

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

Wednesday, April 29, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-20-046

Erect a Fence 2.34 m in Height in the east side Rear Yard, existing without permits
3419 - 142 Avenue NW
Project No.: 354526365-001

II 9:00 A.M. SDAB-D-20-040

Install (1) Minor Digital Off-premises Freestanding Sign (OUTFRONT MEDIA)
12220 - 118 Avenue NW
Project No.: 311239253-001

III 9:00 A.M. SDAB-D-20-047

Construct exterior and interior alterations to an approved building with General Retail Stores on the main floor and Apartment Hotels on the 2nd, 3rd, 4th floors and loft space (adjust floor-to-ceiling heights on 2nd, 3rd, 4th floor, and loft space, adjust window placements, and amend the underground parking area)
17104 - 90 Avenue NW
Project No.: 266010257-035

IV 1:30 P.M. SDAB-D-20-003

To leave as built a Semi-Detached House
9717 - 81 Avenue NW
Project No.: 340519935-002

..... continued

V 1:30 P.M. SDAB-D-20-048

Operate a Major Home Based Business (Bed and Breakfast short term rental - Airbnb Accommodation), expires March 5, 2025

6212 - 106 Avenue NW

Project No.: 355064237-001

VI 1:30 P.M. SDAB-D-20-049

Construct a 2 Storey commercial building with General Retail Stores on the main floor and Professional, Financial and Office Support on the second floor

11803 - 114 Avenue NW

Project No.: 343046208-002

NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I

FILE: SDAB-D-20-046

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

APPELLANT:

APPLICATION NO.: 354526365-001

APPLICATION TO: Erect a Fence 2.34 m in Height in the east side Rear Yard, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: March 2, 2020

DATE OF APPEAL: March 16, 2020

NOTIFICATION PERIOD: March 10, 2020 through March 31, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3419 - 142 Avenue NW

LEGAL DESCRIPTION: Plan 7821074 Blk 54 Lot 40

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

I wish to appeal the decision for multiple reasons. The fence that currently stands is no longer structurally sound and is already suffering from decay. There has been only sectional repairs done and no communication regarding this was done beforehand. The decay portion was pushed as waste over towards the second home to dispose and/or deal with. The reasoning for why the fence needs to be this height was

also not communicated towards the other home owner. The manner of the alteration of the fence is structurally unsound, visually unacceptable and does not include the length of the fence. The height is increased in one area. Showing that the fence is not needed for height increase. This is an unneeded fence alteration to be done at this time. Communication between home owners would be better suited to come to a resolution for why this fence alteration was undertaken. By undertaking this measure of alteration, it has caused unneeded conflict due to actions that are unexplained and unnecessary. If the fence is passed to be this new height level, the request is that the whole fence be rebuilt fully and to be made structural and an appealing to look at. Short cut measures and improper manners are not positive resolution manners. Pictures can easily be made available to show the look and structure failures that are existing in the fence at this time. There is another matter of the fence structure that has not been dealt with and no communication regarding future plans. A whole section of the fence between support posts has fallen to be only supported by a slanted board. Like a bicycle kickstand. Showing disregard towards fence condition only for the selected area with disfigured height increase. I offer towards the appeal process to reach out if needed to speak more with me on this matter. I have more information, pictures, and belief that granting a new height will not accomplish anything positive as an outcome. I am the home owner that will be most impacted by this fence alteration and would like to make positive steps regarding this issue. The last appeal for height increase was done in APR 2017 and no changes happened for three years. Making the question arise of why the height increase was needed. The height increase that just happened was done in disregard of the limitations of the previous permitted level. Showing again that this fence alteration is not with substance of need, but of rash unnecessary impulse.

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| <i>General Matters</i> |
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Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on March 25, 2020:

“That the appeal hearing be rescheduled to a date to be determined.”

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or

- (c) issues an order under section 645,

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

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

Appeals

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

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

- (i) with respect to an application for a development permit,

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

- (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

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

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;

- (a.2) subject to section 638, must comply with any applicable statutory plans;

- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

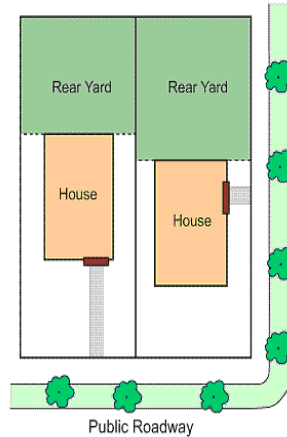
Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1, **Fence** means “a structure constructed at ground level, used to prevent or restrict passage, provide visual screening, noise attenuation, Landscaping, or to mark a boundary.”

Under section 6.1, **Height** means “a vertical distance between two points.”

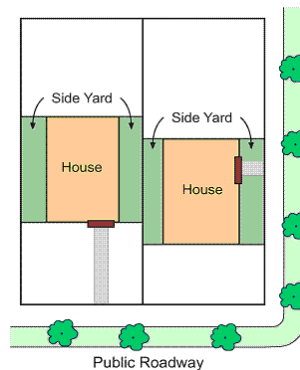
Under section 6.1, **Rear Yard** means:

the portion of a Site abutting the Rear Lot Line extending across the full width of the Site, situated between the Rear Lot Line and the nearest wall of the principal building, not including projections.



Under section 6.1, **Side Yard** means:

that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is “to provide for a mix of small scale housing”.

