

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
August 13, 2020

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I 9:00 A.M. SDAB-D-20-104

Install a Freestanding Minor Digital Off-premises Sign (2-faces - (1) Minor Digital Off-premises panel 3.1 m x 6.1 m facing North; and (1) static panel facing East) (PATTISON)

11065 - 97 Street NW
Project No.: 355891102-001

TO BE RAISED

II 10:30 A.M. SDAB-D-20-083

Install a Freestanding On-premises Sign (WANG'S HOLDINGS | BELL)

17547 - 100 Avenue NW
17503C - 100 Avenue NW
Project No.: 359413028-001

TO BE RAISED

III 1:30 P.M. SDAB-D-20-085

Install (2) Roof Off-premises Signs (4.3m x 14.6m facing N; and 3m x 6.1m facing S) (PATTISON | GARNEAU THEATRE - Quality Property Developments Inc.)

8708 - 109 Street NW
Project No.: 091623051-003

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-104

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 355891102-001

APPLICATION TO: Install a Freestanding Minor Digital Off-premises Sign (2-faces - (1) Minor Digital Off-premises panel 3.1 m x 6.1 m facing North; and (1) static panel facing East) (PATTISON)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 11, 2020

DATE OF APPEAL: May 28, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11065 - 97 Street NW

LEGAL DESCRIPTION: Plan 3081CL Blk 38 Lot 1

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Boyle Street / McCauley Area Redevelopment Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

1. The sign has existed at this location for years without a complaint.
2. The intersection is entirely commercial and accommodates two major traffic throughways.

3. Such further and other reasons as may be presented at the hearing of our appeal.

We will require some time to address the construction related issues identified, and we will seek to coordinate an appropriate hearing date with the Board Officer.

<i>General Matters</i>

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of

that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 330.3(41), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the **(CB1) Low Intensity Business Zone**.

Under section 7.9(6), **Minor Digital Off-premises Signs** means:

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, **Digital Copy** means:

the portion of a Sign that contains Copy that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to change Copy without having to manually or mechanically replace the Sign face or its components.

Under section 6.2, a **Freestanding Sign** means “a Sign supported independently of a building.”

Under section 6.2, **Off-Premise Sign** means

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Section 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton's main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

Main Streets Overlay - Pedestrian-oriented commercial environment

Section 819.5(2) states Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw [...]

Section 819.5(3) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this section of the Overlay the notification process outlined in subsection 819.4(15) shall apply.

Section 819.4(15) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:

1. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development, and the President of each affected Community League and each Business Improvement Area Association operating within the distance described above to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
2. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been mailed, unless the Development Officer receives feedback from all specified recipients; and
3. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.3

Development Officers Determination

1) 819.5(2): Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw.

The proposed sign is in accordance with Schedule 59E, however, in the opinion of the Development Officer, the proposed Minor Digital Off-premises Freestanding Sign does not meet the intent of Section 819.5(2), in that it does not complement the pedestrian-oriented commercial environment. Specifically:

a) the size of proposed Minor Digital Off-premises Freestanding Sign is not in proportion to human scale, nor is it located in a position that is designed for view by pedestrians. Human-scale means signs that are conducive to being used and interpreted while walking, typically at just above eye level;

b) The size and scale of the Minor Digital Off-premises Freestanding Sign is vehicle oriented and focused primarily to be legible and read while in a moving vehicle, rather than walking on the adjacent sidewalk.

c) the exposed bracing on the south panel, is not aesthetically pleasing to the pedestrian, and adversely impacts the amenities and character of the zone.

Main Streets Overlay - Height

Schedule 819.5(2)(a) states “the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.”

Under section 6.2, **Height Signs** means “the vertical distance measured from the finished ground surface directly under the Sign to the highest point of the Sign.”

Development Officers Determination

2) 819.5(2)(a): The maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.

**Proposed: 7.9 m
Exceeds by: 1.9 m**

(Note the height of the sign approved by SDAB-D-15-072 was 5.97 m. The Height of the existing sign confirmed by the

Development Compliance Officer on March 17, 2020 is 7.46 m, contrary to SDAB-D-15-072).

Sign Regulations - General Provisions

Section 59.2(3) states:

Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

Development Officers Determination

3) 59.2(3): Minor Digital Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

The proposed Minor Digital Off-premises Sign is located such that Sign illumination projects onto surrounding residential premises, and faces an adjacent Residential Use, Low Rise Apartment Zone (RA7) to the northwest.

Section 59.2(6) states:

For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone.

Development Officers Determination

4) 59.2(6): For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone. (Reference Section 59.2(6))

Proposed: The proposed Sign is over Height in the Pedestrian Commercial Shopping Street Overlay. Characteristics such as light pollution, massing and the scale of the sign adversely affect the pedestrian orientation of the commercial shopping street, and the residential neighbourhoods that are in close proximity, adversely impacting the amenities and character of the zone.

Section 59.2(7) states:

For all Sign Applications for Major Digital Sign, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs, the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

Development Officers Determination

5) 59.2(7): For all Sign Applications for Minor Digital Off-premises Signs the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

Proposed: The digital face of the proposed sign faces a residential zone (RA7) located 68 m to the northwest. The close proximity of the sign to the residential neighbourhoods adversely impacts the built environment. The size of the sign is not sensitive to the scale of the surrounding residential neighbourhood.

Sign Schedule 59E

Schedule 59E.3(5)(d) states:

proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m² or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than 8.0 m ² or Off-premises Signs
Greater than 8.0 m ² to less than 20 m ²	100m
20 m ² to 40 m ²	200m
Greater than 40 m ²	300m

Development Officers Determination

6) 59E.3(5)(d): The proposed Sign (18.3 m²) shall be separated from any other Digital Sign greater than 8.0 m² or Off-premises Sign, by 200 m. The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.

