

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
December 12, 2024**

**Hearing Room No. 3  
Churchill Building, 10019 - 103 Avenue NW, Edmonton, AB**

**Members Scheduled**

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

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**TO BE RAISED**

I        9:00 A.M.        SDAB-D-24-145        To construct a Residential building (66 Dwelling Multi-unit Housing building with an underground Parkade)

950 - 119 Street NW  
Project No.: 494038263-002

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

**TO BE RAISED**ITEM I: 9:00 A.M.FILE: SDAB-D-24-145**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER**

APPELLANT(S):

APPLICATION NO.: 494038263-002

APPLICATION TO: Construct a Residential building (66 Dwelling Multi-unit Housing building with an underground Parkade).

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: October 3, 2024

DATE OF APPEAL(S): October 29 and 31, 2024

RESPONDENT:

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 950 - 119 Street NW

LEGAL DESCRIPTION: Plan 2322533 Blk 38 Lot 191

ZONE: RM - Medium Scale Residential Zone

OVERLAY: North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: North Saskatchewan River Valley Area Redevelopment Plan

DISTRICT PLAN: Whitemud District Plan

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***Grounds for Appeal***

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

**Appellant No 1:**

We have received notice of approval of a Development Permit (City of Edmonton File# 494038263-002) for a property located near us, at 950 – 119 St. NW, in the Neighborhood of Twin Brooks. The development is for a residential building (66 Dwelling Multi-unit Housing building with an underground Parkade).

We **are strongly opposed** to the approval and request that it be either rescinded or several conditions/restrictions imposed. The reasons for our opposition are set out below in practical terms:

1. We believe the approval with reduced setbacks to the North and West contravenes the City of Edmonton Top of Bank Policy C542 and C542A: Development Setbacks from River Valley/Ravine Crests. The policy, which was adopted by City Council in 2010 and amended in 2016, sets the conditions under which any construction, either roads or buildings, may occur in proximity to the crest of the river valley/ravine system.

The first two purposes of Policy C542 and C542A are as follows:

“The purpose of this policy is to: 1. Ensure that urban development is reasonably safe from environmental hazards, such as slope instability and failure, flooding or fire that may result in loss to persons and property. 2. Protect the River Valley and Ravine System from urban development that may compromise its integrity and long term stability.”

The proposed property is just meters away from ours and it appears obvious that establishment of an Urban Development Line (UDL), required by Policy C542 and C542A, would not safely accommodate construction of a four-story, 66-unit residential building with an underground parkade. The purpose of the Policy is to minimize environmental risk due to slope instability and failure, and this condition may not be met, if construction is allowed to proceed. Why is the City allowing a development that could potentially risk this bank and subsequently homes on either side of it.

The City is aware of the slump in 2012 that has already occurred on the East bank of the Whitemud Creek Ravine South directly behind many houses in Brook Hollow on 10th Avenue and 119 Street NW (just North of the proposed development). The slump has eroded the bank right up to the back property line/fences of several West Creek Condominiums – 950 119 St. NW Appeal 2 homes in that area. In 2021 the city erected a fence on both the South and North ends of the slump to prevent people from using the path that runs behind Brook Hollow. It is our opinion that because the proposed development property abuts the crest of the Whitemud Creek Ravine and MacTaggart Sanctuary just South of this slump, further soil disturbance will make it vulnerable to more soil slippage and slumping. To date there has been no evidence of remediation efforts by the city or any other body to ensure soil stability in this slumped area. In addition, if City engineers visited the site, they would observe a large slump within the proposed development property itself. This has been getting bigger over the years and surely must indicate some instability in that area. **Is the developer required to**

**implement the use of appropriate methods to ensure soil instability does not occur further?**

Below is a google earth link clearly showing this slump to the North behind homes in Brok Hollow. If the North setback requested is allowed, the proposed development will be less than 20 meters from the South end of the fence restricting access to the path, and with the setback allowance to the West requested in this new permit encroaching even closer toward the bank, we believe there will be increased reason for concern.

Knowing the depth and steepness of the valley sides of Whitemud Creek Ravine South and MacTaggart Sanctuary, we believe any potential construction, disturbance of land and displacement of soil with an underground parkade on the property in question would contribute to soil instability (i.e. further slumping, settling, creeping, or sloughing) and, consequently, failure. Such disturbance could accelerate soil erosion and lead to further environmental degradation. There is much evidence of soil erosion along the walking trails in the ravine system. Further, because of the depth and steepness of the valley, geotechnical assessment should be conducted to establish an Estimated Long-Term Line of Stability, and an Urban Development Line, **prior to Approval of the Development Permit. Has the City established an Estimated Long-Term Line of Stability and UDL before approving this permit?**

The developer has indicated that all environmental soil testing has been done and has submitted the required Geotechnical/Slope Stability Reports. As a community we would ask when? We live here and have not seen any evidence of drilling in this area in recent years. The only thing we've seen is a few surveyors in the area from time to time. **How can we be sure that soil testing is current and not from an old report prior to the slumping on the bank?**

There was a permit issued for a 47-unit building with parkade in 2019. At that time, we appealed unsuccessfully, and the project was approved. Since June of 2019, we have been of the belief that the 47-unit building would go ahead as planned and therefore did not invest time or money into getting soil testing done of our own. Being that we did not receive in our mailboxes, the current Development Permit Notice until approximately October 10, 2024, with all due respect, we did not have time to review, procure an engineering firm and get the results by the appeal deadline of October 31, 2024. **Would the developer be willing to provide us with copies of their reports to satisfy our concerns?**

2. We are also concerned and opposed to the proposed reduction in landscaping along the East frontage of the building. Per Policy C542 and C542A the following partial purpose of the policy is noted:

“3. Maximize access for local residents and the general public to a continuous circulation system along the entire length of the Upland Area Abutting the River Valley and Ravine System. Public access is provided for circulation and amenity purposes, connection to the park system within the River Valley and Ravine System, slope repair and geotechnical monitoring, fire fighting, emergency and public safety, drainage control, and for dealing with encroachment issues.”

As the developer's intention is to relocate the public walkway from the rear of the property to the front, there will be no continuation of a walkway along the area abutting the ravine system. The continuous walkway has already been interrupted due to the slump North of the proposed development. Furthermore, their request to have no trees along the front of the property and instead only shrubs will provide harsh and stark views for community residents in the area who are accustomed to looking at a natural area. A building of this size, on this small parcel will be like a fish out of water and significantly impact the aesthetic value of the community as a whole. **How can a reduction in the rear setback to the West from the property line to 7.5m instead of 10.0m accomplish the goal of Policy C542 and C542A item #3?**

As noted above, the property in question is close to ours, backing on to the top of the bank of the Whitemud Creek and MacTaggart Sanctuary. The City of Edmonton, since adoption of Policy C542 and C542A, has registered a Restrictive Covenant against the titles of property owners in our condominium corporation, prohibiting construction of permanent sprinkler or irrigation systems and requiring rainwater runoff be restricted to downspouts tied into the sewer system. Under Policy C542 and C542A, the City has the authority to impose restrictions on land use near the crest of the river valley/ravine system to protect the integrity of the most vulnerable part of the landscape. We've been told that residents in the community of Brook Hollow to the North of the proposed development also have a similar restriction. It is illogical to have restrictions imposed on adjacent land, while permitting such construction on nearby land that abuts the crest of the Whitemud Creek Ravine and MacTaggart Sanctuary. **How do the developers plan to water their lawns, trees and shrubs to maintain the aesthetic value of the neighborhood, and will their runoff be restricted in a similar fashion?**

There is a small ravine/water drainage area immediately on the South end of this proposed development which is part of the MacTaggart Sanctuary. **Have considerations been made to preserve this area for proper drainage into Whitemud Creek to avoid future flooding?** It is our understanding that this area was donated as parkland to the City and/or The University of Alberta by previous owners of the proposed development property in approximately 2000 for this purpose. **Will the draw on existing water/sewage systems in the area affect neighboring communities water pressure?** Some of our residents have been told by the developers that they will be bringing water/sewer lines from South of the Anthony Henday. We are opposed to this occurring immediately on the East side of our property line without further information on how it may impact our community.