Fences, Walls, Gates, and Privacy Screening in Residential Zones

Section 49.1 states the following with respect to *Fences, walls and gates*:

- a. The regulations contained within Section 49.1 of this Bylaw apply to:
 - i. the Height of the material used in the construction of a Fence, wall, or gate, such as but not limited to boards, panels, masonry,

ornamental iron, and chain link, plus any additional elements used for screening, such as, but not limited to, lattice.


- b. Notwithstanding subsection 49(1)(a), the regulations for Fences, walls, and gates contained within this Section do not apply to the Height of the posts or other supporting material used to anchor the Fence, wall, or gate.
- c. The Height of a Fence, wall, or gate shall be measured from the general ground level 0.5 m back from the property line of the Site on which the Fence, wall, or gate is to be constructed.
- d. On an Interior Site, the Height of a Fence, wall, or gate shall not exceed:
 - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard, and
 - ii. 1.85 m in all other Yards.
- e. On a Corner Site, the Height of a Fence, wall, or gate shall not exceed:
 - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard,
 - ii. 1.2 m for the portion of the Fence, wall, or gate situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Front Lot Line to the Rear Lot Line, and
 - iii. 1.85 m in all other Yards.
- f. In the case where the permitted Height of a Fence, wall, or gate is 1.2 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 1.85 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- g. In the case where the permitted Height of a Fence, wall, or gate is 1.85 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 2.44 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- h. Notwithstanding subsection 49.1(f) and subsection 49.1(g) of this Bylaw, in the case of Double Fronting Sites, the Development Officer may grant a variance to allow a Fence, wall, or gate of up to 1.85 m in Height in one of the Front Yards, and allow a Fence, wall, or gate of up to 2.44 m in Height in the other Front Yard, having regard to the location of Fences, walls, and gates in the surrounding area and the requirement for screening.

Development Officer's Determination

Fence Height - A portion of the fence along the property line shared with 3415 - 142 AVENUE NW is 2.34 m high, instead of 1.85 m. (Section 49.1.d.ii) [unedited]

Notice to Applicant/Appellant

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

| | | | |
|---|---|--|--|
|  | Project Number: 354526365-001 Application Date: FEB 10, 2020 Printed: March 2, 2020 at 2:27 PM Page: 1 of 2 | | |
| <h2>Overheight Fence 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 Edmonton Zoning Bylaw 12800 as amended.</p> | | | |
| Applicant | <table border="1"> <tr> <td data-bbox="829 533 1409 625"> Property Address(es) and Legal Description(s) 3419 - 142 AVENUE NW Plan 7821074 Blk 54 Lot 40 </td> </tr> <tr> <td data-bbox="829 625 1409 737"> Location(s) of Work Entryway: 3419 - 142 AVENUE NW Building: 3419 - 142 AVENUE NW </td> </tr> </table> | Property Address(es) and Legal Description(s) 3419 - 142 AVENUE NW Plan 7821074 Blk 54 Lot 40 | Location(s) of Work Entryway: 3419 - 142 AVENUE NW Building: 3419 - 142 AVENUE NW |
| Property Address(es) and Legal Description(s) 3419 - 142 AVENUE NW Plan 7821074 Blk 54 Lot 40 | | | |
| Location(s) of Work Entryway: 3419 - 142 AVENUE NW Building: 3419 - 142 AVENUE NW | | | |
| Scope of Permit To erect a Fence 2.34 m in Height in the east side Rear Yard, existing without permits. | | | |
| Permit Details <table border="1" style="width: 100%;"> <tr> <td data-bbox="256 869 813 926"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none) </td> <td data-bbox="813 869 1409 926"> Site Area (sq. m.): 578.68 </td> </tr> </table> | | Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none) | Site Area (sq. m.): 578.68 |
| Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none) | Site Area (sq. m.): 578.68 | | |
| Development Permit Decision Approved Issue Date: Mar 02, 2020 Development Authority: FOLKMAN, JEREMY Subject to the Following Conditions This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21. (Reference Section 17.1) This Development Permit authorizes the development of a Fence 2.34 m in Height in the east side Rear Yard, existing without permits. The development shall be constructed in accordance with the stamped and approved drawings. The fence shall be installed entirely on the subject property. The fence shall not impede any sightlines for vehicular or pedestrian traffic. As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development (Reference Section 57.3(1)). Immediately upon completion of the development of the fence, the site shall be cleared of all debris. ADVISEMENTS: An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2) Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800. Variations Fence Height - A portion of the fence along the property line shared with 3415 - 142 AVENUE NW is 2.34 m high, instead of 1.85 m. (Section 49.1.d.ii) | | | |
| | | | |



Project Number: **354526365-001**
Application Date: FEB 10, 2020
Printed: March 2, 2020 at 2:27 PM
Page: 2 of 2

Overheight Fence Permit

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.

