

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
April 6, 2017**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I	9:00 A.M.	SDAB-D-17-063	Change the Use from a General Retail Store to a Child Care Service (69 children) and to construct interior and exterior alterations 11250 - 82 Street NW Project No.: 240549147-001
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II	1:00 P.M.	SDAB-D-17-064	Construct a Single Detached House with front attached Garage, rear covered deck (6.10 metres by 3.05 metres), second floor rear balcony, and Basement development (NOT to be used as an additional Dwelling) 7706 - 159 Street NW Project No.: 180068603-001
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-063

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 240549147-001

APPLICATION TO: Change the Use from a General Retail Store to a Child Care Service (69 children) and to construct interior and exterior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 1, 2017

DATE OF APPEAL: March 8, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11250 - 82 Street NW

LEGAL DESCRIPTION: Plan 8922019 Blk 9 Lot 5

ZONE: CB1 Low Intensity Business Zone

OVERLAY: N/A

STATUTORY PLAN: Stadium Station Area Redevelopment Plan

Grounds for Appeal

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

We would like you to consider our request regarding the day care at city plaza, we have received an email from our tenant unit: 104, 105 Mrs. Nay' Sidhu who received an email from you regarding the play area.

The Child care service at city plaza was clarified and confirmed before we purchased this property on Aug 10 2016 Wednesday 10 am during a meeting set up at the city development office on the 5th floor. We discussed what type of businesses we can open up at this location. The officer explained how to go on the city website and look at the zoning and final on this site, they said this site is CB1 zone and that we can open

numerous different businesses as a Zoning by law reference sections 330.3 (5) child care services, with some standard requirements such as a fire alarm system, fence around the play area, and a fire separation.

I then submitted an application development permit on Jan 2017 once again she double checked to make sure the day care service was accepted through the office. She searched the website & spent more than half an hour and then got back to me and confirmed that there were no issues or concerns with the day care.

We are almost finished the project all according to the city code, and new fencing all on the back side of the building, we attached a recent photo of the play area with light. Mrs. Navi Sidhu would like to open day care on this site. She went to the development office and signed a lease. We have already done the underground plumbing as she had given us the day care plan.

We would like to request you to please let us know if there are any requirements we can meet in order to keep the play area. We will do as required, higher fencing can also be acquired. We are ready to make changes in order to keep the play area.

Mrs. Navi Sidhu spent lot of money on this project up till now and we would like to explain and walk through how we have gotten to the point we have with this site. We spent many extra charges on this site to meet city requirements such as a new entry, storm & sewer services, extended water service, and bringing power from across the street, this project has been very costly for us and we would be very grateful if you could look over our request and discuss our offer.

<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.

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 within 14 days,

(a) in the case of an appeal made by a person referred to in section 685(1), after

(i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

The decision of the Development Officer is dated March 1, 2017. The Notice of Appeal was filed on March 8, 2017.

Determining an Appeal

Hearing and decision

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

...

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(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*:

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.

Under Section 330.3(5), **Child Care Services** is a **Discretionary Use** in CB1 Low Intensity Business Zone.

Section 7.8(2) states:

Child Care Services means a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use typically includes daycare centres; out-of-school care centres; preschools; and dayhomes/group family care providing child care to seven or more children within the care provider's residence.

Locational Requirement

Section 80(2)(a) provides as follows:

2. Location requirements:
 - a. No portion of a Child Care Services Use, including the building bay and on-Site outdoor play space, where provided, shall be located adjacent to a building bay with an approved development permit for the following Uses:
 - i. Automotive and Equipment Repair Shops
 - ii. Fleet Services
 - iii. Funeral, Cremation and Internment Services
 - iv. General Industrial Uses
 - v. Rapid Drive-through Vehicle Services, or
 - vi. Vehicle and Equipment Sales/Rentals.

