



City of Delta
COUNCIL REPORT
Regular Meeting

To: **Council** File No.: **LU009737**
From: **Development Department** Bylaw No.: **8552**
Date: **January 6, 2026** Application Date: **August 20, 2024**

Rezoning Ten Residential Lots at 6291 to 6339 and 6351 River Road

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 "Delta Zoning Bylaw No. 7600, 2017" Amendment (CDZ63 – LU009737) Bylaw No. 8552, 2025.
- B. THAT Section 219 Covenant CA6438335, which secures building design and tree retention, be discharged.

▪ **PURPOSE:**

The purpose of this report is to present for Council's consideration Zoning Amendment Bylaw No. 8552 (Attachment A) for ten residential properties at 6291, 6297, 6303, 6309, 6315, 6321, 6327, 6333, 6339 and 6351 River Road. A location map and an aerial photo are provided in Attachment B.

▪ **BACKGROUND:**

Site Description and Context:

The subject site comprises ten undeveloped waterfront properties ranging in size from 921 m² (9,914 ft²) to 1,630 m² (17,545 ft²). The site is oriented along River Road to the southeast and is bounded by Deas Slough to the northwest, with dedicated parkland situated to the northeast and southwest. Adjacent uses include the Millennium Trail and agricultural lands to the east and south, and an apartment building, marina, and restaurant/pub to the southwest. The parcels are relatively deep and predominantly consist of intertidal marsh along the riverside, which is not suitable for development. An area of structural fill along the River Road frontage provides potential building sites; however, a substantial portion of this area is encumbered by a statutory right-of-way required for dike infrastructure.

The subject properties were created through subdivision in 2017 following the adoption of Comprehensive Development Zone No. 431 (C.D. 431 Zone). The C.D. 431 Zone envisioned the creation of water lots to allow for floating homes with coach homes on the upland lots. Establishing water lots would require owners to apply to the Province for floating home community use of aquatic Crown land; however, the Province is not currently accepting such applications under its Floating Home Community Policy, adopted January 21, 2019 and last updated May 9, 2024. In recognition of these

restrictions, Council approved amendments to the C.D. 431 Zone at its June 19, 2023 Regular Meeting, permitting the transfer of density from water lots to upland lots to enable larger upland dwellings. The current application proposes rezoning for ten properties to permit additional density and height; the owner of 6345 River Road has elected not to participate, as they are hopeful that the Province may eventually lift the prohibition on new floating home communities.

Council Policy:

The Official Community Plan (OCP) designation for this site is Marine Mixed Use (MMU). This designation is intended for land- and water-based residential, commercial and light industrial uses. Main building types include limited residential, including float homes, with a height of up to three storeys. The proposed rezoning is consistent with the MMU designation.

The subject properties are zoned Comprehensive Development Zone No. 431 (C.D. 431) under “Delta Zoning Bylaw No. 2750, 1977”. The C.D. 431 Zone is intended for single detached houses in the upland area and floating homes in the water area. Following implementation of Provincial small-scale multi-unit housing (SSMUH) regulations in 2024, duplexes are now permitted in the C.D. 431 Zone. Properties in the general vicinity of the site are zoned Public Parks and Recreation (PR), Agriculture (A1), Low Impact Industrial (I1), and Comprehensive Development Zone No. 267 (C.D. 267).

The subject properties are located in the Streamside Protection and Enhancement Development Permit Area (SPEA) which establishes guidelines to preserve, protect, restore and enhance fish and wildlife, and their habitats, in and along streams.

▪ **DISCUSSION:**

Proposal:

The subject application includes a request for a zoning bylaw amendment, which would enable the construction of a single detached or duplex dwelling on each lot with a maximum building height of three storeys and a maximum floor area of 385 m² (4,144 ft²). Secondary suites would be permitted, but the owners have indicated that they do not intend to build secondary suites. A project data table is provided in Attachment C.

The owners are seeking additional density and height to facilitate the development of more functional duplex units. The proposed third storey is intended to address site constraints, as the ground level will primarily accommodate parking due to the building footprint being limited by the intertidal marsh area and the statutory right-of-way along the frontage.

Community Consultation:

A public notification letter regarding the proposal was sent on April 10, 2025, and a public notice sign was installed on the site on April 26, 2025. To date, two responses have been received expressing opposition or concerns to the proposal with respect to height, density, parking and traffic.