Some may consider the likelihood of a water leak remote, but the occurrence of an unchecked water leak may have a significant impact on the stability of the bank resulting in further erosion negatively affecting nearby properties. **Is the risk of a leak from the volume of water required to accommodate a 66-unit building not a greater threat to the stability of the top of bank than that of sprinkler systems?**

3. Traffic flow is a current and continuous issue within this community with only two access points West of 111 Street NW and between Saddleback Road to the North and the Anthony Henday to the South. 9th Avenue is currently under construction to

accommodate a new LRT station on that intersection with 111 Street. This is and will continue to put pressure on the only other access point at 12 Avenue and 111 St. This proposal of a 66-unit building in a quiet residential area will add at least 100 vehicles entering and exiting the area on a daily basis. The development provides for only 70 or 71 parking stalls in the underground parkade and approximately 1-6 visitor surface stalls. It is very common for two adult homes to own two vehicles. **Even with a conservative estimate of 100 tenant owned vehicles, where are the excess 29 vehicles going to park on a long-term basis?** That's assuming the extra 4-5 stalls in the parkade will not be reserved for support staff. 119 Street, running North and South in front of the building from 9B Ave to the trailhead at MacTaggart Sanctuary is only two lanes with no shoulders or sidewalks on either side. If vehicles are allowed to park on both sides there, there will be limited or no access at times to our complex. We are an over 55 complex with many owners older than 75, resulting in regular visits from fire and ambulance vehicles. These vehicles will have great difficulty getting to us, putting the lives of our residents at increased risk. **At the very least, we request that the City improve the infrastructure in this area by requiring sidewalks be added to both sides of 119 Street and restricting parking to one direction only.** There is a small parking lot on the South end of 119 Street allowing turnaround space for emergency vehicles as well as access to the trail head for MacTaggart Sanctuary. That area will likely be used by residents and/or visitors to the proposed building. We would ask that no overnight parking be allowed in that area to minimize congestion and allow MacTaggart Sanctuary visitors access to the trail head. 9B Avenue, which runs East and West directly in front of the proposed building, will have the same problem for residents in our area, if parking is allowed on both sides of the roadway.

While we realize the city is attempting to increase density to improve the accommodation crisis in our city, this is not a walkable area and will not facilitate implementation of a 15-minute community. Currently if we want to walk to the nearest grocery store, it is a 45-minute brisk walk and impossible to bring any amount of groceries home. The nearest convenience store (and future LRT station) is a 25-minute brisk walk away. These distances and the age of our residents require the use of cars. Residents are unlikely to walk 25 minutes to catch the future LRT and will likely park along 9 Avenue closer to the station, increasing congestion in that area as well.

**Will the City or the developer be improving road infrastructure in this area to accommodate the extra traffic and ensure efficient movement of emergency responders and other service vehicles?**

4. There is a pipeline right of way that runs East and West immediately to the North side of the sidewalk on 9B Avenue, through 116 Street and across 111 Street to the East. This pipeline also runs West through the Whitemud Creek Ravine. **If this is still an active pipeline, have considerations been made regarding the impact this development, adjacent to it, will have on it?**

5. Historical indications are that the development of this property started out as luxury town homes, then the 47-unit 4 story building and now this 66-unit building. If this permit is granted as is, with the variances requested, **we would request assurances that this will not be increased to the allowed 8 story building that we understand zoning**

**permits when there is a parkade.** Twin Brooks in general is single family homes, duplexes and currently has only one 4 story apartment block on the corner of 9B Avenue and 116 Street with a surface parking lot. In 2019 there was a development permit issued for a 4 story 47-unit building at this proposed location. That permit expired and now this one has been issued with 40% more units. That brings 40% more people and 40% more traffic to an area that is not designed to accommodate it. **Why has the number of units changed and has the footprint been enlarged, hence the request for reduction of setbacks to the North and West?**

6. With climate change impacting our country, the threat of fire in this area is very real and concerning. There are a lot of deadfalls in the Whitemud Creek ravine system and during dry spells the risk of fire is of great probability. Adding approximately 100 more people and their visitors to the area, with many who will likely want to walk the trails, we have a very real concern of a fire being started and spreading to the residential areas on top of the bank. **How does the City propose to address the possibility of increased fire risk and what plans are in place to combat potential fires should they occur?**

7. We extend an invitation to members of the Subdivision and Development Appeal Board to visit the site at 950 – 119 St. NW, along with City engineers, to see the physical proximity of the property to the crest of the ravine. We would be happy to tour any visitors around the existing slump area to ensure they are fully aware of the potential risks. We believe that establishment of an Urban Development Line, as required under Policy C542 and C542A, would preclude construction of the magnitude for which approval has been given. Therefore, we feel the approval for development was possibly premature and technically ill-advised for a parcel of this size, this close to the Ravine/Creek bank without adequate infrastructure in place.

8. Finally, we oppose the Approval of this Development Permit due to the **potential threat it poses to property values in the area.** Potential purchasers for the communities surrounding this proposed development are drawn to the natural beauty of the area. Stability of the slope and top of bank (crest) may be jeopardized, and this would detract from the aesthetic value of the public walking trails and surrounding neighborhoods. Although the proposed development property is not yet part of the public trail system along the Whitemud Creek Ravine/MacTaggart Sanctuary, nearby communities on either side do have public access to the trails behind them. The entire community benefits from the natural ambiance of the ravine system and maintenance of solid stability along its banks is crucial to maintaining this. Already history has shown that at least one incident of soil instability within the city has compromised the integrity of buildings that were constructed on land of dubious long-term stability. **We request that City authorities adopt a proactive stance and refrain from approval of construction that may result in undue disturbance of this vulnerable area of the river valley/ravine ecosystem.**

Policy C542 and C542A purpose #4 states:

“4. Ensure preservation of the River Valley and Ravine System as a significant visual and natural amenity feature, contributor to the ecological functionality of the City’s natural areas system, and recreational opportunity for the citizens of Edmonton.”

Allowing a development of this size on top of the bank where instability has already occurred a short distance away contravenes this policy. It is our opinion and belief that development of this parcel of land with a 66-unit dwelling with a parkade contravenes portions of all 4 of these purposes. Perhaps an option the City would consider is trading a parcel of land with closer access to amenities and better infrastructure in exchange for this parcel and convert this parcel to parkland or a much smaller, less invasive development?

**We would ask that the Subdivision and Development Appeal Board approve our appeal and deny the development permit until further assessment may be made of the practical issues raised here.**

**Appellant No. 2:**

The owners of homes in our community have received a notice of approval of a Development Permit Number 494038263-002 with respect to the property located at 950 – 119 Street NW. We reside in the Brookside Village townhome project, 11809 – 9B Avenue NW. We are strongly opposed to the Approval for the following reasons.

Our homes are across the road directly east of the proposed development and will be severely impacted by the loss of view of the McTaggart Sanctuary lands and by the significantly increased volume of vehicular traffic on our narrow streets. In addition, there is inadequate parking provided in the development by any reasonable standard which will result in vehicles being parked along the narrow road adjacent to the proposed development and to our homes.

We have received a copy of the appeal filed by our neighbours at West Creek Condominiums, and choose not to repeat the grounds of appeal set out in that document. However we state that the owners of our townhouse development, Brookside Village, are in unanimous agreement with the position taken by West Creek Condominiums, but wish to supplement the statements made in their appeal. We use the numbers referred to in the West Creek appeal for easy reference.

Item 1. We agree.

Item 2. We agree. In addition, we would point out that the only purpose that can be reasonably attributed to the Applicant's requests for relaxation of standards is to facilitate the greatly increased density of development, by providing greater space for development purposes at a cost of reasonable landscaping requirements, and all of this after the density of development has been drastically increased from a 47 dwellings to 66 dwellings.