Notice Period Begins: Mar 10, 2020

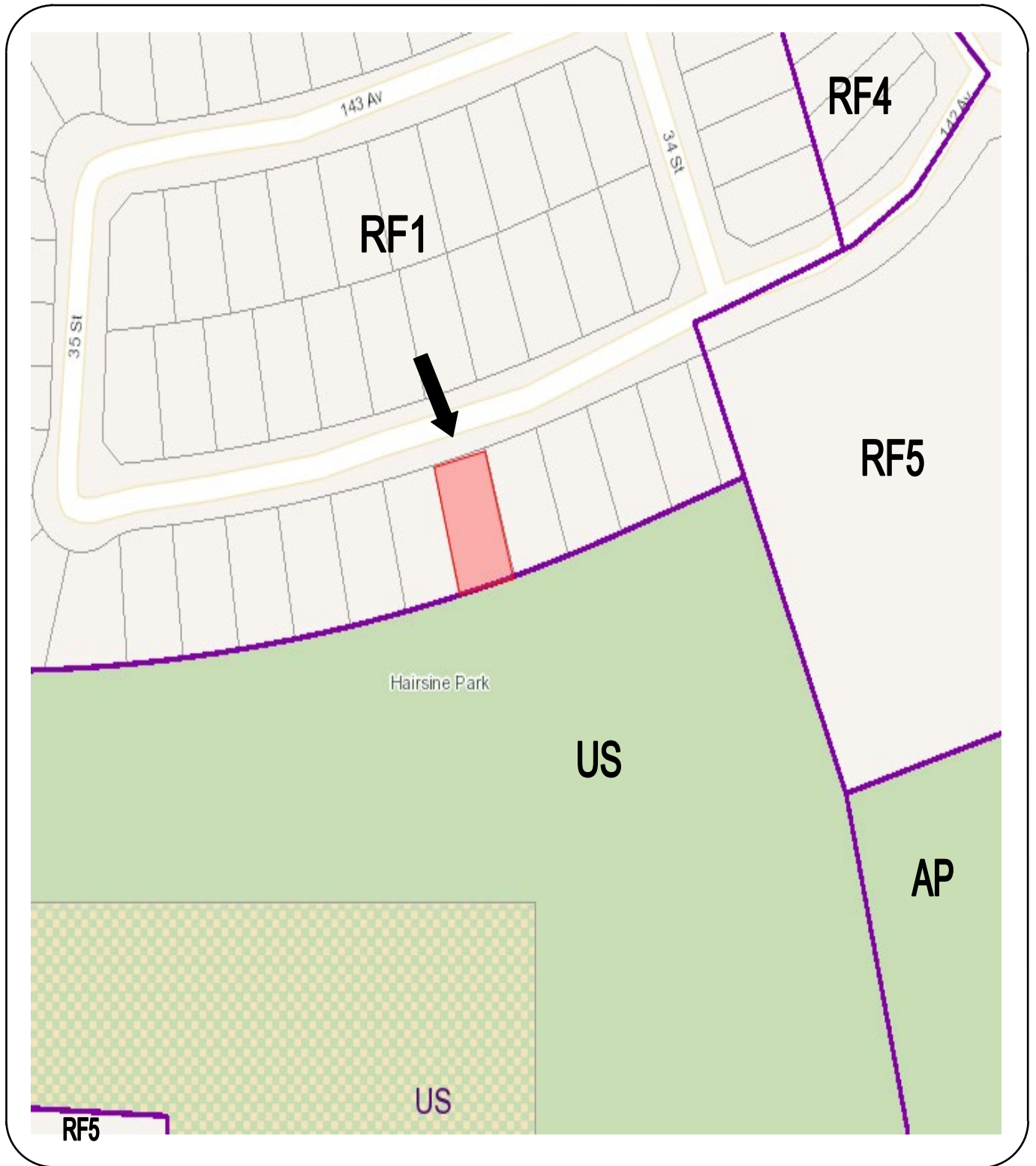
Ends: Mar 31, 2020

Building Permit Decision

No decision has yet been made.

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|---|-------------------|--------------------|------------------|------------------|
| Development Application Fee | \$182.00 | \$182.00 | 06422230 | Feb 10, 2020 |
| Existing Without Permit Dev Application Penalty Fee | \$182.00 | \$182.00 | 06422230 | Feb 10, 2020 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | <u>\$364.00</u> | <u>\$364.00</u> | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-046



ITEM II

FILE: SDAB-D-20-040

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 311239253-001

APPLICATION TO: Install (1) Minor Digital Off-premises
Freestanding Sign (OUTFRONT MEDIA)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 31, 2020

DATE OF APPEAL: February 20, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 12220 - 118 Avenue NW

LEGAL DESCRIPTION: Plan RN64 Blk 2 Lots 18-20

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

The sign was refused for the sole reason that it is over-height from what the bylaw now allows for. (8m vs 6m). However the location is in a parking lot. Lowering it would restrict what the owner of the land could operate on his own property. As well it borders an alley way. Lowering the sign height would impede visibility for all traffic that uses this alley. As the sign is currently situated, this is not a problem. We hope to acquire a permit to allow the sign to remain at its current height, as it has existed for 5 years with no issues or complaints.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on March 25, 2020:

“That the appeal hearing be rescheduled to a date to be determined.”

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

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

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 330.3(42), a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the **(CB1) Low Intensity Business Zone**.

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

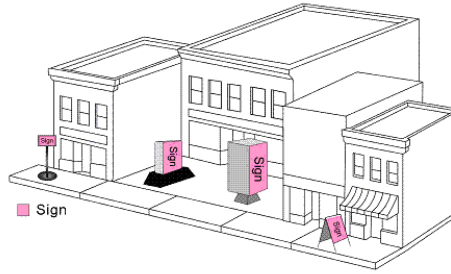
a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

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

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

Under section 6.2, a **Freestanding Sign** means:

a Sign supported independently of a building.



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

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

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

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

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

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

Main Streets Overlay - Height

Section 819.5(2) states:

Signs shall complement the pedestrian-oriented commercial environment and shall be provided in accordance with Schedule 59E of this Bylaw, except that:

- a. **the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign.**

...

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

Development Officers Determination

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

**Proposed: 8.0 m
Exceeds by: 2.0 m**

[unedited]

Main Streets Overlay – Community Consultation

Section 819.5(3) states “When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this section of the Overlay the notification process outlined in subsection 819.4(15) shall apply.”


