

141004 Planning  
X: 286020 Quadra



The Corporation of the District of Saanich

# Supplemental Report

**Report To:** Mayor and Council  
**From:** Sharon Hvozdanski, Director of Planning  
**Date:** February 3, 2016  
**Subject:** Development Permit Amendment  
File: DPA00822 • 3934 Quadra Street

---

## BACKGROUND

At the November 16, 2015 Committee of the Whole meeting, Saanich Council considered an application to amend Form and Character Development Permit DPR95-0011 to allow for exterior changes to the existing building to: construct a new building entrance; and to construct exterior structures for a self-storage facility. At that time, a total of six variances were requested related to; setbacks parking requirements, and landscaping.

At that meeting Council resolved:

1. To postpone further consideration of the Development Permit Amendment application to allow staff to research the type of legally enforceable commitment the applicant could make to close the gate on Hulford Street; and
2. To direct staff to review the alleged setback issues and bylaw infractions that were identified in the letter to Council (date stamped November 16, 2015).

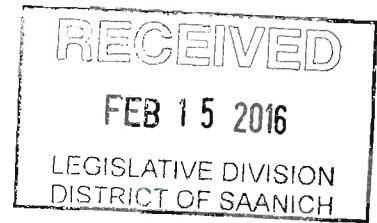
The purpose of this report is to update Council on the issues previously raised and to provide an overview of the applicant's response. In terms of additional community consultation, the applicant also held an open house on December 12, 2015 to review the concerns raised by neighbours and outline what they proposed to do to address the issues.