Development Officer's Determination

The Development Officer referenced subsections 80(2)(a)(iv) and (vi), and made the following determination:

The Child Care Service and outdoor play space is located directly abutting a site to the South containing a General Industrial Use and Vehicle and Equipment Sales/Rental, Contrary to Sections 80(2)(a)(iv)&(vi).

Potential Negative Impact of Site Conditions

Section 80(2)(d) provides as follows:

Where Site conditions exist which may negatively impact the Child Care Services Use, including but not limited to trash collection areas, large parking lots, loading docks, rail lines, or arterial public roadways, the applicant shall design the building, entrances, playspaces, landscaping, and Fencing, or similar, to mitigate these conditions to the satisfaction of the Development Officer.



Development Officer's Determination

The Development Officer referenced section 80(2)(d) and made the following determination:

The Child Care Service and outdoor play space is directly adjacent to an Light Rail Transit line, directly abutting General Industrial Use and Vehicle and Equipment Sales/Rentals uses, and the outdoor play space directly abutting the rear storage yard of the General Industrial Use and Vehicle and Equipment Sales/Rentals uses, contrary to Section 80(2)(d).

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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 240549147-001 Application Date: FEB 02, 2017 Printed: March 1, 2017 at 5:17 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant 	Property Address(es) and Legal Description(s) 11250 - 82 STREET NW Plan 8922019 Blk 9 Lot 5 Specific Address(es) Suite: 11250 - 82 STREET NW Suite: 11254 - 82 STREET NW Entryway: 11250 - 82 STREET NW Entryway: 11254 - 82 STREET NW Building: 11250 - 82 STREET NW		
Scope of Application To change the Use from General Retail Store to Child Care Service (69 children) and to construct interior and exterior alterations.			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 274.08 New Sewer Service Required: N Site Area (sq. m.): 2055.87 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 274.08 New Sewer Service Required: N Site Area (sq. m.): 2055.87	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): 274.08 New Sewer Service Required: N Site Area (sq. m.): 2055.87	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal 1. No portion of a Child Care Services Use, including the building bay and on-Site outdoor play space, where provided, shall be located adjacent to a building bay with an approved development permit for General Industrial Uses and Vehicle and Equipment Sales/Rentals. (Reference Sections 80(2)(a)(iv)&(vi)) The Child Care Service and outdoor play space is located directly abutting a site to the South containing a General Industrial Use and Vehicle and Equipment Sales/Rental, Contrary to Sections 80(2)(a)(iv)&(vi). 2. Where Site conditions exist which may negatively impact the Child Care Services Use, including but not limited to trash collection areas, large parking lots, loading docks, rail lines, or arterial public roadways, the applicant shall design the building, entrances, playspaces, landscaping, and Fencing, or similar, to mitigate these conditions to the satisfaction of the Development Officer. (Reference Section 80(2)(d)) The Child Care Service and outdoor play space is directly adjacent to an Light Rail Transit line, directly abutting General Industrial Use and Vehicle and Equipment Sales/Rentals uses, and the outdoor play space directly abutting the rear storage yard of the General Industrial Use and Vehicle and Equipment Sales/Rentals uses, contrary to Section 80(2)(d). Rights of Appeal The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.			
THIS IS NOT A PERMIT			



Project Number: **240549147-001**
Application Date: FEB 02, 2017
Printed: March 1, 2017 at 5:17 PM
Page: 2 of 2