**Proposed: distance to Off-premises signs located at 11046-97 Street (2) signs: (side by side) which require a 200 m separation is: 115 m
Deficient by: 85 m**

Schedule 59E.3(5)(i) states:

proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback.

Section 819.5(2)(d) states “Where regulations for a Sign Use do not appear within Schedule 59E, the Schedule applicable to the underlying Zone shall apply.

Section 330.4(3)(a) states “A minimum Setback of 3.0 m shall be required where a Site abuts a public roadway, other than a Lane [...]”

Development Officers Determination

7) 59E.3(5)(i): Proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback.

**Required Setback in CB1 Zone (330.4(3)(a)): 3.0 m
Proposed Setback: 2.4 m from north property line
Deficient by: 0.6 m**


(Note the setback of the existing Sign, as built, is not compliant with SDAB-D-15-072 which was approved at 3.5 m, but built at 2.4 m.)

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-15-072	To install a Freestanding Minor Digital Off-Premises Sign (3-faces including (1) Minor Digital Off-premises panel 3.05 m x 6.1 m facing North).	April 24, 2015; That the Appeal be ALLOWED and the DEVELOPMENT GRANTED subject to the following conditions: 1. The maximum Height of the Minor Digital Off-Premises Sign shall not exceed 6.0 metres. 2. The most southwesterly sign panel must be removed on or before December 31, 2015. 3. Revised drawings shall be submitted on or before April 30, 2015 to the satisfaction of the Board showing the following: a. An elevation plan of the proposed Sign with a maximum of 6 metres overall Height from Grade b. A Site Plan that shows only the north and southeast Sign panel. 4. The subject approval expires on April 23, 2020. 5. The maximum Width of each Sign panel shall be 8.0 metres. 6. The maximum combined Area for all Signs shall be 20 square metres.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	Project Number: 355891102-001 Application Date: FEB 25, 2020 Printed: May 11, 2020 at 9:05 AM Page: 1 of 3				
<h2>Application for Sign Combo Permit</h2>					
This document is a Development Permit Decision for the development application described below.					
Applicant	Property Address(es) and Legal Description(s) 11065 - 97 STREET NW Plan 3081CL Blk 38 Lot 1				
Scope of Application To install a Freestanding Minor Digital Off-premises Sign (2-faces - (1) Minor Digital Off-premises panel 3.1 m x 6.1 m facing North; and (1) static panel facing East) (PATTISON).					
Permit Details <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> ASA Sticker No./Name of Engineer: Construction Value: 100000 </td> <td style="width: 50%; vertical-align: top;"> Class of Permit: Expiry Date: </td> </tr> <tr> <td style="vertical-align: top;"> Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 1 Minor Digital On/Off-premises Sign: 0 </td> <td style="vertical-align: top;"> Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0 </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 100000	Class of Permit: Expiry Date:	Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 1 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
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Development Application Decision Refused Issue Date: May 11, 2020 Development Authority: NOORMAN, BRENDA Reason for Refusal 1) 819.5(2)): Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw. The proposed sign is in accordance with Schedule 59E, however, in the opinion of the Development Officer, the proposed Minor Digital Off-premises Freestanding Sign does not meet the intent of Section 819.5(2), in that it does not complement the pedestrian-oriented commercial environment. Specifically: a) the size of proposed Minor Digital Off-premises Freestanding Sign is not in proportion to human scale, nor is it located in a position that is designed for view by pedestrians. Human-scale means signs that are conducive to being used and interpreted while walking, typically at just above eye level; b) The size and scale of the Minor Digital Off-premises Freestanding Sign is vehicle oriented and focused primarily to be legible and read while in a moving vehicle, rather than walking on the adjacent sidewalk. c) the exposed bracing on the south panel, is not aesthetically pleasing to the pedestrian, and adversely impacts the amenities and character of the zone. 2) 819.5(2)(a): The maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.					
THIS IS NOT A PERMIT					

Application for Sign Combo Permit

Proposed: 7.9 m
 Exceeds by: 1.9 m

(Note the height of the sign approved by SDAB-D-15-072 was 5.97 m. The Height of the existing sign confirmed by the Development Compliance Officer on March 17, 2020 is 7.46 m, contrary to SDAB-D-15-072).

3) 59.2(3): Minor Digital Off-premises Signs shall be located or constructed such that Sign illumination shall not project onto any surrounding residential premises, shall not face an abutting or adjacent Residential Use, shall not face an abutting or adjacent Residential-Related Use, and shall not face the Extended Medical Treatment Services Use to the satisfaction of the Development Officer.

The proposed Minor Digital Off-premises Sign is located such that Sign illumination projects onto surrounding residential premises, and faces an adjacent Residential Use, Low Rise Apartment Zone (RA7) to the northwest.

4) 59.2(6): For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone. (Reference Section 59.2(6))

Proposed: The proposed Sign is over Height in the Pedestrian Commercial Shopping Street Overlay. Characteristics such as light pollution, massing and the scale of the sign adversely affect the pedestrian orientation of the commercial shopping street, and the residential neighbourhoods that are in close proximity, adversely impacting the amenities and character of the zone.

5) 59.2(7): For all Sign Applications for Minor Digital Off-premises Signs the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

Proposed: The digital face of the proposed sign faces a residential zone (RA7) located 68 m to the northwest. The close proximity of the sign to the residential neighbourhoods adversely impacts the built environment. The size of the sign is not sensitive to the scale of the surrounding residential neighbourhood.

6) 59E.3(5)(d): The proposed Sign (18.3 m²) shall be separated from any other Digital Sign greater than 8.0 m² or Off-premises Sign, by 200 m. The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.