Item 3. We agree. In addition, we would like to point out that both the West Creek Condominiums and the Brookside Condominiums have two car garages. That represents the fact that where there is more than one adult living in the dwelling there is typically more than one vehicle for each premise. In our case, at least 50% of the dwellings owned by the residents, all of whom are in excess of 55 years old and the majority in excess of 65 years old, are occupied by two persons owning and driving two vehicles. Common sense suggests that the majority of the proposed new apartments will be occupied by more than one person and will operate at least two cars. As proposed, there will be no

space in that development for the parking of one of those additional vehicles, nor for guest parking. By contract, our 12 unit complex was developed to ensure more than adequate parking, with two car garages, double driveways and 7 guest parking stalls.

Our neighbourhood does not have walkable access to any major shopping, banking or dining establishments and the vast majority of homes are inhabited by at least 2 adults.

Another commonly recognized issue is that the shortest access for vehicles leaving the proposed development is east down 9B Avenue to reach 111th Street and easy access to the Henday or 111th Street. The consequence will be a huge traffic increase on very few streets, all of which contain residences and have a 40kph speed limit and seasonal parking bans. There must be restrictions on allowable on street parking.

Items 4-8 We are in agreement We request that the Subdivision and Development Appeal Board grant our appeal and deny the development permit based on the facts set out herein, on the basis that the provisions of the zoning bylaw and any related authority were relaxed, varied or misinterpreted, specifically with respect to reasonable parking requirements.

### **Appellant No. 3:**

I, [REDACTED], resident of [REDACTED] 119 Street NW, Edmonton, AB, T6J 7H7 an adjacent property owner at 950 – 119 St. NW, wants to submit this urgent appeal in opposition to the recent approval of Development Permit (File #494038263-002) for a 66-unit residential building with an underground parkade. This development was approved as a discretionary decision with variances that reduce essential environmental protections. This proposed development not only disregards critical environmental and community safety standards but also jeopardizes the integrity of the Whitemud Creek Ravine ecosystem and the safety of surrounding residents. I respectfully request that the Board rescind the permit approval or impose stringent restrictions to address the significant issues outlined below.

#### **1. Violation of Top of Bank Policy C542 and C542A**

The proposed development violates the City of Edmonton's Top of Bank Policy C542 and C542A, which mandates strict setbacks to safeguard the stability and ecological integrity of sensitive areas. The site's proximity to the sensitive ravine edge and the heavy structural load of a multi-unit building, including an underground parkade, poses a direct threat to slope stability. Allowing construction in such close proximity to the ravine defies the protective intent of these policies and risks serious environmental consequences.

#### **2. Lot Size Inadequacy for High-Density Development**

With a lot size of only 3,387.969 m<sup>2</sup>, this parcel is far too small to responsibly support a high-density 66-unit development. Attempting to fit such a large structure on this limited lot size will inevitably strain local infrastructure, crowd the ravine edge, and compromise residents' access to necessary amenities and open space. This small parcel is not only

incompatible with the proposed density but also exacerbates the risks associated with erosion and soil displacement.

### **3. Risk Posed by Removal of Mature Trees**

This lot currently contains multiple full-grown trees, which are essential for soil stability and erosion control along the ravine bank. Trees play a critical role in anchoring soil, absorbing rainfall, and preventing surface runoff from eroding the land. Cutting down these mature trees to make room for construction not only destabilizes the soil but also undermines the natural protective buffer provided by this vegetation. Removing these trees will expose the land to higher risks of erosion and slope instability, endangering both the property and the surrounding environment.

### **4. Shrubs Cannot Replace Trees: Root System Differences and Soil Stability**

The variance permitting shrubs instead of trees in the front setback along 119 Street is not a viable substitute. Trees have deep, extensive root systems that anchor soil, stabilize slopes, and absorb significant amounts of water. Shrubs, by contrast, have shallower root systems that lack the depth and reach necessary to reinforce the soil effectively, especially in sensitive areas near ravines. Trees play a unique, irreplaceable role in erosion control and slope stability, making their removal and substitution with shrubs a risk that could lead to increased soil erosion and instability on the ravine bank. This variance contradicts the fundamental purpose of setback vegetation requirements designed to protect the environment.

### **5. Double Standards in Underground Development Restrictions**

It is important to note that residents living adjacent to the ravine in Twin Brooks are strictly prohibited from installing underground irrigation systems, including sprinklers, due to concerns about soil stability and water infiltration near the ravine's edge. Yet, the City has approved a large-scale development involving extensive excavation, heavy machinery, and an underground parkade. This stark inconsistency not only undermines public trust but also risks compromising the ravine's stability. Excavating this close to the ravine's steep edge is far more disruptive than residential sprinklers and threatens to destabilize the area's sensitive soil structure.

### **6. Variances Undermine Climate Commitments and Environmental Taxpayer Contributions**

Every Canadian pays climate and carbon taxes to fund programs that protect the environment, reduce carbon emissions, and invest in sustainable practices for future generations. By permitting such drastic variances in setback and landscaping requirements, this project contradicts the fundamental purpose of these taxes. Reducing essential environmental protections and setback standards ignores the public's financial contributions to environmental sustainability efforts and disregards the shared responsibility to preserve natural spaces like Whitemud Ravine. Allowing this project to proceed in its current form undermines the very purpose of climate initiatives and policies that taxpayers across Canada are funding.

## **7. Impact of Setback and Landscaping Variances on Environmental Integrity**

The decision to grant variances that reduce the required north setback from 10 meters to 3 meters and the west setback from 10 meters to 7.5 meters (RVO Subsections 2.260.3.1 and 2.260.3.2) threatens the stability of this sensitive landscape. Additionally, the decision to allow zero trees in the front setback (instead of the required 12) minimizes the natural buffer that mitigates soil erosion and stormwater runoff. This choice conflicts with the City's environmental policies and compromises the ecological health of the ravine ecosystem, which taxpayers support through climate and environmental contributions at all levels of government.

## **8. Contradictions in City Policy and Environmental Restoration Efforts**

On one hand, the City is investing in environmental preservation, including planting trees, enhancing stormwater channels, and implementing drainage solutions to stabilize ravine lands. Yet, approving a large development on sensitive terrain contradicts these ongoing restoration projects. Allowing this high-density project could erode years of preservation work and put public and environmental safety at risk.

## **9. Questions Surrounding Due Diligence and Geotechnical Testing**

Rezoning and approving this development without comprehensive geotechnical studies raises serious concerns about the due diligence applied to such a high-impact project. Given that the slope drop is plainly visible a few feet from the proposed site, it is questionable whether proper testing has been conducted to assess land stability. The community demands transparency on whether these critical tests were performed and assurance that safety, not profit, is guiding this decision.

## **10. Infrastructure, Traffic, and Safety Concerns**

This development's proposed parking facilities (71 stalls) fall short of the actual demand it will generate. The influx of over 100 additional vehicles will worsen traffic congestion along 119 Street, a narrow, two-lane road that already struggles with flow and safety. This congestion poses accessibility risks, especially for emergency services, and is further aggravated by the lack of additional road infrastructure or parking provisions.

## **11. Negative Impact on Community Character and Property Values**

The massive scale of this project is incompatible with the Twin Brooks neighborhood's character, significantly impacting property values. Its size disrupts the natural ambiance, and the removal of trees and shrubs replaces the lush ravine buffer with a less cohesive, urbanized landscape. Redirecting a public walkway away from the ravine further erodes community access to natural spaces and detracts from the quality of life in the area.

## **12. Ongoing Environmental Issues in Whitemud Ravine**

The Whitemud Ravine, renowned for its scenic trails, old-growth forest, and diverse wildlife, is already under strain from erosion, runoff, and seasonal flooding. Certain trail sections face closures or caution warnings due to these environmental challenges, reflecting the area's fragile nature. Permitting large-scale construction here jeopardizes the balance and preservation of this ecosystem, contradicting Edmonton's stated commitment to protect sensitive natural areas.