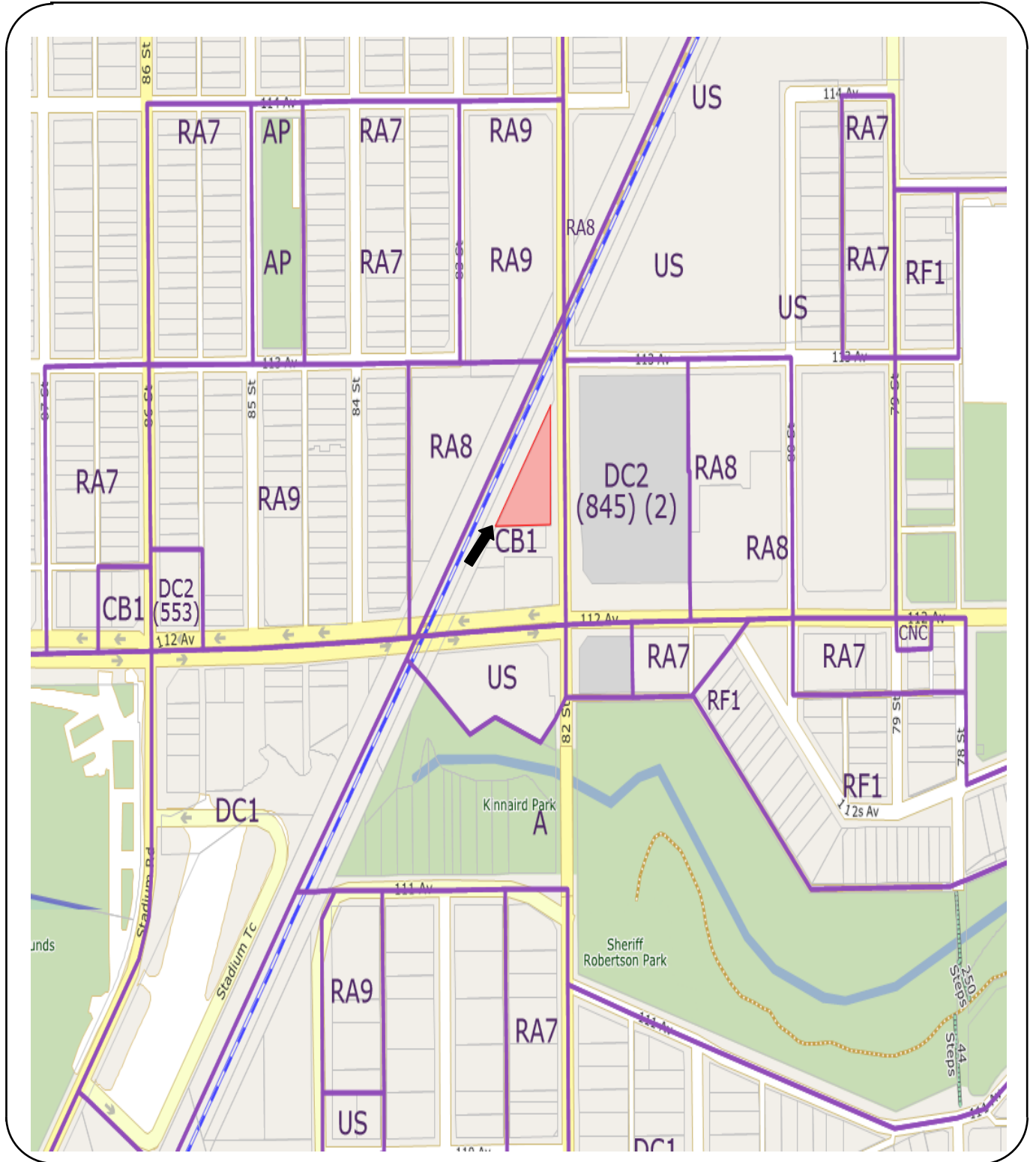
Application for Major Development Permit

Issue Date: Mar 01, 2017 Development Authority: ADAMS, PAUL Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$500.00	\$500.00	03900314	Feb 02, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$500.00	<u>\$500.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-063



ITEM II: 1:00 P.M.

FILE: SDAB-D-17-064

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

ADDRESS OF APPELLANT: 15907 Patricia Drive NW

APPLICATION NO.: 180068603-001

APPLICATION TO: Construct a Single Detached House with front attached Garage, rear covered deck (6.10 metres by 3.05 metres), second floor rear balcony, and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: February 16, 2017

DATE OF NEWSPAPER NOTICE: February 23, 2017

DATE OF APPEAL: March 9, 2017

RESPONDENT:

ADDRESS OF RESPONDENT: 7706 - 159 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7706 - 159 Street NW

LEGAL DESCRIPTION: Plan 3822AR Blk 3 Lot 1

ZONE: AGU Urban Reserve Zone

OVERLAY: North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

This development permit and variance represents a loss of privacy and the enjoyment of property.