Section 819.5(15) states:

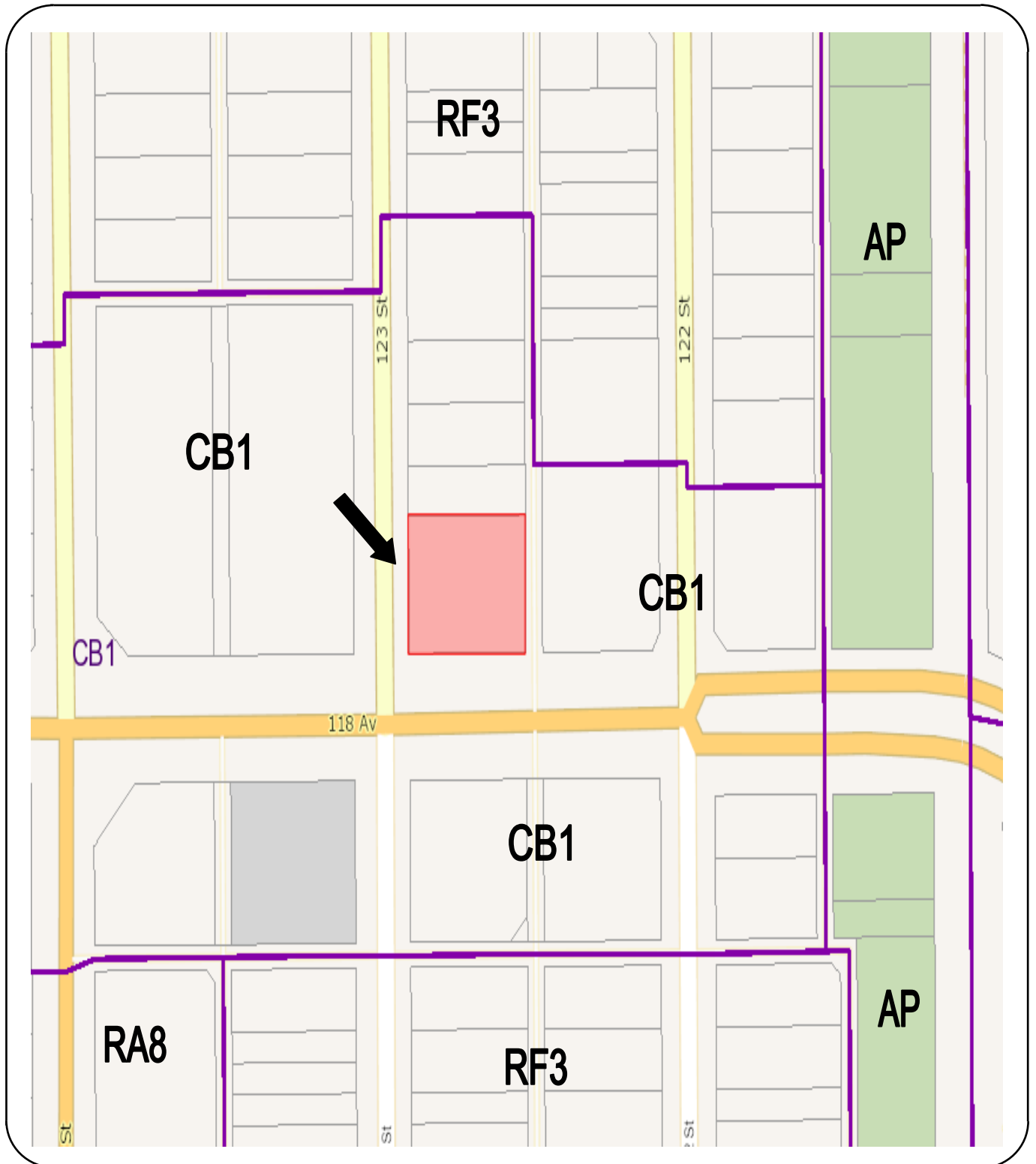
When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:

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

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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|--|--|---|------------------|------------------|
|  | <h2 style="margin: 0;">Application for Sign Combo Permit</h2> | Project Number: 311239253-001 Application Date: APR 16, 2019 Printed: February 21, 2020 at 9:23 AM Page: 1 of 1 | | |
| This document is a Development Permit Decision for the development application described below. | | | | |
| Applicant | Property Address(es) and Legal Description(s) 12220 - 118 AVENUE NW Plan RN64 Blk 2 Lots 18-20 | | | |
| Scope of Application To install (1) Minor Digital Off-premises Freestanding Sign (OUTFRONT MEDIA). | | | | |
| Permit Details | | | | |
| ASA Sticker No./Name of Engineer: Construction Value: 100000 | Class of Permit: Expiry Date: | | | |
| Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 1 Minor Digital On/Off-premises Sign: 0 | Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0 | | | |
| Development Application Decision | | | | |
| Refused Issue Date: Jan 31, 2020 Development Authority: MERCIER, KELSEY | | | | |
| Reason for Refusal 1. Section 819.5(2)(a) - the maximum Height of a Freestanding Sign shall be 6.0 m, as measured from Grade to the top of the Freestanding Sign. Proposed: 8.0 m Exceeds by: 2.0 m | | | | |
| Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act. | | | | |
| Fees | | | | |
| | Fee Amount | Amount Paid | Receipt # | Date Paid |
| Sign Dev Appl Fee - Digital Signs | \$458.00 | \$458.00 | 06044851 | Aug 06, 2019 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | \$458.00 | \$458.00 | | |
| THIS IS NOT A PERMIT | | | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-040