In conclusion, I believe this permit approval is not only premature but potentially harmful to both the local environment and community well-being. The reduced setbacks and landscaping requirements undermine critical protections and set a troubling precedent. The risks posed to slope stability, neighborhood safety, and the integrity of the ravine ecosystem warrant immediate reconsideration. I urge the Subdivision and Development Appeal Board to revoke or amend the permit in accordance with Edmonton's Top of Bank policies, and to respect the commitment of Canadians who contribute to environmental sustainability through climate taxes and initiatives.

### **13. Possible Tax Revenue Motivations over Community and Environmental Well-being**

There is a troubling perception that the City's decision to grant variances and permit high-density development in sensitive areas is driven by a desire to increase property tax revenue rather than protect environmental and community interests. Approving a large-scale development on a limited lot size in an environmentally sensitive area undermines the City's stated commitment to sustainable urban planning and environmental protection. If such decisions are motivated by financial gain rather than sound policy, they set a dangerous precedent that risks degrading the natural landscapes and quality of life that Edmonton's residents—and taxpayers—value and fund.

#### ***General Matters***

##### **Appeal Information:**

**On November 21, 2024, the Board made and passed the following motion:**

**“The hearing is postponed to December 12, 2024.”**

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 the decision in accordance with subsection (2.1).

...

**(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 the decision in accordance with subsection (2.1).

**(3)** Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

### **Appeals**

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

(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 board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (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 Zoning Bylaw 20001:**

Under section 2.40.2.2, a **Residential Use** is a **Permitted Use** in the **Medium Scale Residential Zone**.

Under section 8.10, a **Residential Use** means:

A development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

Under section 8.20, **Multi-unit Housing** means a building that contains:

- a. 1 or more Dwellings combined with at least 1 Use other than Residential or Home Based Business; or
- b. any number of Dwellings that do not conform to any other definition in the Zoning Bylaw.

Typical examples include stacked row housing, apartments, and housing in a mixed-use building.

Under section 8.20, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

Under section 8.2, **Setback** means:

the distance that a development, or a specified portion of a development, must be from a Lot line. A Setback is not a Yard. A Setback only applies to development on or above ground level.

Section 2.40.1 states that the **Purpose of the Medium Scale Residential Zone** is:

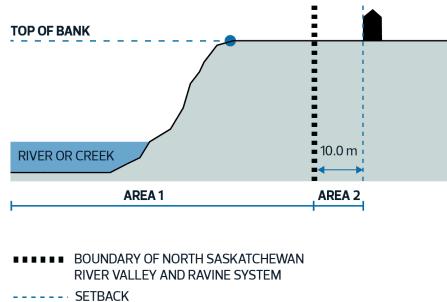
To allow for multi-unit Residential development that ranges from approximately 4 to 8 Storeys and may be arranged in a variety of configurations. Single Detached Housing, Semi-detached Housing, and Duplex Housing are not intended in this Zone unless they form part of a larger multi-unit Residential development. Limited opportunities for community and commercial development are permitted to provide services to local residents.

***RVO - North Saskatchewan River Valley and Ravine System Protection Overlay***

Section 2.260.1 states the **Purpose of the RVO - North Saskatchewan River Valley and Ravine System Protection Overlay** is “to provide a development Setback from the North Saskatchewan River Valley and Ravine System and mitigate the risks associated with top-of-bank landslides, erosions, and other environmental hazards.”

Section 2.260.3 states the following:

- 3.1. Development within the boundaries of this Overlay but outside of the North Saskatchewan River Valley and Ravine System, as shown in Area 1 of Appendix I of this Overlay, must maintain a minimum Setback of 10.0 m from the North Saskatchewan River Valley and Ravine System, as shown in Area 2 of Appendix I of this Overlay.



- 3.2. The Development Planner may consider a variance to Subsection 3.1 if the variance is supported by the geotechnical engineering study specified in Subsection 3.3 or 3.5.
- 3.3. For any development on a Site that is partially or wholly contained within the boundaries of this Overlay:
  - 3.3.1. the applicant must submit a geotechnical engineering study, as specified in Subsection 5 of Section 7.140; and
  - 3.3.2. the study must include, in addition to any other information required under Subsection 5 of Section 7.140:
    - 3.3.2.1. the minimum Setback for structures on the Site; and
    - 3.3.2.2. development conditions for the property that are required to prolong the stability of the bank.
- 3.4. In addition to Subsection 3.3, the Development Planner, in consultation with the City department responsible for geotechnical engineering, may

require the applicant to submit information regarding the existing and proposed Grades at 0.5 m contour intervals.

3.5. Despite Subsection 3.3, for the development or removal of an Accessory building or structure that is partially or wholly contained within the boundaries of this Overlay, the Development Planner, in consultation with the City department responsible for geotechnical engineering, may require the applicant to submit:

- 3.5.1. information regarding the existing and proposed Grades at 0.5 m contour intervals; and
- 3.5.2. a geotechnical engineering study in compliance with Subsection 5 of Section 7.140.

**Development Planner's Determination**

**1) North and west Setbacks from RVO (North Saskatchewan River Valley and Ravine System Protection Overlay) - in accordance with Subsection 2.260.3.2 the proposed Setback to the north property line is 3.0m instead of 10.0m and the proposed Setback from the west property line is 7.5m instead of 10.0m (Subsection 2.260.3.1).**

[unedited]

***Landscape***

Section 5.60.4.1 states Trees and shrubs for all development not regulated in Subsection 3.1 must comply with Table 4.1:

<b>Table 4.1. Minimum Trees and Shrubs</b>		
<b>Subsection</b>	<b>Measure</b>	<b>Minimum Tree and Shrub Requirements</b>
All development, excluding development:		
4.1.1.	Total Setback area, calculated based on the Setbacks at ground level	1 tree and 2 shrubs per 30.0 m <sup>2</sup>

**Development Planner's Determination**

**2) Landscaping within Front Setback along 119 Street - zero trees and 56 Shrubs are proposed within the Front Setback instead of a minimum of 12 Trees and 24 Shrubs (5.60.4.1.1).**

[unedited]

**Previous Subdivision and Development Appeal Board Decision**

Application Number	Description	Decision
SDAB-D-19-085	To construct an Apartment House building (47 Dwellings), with an underground parkade.	June 24, 2019; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is GRANTED as applied for to the Development Authority