Proposed: distance to Off-premises signs located at 11046-97 Street (2) signs: (side by side) which require a 200 m separation is: 115 m
 Deficient by: 85 m

7) 59E.3(5)(i): Proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback.

Required Setback in CB1 Zone (330.4(3(a))): 3.0 m
 Proposed Setback: 2.4 m from north property line
 Deficient by: 0.6 m

(Note the setback of the existing Sign, as built, is not compliant with SDAB-D-15-072 which was approved at 3.5 m, but built at 2.4 m.)

Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

THIS IS NOT A PERMIT



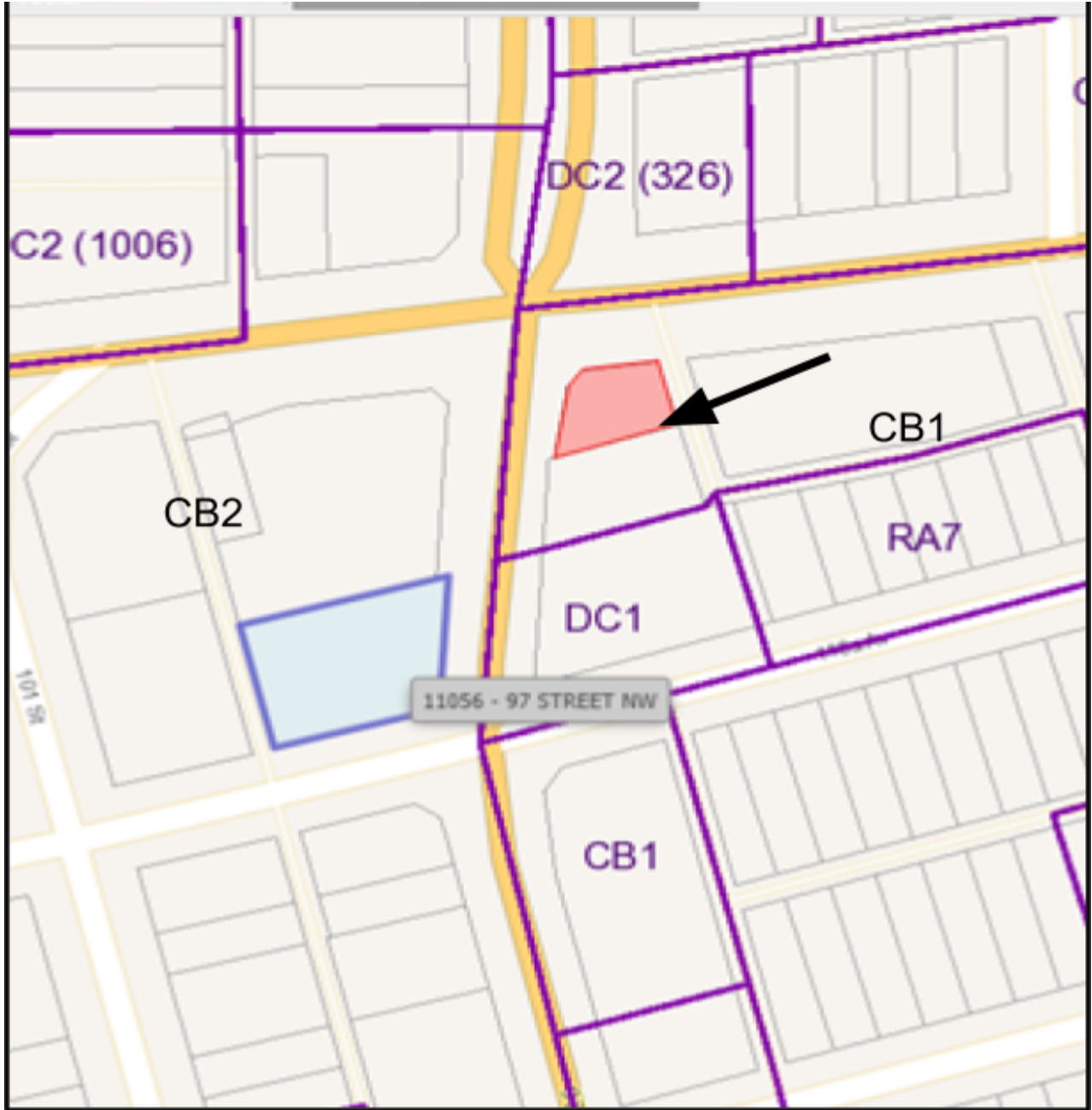
Project Number: **355891102-001**
Application Date: FEB 25, 2020
Printed: May 11, 2020 at 9:05 AM
Page: 3 of 3

Application for Sign Combo Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Dev Appl Fee - Digital Signs	\$467.00	\$467.00	06451077	Feb 28, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$467.00</u>	<u>\$467.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-104

▲
N

TO BE RAISED

ITEM II

FILE: SDAB-D-20-083

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANTS:

APPLICATION NO.: 359413028-001

APPLICATION TO: Install a Freestanding On-premises Sign
(WANG'S HOLDINGS | BELL)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved

DECISION DATE: April 17, 2020

DATE OF APPEALS: June 2, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 17547 - 100 Avenue NW,
17503C - 100 Avenue NW

LEGAL DESCRIPTION: Plan 9122259 Unit 1, Condo Common
Area (Plan 9122259)

ZONE: DC2.208 Site Specific Development
Control Provision

OVERLAY: N/A

STATUTORY PLAN: Place La Rue Neighbourhood Area
Structure Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

Appellant No. 1: Pattison Outdoor Advertising:
The Development Officer failed to follow the directions of Council.

The Application was incomplete, inaccurate or both.

The subject Sign is lot located in accordance with the requirements of the Land Use Bylaw (5996).

Such further and other reasons as may be presented at the hearing of our appeal.