---

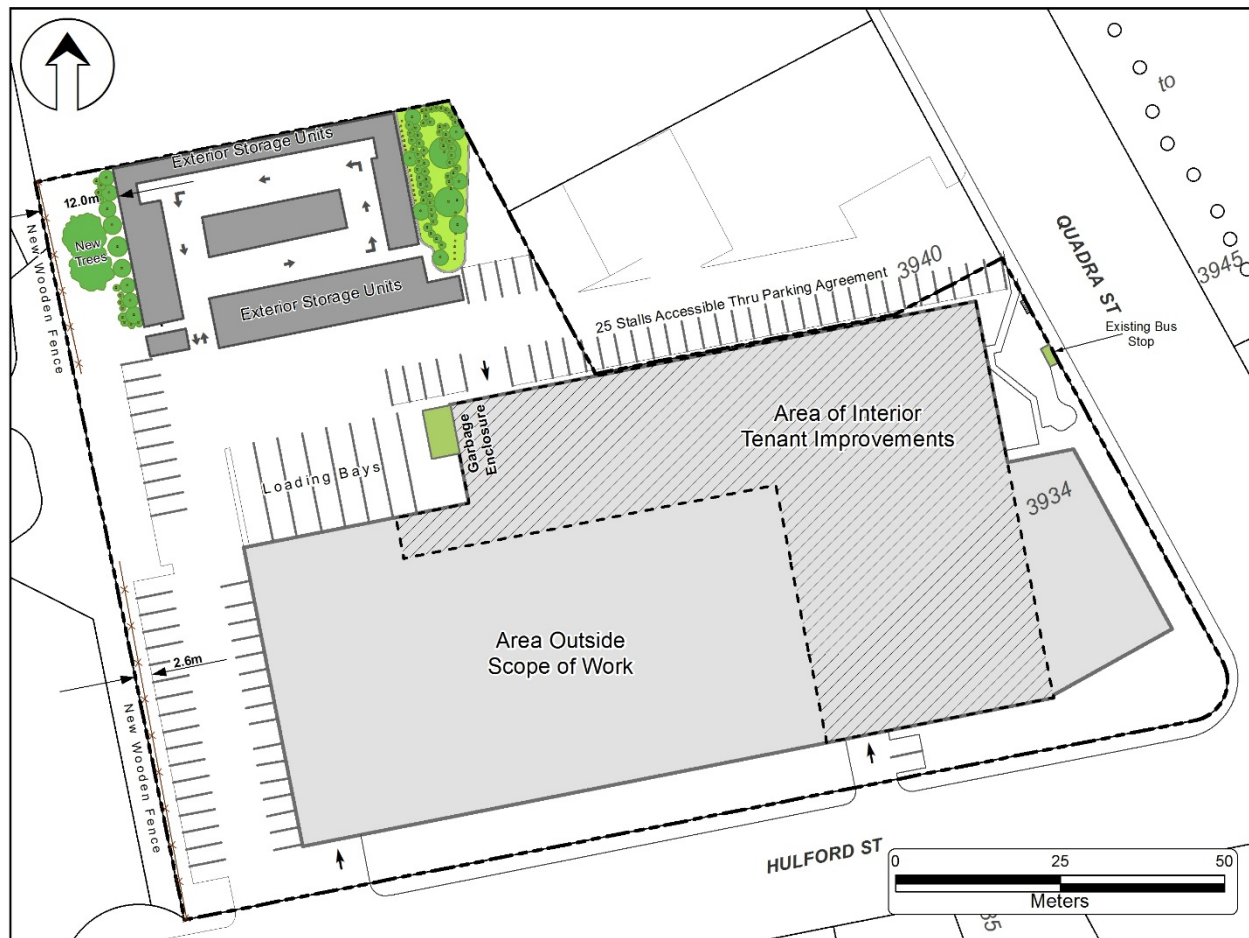
## REVISED PROPOSAL

In response to a number of concerns raised, the applicants have revised their proposal as outlined below.

- The new entrance fronting Quadra Street, constructed with shipping containers, is no longer proposed. The Quadra Street frontage would remain unchanged, except that the trees in the southeast corner adjacent to Hulford Street would be pruned and a bench would be added.
- The exterior storage units have been adjusted so that the variance to the rear yard setback is no longer required.
- A larger landscaping bed in the northwest corner of the site is proposed so as to provide additional screening for the adjacent single family lots.
- The existing loading bays would be retained.



- Additional wood fencing and repairs to the existing landscaping is proposed for the southern portion of the western boundary.
- The rolling security gate to access the exterior storage units is no longer proposed.



**Figure 1: Revised Site Plan**

The development proposal originally included six variances. The plan revisions would alter the originally requested variances as outlined below.

#### Front Yard Setback

The original proposal included a variance to reduce the front yard setback from 3.75 m to 2.6 m for the building entrance at grade, and 1.8 m for an above grade projected structure.

By removing the entrance feature along Quadra Street, these variances would no longer be required.

#### Rear Yard Setback

The original proposal included a variance to reduce the rear yard setback to from 12 m to 8.9 m for the exterior storage units.

By removing two parking spaces within the exterior storage area, the storage units can be more compactly configured, as such this variance would no longer be required.

### Minimum Depth of Landscape Area

The original proposal included a variance to reduce the minimum depth of a landscape area abutting a residential zone from 3.75 m to 2.6 m for existing parking stalls numbered 1 - 19.

There is no change to this requested variance.

However, in response to neighbourhood input the proposal now includes an additional 1.8 m high wood fence along the southern portion of the western boundary. The applicant has also agreed to repair any existing damaged landscaping. The fence and landscaping repairs are noted on the revised site and landscaping plans that would form part of the Development Permit Amendment.

As noted above, the parking spaces along the southern portion of the western boundary were shown on the original Development Permit plans at 2.6 m (8.4 ft) from the property line and an existing chain link fence along the property line is proposed to be retained.

The variance to reduce the landscape buffer reflects an existing condition and would only be applicable to 19 parking stalls in the southwest portion of the lot. These parking stalls are abutting a private roadway with existing vegetation along the property line and are not used as frequently as the parking areas located near the Quadra Street entrance. Given the variance is for an existing condition and the adjacent property is roadway and not private rear or side yards, the variance is supportable.

### Parking Requirement

The original application included a proposed variance to reduce the required total number of parking stalls from 90 to 70.

The revised plans have resulted in an increase to the requested parking variance. The new variance would be to reduce the required parking from 90 stalls to 57 stalls. The reduced number of parking spaces is primarily a result of maintaining existing loading bays.

The variance to reduce the total parking requirement from 90 to 57 is offset by the shared parking agreement with the adjacent property. The agreement allows the use of an additional 25 parking stalls on the neighbouring site, bringing the total available parking to 82 (25 + 57).

A self-storage use is not anticipated to generate a high parking demand due to users accessing the site for relatively short-term periods, distributed over various times and days. Rather than parking in a designated stall, some users would utilize areas for loading and unloading directly in front of the exterior storage units. Given the parking agreement in place and that self-storage does not generate high parking requirements, the variance is supportable.