**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.

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	<p>Project Number: <b>494038263-002</b>      Application Date: DEC 12, 2023      Printed: October 3, 2024 at 12:33 PM      Page: 1 of 10</p> <h2 style="text-align: center;">Major Development Permit</h2> <p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Zoning Bylaw as amended.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Applicant</b> </td> <td style="width: 50%; vertical-align: top;"> <b>Property Address(es) and Legal Description(s)</b>          950 - 119 STREET NW          Plan 2322533 Blk 38 Lot 191       </td> </tr> <tr> <td colspan="2" style="vertical-align: top;"> <b>Specific Address(es)</b>          Entryway: 950 - 119 STREET NW          Building: 950 - 119 STREET NW       </td> </tr> <tr> <td colspan="2" style="vertical-align: top;"> <b>Scope of Permit</b>          To construct a Residential building (66 Dwelling Multi-unit Housing building with an underground Parkade).       </td> </tr> <tr> <td colspan="2" style="vertical-align: top;"> <b>Details</b> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;">           Development Category: Discretionary Development            Lot Grading Needed?: Y            NumberOfMainFloorDwellings: 15            Site Area (sq. m): 3377.68         </td> <td style="width: 50%; vertical-align: top;">           Gross Floor Area (sq.m.): 5522.16            New Sewer Service Required: N            Overlay:            Statutory Plan:         </td> </tr> </table> </td> </tr> <tr> <td colspan="2" style="vertical-align: top;"> <b>Development Permit Decision</b>          Approved  <b>Issue Date:</b> Oct 03, 2024      <b>Development Authority:</b> BACON, KIRK       </td> </tr> <tr> <td colspan="2" style="vertical-align: top;"> <b>Subject to the Following Conditions</b> <ol style="list-style-type: none"> <li>1) This Development Permit is NOT valid until the notification period expires as specified Section 7.190.</li> <li>2) This Development Permit authorizes the construction of a Residential building (66 Dwellings of Multi-unit Housing with an underground Parkade). The development shall be constructed in accordance with the stamped and approved drawings.</li> <li>3) WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD WITH NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Subsection 7.160.2.2).</li> <li>4) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$1,131.00.</li> <li>5) Outdoor lighting must: be arranged, installed, and maintained to minimize glare and excessive lighting, and to deflect, shade, and focus light away from surrounding Sites to minimize Nuisance, generally be directed downwards, except where directed towards the Site or architectural features located on the Site; be designed to provide an appropriately-lit environment at building entrances, outdoor Amenity Areas, parking facilities, and Pathways; and not interfere with the function of traffic control devices (Subsection 5.120.3).</li> <li>6) Surface Parking Lots, and loading spaces must be Hard Surfaced (Subsection 5.80.5.7).</li> <li>7) Waste collection areas, open storage areas, and outdoor service areas, including loading, unloading, or vehicle service areas, must be screened from view from Abutting Streets with a Landscape Buffer that has a minimum Height of 1.8m (Subsection 5.60.4.7).</li> <li>8) All mechanical equipment, except for Solar Collectors, must be concealed by screening in a manner compatible with the architectural character of the building or by incorporating it within the building (Subsection 5.120.1.1.2).</li> <li>9) Pathways connecting the main building entrances to adjacent sidewalks must be a minimum width of 1.8 m (Subsection 5.120.1.1.3).</li> </ol> </td> </tr> </table>	<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 950 - 119 STREET NW Plan 2322533 Blk 38 Lot 191	<b>Specific Address(es)</b> Entryway: 950 - 119 STREET NW Building: 950 - 119 STREET NW		<b>Scope of Permit</b> To construct a Residential building (66 Dwelling Multi-unit Housing building with an underground Parkade).		<b>Details</b> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;">           Development Category: Discretionary Development            Lot Grading Needed?: Y            NumberOfMainFloorDwellings: 15            Site Area (sq. m): 3377.68         </td> <td style="width: 50%; vertical-align: top;">           Gross Floor Area (sq.m.): 5522.16            New Sewer Service Required: N            Overlay:            Statutory Plan:         </td> </tr> </table>		Development Category: Discretionary Development Lot Grading Needed?: Y NumberOfMainFloorDwellings: 15 Site Area (sq. m): 3377.68	Gross Floor Area (sq.m.): 5522.16 New Sewer Service Required: N Overlay: Statutory Plan:	<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Oct 03, 2024 <b>Development Authority:</b> BACON, KIRK		<b>Subject to the Following Conditions</b> <ol style="list-style-type: none"> <li>1) This Development Permit is NOT valid until the notification period expires as specified Section 7.190.</li> <li>2) This Development Permit authorizes the construction of a Residential building (66 Dwellings of Multi-unit Housing with an underground Parkade). 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5.80.3.1.2).

- 10) Pathways crossing over Drive Aisles in Parking Areas must include pavement markings and crossing Signs. A curb ramp must be provided where a raised Pathway crosses a Drive Aisle (Subsection 5.80.3.1.6).
- 11) The Bicycle parking must be provided in accordance with Subsection 5.80.8.
- 12) Surfacing Parking Spaces shall be have a minimum length of 5.5m and a minimum width of 2.6m (Subsection 5.80.5.1.3.1).
- 13) Venting systems for Parkades must be oriented away from Abutting Sites, on-Site Amenity Areas and pedestrian circulation areas (Subsection 5.120.1.1.4).

**Subdivision:**

- 14) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner shall complete all outstanding obligations / conditions as identified by the subdivision approval of this Site (LDA13-0132) and the Deferred Servicing Agreement - Twin Brooks Sanctuary Stage 1 Agreement No. SA52050.

Please email [development.coordination@edmonton.ca](mailto:development.coordination@edmonton.ca) to initiate any required Agreement(s). Following this, any further questions regarding this Agreement may be directed to Susana Maki (780-423-6889) of the Development Servicing Agreements Unit (see also Transportation conditions below).

**Geotechnical:**

- 15) The development shall be in accordance with the recommendations of the geotechnical reports ("Geotechnical Investigation - 950 - 119 Street NW, Edmonton, Alberta" and "Slope Stability Evaluation & Set-Back Distance Determination - 950 - 119 Street NW, Edmonton, Alberta" both dated November 2012 prepared by CT & Associates Engineering Inc., "Update to Geotechnical Investigation - 950 - 119 Street NW, Edmonton, Alberta" dated February 3, 2014 prepared by CT & Associates Engineering Inc., "Update to Geotechnical Slope Stability Evaluation & Set-Back Distance Determination - 950 - 119 Street NW, Edmonton, Alberta" dated December 4, 2018 prepared by CT & Associates Engineering Inc., and "Update to Geotechnical & Slope Studies 950 - 119 Street NW, Edmonton, Alberta" dated December 21, 2023 prepared by CT & Associates Engineering Inc.) for this property to the satisfaction of the Development Officer in consultation with Engineering Services.
- The geotechnical consultant, CT & Associates Engineering Inc., must also be provided the opportunity to review the proposed building plans to confirm that the building location and other development constraints are in strict compliance with the requirements of their reports. The final design drawings and lot grading plans must be submitted to the geotechnical consultant for review and approval.
- Inspections by qualified geotechnical personnel shall be undertaken during construction to confirm the removal of fill and any deleterious materials and to verify that recommended foundation design and construction procedures are followed.
- A top-of-bank restrictive covenant shall be registered on title to the satisfaction of the Development Officer in consultation with Engineering Services.

**Transportation:**

- 16) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into an Agreement with the City for the following improvements:
  - a) Removal of the existing approximate 6m access located north of the north property line on 119 Street and restoration of the boulevard to grass;
  - b) Construction of a 7.2m northerly access to 119 Street, located at the north property line;
  - c) Construction of an 11m southerly culvert crossing access to 119 Street, located approximately 15.5m from the south corner pin;
  - d) Construct an approximate 21m long lay-by on the west side of 119 Street, located approximately 18m from the north property line;
  - e) Construct curb & gutter on the west side of 119 Street from the proposed northerly access to the south edge of the proposed lay-by;
  - f) Construct a 1.8m sidewalk and a curb ramp on the south side of the proposed northerly access to tie into the proposed 1.8m on-site sidewalk;



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- g) Construct a 1.8m sidewalk, from the north edge of the proposed northerly access to the northwest corner of the 119 Street and 9B Avenue intersection, including curb ramps;
- h) Construct a 1.8m sidewalk and a curb ramp at the northeast corner of the 119 Street and 9B Avenue intersection to tie the existing north-south asphalt trail to 119 Street;
- i) Construct a 1.8m sidewalk or 3m shared use path (along with curb ramps if required) for an approximate length of 19m, from the south property line to the existing granular trail located south of the site;
- j) Construct a concrete swale from the south end of the proposed lay-by on 119 Street, continuing south for a length to be determined with the review of engineering drawings;
- k) Construction of a curb extension on the northeast corner of the 119 Street and 9B Avenue intersection and construction of a curb ramp;
- l) Payment for any required pavement markings (centrelines, stop bars, crosswalks, etc.) at the 119 Street and 9B Avenue intersection;
- m) Payment for the installation of a stop sign to replace the existing yield sign westbound on 9B Avenue at its intersection with 119 Street; and
- n) Payment of tree compensation costs.

Please email [development.coordination@edmonton.ca](mailto:development.coordination@edmonton.ca) to initiate the required Agreement. Following this, any further questions regarding this Agreement may be directed to Susana Maki (780-423-6889) of the Development Servicing Agreements Unit. Engineering Drawings are required for the Agreement. The owner is required to have a Civil Engineer submit stamped engineering drawings for approval by the City of Edmonton.

This Agreement will require a deposit to act as security for this Agreement.

The applicant must contact Trevor Singbeil of Development Inspections at 780-496-7019 to arrange for a pre-construction meeting, 72 hours prior to removal or construction within City road right-of-way.

17) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, a Public Access Easement must be registered on Certificate of Title to allow for public use of the sidewalk along 119 Street NW. The City's Legal Services Branch will prepare the easement documents. The owner must contact Brandon Dyck of the City of Edmonton Legal Services Branch ([brandon.dyck@edmonton.ca](mailto:brandon.dyck@edmonton.ca)) for more information. The owner must complete the easement document details and return the signed easement to the Legal Services Branch with a survey plan showing the sidewalk located within the site. The City will review and execute the agreement, and the fully executed easement will then be returned to the owner who is required to register the easement on all affected Certificates of Title and provide proof of the easement registration to the Development Planner.

18) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the existing Environmental Easement on title (document registered as 232356540) must be discharged and a new Environmental Easement must be registered that includes the majority of the components of the existing Environmental Easement but in addition also allows for:

- 1) The temporary use of the easement area during construction of the primary structure for the purposes of parkade construction with the use of shoring and with the scope of all work to be completed within the easement area to be approved by the City of Edmonton; and
- 2) The restoration of the easement area and planting of native or naturalized species. Proposed plantings within the easement area are to be reviewed and approved by the City of Edmonton prior to installation. Maintenance of the easement area plantings is to be carried out by the landowner at their expense.

The City will draft the new easement document. The owner must contact Jamie Johnson of the Legal Services Branch of the City of Edmonton ([jamie.johnson@edmonton.ca](mailto:jamie.johnson@edmonton.ca)) to initiate the drafting of the new easement document. The owner is to contact Sarah Ramey of the City of Edmonton, Urban Planning & Economy ([sarah.ramey@edmonton.ca](mailto:sarah.ramey@edmonton.ca)) or [ecologyecircs@edmonton.ca](mailto:ecologyecircs@edmonton.ca) for more information or to discuss the requirements of the new easement.

Once the easement is drafted, the City of Edmonton will provide the owner with a fillable copy of the document. The owner must complete the easement document details and return the signed easement to the City. The City will review and execute the agreement, and the fully executed easement, and a discharge of the original easement, will then be returned to the owner who is required to register the easement and easement discharge on all affected Certificates of Title and provide proof of the easement and easement discharge registration to the Development Planner. The owner is not permitted to register the discharge of the original easement except concurrent or subsequent to the new easement being registered.

19) The land owner must provide an updated landscape plan for the Environmental Reserve Easement area for review and approval by the City's Urban Growth and Open Spaces team prior to any planting occurring in the Environmental Reserve Easement area. Please contact Sarah Ramey of the City of Edmonton, Urban Planning & Economy ([sarah.ramey@edmonton.ca](mailto:sarah.ramey@edmonton.ca)) or



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[ecologyecircs@edmonton.ca](mailto:ecologyecircs@edmonton.ca) for more information.

20) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, Ministerial Consent must be obtained for all planned improvements within the Transportation Utility Corridor included within the 119 Street right-of-way, such as the proposed accesses, lay-by, curb & gutter, sidewalks, curb ramps, concrete swale, tree removals, etc. The application for Ministerial Consent is to be made by the developer. The land owner must provide proof of the Ministerial Consent to the Development Planner.

21) The land owner must pay for the removal of the existing yield sign and the installation of a stop sign on the northeast corner of the 9B Avenue and 119 Street intersection, and for the installation of any required pavement markings (centrelines, stop bars, pavement markings, etc.) at the intersection 119 Street and 9B Avenue. Upon completion of the development and prior to occupancy, the owner must contact Jared Klimchuk, City of Edmonton Traffic Operations, [jared.klimchuk@edmonton.ca](mailto:jared.klimchuk@edmonton.ca) to arrange for payment and installation of the signs and markings.

22) Any signs related to on-site crosswalks must be located within private property.

23) The land owner must install a 1.2m fence along the east side of the Environmental Reserve easement area as required with subdivision LDA13-0132. A fence is not permitted to be installed on the west side of the Environmental Reserve easement area. The easement area must remain unencumbered between the fence on the east side of the Environmental Reserve easement area and the Environmental Reserve.

24) The land owner must construct a hard surface sidewalk connector from the north/south sidewalk along 119 Street to the proposed lay-by.

25) Permanent objects including concrete steps, ramps, retaining walls, railings, fencing, planters, etc. must NOT encroach into or over/under road right-of-way. Any proposed landscaping for the development must be provided entirely on private property.

26) Heated driveways must not encroach onto the road right-of-way.

27) The land owner must adhere to the following requirements for open space trees:

a) At least one (1) open space tree has been identified on the North end of the property that is to remain and will require protection. This Spruce has a minimum limit of approach of 3 metres for any excavation and disturbance on all sides of the tree. No excavation or disturbance of any kind is permitted without approval from Urban Forestry.

b) A Public Tree Permit will be required for all work within 5 metres of any remaining boulevard or open spaces tree and 10 metres from a natural stand, as per Bylaw 18825. Prior to construction, all City of Edmonton trees within 5 metres of the construction area shall be protected in accordance with the Tree Protection Guidelines.

c) Tree protection and the tree protection permit must be in place prior to any activities on site within 5 metres of the tree.

d) At least one (1) City tree (poplar) on the North side of the property has been identified for removal. As per the Corporate Tree Management Policy (C456C) the estimate to remove this tree and the surrounding shrubs is approximately \$9,900 which includes asset value loss, operational removal costs and administration fees. This does not currently include stump grinding. If the stump is too large to excavate and dispose, Forestry can complete this work at an additional cost (estimate can be provided), with the provision that ATCO allow the grinding activities.

e) The estimate provided above is for one (1) known tree removal only. Any additional City of Edmonton trees that require removal, at the discretion of the Urban Forester, as a result of inadequate offsets to construction, or as a result of damages, will have the same conditions applied. This includes the collection of asset value, costs borne onto the proponent relating to tree removal, as well as conditions required for community notification.

f) The estimate assumes an approved crossing/proximity agreement with ATCO. Should there be requirements from ATCO that do not allow truck access or slow down the removal process, the estimate may require adjustment.

g) Community notification is a required component of the Live Tree Removal Process. There should be information provided to the surrounding residents in regards to tree removal for the site. This notification must be completed prior to tree removal (a minimum of 5 business days) and documentation must be provided to the Forester to verify completion.

h) The tree removal process is to be initiated a minimum of 4 weeks prior to construction. Please note that the Development Permit must be approved prior to proceeding with tree removal.

i) All costs associated with pruning, removal, and remediation for damages will be borne onto the proponent as per the Corporate Tree Management Policy (C456C). For tree related concerns and planned work related to this project, please contact Kirsten



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Mortensen (kirsten.mortensen@edmonton.ca).

j) An updated plan will be required for further review by Forestry. This plan is required to clearly show all City of Edmonton tree(s) to be retained and/or removed. Trees to be retained are required to show offsets to newly installed landscaping or infrastructure.

28) The land owner must adhere to the following requirements for natural area trees:

- a) An approved Tree Preservation Plan will be required before construction which must be included in the application for a Public Tree Permit, as per the Public Tree Bylaw 18825.
- b) Upon approval of the plan, a site meeting with Natural Area Operations will be required to review construction plans and tree protection. This meeting must be scheduled a minimum of 4 weeks before the construction start date. This is to review access points and placement of all permanent or temporary construction materials required for this project and to determine tree protection requirements for construction within 10 meters of the natural stand.
- c) Please be advised that all costs associated with pruning, removal, tree damage, or replacement shall be covered by the Proponent as per the Corporate Tree Management Policy C456C. Natural Area Operations will schedule and carry out all required tree work involved with this project. Please contact naturalareaoperations@edmonton.ca to arrange this meeting.
- d) Any soil damage or compaction compromising the tree's root system within the parkland space shall be corrected by and at a cost to the Proponent. Please be advised that the Proponent shall cover all costs associated with soil remediation, watering, and tree protection as per the Corporate Tree Management Policy C456C.
- e) Please note that the removal of vegetation has the potential to impact birds and bird habitats. Protection of migratory and non-migratory birds is legislated both provincially and federally. The onus is on the individual or company conducting habitat disturbance or construction activities to ensure that due diligence has been exercised to avoid harm to migratory and non-migratory birds. Individuals or companies that do not avoid harm to most wildlife species risk prosecution under the Wildlife Act and, in some cases, the Species at Risk Act. In the case of migratory birds, prosecution under the Migratory Birds Convention Act is also possible.