ITEM III

FILE: SDAB-D-20-047

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

APPELLANT:

APPLICATION NO.: 266010257-035

APPLICATION TO: Construct exterior and interior alterations to an approved building with General Retail Stores on the main floor and Apartment Hotels on the 2nd, 3rd, 4th floors and loft space (adjust floor-to-ceiling heights on 2nd, 3rd, 4th floor, and loft space, adjust window placements, and amend the underground parking area)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: March 5, 2020

DATE OF APPEAL: March 18, 2020

NOTIFICATION PERIOD: March 12, 2020 through April 2, 2020

RESPONDENT: EFG Architects

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17104 - 90 Avenue NW

LEGAL DESCRIPTION: Plan 8220508 Blk 30 Lot 9

ZONE: (CSC) Shopping Centre Zone

OVERLAY: N/A

STATUTORY PLAN: Summerlea Neighbourhood Area Structure Plan

Grounds for Appeal

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

We are solicitors for **7 CROWNS CORPORATION**, owners of the site immediately west of the above described lands, and our clients are directly affected by the issuance of the Development Permit on the following grounds:

1. The subject Permit contains conditions which cannot be enforced.
2. The subject Permit contains conditions which directly and unduly require neighbouring owners to participate in the proposed development which is beyond the authority of the Development Officer.
3. Such further and other reasons as may be presented at the hearing of this appeal.

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| <i>General Matters</i> |
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Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on March 25, 2020:

“That the appeal hearing be rescheduled to a date to be determined.”

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

Grounds for Appeal

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

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

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

Appeals

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- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
 - or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

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

...

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 320.3(1), **Apartment Hotels** is a **Discretionary Use** in the **(CSC) Shopping Centre Zone**.

Under section 7.3(1), **Apartment Hotels** means:

development consisting of Dwellings contained within a building or a part of a building having a principal common entrance, in which the Dwellings are not available for daily lease and there are cooking facilities within each Dwelling, the Dwellings are furnished including dishes and linen, and either maid service, telephone service, or desk service is provided. Apartment Hotels shall not contain Commercial Uses, unless such Uses are a Permitted or Discretionary Use in the Zone where the Apartment Hotel is located.

Under section 320.2(9), **General Retail Stores** is a **Permitted Use** in the **(CSC) Shopping Centre Zone**.

Under section 7.4(24), **General Retail Stores** means:

development used for the retail or consignment sale of new goods or merchandise within an enclosed building, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold wholesale. Accessory Uses may include the assembly or repair of products sold on Site, or minor public services such as postal services or pharmacies. This Use does not include Aircraft Sales/Rentals, Automotive and Minor Recreation Vehicle Sales/Rentals,

Cannabis Retail Sales, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Garden Centres, Pawn Stores, Liquor Stores, Major Service Stations, Minor Service Stations, Secondhand Stores, and Warehouse Sales.

Section 320.1 states that the **General Purpose** of the **(CSC) Shopping Centre Zone** is “to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.”

Discretionary Use


1. You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw. [unedited]

Previous Subdivision and Development Appeal Board Decisions

| Application Number | Description | Decision |
|---------------------------|---|--|
| SDAB-D-19-113 | Construct an addition (loft, 293.29m2) to approved fourth floor Apartment Hotel units in an approved mixed-use building, and to construct interior alterations | August 9, 2019; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to CONDITIONS. |
| SDAB-D-19-017 | To change the use of 27 units of Apartment Housing (9-1 bedroom, and 18-2 bedroom Dwellings) to 48 units of Apartment Hotel, increase the height, and amend the floor layout (parking garage, 1-4 storeys), and to construct exterior and interior alterations (change the Building design, increase height, increase parking garage size) to an approved Building. | March 28, 2019; The appeal is ALLOWED IN PART and the decision of the Development Authority is VARIED. The development is GRANTED as approved by the Development Authority, subject to amendments. |