### Manoeuvring Aisle

The original proposal included a variance to reduce the width of a manoeuvring aisle to from 7.6 m to 7.5 m.

There is no change to this variance.

The variance to reduce the manoeuvring aisle by 10 cm is relatively minor and includes both an existing condition and proposed new stalls. No operational issues are identified with this proposed variance, and as such it is supportable.

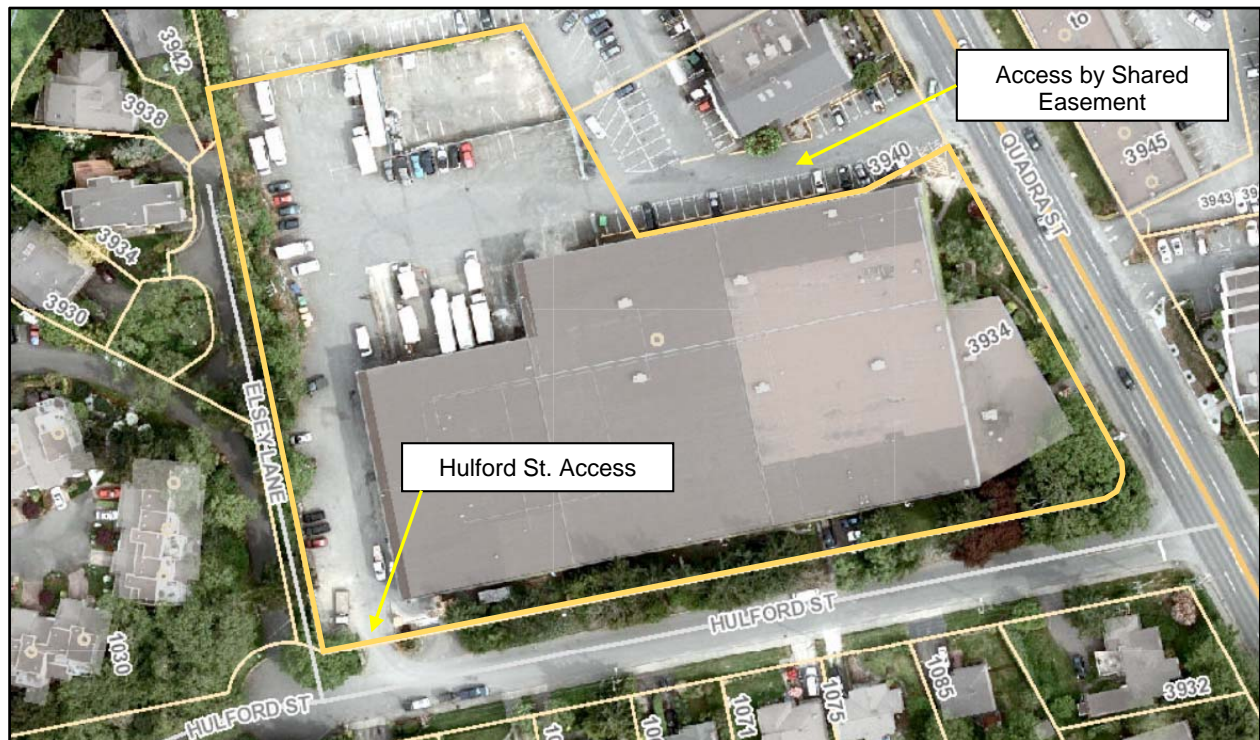
### Number of Loading Bays

The original proposal included a variance to reduce the total number of loading bays to from 7 bays to 2. The proposal has been revised to remove the need for this variance.

## ADDITIONAL INFORMATION

### 1. Hulford Street Access

The access from Hulford Street is the only access the owners have direct control over. The Quadra Street entrance is located on the adjacent property with an easement agreement (see Figure 2). Maintaining the Hulford Street access open would be preferred by the Fire Department, but it is not required in order to comply with safety regulations.



**Figure 2: Access Locations to Subject Property**

Although the access is not restricted to use solely by Slegg Lumber, the concerns related to this access seem to arise primarily from this tenant and their customers. In the applicant's response letter (attached) they clarify that the lease agreement does not expire until 2023. In 2017 the tenants have the option to terminate the lease early.

