in an increase in the tax base which would generate additional property tax revenue for Delta. The owners would be required to provide five percent cash-in-lieu of park land dedication prior to the registration of a subdivision plan and an amenity contribution in the amount of \$6,000 (\$1,000 per lot) under the Parks, Recreation and Culture Amenity Contributions (PRCAC) Policy.

Interdepartmental Implications – The owners 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. In order to complete the 108B Street cul-de-sac bulb and accommodate vehicle turnaround, the owners would be required to dedicate 536 m² (5,769 ft²) of their site for the construction of the cul-de-sac bulb.

The Fire Department has identified the need to upgrade and relocate the existing fire hydrant located at the intersection of 108B Street and 78 Avenue. The owners would be required to relocate this existing fire hydrant to the north side of 108B Street and upgrade it to meet the current Delta standards.

Intergovernmental Implications –

Delta is under a Provincial Housing Target Order. Should this application be approved, the 13 net new units would contribute towards achieving the required 3,607 units and provide much needed housing units. Occupancy must be achieved prior to September 30, 2028, in order to be counted towards the Housing Target Order.

The Delta School Board estimates the development could generate up to 3 Kindergarten to Grade 12 students which could be accommodated at nearby elementary and secondary schools.

▪ **CONCLUSION:**

The owners have applied to rezone the subject property from Single Detached Residential 5 (RS5) to Single Detached Residential 7 (RS7) to permit subdivision of subject property into six small scale residential lots. A development variance permit is also requested to vary setback and average lot depth requirements. It is recommended that Bylaw No. 8532 be given first, second and third readings and the application for Development Variance Permit LU009811 be received.

D. Mayhew

Doreann Mayhew, P.Eng
General Manager, Development

Department submission prepared by: Deepinder Dhaliwal, Planner
DD/jl/rl

▪ **ATTACHMENTS:**

- A. Bylaw No. 8532
- B. Location Map and Aerial Photo
- C. Project Data Table
- D. Site plan and Subdivision Plan
- E. Tree Removal, Retention and Replacement Plan