Appellant No. 2: Willis Law:

The Owners: Condominium Plan No. 912 2259 (the "Corporation") is responsible for all Common Property within the condominium parcel. The location of the proposed sign is on the Corporations' Common Property (not Unit 1). The Corporation did not approve the Permit Application. The proposed sign conflicts with another sign already approved for the site.

General Matters

The Subdivision and Development Appeal Board made and passed the following motion on June 30, 2020:

“That the appeal hearing be tabled to August 12 or 13, 2020.”

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,

- (A) within 21 days after the date on which the written decision is given under section 642, [...]

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

2.4 Subject only to the provisions in the *Municipal Government Act* respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

...

2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.

2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

At the time of the creation of the subject Direct Control Site, the *City of Edmonton Land Use Bylaw 5996* was in effect. An Alberta Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control Bylaw passed before 2001 to a provision of the old *Land Use Bylaw*. In the

absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning Bylaw*.

General Provisions from the DC2.208 Site Specific Development Control Provision (“DC2.208”):

Section DC2.208.1 states that the **General Purpose** of DC2.208 is:

To establish a Site Specific Development Control District to accommodate a limited range of general commercial-highway corridor uses, with site specific development regulations that will ensure compatibility with future surrounding land uses and the alignment of existing and proposed roadways adjacent to the site, and ensure a high standard of appearance appropriate to the site's location on a major entrance route to the City.

Section DC2.208.4.i states:

Signs shall be allowed in this District as provided for in Schedule 79E and in accordance with the General Development Regulations of Sections 59 to 79 inclusive of the Land Use Bylaw.

Section DC2.208.4.j states:

Development in this District shall be evaluated with respect to compliance with the General Development Regulations of Section 5079 inclusive of the Land Use Bylaw.

Section DC2.208.4.k states:

The Development Officer may grant relaxations to the regulations contained in Sections 50 through 79 of the Land Use Bylaw and the provisions of this District if, in his opinion, such a variance would be in keeping with the General Purpose of the District and would not adversely affect the amenities, use, and enjoyment of neighbouring properties.

General Provisions from the Edmonton Land Use Bylaw 5996:

Section 14, **Development Classes**, states that the following classes of development are hereby established:

- 1) Class O - No Development Permit Required;
- 2) Class A - Minor Permitted Use;
- 3) Class B - Permitted Use;

- 4) Class C - Discretionary Use; and
- 5) Class D - Design Review.

Section 14.3, **Class B – Permitted Use**, states:

The developments included in this Class are those Permitted Uses where the regulations of this Bylaw are more complex and where the development application must be reviewed to determine its compliance with this Bylaw, or where conditions of approval or agreements to ensure compliance are considered necessary. The Development Officer shall issue a permit, with or without conditions for the development of Permitted Uses after reviewing the application and the submission requirements of this Class to ensure compliance with the regulations of this Bylaw. This Class shall include all Permitted Use developments, including those affected by an Overlay, except those identified in Class O or Class A

Class B shall also include the following sign uses and development:

- 1) Canopy, Undercanopy, Facia, Freestanding and Projecting On-premise Identification or Business Identification Signs including or not including the use of manual animation, running lights, scintillating lights, manual changeable copy and time and temperature displays;
- 2) Facia and Freestanding General Advertising Signs; except that where such signs are to be erected in the CNC, CSC, IB or AGI Districts, or within the civic centre area defined in Sign Schedule 79G, they shall be a Class C development;
- 3) **Deleted**; and
- 4) any minor development within a Direct Control District, which, in the opinion of the Development Officer, is similar to other developments listed under subsection 14.3.

...

Section 14.4, **Class C – Discretionary Use**, states:

The developments in this Class are those involving the exercise of discretion by the Development Officer. Upon receipt of an application in its final form for development within this Class, the Development Officer shall examine the application to determine its conformity with the regulations of this Bylaw and the provisions of any applicable Statutory Plan. The Development Officer, using discretion, may refuse or approve,

permanently or for a limited time period, with or without conditions, an application for development within this Class. This Class shall include:

- 1) all Discretionary Use developments; and
- 2) all major developments within Direct Control Districts except those defined as Class D.

Class C shall also apply to the parking or storage of any large Recreational Vehicle in a Residential District, where such parking or storage does not fully comply with the regulations of Section 55 of this Bylaw, but where the Development Officer may wish to exercise discretion to relax such regulations.

Class C shall also include the following sign uses and developments:

- a) comprehensive Sign Design Plans, as defined in Section 79.6 of this Bylaw;
- b) electronically controlled Changeable Copy Signs, other than those used only for time and temperature displays;
- c) Facia and Freestanding General Advertising Signs within the CNC, CSC, IB and AGI Land Use Districts, and within the civic centre area defined in Sign Schedule 79G;
- d) **Deleted;**
- e) Roof Signs;
- f) signs painted on exterior building walls;
- g) **Deleted;** and
- h) any other sign that is not deemed a Class O, Class A or Class B development.

...

Under section 9.2(2), **Animated Sign** means:

any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign. Animated Sign does not include Flashing Signs, Rotating Signs, signs with accessory running lights or flashing lights, or electronically controlled Changeable Copy Signs such as those showing time and temperature displays.

Under section 9.2(4)(b), **Billboard** means:

a General Advertising Sign that has a sign area of more than 3.75 m² (40.35 sq. ft.). The display copy of the sign can be printed on a translucent vinyl sheet or painted on a number of plywood or light steel sections which are locked into a frame to form a single sign face;

Under section 9.2(6), **Business Identification Sign** means:

a sign identifying the name, dealer, franchise association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.

Under section 9.2(8), **Changeable Copy Sign** means:

a permanent On-premise Sign or portion of such a sign on which copy can be readily changed manually through the utilization of attachable characters, or automatically through the electronic switching of lamp banks or illuminated tubes. Changeable Copy Signs include mechanically controlled time and temperature displays.