Council has asked staff to consider options for a legally enforceable commitment to close the access in the future. The only legally secure mechanism would be a covenant, which can only be registered on Title if agreed to by the property owner. As summarized in their response letter, the property owners do not want to register a covenant for this purpose, primarily because:

- It is the sole access under their direct control;
- Potential impacts resulting from such an encumbrance for the current or future property owners; and
- Difficulty to obtain a priority agreement from lenders to register a covenant.

Following the November 16, 2015 Council meeting the applicants posted a sign on the gate reminding drivers to go slow and that they are entering onto a residential street. The applicants

have also made an interim agreement with Slegg Lumber to reduce their hours of operation such that they will close at 4:00 p.m. and no longer be open on Saturdays. Other steps the applicants have committed to in regard to the Hulford Street access are:

- Changing the gate from opening outward to a sliding gate to address concerns about sight lines for neighbours exiting from 1030 Hulford Street;
- Adding a stop sign inside the gate for vehicles exiting;
- Directing that all vehicles being loaded or unloaded park in the delineated parking spaces rather than the manoeuvring aisle to reduce impacts from headlights on neighbouring houses; and
- Having an agreement with Slegg Lumber to inform customers of the new rules and to help enforce them.

The Quadra Cedar Hill Community Association has also been actively engaged, encouraging further discussions between the neighbours and applicants. A non-binding "Good Neighbour Protocol" is currently under discussion to address some of the operational concerns. A copy of the draft "Good Neighbour Protocol" is attached.

## **2. Bylaw Infractions**

### General

A review of the calls received by Bylaw Enforcement for the property was completed. There have been a total of 41 calls received about the property since 1998, although that in itself does not confirm a bylaw violation existed.

The 41 calls received were categorized into five types of issues:

- 18 – Unsightly Premise: included concerns about litter, graffiti, foul odours and homeless activity;
- 9 – Noise;
- 7 – Zoning Infractions;
- 2 – Work without a Building Permit; and
- 5 – Miscellaneous.

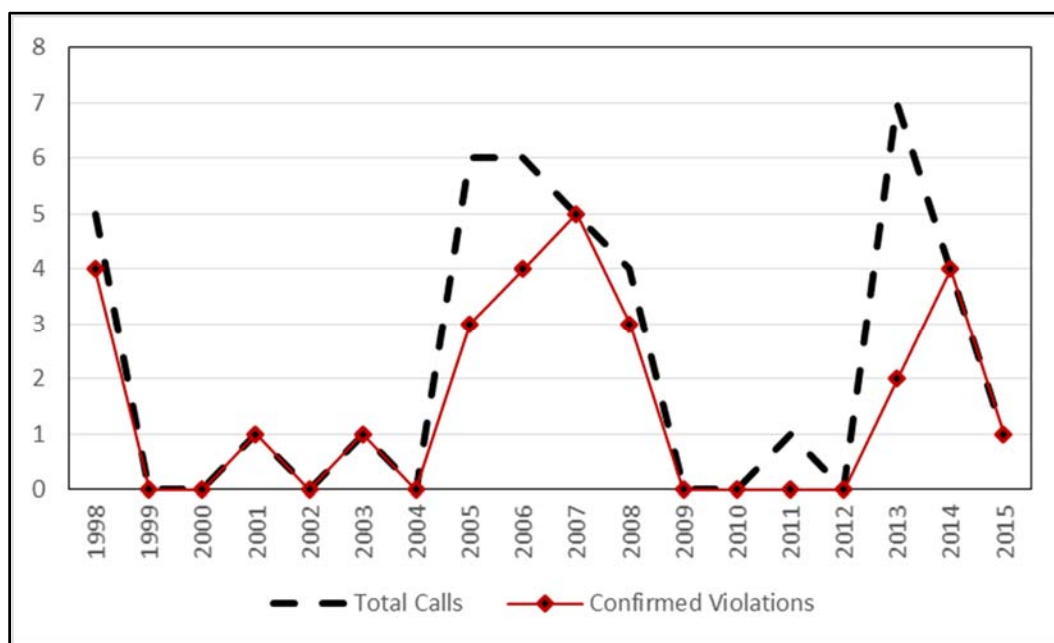
All Unsightly Premise calls were counted as being bylaw violations although many would not be the result of actions of the property owners or tenants, such as illegal dumping. The case files often noted that the problem had either been cleaned up, or was being cleaned up at the time a Bylaw Enforcement Officer attended the site.