General Matters

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.

685(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 within 14 days,

...

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given *in accordance with the land use bylaw*. [emphasis added]

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.2 Class B Development

1. Within seven days of the issuance of a Development Permit for a Class B Discretionary Development, the Development Officer shall

dispatch a written notice by ordinary mail to all relevant parties listed below that are wholly or partially within 60.0 m of the boundaries of the Site which is the subject of the Development Permit:

- a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land;
 - c. the President of each Community League; and
 - d. the President of each Business Revitalization Zone.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
 3. Within 10 days of the issuance of a Development Permit for Class B Discretionary Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating their decision, and the right to appeal therefrom.
 4. Where, in the opinion of the Development Officer, a proposed development is likely to affect other owners of land beyond 60.0 m, the Development Officer shall notify owners of land at such additional distance and direction from the Site as, in the opinion of the Development Officer, may experience any impact attributable to the development.

The decision of the Development Officer is dated February 16, 2017. Notice of the development was published in the Edmonton Journal on February 23, 2017. The Notice of Appeal was filed on March 9, 2017.

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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*:

Section 620.1 states that the **General Purpose** of the **AGU Urban Reserve Zone** is:

...to allow for agricultural and rural Uses and a limited range of other uses, that do not prejudice the future use of these lands for urban use.

Under Section 620.3(10), **Single Detached Housing** is a **Discretionary Use** in the AGU Urban Reserve Zone.

Section 7.2(9) states:

Single Detached Housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 811.1 states that the **General Purpose** of the **North Saskatchewan River Valley and Ravine System Protection Overlay** is “to provide a development Setback from the North Saskatchewan River Valley and Ravine System.”

Front Setback

Section 620.4(1) of the AGU Urban Reserve Zone states that “to provide a development Setback from the North Saskatchewan River Valley and Ravine System.”

Development Officer's Determination

The Development Officer referenced section 620.4(1) and determined that "The area of the site is 0.2 ha instead of 2 ha".

Side Setback

Section 620.4(4) of the AGU Urban Reserve Zone states that "The minimum Side Setback shall be 7.5 m."

Development Officer's Determination

The Development Officer referenced section 620.4(4) and determined that "The distance from the house to the property line shared with 15907-Patricia Drive NW (side lot line) is 2.44 m instead of 7.5 m."

Grade

Section 52(4) provides as follow:

The Development Officer shall determine Grade by selecting, from the methods listed below, the method that best ensures compatibility with surrounding development:

- a. if the applicant can show by reference to reliable topographical maps that the elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Officer may determine Grade by calculating the average of the highest and lowest elevation on the Site;
- b. the Development Officer may determine Grade by calculating the average of the elevation at the corners of the Site prior to construction as shown on the applicant's grading plan;
- c. the Development Officer may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site or separated from the Site by a Lane;
- d. for a Site where the highest geodetic elevation at a corner of the front property line is greater than the lowest geodetic elevation at a corner of the rear property line by 2.0 m or more, the Development Officer may determine Grade by calculating the average elevation of the front corners of the Lot, and along the side property lines a distance equal to the minimum front Setback in the underlying Zone from the front property line. This method is intended for small scale development with a single Principal building and is not intended to be used for Multi-unit Project Developments; or



- e. the Development Officer may use his variance power to determine Grade by a method other than the ones described in subsection 52.4. If so, this shall be a Class B Discretionary Development. [emphasis added]*

Development Officer's Determination

The Development Officer referenced section 52(4) and stated that "Grade was calculated based on the average of 4 specific points on the property (which is an alternative method to those in Section 52.4)".