Under Section 9.2(15), **Freestanding Sign** means “any sign supported independently of a building and permanently fixed to the ground.”

Under Section 9.2(16), **General Advertising Sign** means:

a sign which directs attention to a business, activity, product, service or entertainment which cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises where the sign is displayed and general advertising has a similar meaning. Typical General Advertising Signs includes Billboards and Junior Panels as defined in this Bylaw.

Under Section 9.2(21), **Local Advertising Sign** means:

a sign or portion of a sign on which the copy refers only to products or merchandise produced, offered for sale or obtainable at the premises on which the sign is displayed and which are related to the principal function of such premises, and local advertising has a similar meaning.

Under Section 9.2(25), **On-premise Sign** means:

a sign identifying or advertising a business, activity, service or product located on the premises where the sign is erected. On-premise Signs includes signs erected on a site to provide warning or direction to persons entering upon the site.

Schedule 79E of the Edmonton Land Use Study 5996

Schedule 79E.1(1) states the following Signs shall be allowed, subject to the Sign Regulations of this Schedule:

- a) ...
- b) ...
- c) Awning, Canopy, Under-canopy, Fascia, Freestanding, Projecting and Window, On-premise Business Identification Signs and On-premise Changeable Copy and Local Advertising Signs;
- d) ...
- e) ...
- f) Fascia and Freestanding General Advertising Signs;
- g) ...
- h) ...

Section 79.8 of the Edmonton Land Use Bylaw 5996

Section 79.8, General Regulations for General Advertising Signs

This Section contains the general regulations with which the various types of General Advertising Signs must comply, subject to any exception or additional regulations specific in a Sign Schedule.

- (1) General Provisions, the following regulations shall apply to all General Advertising Signs.
 - a) General Advertising Signs shall be purposely designed to display painted bulletins, poster panels or vinyl backlite panels.
 - ...
 - e) General Advertising Signs may be illuminated provided that the lighting is concealed or shielded to minimize glare.

Section 79.2 of the Edmonton Land Use Bylaw 5996

Section 79.2, Prohibited Signs

No Sign shall be erected, operated, used or maintained which:

- a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic Sign, signal or device, as determined by the Development Officer in consultation with the City Engineer;

...

<p><i>Section 59.2 of the Edmonton Zoning Bylaw 12800</i></p>
--

Section 59.2, General Provisions states:

No Sign shall be erected, operated, used or maintained that:

- a. due to its position, shape, colour, format or illumination obstructs the view of, or shall be confused with, an official traffic Sign, signal or device, as determined by the Development Officer in consultation with the Transportation Services;
 - b. displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles; and
 - c. uses spot or reflector lights directed at on-coming traffic or displays travelling or flashing messages that create a hazard to traffic on a public roadway from which the Sign is visible.
2. Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located such that the Sign does not obscure a driver decision point. The Development Officer and Transportation Services shall be satisfied that each Copy Area:
- a. does not physically obstruct the sightlines or view of a traffic control device or traffic control signal for oncoming vehicle traffic;
 - b. is not located in the field of view near or past the traffic control device or traffic control signal in the sightlines of oncoming vehicle traffic;
 - c. is not located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways; and


- d. illumination does not compete with or dull the contrast of the traffic control device or traffic control signal for oncoming vehicle traffic.


Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-19-175	To install (1) Freestanding General Advertising Sign with an electronic Changeable Copy panel containing on-premises and off-premises Advertising (incl. digital and static panels 6.1m x 13.5m facing E)(Condominium Corporation 9122259).	December 11, 2019; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to CONDITIONS.
SDAB-D-06-232	Construct an addition to a General Retail building (retail bays)	November 24, 2006; the appeal be ALLOWED and the DEVELOPMENT GRANTED and the deficiency of five parking spaces be permitted, subject to the conditions.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	Project Number: 359413028-001 Application Date: APR 07, 2020 Printed: June 2, 2020 at 2:43 PM Page: 1 of 2		
<h2>Sign Combo Permit</h2>			
<p>This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>			
Applicant	Property Address(es) and Legal Description(s) 17547 - 100 AVENUE NW Plan 9122259 Unit 1 17503C - 100 AVENUE NW Condo Common Area (Plan 9122259)		
Scope of Permit To install a Freestanding On-premises Sign (WANG'S HOLDINGS BELL).			
Permit Details <table border="1" style="width: 100%;"> <tr> <td data-bbox="305 821 833 873"> ASA Sticker No./Name of Engineer: 8070 Construction Value: 3000 </td> <td data-bbox="846 821 1401 873"> Class of Permit: Class B Expiry Date: </td> </tr> </table>		ASA Sticker No./Name of Engineer: 8070 Construction Value: 3000	Class of Permit: Class B Expiry Date:
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Development Permit Decision Approved Issue Date: Apr 17, 2020 Development Authority: NOORMAN, BRENDA Subject to the Following Conditions <ol style="list-style-type: none"> The proposed Sign shall comply in accordance with the approved plans submitted. The intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1100 lumens (Reference Section 59.2(4)). <p>ADVISEMENTS:</p> <p>1) An approved Development Permit means that the proposed development has been reviewed against the provisions of this Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2).</p> <p>2) All tenants intending to advertise on the approved Freestanding On-premises Sign must obtain a Sign Combo Permit for the panel prior to advertising.</p> <p>Rights of Appeal This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.</p>			