Of the nine Noise related calls, five were due to late night or early morning truck activity outside of the permitted hours and were considered bylaw violations. One call was related to a noisy roof-top compressor and was assumed to be a bylaw violation. Three calls were considered not to be bylaw violations as they were the result of noise from a permitted use and within the permitted hours. The most recent call was following the November 16, 2015 meeting of Council and was related to noise from a late night truck delivery. A letter from Bylaw Enforcement staff was sent to the offending business, and as noted in the applicant's response letter the property owners have instructed the offending business to operate within Saanich Bylaws.

Of the two Work without a Building Permit calls, one was considered a violation. For the offending violation a Building Permit was subsequently obtained.

The five Miscellaneous calls included inquires related to: confirming the Hulford Street access was authorized; concern about drainage into the stormwater system; dead trees on the boulevard; a hedge impacting sight lines; and a sign on the sidewalk. Although the sign was not observed on the sidewalk by the Bylaw Enforcement Officer it was assumed to have occurred and counted as a bylaw violation. There were no bylaw violations related to the other four calls.

The calls related to Zoning Infractions are discussed in further detail below. The occurrence of calls between 1998 and 2015 is summarized in Figure 3.



**Figure 3: Occurrence of Bylaw Calls Annually**

Of the seven calls related to Zoning Infractions, two were deemed to be bylaw violations and the issue was resolved by removing or relocating the offending materials.

#### Zoning Bylaw Issues Raised in Letter Dated November 16, 2015.

Council directed staff to review the bylaw infractions identified in the letter to Council. In that letter (attached) the author identified seven concerns:

- Screening of garbage and recycling;
- Maintenance of landscaped areas;
- Opaque landscape screen or fence;
- 1 tree per 115m<sup>2</sup> in parking areas;
- Unenclosed storage of materials exceeding 2.5 m maximum height;
- Retail sales incidental to a permitted use; and
- Elsey Lane being referred to as a street.

Where an existing development was authorized by permit, any alleged bylaw violations need to take into consideration any applicable authorizing permit. Past authorizing permits could include Development Permits, Building Permits, Land Use Contracts, or orders of the Board of Variance. Where a non-confirming situation occurs, it needs to be reviewed to determine if the non-compliance was authorized by the permit. If the non-conformity was authorized by a permit, it may be deemed to be legal non-conforming, and therefore not a bylaw violation.

*Screening of garbage and recycling*

One of the seven zoning related calls to Bylaw Enforcement was about the screening issue. The original Development Permit did not require screening for garbage and recycling containers.

As noted in the previous staff report, a new enclosure is proposed as part of the current application and this issue would be resolved. The original Development Permit Amendment had included a clause to require that the construction of the garbage and recycling enclosure be constructed before the new entrance is completed in order to prioritize resolution of this issue. The Development Permit Amendment has been revised so that the garbage enclosure is constructed before the exterior storage units are completed.

*Maintenance of landscaped areas*

The landscaping plan attached to the original Development Permit showed intensive plantings along the Hulford Street and Quadra Street frontages, with rough grass, periwinkle, and indigenous vegetation along the western boundary.

The applicant has revised the landscaping plan and will augment the existing vegetation along the western property line where it has been damaged or removed. The revised landscaping plan would form part of the Development Permit Amendment.

*Opaque landscape screen or fence*

One of the 7 zoning related calls to Bylaw Enforcement was about this issue.

The original Development Permit authorized parking along southern portion of the western boundary 2.6 m (8.4 ft) from the property line and an existing chain link fence along the property line is to remain.

The development proposal considered at the November 16, 2015 meeting included additional cedar fencing and planting of two Maple trees in the northwest corner to improve screening for the single family lots to the west.

Following the November 16, 2015 meeting, the applicant has agreed to add a cedar fence along the southern portion of western property line adjacent to the attached housing development. The landscaping plans have been revised to include this and would form part of the Development Permit Amendment. A landscaped bed has also been added around the proposed Maple trees to enhance screening in the northwest corner.