Notice to Applicant/Appellant

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

| | | | |
|--|--|---|--|
|  | Project Number: 266010257-035 Application Date: JAN 13, 2020 Printed: March 19, 2020 at 9:18 AM Page: 1 of 3 | | |
| <h2>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 Edmonton Zoning Bylaw 12800 as amended.</p> | | | |
| Applicant | <table border="1"> <tr> <td data-bbox="812 470 1406 562"> Property Address(es) and Legal Description(s) 17104 - 90 AVENUE NW Plan 8220508 Blk 30 Lot 9 </td> </tr> <tr> <td data-bbox="812 562 1406 858"> Specific Address(es) Suite: 17128 - 90 AVENUE NW Entryway: 17104 - 90 AVENUE NW Entryway: 17108 - 90 AVENUE NW Entryway: 17112 - 90 AVENUE NW Entryway: 17116 - 90 AVENUE NW Entryway: 17120 - 90 AVENUE NW Entryway: 17128 - 90 AVENUE NW Building: 17104 - 90 AVENUE NW </td> </tr> </table> | Property Address(es) and Legal Description(s) 17104 - 90 AVENUE NW Plan 8220508 Blk 30 Lot 9 | Specific Address(es) Suite: 17128 - 90 AVENUE NW Entryway: 17104 - 90 AVENUE NW Entryway: 17108 - 90 AVENUE NW Entryway: 17112 - 90 AVENUE NW Entryway: 17116 - 90 AVENUE NW Entryway: 17120 - 90 AVENUE NW Entryway: 17128 - 90 AVENUE NW Building: 17104 - 90 AVENUE NW |
| Property Address(es) and Legal Description(s) 17104 - 90 AVENUE NW Plan 8220508 Blk 30 Lot 9 | | | |
| Specific Address(es) Suite: 17128 - 90 AVENUE NW Entryway: 17104 - 90 AVENUE NW Entryway: 17108 - 90 AVENUE NW Entryway: 17112 - 90 AVENUE NW Entryway: 17116 - 90 AVENUE NW Entryway: 17120 - 90 AVENUE NW Entryway: 17128 - 90 AVENUE NW Building: 17104 - 90 AVENUE NW | | | |
| Scope of Permit To construct exterior and interior alterations to an approved building with General Retail Stores on the main floor and Apartment Hotels on the 2nd, 3rd, 4th floors and loft space (adjust floor-to-ceiling heights on 2nd, 3rd, 4th floor, and loft space, adjust window placements, and amend the underground parking area) | | | |
| Permit Details <table border="1" style="width: 100%;"> <tr> <td data-bbox="256 1045 808 1150"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): </td> <td data-bbox="812 1045 1406 1150"> 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.): New Sewer Service Required: N Site Area (sq. m.): | Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) |
| Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): | Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) | | |
| Development Permit Decision Approved Issue Date: Mar 05, 2020 Development Authority: ADAMS, PAUL Subject to the Following Conditions <ol style="list-style-type: none"> 1. The owner shall construct and maintain vehicular access up to the west property line allow for access and egress to the adjacent parcel to the west (as shown on Enclosure 1 of the Subdivision Planning Response to DP#266010257-006 as an arrow signifying the "Cross Lot Access'). In the event that the owner of the adjacent parcel to the west hinders or obstructs the passage of vehicles between parcels, the owner shall take all reasonable steps to obtain a registered access easement on the adjacent west parcel, assert and enforce any acquired prescriptive rights, or make other arrangements to allow the free passage of vehicular traffic between the two parcels. A) Access to the subject site from 90 Avenue exists, as shown on Enclosure I of the Subdivision Planning Response to DP#266010257-006. Any modification to the existing access requires the review and approval of Subdivision Planning. No additional access will be permitted to 90 Avenue. B) Pedestrian connections including applicable curb ramps must be provided on site from the building entrances to the public sidewalk, as shown on Enclosure I. The proposed sidewalk connection to the public sidewalk is acceptable to Subdivision Planning. C) No objects are permitted to encroach onto, over or under road right-of-way, as shown on Enclosure I of the Subdivision Planning Response to DP#266010257-006. | | | |



Project Number: **266010257-035**
 Application Date: JAN 13, 2020
 Printed: March 19, 2020 at 9:18 AM
 Page: 2 of 3

Major Development Permit

D) 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.

E) Garbage bins must be located so that all turning maneuvers for the waste management vehicles are accommodated on site. It will be the responsibility of property owner/management to keep the collection area clear at all times. We also recommend paint/signage to prevent or minimize the possibility of vehicle parking in this area.

F) 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:

- the start/finish date of project;
- accommodation of pedestrians and vehicles during construction;
- confirmation of lay down area within legal road right of way if required;
- 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/licences_permits/oscaml-permit-request.aspx

and,

<https://www.edmonton.ca/documents/ConstructionSafety.pdf>

G) Any sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

2. The Site shall comply with the approved Landscaping Plan and Landscaping Conditions in Development Permit #266010257-002.

3. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. (Reference Section 54.1.1.c)

4. The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6.

5. No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within an approved Setback. (Reference 320.4.5)

6. Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.


7. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)