	Project Number: 359413028-001 Application Date: APR 07, 2020 Printed: June 2, 2020 at 2:42 PM Page: 2 of 2																														
Sign Combo Permit																															
Building Permit Decision																															
Issued Issue Date: May 12, 2020 Safety Codes Officer: ACHESON, MICHAEL																															
Fees																															
<table><thead><tr><th></th><th>Fee Amount</th><th>Amount Paid</th><th>Receipt #</th><th>Date Paid</th></tr></thead><tbody><tr><td>Sign Building Permit Fee</td><td>\$181.00</td><td>\$181.00</td><td>06402686</td><td>Apr 07, 2020</td></tr><tr><td>Safety Codes Fee</td><td>\$8.44</td><td>\$8.44</td><td>06402686</td><td>Apr 07, 2020</td></tr><tr><td>Sign Development Application Fee</td><td>\$287.00</td><td>\$287.00</td><td>06402686</td><td>Apr 07, 2020</td></tr><tr><td>Total GST Amount:</td><td>\$0.00</td><td></td><td></td><td></td></tr><tr><td>Totals for Permit:</td><td><u>\$454.44</u></td><td><u>\$454.44</u></td><td></td><td></td></tr></tbody></table>		Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Building Permit Fee	\$181.00	\$181.00	06402686	Apr 07, 2020	Safety Codes Fee	\$8.44	\$8.44	06402686	Apr 07, 2020	Sign Development Application Fee	\$287.00	\$287.00	06402686	Apr 07, 2020	Total GST Amount:	\$0.00				Totals for Permit:	<u>\$454.44</u>	<u>\$454.44</u>			
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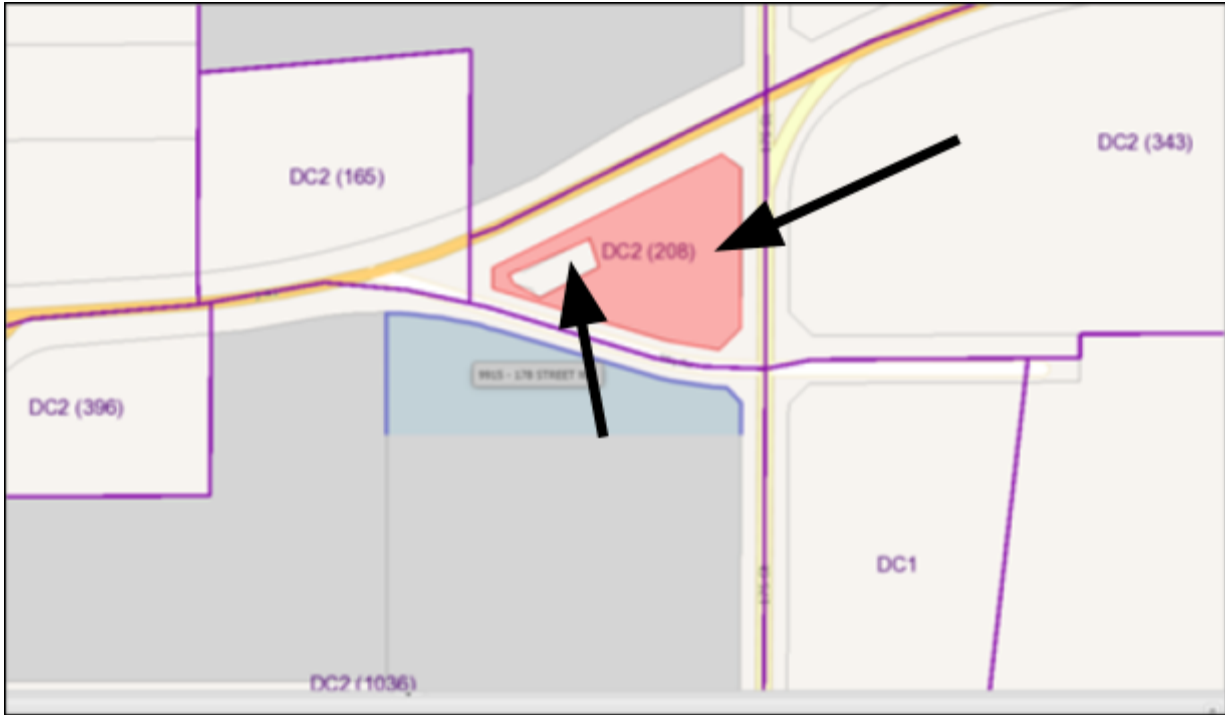
Project Number: **91623051-003**
Application Date: MAY 20, 2020
Printed: June 8, 2020 at 12:40 PM
Page: 3 of 3

Application for Sign Combo Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee	\$574.00	\$574.00	06544355	May 25, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$574.00</u>	<u>\$574.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-20-083** ▲
N

TO BE RAISED
ITEM III

FILE: SDAB-D-20-085

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 091623051-003

APPLICATION TO: Install (2) Roof Off-premises Signs (4.3m x 14.6m facing N; and 3m x 6.1m facing S) (PATTISON | GARNEAU THEATRE - Quality Property Developments Inc.)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 1, 2020

DATE OF APPEAL: June 8, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8708 - 109 Street NW

LEGAL DESCRIPTION: Plan 782AT Blk 148 Lots E,F,G,H

ZONE: CB1-Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

The subject signs have existed lawfully for some time with no complaint.

The subject signs are consistent with the historic nature of the Building and its historic use and development.

Such further and other reasons as may be presented at the hearing of the appeal.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on June 30, 2020:

“That the appeal hearing be scheduled for August 12 or 13, 2020 pursuant to a written postponement request received from the Appellant.”

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

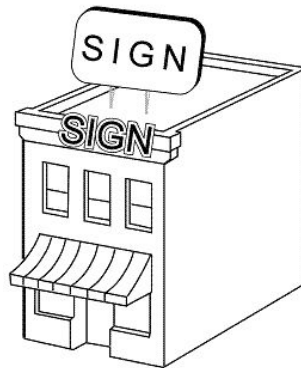
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 330.3(45), a **Roof Off-premises Signs** is a **Discretionary Use** in the **(CB1) Low Intensity Business Zone**

Under section 7.9(11), **Roof Off-premises Signs** means:

means a Roof Sign, which is a Permanent Sign, and displays Off-premises Advertising.