*1 tree per 115m<sup>2</sup> in parking areas*

One of the 7 zoning related calls to Bylaw Enforcement was about this issue. The Landscaping plan attached to the Development Permit Amendment showed no vegetated islands or trees throughout the parking area.

The Zoning Bylaw requirement for trees within parking areas is applied to the construction of new parking areas, or when there is significant redevelopment. In these situations the parking area can be designed to support healthy tree growth.

The current application does not trigger the requirement for trees in parking areas as this is an existing parking area. Removing parking spaces in order to plant trees will not be requested since the trees are unlikely to thrive due to a combination of poor soil conditions, inadequate soil

volumes, and inadequate water infiltration to support healthy root growth. Furthermore, it would result in the loss of parking spaces that cannot be relocated elsewhere on the site.

*Unenclosed storage of materials exceeding 2.5 m maximum height*

Bylaw Enforcement Officers received a call regarding this issue and the placement of shipping containers in the setback in 2014. The offending materials were removed or relocated and the Bylaw Enforcement file was closed.

*Retail sales incidental to a permitted use*

Bylaw Enforcement has not received a call regarding this issue so the matter has not been investigated. Regardless, the applicant has confirmed that the Salvation Army retail store will be vacating the property when their lease expires in May 2016.

*Elsey Lane being referred to as a street*

The author is correct in that Elsey Lane is common property providing an access route for the bare land strata development.

The Zoning Bylaw defines street as “any highway except a path, walkway, or trail” and highway is defined as “a street, path, walkway, trail, bridge, road, viaduct and any other way open to public use, other than a private right-of-way on private property and includes an access route shown on a bare land strata plan.” Therefore, Elsey Lane would be considered a street under the Zoning Bylaw.

Elsey Lane has not been constructed as a driveway and the residents utilize a private easement through the adjacent attached housing development. This configuration allows the lane to remain vegetated and provide further screening from the adjacent industrial site (see Figure 4).