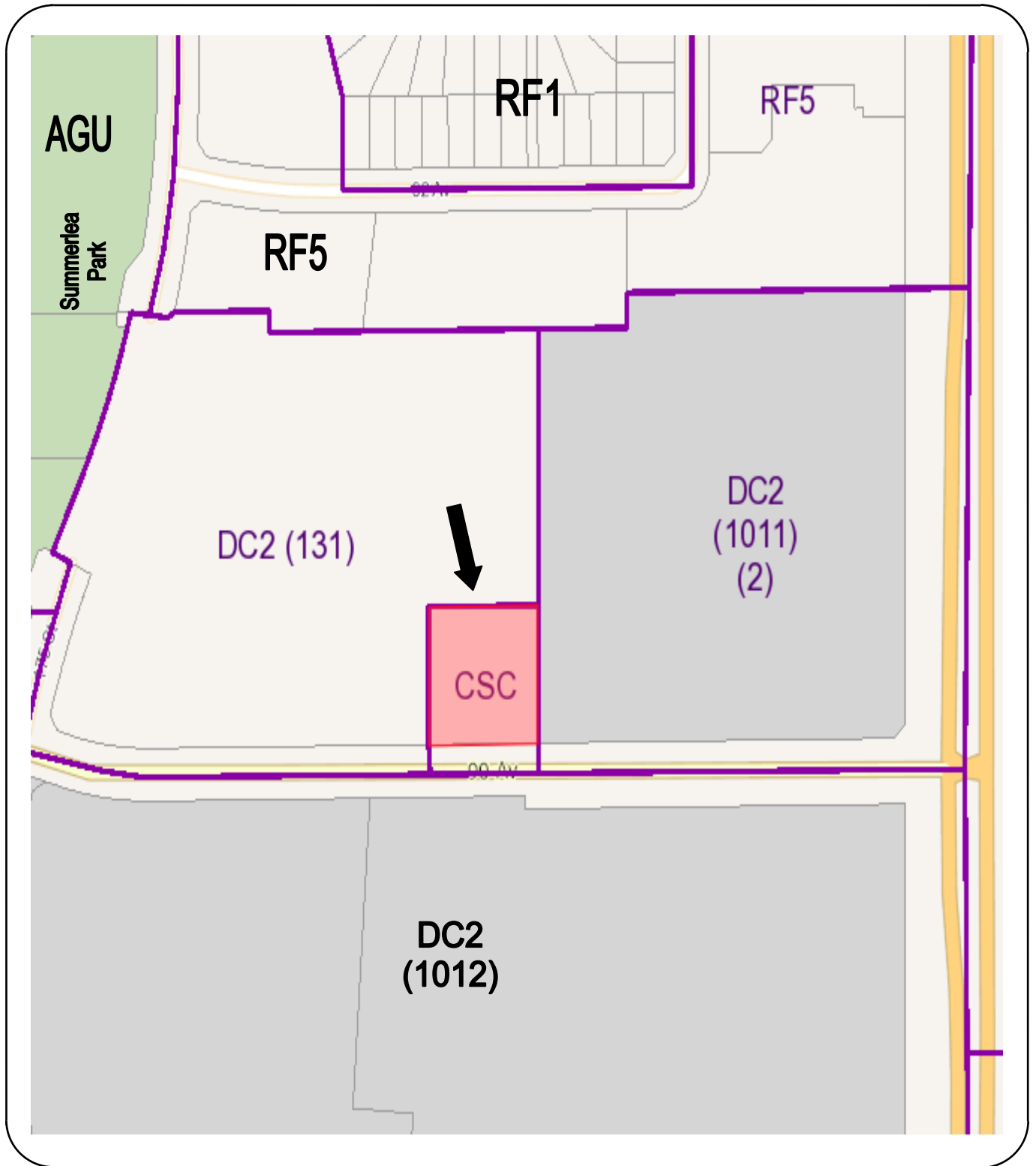
8. Trash collection and loading areas shall be screened from view from any adjacent Sites and public roadways, to the satisfaction of the Development Officer. (Reference Section 320.4.5)

ADVISEMENTS:

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

b. This Development Permit is NOT a Business Licence. A separate application must be made for a Business Licence. Please contact the 311 Call Centre (780-442-5311) for further information.

|  | Project Number: 266010257-035 Application Date: JAN 13, 2020 Printed: March 19, 2020 at 9:18 AM Page: 3 of 3 | | | | | | | | | | | | | | | | | | | | |
|--|--|-------------|------------|--------------|-----------|-----------|----------------------------|----------|----------|----------|--------------|-------------------|--------|--|--|--|--------------------|----------|----------|--|--|
| <h2 style="margin: 0;">Major Development Permit</h2> | | | | | | | | | | | | | | | | | | | | | |
| <p>c. Signs require separate Development Applications.</p> <p>d. 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 (780-442-5311) for further information.</p> <p>e. The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.</p> <p>f. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)</p> <p>g. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.</p> <p>h. Upon the first Development Permit Inspection and determination that landscape construction has been completed in compliance with the approved Landscape Plan, 20% of the approved Guaranteed Landscape Security shall be collected and retained for a period of 24 months from the date of first Development Permit Inspection.</p> <p>i. Sites that are not completed or are not compliant with approved Landscape Plans at the first Development Permit Inspection, shall be required to submit a Security for incomplete work, up to and including the full value of the approved Guaranteed Landscape Security value.</p> <p>j. The applicant is advised that more than a 12% difference in the ramp slope may result in vehicles “bottoming out” at the break-over point.</p> <p>k. Any change to the development as a result of the Building Permit review may require an additional Development Permit.</p> <p>l. The applicant is advised that the previous decision in SDAB-D-19-113 contained the above conditions and advisement's of this Development Permit.</p> <p>VariANCES</p> <p>1. You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.</p> <p>Rights of Appeal</p> <p>This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.</p> <p>Notice Period Begins: Mar 12, 2020 Ends: Apr 02, 2020</p> | | | | | | | | | | | | | | | | | | | | | |
| Fees | | | | | | | | | | | | | | | | | | | | | |
| | <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 40%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 15%;">Receipt #</th> <th style="text-align: left; width: 15%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$375.00</td> <td style="text-align: right;">\$375.00</td> <td>06378521</td> <td>Jan 15, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$375.00</td> <td style="text-align: right; border-top: 1px solid black;">\$375.00</td> <td></td> <td></td> </tr> </tbody> </table> | | Fee Amount | Amount Paid | Receipt # | Date Paid | Major Dev. Application Fee | \$375.00 | \$375.00 | 06378521 | Jan 15, 2020 | Total GST Amount: | \$0.00 | | | | Totals for Permit: | \$375.00 | \$375.00 | | |
| | Fee Amount | Amount Paid | Receipt # | Date Paid | | | | | | | | | | | | | | | | | |
| Major Dev. Application Fee | \$375.00 | \$375.00 | 06378521 | Jan 15, 2020 | | | | | | | | | | | | | | | | | |
| Total GST Amount: | \$0.00 | | | | | | | | | | | | | | | | | | | | |
| Totals for Permit: | \$375.00 | \$375.00 | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-047



ITEM IV

FILE: SDAB-D-20-003

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 340519935-002

APPLICATION TO: To leave as built a Semi-Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 19, 2019

DATE OF APPEAL: December 7, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9717 - 81 Avenue NW

LEGAL DESCRIPTION: Plan 2700R Blk 55 Lot 14

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Ritchie Neighbourhood Improvement Plan / Area Redevelopment Plan

Grounds for Appeal

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

The Development officer decision is prejudicial. The Applicant is willing to address any concerns the development officer may have in granting the decision. The area is high density area and require housing.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on January 9, 2020:

"That the appeal hearing be scheduled for February 19 or 20, 2020 at the request of the Appellant."