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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 180068603-001 Application Date: SEP 29, 2015 Printed: March 29, 2017 at 5:05 PM Page: 1 of 5		
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>			
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 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit			
Applicant 	Property Address(es) and Legal Description(s) 7706 - 159 STREET NW Plan 3822AR Blk 3 Lot 1 Location(s) of Work Entryway: 7706 - 159 STREET NW Building: 7706 - 159 STREET NW		
Scope of Application To construct a Single Detached House with front attached Garage, rear covered deck (6.10m x 3.05m), 2nd floor rear balcony, and Basement development (NOT to be used as an additional Dwelling).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 3816 Class of Permit: Class B Front Yard (m): 9.75 Rear Yard (m): 26.49 Side Yard, left (m): 9.98 Site Area (sq. m.): 2041 Site Width (m): 23 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 9.68 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 2.44 Site Depth (m): 77 Stat. Plan Overlay/Annex Area: North Sask. River Valley/Ravine Sys. </td> </tr> </table>		Affected Floor Area (sq. ft.): 3816 Class of Permit: Class B Front Yard (m): 9.75 Rear Yard (m): 26.49 Side Yard, left (m): 9.98 Site Area (sq. m.): 2041 Site Width (m): 23	Building Height to Midpoint (m): 9.68 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 2.44 Site Depth (m): 77 Stat. Plan Overlay/Annex Area: North Sask. River Valley/Ravine Sys.
Affected Floor Area (sq. ft.): 3816 Class of Permit: Class B Front Yard (m): 9.75 Rear Yard (m): 26.49 Side Yard, left (m): 9.98 Site Area (sq. m.): 2041 Site Width (m): 23	Building Height to Midpoint (m): 9.68 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 2.44 Site Depth (m): 77 Stat. Plan Overlay/Annex Area: North Sask. River Valley/Ravine Sys.		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Permit Decision Appealed to SDAB			
THIS IS NOT A PERMIT			



Project Number: 180068603-001
Application Date: SEP 29, 2015
Printed: March 29, 2017 at 5:05 PM
Page: 2 of 5

Application for House Development and Building Permit

Subject to the Following Conditions

To construct a Single Detached House with front attached Garage, rear covered deck (6.10m x 3.05m), 2nd floor rear balcony, and Basement development (NOT to be used as an additional Dwelling).

NOTE: This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Section 17.1)

The development shall be constructed in accordance with the stamped and approved drawings.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$100.00.

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 (Section 20.2)

Landscaping shall be installed and maintained in accordance with Section 55.

The proposed Basement development(s) shall NOT be used as an additional Dwelling. An additional Dwelling shall require a new Development Permit application.

-Dwelling means a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household (Reference Section 6.1(27)).

-Household means: one or more persons related by blood, adoption, foster care, marriage relationship; or a maximum of three unrelated persons; all living together as a single social and economic housekeeping group and using cooking facilities shared in common. For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative (Reference Section 6.1(50)).

This development permit shall be revoked if the conditions of this permit are not met.

There shall be no food preparation in the basement. The basement is to be developed as per approved floor plans.

There shall be no separation between the basement floor and the main floor.

ADVISEMENTS:

Lot grades must match the Edmonton Drainage Bylaw 16200 and/or comply with the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.

Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

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.

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

TRANSPORTATION CONDITIONS:

1. The proposed 4.5 m residential access to 159 Street located approximately 20 m from the north property line, is acceptable to Transportation Planning and Engineering and meets the standards for private access as set out in the City of Edmonton

THIS IS NOT A PERMIT



Project Number: **180068603-001**
 Application Date: SEP 29, 2015
 Printed: March 29, 2017 at 5:05 PM
 Page: 3 of 5

Application for House Development and Building Permit

1. Transportation Planning and Engineering and must be constructed as a private crossing access to current City of Edmonton standards. The owner/applicant must obtain a crossing permit, available from Sustainable Development, 5th Floor, 10250 - 101 Street.