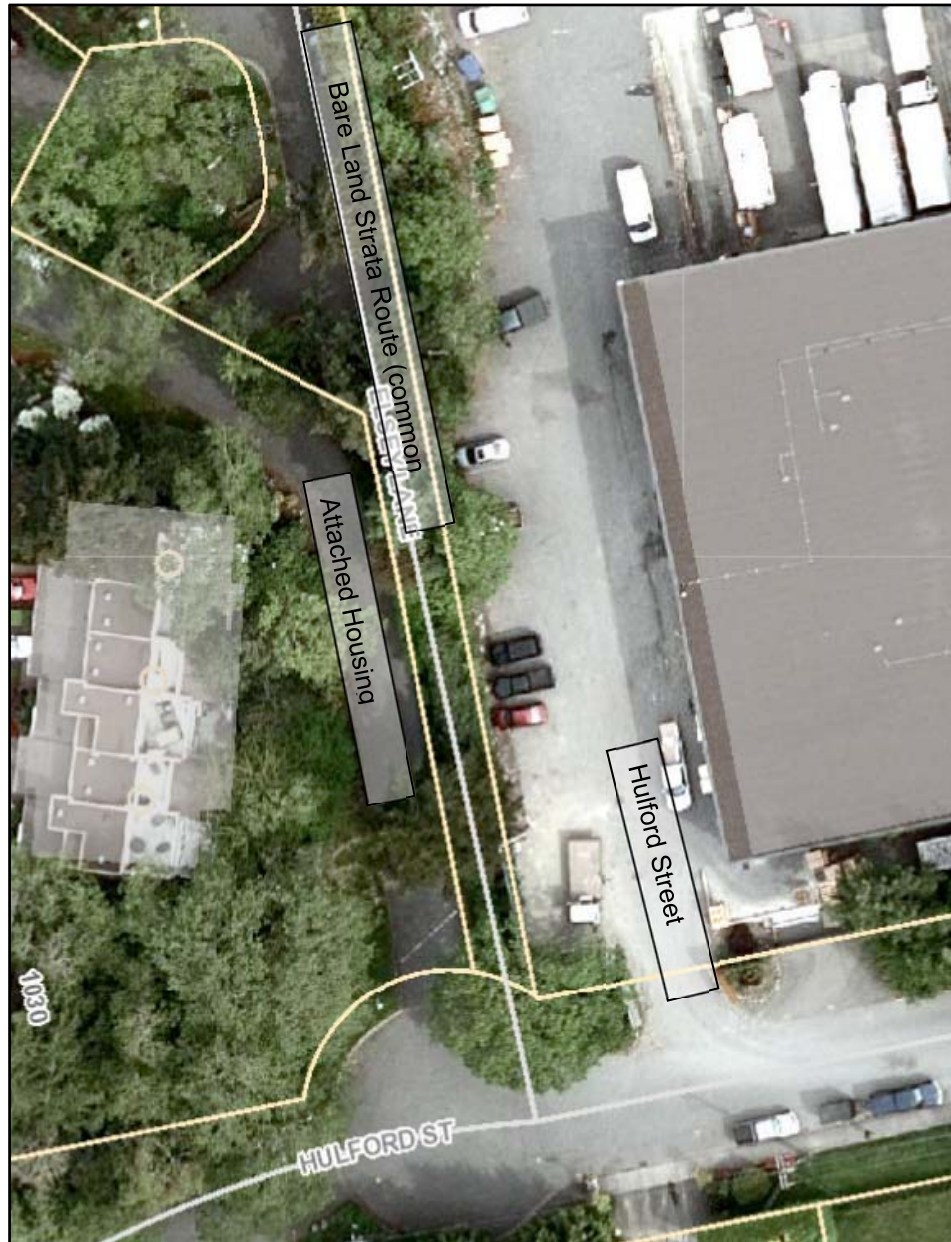


Figure 4: Aerial Photo of Access to Subject Property and Adjacent Residential Properties

---

## SUMMARY

Following the November 16, 2015 Council meeting the applicant has undertaken further consultation with the neighbours and revised their development proposal in an effort to improve the project. The applicants have also worked with the key tenants to implement operational changes to further reduce impacts to adjacent properties. Key revisions to the development proposal are as follows:

- The new entrance fronting Quadra Street constructed with shipping containers is no longer proposed. The Quadra Street frontage would remain unchanged, except that the trees in the southeast corner adjacent to Hulford Street will be pruned and a bench would be added;

- The exterior storage units have been adjusted so that the variance to the rear setback is no longer required;
- A larger landscaping bed in the northwest corner is proposed to provide additional screening for the adjacent single family lots;
- The existing loading bays will be retained;
- Additional wood fencing and repairs to the existing landscaping is proposed for the southern portion of the western boundary; and
- The rolling security gate to access the exterior storage units is no longer proposed.

The revisions reduce the number of variances required, the following variances to the Zoning Bylaw are requested:

- Reduce the minimum depth of a landscape area abutting a residential zone to 2.6 m (from 3.75 m) for the existing parking stalls (numbered 3 – 22) only;
- Reduce the total parking required to 57 (90 required); and
- Reduce the width of manoeuvring aisle to 7.5 m (7.6 m required).

As discussed above, the only legally secure mechanism available to require the Hulford Street access be closed is a covenant registered on Title. Covenants can only be registered on Title if agreed to by the property owner. In this case the owners have raised concerns with this approach and do not agree to a covenant on title.


While there is a history of complaints to Bylaw Enforcement regarding the property, all calls have been investigated with the matters resolved. Saanich Bylaw Enforcement Officers have followed up with the more recent calls regarding late night vehicle traffic, the file can be reactivated should the problem persist. Currently there are no open enforcement files.


---

**RECOMMENDATION**

That Development Permit Amendment DPA00822, amending DPR95-0011, be approved.

Report prepared by:   
Andrea Pickard, Planner

Report prepared by:   
Jarret Matanowitsch, Manager of Current Planning

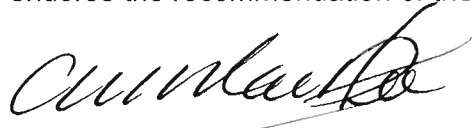
Report reviewed by:   
Sharon Hvozdzanski, Director of Planning

APK/jsp  
H:\TEMPEST\PROSPERO\ATTACHMENTS\DPA\DPA00822\SUPPLEMENTALREPORT.3934QUADRA.DOCX

cc: Paul Thorkelsson, CAO  
Graham Barbour, Manager, Inspection Services

**CAO'S COMMENTS:**

I endorse the recommendation of the Director of Planning.

  
for Paul Thorkelsson, CAO