Under section 6.2, **Roof Signs** means a Sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.



Under section 6.2, **Off-Premise Sign** means

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Section 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is “to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.”

Section 819.1 states the **General Purpose** of the **Main Streets Overlay** is “to encourage and strengthen the pedestrian-oriented character of Edmonton’s main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.”

<i>109 Street Corridor Area Redevelopment Plan (ARP)</i>

3.2.3.5 Signage must be of a scale and type that respects the compact, pedestrian-oriented character of the District and related to local businesses. Billboards, roof-top, digital and off-premise signage of any type will not be permitted.

Development Officer's Determination

1) Section 3.2.3.5 Policy Directives, Land Use and Density for the Mixed-Use Commercial District of the 109 Street Corridor Area Redevelopment Plan (ARP) states: Signage must be of a scale and type that respects the compact, pedestrian-oriented character of the District and related to local businesses. Billboards, roof-top, digital and off-premise signage of any type will not be permitted.

The proposed signs are Roof Off-premises Signs, and are not permitted under Section 3.2.3.5 of the 109 Street Corridor Area Redevelopment Plan. As a Council-approved City of Edmonton bylaw, the 109 Street Corridor ARP provides direction with respect to planning and development activity proposed within the planning area. All activities must be consistent with the ARP vision, guiding principles and policies (Reference Section 1.6).

<i>Main Streets Overlay</i>

Section 819.5(2) states Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw...

Development Officer's Determination

2) Section 819 Main Streets Overlay: The proposed development is for two Roof Off-premises Signs, listed as a Discretionary Uses within the CB1 Low Intensity Business Zone (Section 330). The site is located within the Main Streets Overlay, where development shall comply with Section 819 of the Edmonton Zoning Bylaw.

819.5(2) - Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw.

The proposed signs do not meet the intent of Section 819.5(2), in that they do not complement the pedestrian-oriented commercial environment. Specifically:

a) the size of the proposed Roof Off-premises Signs is not in proportion to human scale, nor are they located in a position that is designed for view by pedestrians. Human-scale means signs that are conducive to being used and interpreted while walking, typically at just above eye level;

b) The size and scale of the Roof Off-premises Signs are vehicle oriented and focused primarily to be legible and read while in a moving vehicle, rather than walking on the adjacent sidewalk.

Section 59 – General Sign Provisions

Section 59E.3(8)(a) states the maximum Sign Area of a Roof Off-premises Sign shall be 20 m².

Section 59E.3(8)(e) states any Roof Off-premises Sign shall be located 30.0 m from the property line of a Residential Zone.

Section 59E.3(8)(f) states proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m² or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than 8.0 m² or other Off-premises Signs
Greater than 8.0m ² to less than 20 m ²	100m
20m ² to 40m ²	200m
Greater than 40 m ²	300 m

The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.

Development Officer’s Determination

3) Section 59E.3(8)(a): The maximum Sign Area of a Roof Off-premises Sign shall be 20 m²;

Proposed: North facing Sign: 4.3 m x 14.6 m = 62.8 m²
Exceeds by: 42.8 m²

4) Section 59E.3(8)(e): Any Roof Off-premises Sign shall be located 30.0 m from the property line of a Residential Zone.


Proposed: approximately 27.1 m to property line of RA7 Zone
Deficient by: 2.9 m

5) Section 59E.3(8)(f): The proposed Signs shall be separated from Signs with Digital Copy, or Off-premises Signs, less than 20 m² in Sign Area by 100 m; and over 40 m² in Sign Area, by 300 m. There are two Roof Off-premises Signs located on the same site, the north facing sign requires a separation of 300 m. The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.

Required Separation from North facing Sign (Sign Area 62.8 m²): 300 m
Proposed Separation to South facing Sign on same site: 18.3 m
Deficient by: 281.7 m

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	<h2>Application for Sign Combo Permit</h2>		Project Number: 91623051-003 Application Date: MAY 20, 2020 Printed: June 8, 2020 at 12:40 PM Page: 1 of 3			
This document is a Development Permit Decision for the development application described below.						
Applicant	Property Address(es) and Legal Description(s) 8708 - 109 STREET NW Plan 787AT Rlk 148 Lots F, F.G, H					
Scope of Application To install (2) Roof Off-premises Signs (4.3m x 14.6m facing N; and 3m x 6.1m facing S) (PATTISON GARNEAU THEATRE - Quality Property Developments Inc.)						
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Development Application Decision Refused Issue Date: Jun 01, 2020 Development Authority: NOORMAN, BRENDA						
THIS IS NOT A PERMIT						



Project Number: **91623051-003**
 Application Date: MAY 20, 2020
 Printed: June 8, 2020 at 12:40 PM
 Page: 2 of 3

Application for Sign Combo Permit

Reason for Refusal

1) Section 3.2.3.5 Policy Directives, Land Use and Density for the Mixed-Use Commercial District of the 109 Street Corridor Area Redevelopment Plan (ARP) states: Signage must be of a scale and type that respects the compact, pedestrian-oriented character of the District and related to local businesses. Billboards, roof-top, digital and off-premise signage of any type will not be permitted.

The proposed signs are Roof Off-premises Signs, and are not permitted under Section 3.2.3.5 of the 109 Street Corridor Area Redevelopment Plan. As a Council-approved City of Edmonton bylaw, the 109 Street Corridor ARP provides direction with respect to planning and development activity proposed within the planning area. All activities must be consistent with the ARP vision, guiding principles and policies (Reference Section 1.6).