2. There are existing boulevard trees adjacent to the proposed access that must be protected during construction. A minimum clearance of 3 m must be maintained between the proposed access and the trunk of the tree located on the north side of the proposed access. The tree located on south side of the proposed access will be removed by Forestry, as shown on the Enclosure. A Forestry representative must be present during construction of the access. The owner/applicant must contact Bonnie Fermanuk of Community Services (780-496-4960) prior to construction. The costs for any required hoarding and/or root-cutting shall be borne by the owner/applicant.

3. There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; 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 removals shall be at the expense of the owner/applicant.

4. Any sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The sidewalks and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

5. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: <http://www.edmonton.ca/bylaws/licences/licences/permits/oscam-permit-request.aspx>

TRANSPORTATION ADVISEMENT:

1. The proposed driveway ramp must not exceed a slope of 6% and the ramp must be at grade at the property line.

Should you require any additional information please contact Chintan Shah at 780-944-0129.

GEOTECHNICAL CONDITIONS and ADVISEMENTS:

The supplemental information provided for the above noted development application for the proposed residence located at 15903 Patricia Drive NW has been reviewed. This information included a supplemental geotechnical letter dated November 3, 2016 prepared by Hoggan Engineering and Testing (1980) Ltd. dated November 3, 2016 and geotechnical investigation report entitled "Slope Stability Assessment - third Submission, 15903 Patricia Drive NW, Lot 1, Block 3, Plan 3822AR, Edmonton Alberta" also prepared by Hoggan Engineering & Testing (1980) Ltd. dated November 2016. Two geotechnical reports for the site and geotechnical letter prepared by Hoggan Engineering Ltd. dated May 10, 2016, October 2016 and July 8, 2016, respectively, had previously been reviewed by Engineering Services. I also reviewed the undated, unsigned architectural drawings for the proposed development prepared by GMH architects.

The third submission of the geotechnical report was revised from the second submission report in order to provide clarification of the noted geotechnical concerns in the most recent memorandum submitted by the City of Edmonton, Engineering Services, dated October 31, 2016. The third submission geotechnical report included site management guidelines and development restrictions as well as a scaled georeferenced site plan showing the proposed building footprint and the recommended building setback line. Based on my review of the report and supplemental letter, it would appear that the geotechnical consultant has provided adequate confirmation that their assessment was prepared in accordance with the minimum requirements and currently adopted levels of landslide safety for the City of Edmonton, as per the intent of City Policy C542. Therefore, based on the available information, it would appear that the applicant through the consultant has adequately met the intent of Section 14.1 and Section 811 of the Zoning Bylaw. In general, the geotechnical consultant has provided qualified Professional opinion that the land may be used safely for the development intended, respecting the development restrictions and recommendations outlined in the geotechnical report.

THIS IS NOT A PERMIT



Project Number: **180068603-001**
Application Date: SEP 29, 2015
Printed: March 29, 2017 at 5:05 PM
Page: 4 of 5

Application for House Development and Building Permit

With respect to the analyses performed to demonstrate adequate factor of safety consistent with the recommended building setback, the soil parameters, piezometric conditions, and mechanisms analyzed, and the proper interpretation of these results as part of the overall assessment, remains the responsibility of the consultant as the Engineer of Record, as outlined in Policy C542, Article 1.19.

Recommendations pertaining to the management of water at the site and adherence to the related restrictions concerning water retention structures, irrigation, and water features will be of high importance in order to reduce the risk of erosion and instability. Swimming pools, ornamental ponds, or other water retention structures are not permitted for this site. Also, no permanent sprinkler or irrigation systems should be constructed or installed at this site. In addition, it is recommended that discharge water from roof leaders, downspouts, and sump pump discharge should be directed to the front of the lot, away from the slopes, and connected to the storm sewer, where possible. As identified in the report, the failure to comply with any of the recommendations of the geotechnical consultant could either hasten or increase the severity of any slope instability which could ultimately threaten the property and residence.