29) Any sidewalk, shared use path, and/or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Subsection 7.150.5.6 of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner. The applicant is responsible to contact Trevor Singbeil of Development Inspections at 780-496-7019 for an onsite inspection 72 hours prior to and following construction of the access.

30) As the submitted proposal includes a large area of sod within the boulevard, an inspection by a Landscape Technician is required to confirm that the improvement meets the City of Edmonton Design and Construction Standards. The applicant is responsible to contact Olivier Le Tynevez-Dobel of the Development Inspections Unit at 780-554-8961 or at olivier.letynevez-dobel@edmonton.ca for an onsite inspection 72 hours following installation of the sod/grass.

31) There are existing pipelines located north of the site. Crossing Agreements and/or proximity agreements may be required prior to start of construction. The applicant is required to contact the pipeline company to obtain all required agreements, and conform to all requirements of such agreements. All costs associated with the requirements of the pipeline agreements must be borne by the owner/applicant.

32) A Right-of-Entry Agreement is required for any access to the north abutting lots 970 - 119 Street NW (Lot 5PUL) and 1002 - 119 Street NW (Lot 190PUL). The owner may apply online at:

[https://www.edmonton.ca/business\\_economy/right-of-entry-agreement](https://www.edmonton.ca/business_economy/right-of-entry-agreement)

Landscaping:

33) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner must pay a Development Permit Inspection Fee of \$550.00 (this can be paid by phone with a credit card - 780-442-5054).

34) Landscaping must be installed in accordance with the approved Landscape Plan, and Section 5.60 of Zoning Bylaw 20001, to the satisfaction of the Development Planner.

THE APPLICANT MUST SUBMIT A REVISED LANDSCAPE PLAN to include the restoration of the easement area and the planting of native or naturalized species in the easement area to the satisfaction of the Development Planner in consultation with the City's Urban Growth and Open Spaces team. The proposed plantings within the easement area must be reviewed and approved prior to installation.



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35) Any change to the approved Landscape Plan requires the approval of the Development Planner prior to the Landscaping being installed.

36) Landscaping must be installed within 12 months of receiving the Final Occupancy Permit. Landscaping must be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Planner.

37) A Landscape Security must be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Planner. The initial Landscape Inspection must be requested within 14 days of the Landscape installation being completed ([www.edmonton.ca/landscapeinspectionrequest](http://www.edmonton.ca/landscapeinspectionrequest)).

38) Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Planner will be collected. The Landscape Security must be retained for a period of 24 months from the date of the initial Landscape Inspection.

39) Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection must, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Planner.

### Subject to the Following Advisements

- 1) Signs require separate Development Applications.
- 2) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 3) An issued 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 (Subsection 7.110.2.1).

### Lot Grading:

- 4) City of Edmonton Drainage Bylaw 18093 requires this site to obtain an approved lot grading plan prior to the construction of any buildings, additions to buildings, or alterations of surface drainage. A site mechanical plan stamped by a professional engineer showing water and sewer services, stormwater management calculations and the proposed lot grading design must be submitted to EPCOR Infill Water and Sewer Servicing for review. Following EPCOR's review, the grading plan is forwarded to Development Services for final review and approval. New plan submissions can be made via EPCOR's Builder and Developer web portal in My Account. Visit [epcor.com/newconnection](http://epcor.com/newconnection) and click 'ONLINE APPLICATION' for instructions on the plan submission process. The lot must be graded in accordance with its approved lot grading plan. Any proposed change from the original approved lot grading plan must be submitted to [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for review and approval.

### Transportation:

- 5) As the applicant is not constructing a granular trail within the Environmental Reserve on the west side of the site to provide the public a pedestrian connection from the existing granular trail located south of the site to the northwest corner of the 119 Street and 9B Avenue intersection, a 1.8 m sidewalk is to be constructed within private property along 119 Street. This pedestrian connection must be accessible to the public at all times.
- 6) Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or within the approved hoarding area.
- 7) There may be utilities within the road right-of-way not specified that must be considered during construction. The



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owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Utility Safety Partners (Online: <https://utilitysafety.ca/wheres-the-line/submit-a-locate-request/>) (1-800-242-3447) and Shaw Cable (1-866-344-7429; [www.digshaw.ca](http://www.digshaw.ca)) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant.

8) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

- a) the start/finish date of project;
- b) accommodation of pedestrians and vehicles during construction;
- c) confirmation of lay down area within legal road right of way if required;
- d) and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

[https://www.edmonton.ca/business\\_economy/oscam-permit-request.aspx](https://www.edmonton.ca/business_economy/oscam-permit-request.aspx)

Epcor Water:

9) Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 19626 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting [waterlandadmin@epcor.com](mailto:waterlandadmin@epcor.com).

10) The site is currently serviced by a 25mm copper service (S100016) located 4.7m south of the north property line of the subject lot off 119 Street (At 9A Ave). If this service will not be utilized for the planned development, it must be abandoned back to the water main prior to any on-site excavation. The applicant is to contact EPCOR's Water Meter Inspector at 780-412-4000 a minimum of four weeks prior to commencing any work on the site including demolition, excavation or grading for direction on the correct process to follow to have the service isolated and meter removed.

11) EPCOR Water Services Inc. does not review on-site servicing. It is the applicant's responsibility to obtain the services of a professional to complete on-site water distribution design.

12) A new water service may be constructed for this lot directly off EPCOR's 250 mm water main at the corner of 119 Street and 9B Avenue adjacent to the subject site.

13) For information and to apply for a new water service please go to [epcor.com/newconnections](http://epcor.com/newconnections).

14) For information on service abandonments contact EPCOR Infill Water and Sewer Servicing (IWASS) at [wass.drainage@epcor.com](mailto:wass.drainage@epcor.com) or at 780-496-5444.

15) For information on metering and inquiries regarding meter settings please contact EPCOR's Water Meter Inspector at [MNinspectors@epcor.com](mailto:MNinspectors@epcor.com) or 780-412-4000.

16) The applicant must submit bacteriological test results to EPCOR Water Dispatch and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-4500 for more information on how to provide the test results. EPCOR Water Dispatch can provide information on the tie-in and commissioning procedure.

17) Water network capacity adjacent to the site is between 250 L/s and 300 L/s. Also, hydrant spacing adjacent to the site is 245 m. Water network capacity and hydrant spacing do not meet the requirements based on Volume 4 of the City of Edmonton Design and Construction Standards. Edmonton Fire Rescue Services Engineering must be contacted to assess if Fire Protection of this site is adequate via Infill Fire Protection Assessment (IFPA).

8a. Note that the IFPA completed for the Development Permit Pre-Application for this site provided a response with a maximum



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required fire flow of 210 L/s.

NOTE: The IFPA dated January 31, 2024 has concluded that upgrades to existing municipal on-street fire protection infrastructure are not required to support this development permit application.

- 18) Development engineering drawings including landscaping and hardscaping must meet Volume 1 (Table of Minimum Offsets) and Volume 4 (April 2021) of the City of Edmonton Design and Construction Standards.
- 19) Dimensions must be provided as part of the engineering drawing submission package where a tree or shrub bed is installed within 5.0m of a valve, hydrant or curb cock, as per 1.6.1.3 of City of Edmonton Design and Construction Standards Volume 4 (April 2021).
- 20) The applicant/owner will be responsible for all costs related to any modifications or additions to the existing municipal water infrastructure required by this application.
- 21) No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.

**Fire Rescue Services:**

22) A fire safety plan, accepted in writing by the fire department and the authority having jurisdiction, shall be prepared for the site. Edmonton Fire Rescue Services will review your plan at the initial site visit upon commencement of construction.