2) Section 819 Main Streets Overlay. The proposed development is for two Roof Off-premises Signs, listed as a Discretionary Uses within the CB1 Low Intensity Business Zone (Section 330). The site is located within the Main Streets Overlay, where development shall comply with Section 819 of the Edmonton Zoning Bylaw.

819.5(2) - Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw.

The proposed signs do not meet the intent of Section 819.5(2), in that they do not complement the pedestrian-oriented commercial environment. Specifically:

a) the size of the proposed Roof Off-premises Signs is not in proportion to human scale, nor are they located in a position that is designed for view by pedestrians. Human-scale means signs that are conducive to being used and interpreted while walking, typically at just above eye level;

b) The size and scale of the Roof Off-premises Signs are vehicle oriented and focused primarily to be legible and read while in a moving vehicle, rather than walking on the adjacent sidewalk.

3) Section 59E 3(8)(a): The maximum Sign Area of a Roof Off premises Sign shall be 20 m²;

Proposed: North facing Sign: 4.3 m x 14.6 m = 62.8 m²
 Exceeds by: 42.8 m²

4) Section 59E 3(8)(e): Any Roof Off-premises Sign shall be located 30.0 m from the property line of a Residential Zone.

Proposed: approximately 27.1 m to property line of RA7 Zone
 Deficient by: 2.9 m

5) Section 59E 3(8)(f): The proposed Signs shall be separated from Signs with Digital Copy, or Off-premises Signs, less than 20 m² in Sign Area by 100 m; and over 40 m² in Sign Area, by 300 m. There are two Roof Off-premises Signs located on the same site, the north facing sign requires a separation of 300 m. The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.

Required Separation from North facing Sign (Sign Area 62.8 m²): 300 m
 Proposed Separation to South facing Sign on same site: 18.3 m
 Deficient by: 281.7 m

Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act

THIS IS NOT A PERMIT



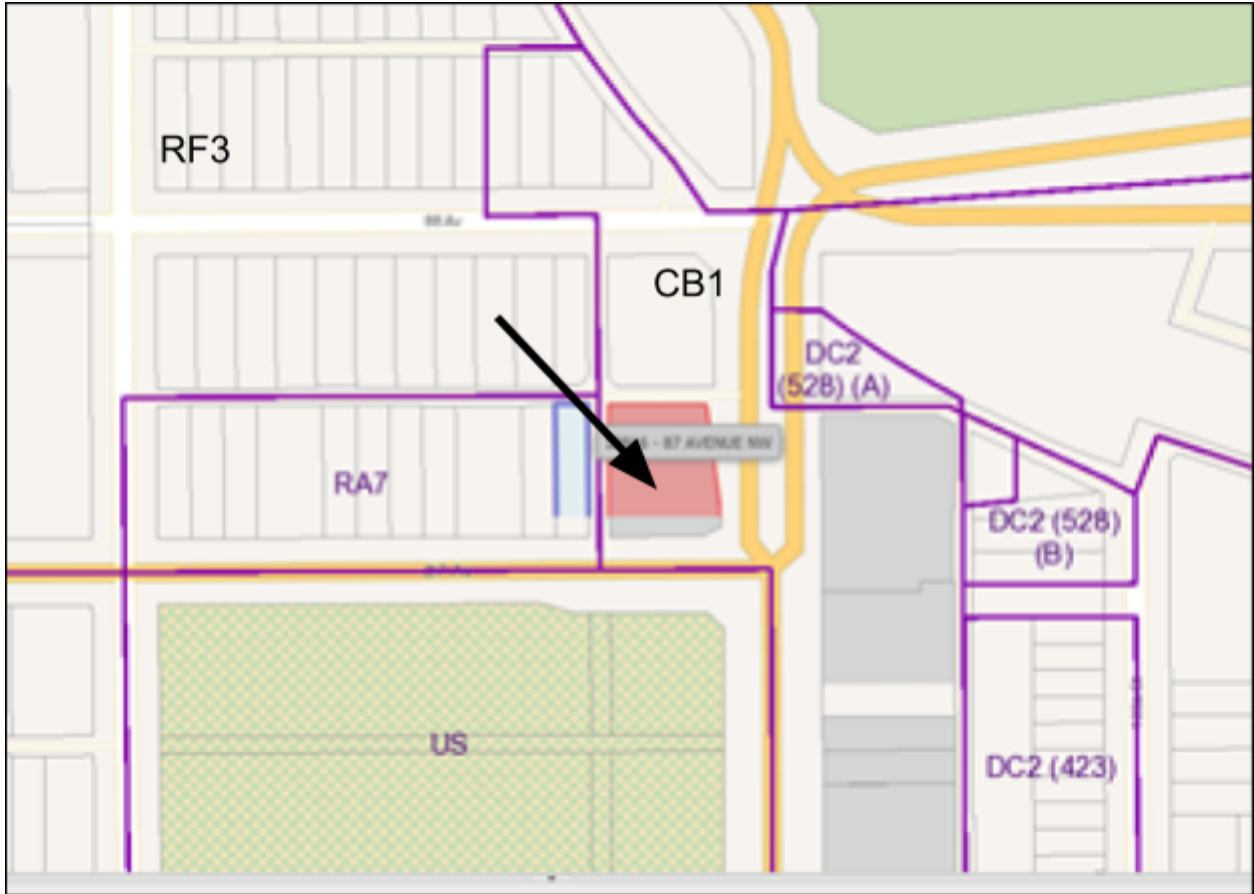
Project Number: **91623051-003**
Application Date: MAY 20, 2020
Printed: June 8, 2020 at 12:40 PM
Page: 3 of 3

Application for Sign Combo Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Development Application Fee	\$574.00	\$574.00	06544355	May 25, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$574.00</u>	<u>\$574.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-085

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