Past experience has shown that stripping of vegetation and significant re-grading, in addition to negating the significant positive aspects of vegetative cover, can also lead to negative changes in the surface water regime and slope hydrology which may adversely impact stability. The minimization of such disturbance is of high importance in proximity to the sensitive top-of-bank area. I would therefore recommend that only minimal lot disturbance be permitted, and only as required to construct the residence. Grading of the site must not involve the direction or channeling of water toward the slopes. In addition, the retention of existing vegetation during site development is considered highly desirable, and all vegetation on or near the slopes should be maintained. Any proposed excavation and re-grading, as well as any significant removal of vegetation, must only be undertaken in accordance with the recommendations of the consultant, and with their inspection, to confirm that the recommendations presented in the geotechnical report have been properly interpreted. Recommendations for vegetation restoration were provided in the geotechnical report. The final lot grading and landscaping plans must be reviewed by the geotechnical consultant to ensure their recommendations are met and risks related to site disturbance are properly mitigated through the proposed design and construction plans for the lot.

As noted, the development as proposed involves the placement of engineering fill to provide the required developable area for the proposed residence. Due to the unique characteristics of the site and proposed development plans, construction, including the lot grading and fill placement, must be done under close supervision by the geotechnical consultant. The applicant must be aware that an exceptional level of involvement by the geotechnical consultant during the construction phase will be required in order to ensure their geotechnical recommendations are adhered to. Inspections by qualified geotechnical personnel must also 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. Prior to approval of this application it is recommended that the applicant/ development proponent provide confirmation to Sustainable Development of the involvement of the geotechnical consultant in the engineering review, inspection, and required quality assurance and monitoring during construction.

In addition, should development be approved to proceed, the applicant must be aware that they are fully responsible to suitably protect surrounding properties, structures and infrastructure from any adverse impacts during construction. The geotechnical consultant 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 report.

The developer and owner must be aware that there remains some residual risk of instability of the slopes below and within the subject property that could lead to a loss of property within the life span of the proposed development. The owner must also recognize that the City of Edmonton will assume all erosion and regression of the slopes to be of natural origin and that we will not undertake any remedial repairs, irrespective of the ownership of the land between the development and the ravine slopes.

If you have any questions regarding these comments, please call me at 780-496-6775.

THIS IS NOT A PERMIT



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Variations

Discretionary Use - Single Detached House is approved as a Discretionary Use (Section 620.3(10)).

Site Area - The area of the site is 0.2 ha instead of 2 ha (Section 620.4(1))

Reduced Side Setback - The distance from the house to the property line shared with 15907-Patricia Drive NW (side lot line) is 2.44 m instead of 7.5 m (Section 620.4(4)).

Grade - Grade was calculated based on the average of 4 specific points on the property (which is an alternative method to those in Section 52.4).

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.