Staff note that the proposed height is consistent with MMU designation in the OCP, and the maximum density of four units per lot remains unchanged from the current zone. The owners are seeking an increase in permitted floor area on the upland lots because float homes are no longer feasible and to ensure the duplex dwellings provide functional interior spaces. Regarding parking, the pavement width along the frontage was varied from 9 m (30 ft) to 7 m (23 ft) under the original development approval. As a result, the road cross section does not include street parking. However, most lots would have a 7.7 m (25 ft) front setback, which provides sufficient depth for visitors to park on private driveways.

A Public Hearing must not be held for Zoning Amendment Bylaw No. 8552, as the proposed 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 owners wish to rezone the subject properties from Comprehensive Development Zone No. 431 (C.D. 431) to Comprehensive Development Zone No. 63 (CDZ63) under “Delta Zoning Bylaw No. 7600, 2017” to allow for a single detached or duplex residential building on each lot with a maximum height of three storeys and a maximum floor area of 385 m² (4,144 ft²). The current C.D. 431 Zone permits duplex dwellings up to 225 m² (2,422 ft²) on eight of the lots and 293 m² (3,154 ft²) on two of the lots, and up to two storeys in height on all of the lots. The floating home use on the water lots would no longer be permitted if the rezoning is approved. A site plan and building elevations are provided in Attachments D and E respectively.

The proposed three-storey buildings would be in keeping with the scale of the three-storey apartment building to the southwest. The owners of the properties would be permitted to construct boat moorage facilities, subject to Federal and Provincial permission, which would be limited to storage of boats that are owned by residents of the upland lots. Therefore, no additional parking spaces are required for boat moorage.

Section 7.3.1 of “Delta Zoning Bylaw No. 7600, 2017” requires that not less than 50% of the front yard be landscaped; however, the proposed CDZ63 Zone would vary this requirement to a minimum of 40% to align with previously approved driveway configurations. Further, Section 7.3.2 of “Delta Zoning Bylaw No. 7600, 2017”, which requires one tree to be planted and maintained within the front yard, would be waived as the front yards are covered by a statutory right-of-way for diking works that prohibits planting trees within it.

House Design and Tree Retention Covenant:

Section 219 Covenant CA6438335, which was registered on the titles of all properties within the subject site in 2017 as a condition of development application LU006640, regulates the design of buildings and requires certain trees to be retained. At that time, the upland homes were envisioned as smaller coach home-style dwellings built on piles with larger floating homes being on the water lots. It was also anticipated that the upland buildings would have two attached garages to accommodate on-site parking for both the floating home and upland home.

The covenant also designates several trees for retention. Most of the retained trees are located in the intertidal marsh area outside of the buildable area on the lots. The SPEA Development Permit Area requires that all existing tree cover should be preserved on the entire property except in areas proposed for buildings, structures and site access. Further, Section 4.2(a) in “Delta Tree Protection and Regulation Bylaw No. 7969, 2021” which allows one tree to be cut on a property within a 24-month period excludes trees located within the SPEA Development Permit Area. Therefore, the covenant is not necessary to ensure tree retention.

Given that Delta is no longer requiring building design covenants for small scale residential development and the trees would be protected under existing regulations, staff recommend discharging Section 219 Covenant CA6438335. Proposed building elevations in Attachment E are illustrative only and would not be secured by a new design covenant.

Implications:

Financial Implications – There are no financial implications to Delta.

Development Engineering – There are no off-site engineering requirements as a result of this application. The owners have completed all of the off-site engineering requirements that were required under development application LU006640.

Environmental Implications – The subject site is located in the Streamside Protection and Enhancement Development Permit Area (SPEA). The applicant submitted a request for review to Fisheries and Oceans Canada (DFO) who provided a letter concluding that the plans are not likely to result in the death of fish or destruction of fish habitat. Therefore, a SPEA Development Permit is not required.

Intergovernmental Implications – Delta is under a Provincial Housing Target Order. Should the application be approved, between 11 and 22 new units would contribute towards achieving the required 3,607 units and provide much needed housing. Occupancy must be achieved prior to September 30, 2028 in order to be counted towards the Housing Target Order.

▪ **CONCLUSION:**

The owners are proposing to construct three-storey small scale residential buildings on the subject properties with a maximum floor area of 385 m² (4,144 ft²).

It is recommended that Bylaw No. 8552 be given first, second and third readings. It is also recommended that Section 219 Covenant CA6438335 be discharged from the subject properties.



Tanya Mitchner
Acting General Manager, Development

Department submission prepared by: Paul Belzile, Senior Planner
PB/jl

▪ **ATTACHMENTS:**

- A. Bylaw No. 8552
- B. Location Map and Aerial Photo
- C. Project Data Table
- D. Site Plan
- E. Building Elevations