Reference: NFC(2019-AE) 5.6.1.3. Fire Safety Plan

Have the plan ready for review in-person at the first construction site safety inspection by a Fire Safety Codes Officer (Fire SCO). The applicant of a building permit declares that they are aware of the project team's responsibility to have an FSP prepared according to section 5.6 of the NFC(AE).

A Fire SCO may attend a site at any reasonable hour and will review the FSP. The owner or constructor must have the FSP in place and ready for review in accordance with section 5.6 of the NFC(AE). You can locate a copy of the FSP guide for your reference here:

<https://www.edmonton.ca/sites/default/files/public-files/FireSafetyPlanGuide.pdf?cb=1692102771>

23) Ensure that the hydrant(s) servicing the site are fully functional prior to construction and remain accessible and unobstructed during construction.

Reference: NFC(2019-AE) 5.6.3.6. Hydrant Access

- 1) Hydrants on construction, alteration, or demolition site shall
  - a) be clearly marked with a sign,
  - b) be accessible, and
  - c) have an unobstructed clearance of not less than 2 m at all times.

24) Ensure Emergency Access Routes are designed in accordance with the National Building Code -2019 Alberta Edition and the City of Edmonton's Complete Street Design and Construction Standards. Complete Streets Design and Construction Standards [https://www.edmonton.ca/sites/default/files/public-files/assets/PDF/COE-IM-GUIDE-0011\\_DSOPEGPWP.pdf?cb=1655835149](https://www.edmonton.ca/sites/default/files/public-files/assets/PDF/COE-IM-GUIDE-0011_DSOPEGPWP.pdf?cb=1655835149)

Reference: NBC(2019-AE) 3.2.5.6. Access Route Design

- 1) A portion of a roadway or yard provided as a required access route for fire department use shall
  - a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory
  - b) have a centreline radius not less than 12m,
  - c) have an overhead clearance not less than 5 m,
  - d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15m,
  - e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,
  - f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and
  - g) be connected with a public thoroughfare.

25) Ensure that the building's Sprinkler Fire Department Connection is located in accordance with NBC(2019-AE) 3.2.5.15, and that the travel distance (not radius) from Fire Department Connection to fire hydrant does not exceed 45m.



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Reference: NBC(2019-AE) 3.2.5.15. Fire Department Connections

- 2) The fire department connection for an automatic sprinkler system shall be located so that the distance from the fire department connection to a hydrant is not more than 45 m and is unobstructed.
- 3) The fire department connection referred to in Sentences (1) and (2) shall be located no closer than 3 m and no further than 15 m from the principal entrance to the building.

26) Adjacent Property Protection (APP)

During Construction

To meet the requirements of the National Fire Code — 2019 Alberta Edition, Sentence 5.6.1.2.(1), protection of adjacent properties during construction must be considered.

[https://www.edmonton.ca/programs\\_services/fire\\_rescue/fire-safety-planning-for-const](https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const)

Reference: NFC(2019-AE) 5.6.1.2 Protection of Adjacent Building

- 1) Protection shall be provided for adjacent buildings or facilities that would be exposed to fire originating from buildings, parts of buildings, facilities and associated areas undergoing construction, alteration or demolition operations.

Reference: Protection of Adjacent Building- STANDATA - Joint fire/building code interpretation:

Protection of Adjacent Buildings During Construction and Demolition

<https://open.alberta.ca/dataset/4ac126d2-ccb2-455d-b215-7bcb75827924/resource/27dc6fb-2bbe-451b-8a3f-618013413608/download/ma-standata-interpretation-fire-building-19-fci-005-19-bci-016.pdf>

- 27) Ensure that the Fire Alarm Annunciator panel is located in close proximity to the building entrance that faces a street or emergency access route.

Reference: NBC(2019-AE) 3.2.4.8 Annunciator and Zone Indication

- 1) The Fire Alarm Annunciator Panel shall be installed in close proximity to a building entrance that faces a street or an access route for fire department vehicles.

Waste Management:

- 28) Waste Services Bylaw 20363 notes that as a residential property, your development must receive waste collection from the City of Edmonton.

- 29) To help in planning and designing your development, please refer to Bylaw 20363 to review clauses related to:

- Access to containers and removal of obstructions,
- Container set out, and
- The responsibility for wear and tear or damages.

- 30) The property has 66 units, requiring 8.25 cubic yards of garbage service, 12.0 cubic yards of recycling service and 1.82 cubic yards of food scraps per week. The table below shows the frequency, quantity and size of containers which will be provided.

Garbage, 3 Times per Week, 3 Yards - 1 Bin

Recycle, 2 Times per week, 6 Yards - 1 Bin

Food Scraps, 1 Time per week, 2 Yards - 1 Bin

- 31) If the locations of the transformer and switching cubicles do not exactly match the approved drawings, Waste Services must be advised and reserves the right to make changes to the approved plan to ensure waste can still be collected safely and efficiently.

**Variances**

- 1) North and west Setbacks from RVO (North Saskatchewan River Valley and Ravine System Protection Overlay) - in accordance with Subsection 2.260.3.2 the proposed Setback to the north property line is 3.0m instead of 10.0m and the proposed Setback from the west property line is 7.5m instead of 10.0m (Subsection 2.260.3.1).

- 2) Landscaping within Front Setback along 119 Street - zero trees and 56 Shrubs are proposed within the Front Setback instead of a minimum of 12 Trees and 24 Shrubs (5.60.4.1.1).

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<p><b>Rights of Appeal</b></p> <p>This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p> <p><b>Notice Period Begins:</b> Oct 10, 2024      <b>Ends:</b> Oct 31, 2024</p>																																									
<p><b>Fees</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;"><b>Fee Amount</b></th> <th style="text-align: center;"><b>Amount Paid</b></th> <th style="text-align: center;"><b>Receipt #</b></th> <th style="text-align: center;"><b>Date Paid</b></th> </tr> </thead> <tbody> <tr> <td>Lot Grading Fee</td> <td style="text-align: center;">\$1,131.00</td> <td style="text-align: center;">\$1,131.00</td> <td style="text-align: center;">09209855</td> <td style="text-align: center;">Sep 27, 2024</td> </tr> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: center;">\$880.00</td> <td style="text-align: center;">\$880.00</td> <td style="text-align: center;">08674550</td> <td style="text-align: center;">Jan 04, 2024</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: center;">\$540.00</td> <td style="text-align: center;">\$540.00</td> <td style="text-align: center;">09209855</td> <td style="text-align: center;">Sep 27, 2024</td> </tr> <tr> <td>Dev. Application Fee # of dwelling units</td> <td style="text-align: center;">\$4,898.00</td> <td style="text-align: center;">\$4,898.00</td> <td style="text-align: center;">08674550</td> <td style="text-align: center;">Jan 04, 2024</td> </tr> <tr> <td>Variance Fee</td> <td style="text-align: center;">\$220.00</td> <td style="text-align: center;">\$220.00</td> <td style="text-align: center;">09209855</td> <td style="text-align: center;">Sep 27, 2024</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: center;"><u>\$0.00</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Totals for Permit:</b></td> <td style="text-align: center;"><b>\$7,669.00</b></td> <td style="text-align: center;"><b>\$7,669.00</b></td> <td></td> <td></td> </tr> </tbody> </table>			<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>	Lot Grading Fee	\$1,131.00	\$1,131.00	09209855	Sep 27, 2024	Major Dev. Application Fee	\$880.00	\$880.00	08674550	Jan 04, 2024	Development Permit Inspection Fee	\$540.00	\$540.00	09209855	Sep 27, 2024	Dev. Application Fee # of dwelling units	\$4,898.00	\$4,898.00	08674550	Jan 04, 2024	Variance Fee	\$220.00	\$220.00	09209855	Sep 27, 2024	Total GST Amount:	<u>\$0.00</u>				<b>Totals for Permit:</b>	<b>\$7,669.00</b>	<b>\$7,669.00</b>		
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