Issue Date: Feb 16, 2017 **Development Authority:** ANGELES, JOSELITO

Signature: _____

Notice Period Begins: Feb 23, 2017

Ends: Mar 09, 2017

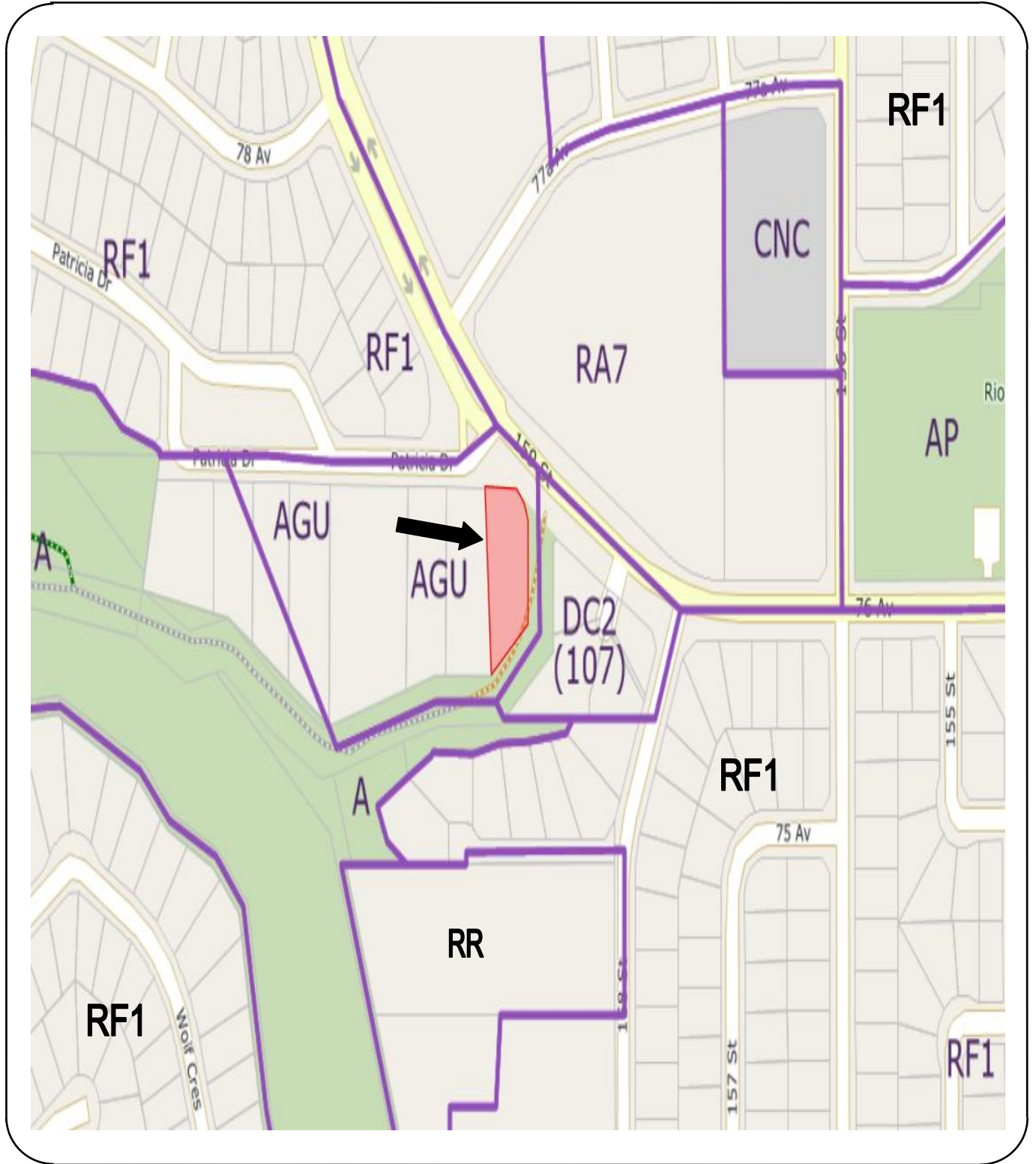
Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$122.24	\$122.24	02787322	Sep 30, 2015
Lot Grading Fee	\$135.00	\$135.00	02787322	Sep 30, 2015
Electrical Fee (Service)	\$75.00	\$75.00	02787322	Sep 30, 2015
Sanitary Sewer Trunk Fund	\$1,430.00	\$1,430.00	02787322	Sep 30, 2015
Water Usage Fee	\$96.80	\$96.80	02787322	Sep 30, 2015
Building Permit Fee	\$3,056.00	\$3,056.00	02787322	Sep 30, 2015
Electrical Safety Codes Fee	\$17.62	\$17.62	02787322	Sep 30, 2015
Electrical Fees (House)	\$328.00	\$328.00	02787322	Sep 30, 2015
DP Notification Fee	\$100.00	\$100.00	03924995	Feb 16, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$5,360.66	\$5,360.66		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-064