The Subdivision and Development Appeal Board made and passed the following motion on February 19, 2020:

"That the appeal hearing be scheduled for April 15 or 16, 2020 at the written request of the Appellant."

The Subdivision and Development Appeal Board ("SDAB") made and passed the following motion on March 25, 2020:

"That the appeal hearing be rescheduled to a date to be determined."

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
 - (a.2) subject to section 638, must comply with any applicable statutory plans;
 - (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
 - (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
 - ...
 - (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 140.2(7), **Semi-detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(7), **Semi-detached Housing** means:

development consisting of a building containing two principal Dwellings joined in whole or in part at the side or rear with neither of those Dwellings being placed over another in whole or in part. Each principal Dwelling has separate, individual, and direct access to ground level. This

type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Duplexes.

Section 140.1 states that the **General Purpose** of **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

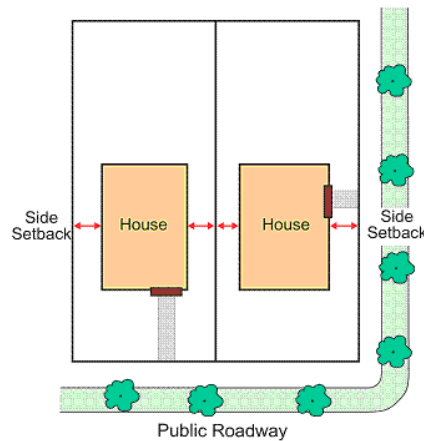
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Side Setback

Section 814.3(3)(a) states “where the Site Width is 12.0 m or less, the minimum required setback shall be 1.2 m.”

Under section 6.1, **Side Setback** means:

the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



Development Officer’s Determination

The minimum required Side Setback shall be 1.2 m. (Reference Section 814.3(3).(a.))

Existing: 0.7 m

Deficient by: 0.5 m [unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:


- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:

| Tier # | Recipient Parties | Affected Parties | Regulation of this Overlay to be Varied |
|---------------|--|---|--|
| Tier 3 | The municipal address and assessed owners of the land Abutting the Site of the proposed development and the President of each Community League | The assessed owners of the land Abutting the Site of the proposed development | 814.3(3) – Side Setbacks |

Notice to Applicant/Appellant

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

| | | | | |
|--|---|--|-----------|--------------|
|  | <h2 style="margin: 0;">Application for Minor Development Permit</h2> | Project Number: 340519935-002 Application Date: SEP 23, 2019 Printed: November 19, 2019 at 11:04 AM Page: 1 of 2 | | |
| This document is a Development Permit Decision for the development application described below. | | | | |
| Applicant | Property Address(es) and Legal Description(s) 9717 - 81 AVENUE NW Plan 2700R Blk 55 Lot 14 | | | |
| | Specific Address(es) Suite: 1, 9717 - 81 AVENUE NW Suite: 2, 9717 - 81 AVENUE NW Entryway: 1, 9717 - 81 AVENUE NW Entryway: 2, 9717 - 81 AVENUE NW Building: 1, 9717 - 81 AVENUE NW | | | |
| Scope of Application To leave as built a Semi-Detached House. | | | | |
| Permit Details | | | | |
| # of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Leave as Built Single Detached House Secondary Suite Included?: N | # of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay | | | |
| I/We certify that the above noted details are correct. Applicant signature: _____ | | | | |
| Development Application Decision Refused Issue Date: Nov 19, 2019 Development Authority: FOLKMAN, JEREMY Reason for Refusal The minimum required Side Setback shall be 1.2 m. (Reference Section 814.3(3).(a.)) Existing: 0.7 m Deficient by: 0.5 m Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act. | | | | |
| Fees | | | | |
| | Fee Amount | Amount Paid | Receipt # | Date Paid |
| Dev. Application Fee | \$167.00 | \$167.00 | 06161066 | Sep 23, 2019 |
| THIS IS NOT A PERMIT | | | | |



Application for Minor Development Permit

Project Number: **340519935-002**
Application Date: SEP 23, 2019
Printed: November 19, 2019 at 11:04 AM
Page: 2 of 2

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|--------------------|-------------------|--------------------|------------------|------------------|
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | \$167.00 | \$167.00 | | |

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-003



ITEM V

FILE: SDAB-D-20-048

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

APPELLANT:

APPLICATION NO.: 355064237-001

APPLICATION TO: Operate a Major Home Based Business (Bed and Breakfast short term rental - Airbnb Accommodation), expires March 5, 2025

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: March 5, 2020

DATE OF APPEAL: March 30, 2020

NOTIFICATION PERIOD: March 12, 2020 through April 2, 2020

RESPONDENT: M. Pelka

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6212 - 106 Avenue NW

LEGAL DESCRIPTION: Plan 1823042 Blk 41 Lot 13B

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

This appeal is to ask the City of Edmonton’s Subdivision and Development Appeal Board to rescind the approval of the Class B Development Permit 355064237-001, which allows a variance at the property located at 6212-106 Avenue to have a Major Home-Based Business Permit for short-term vacation rentals for 5 years, to March 5 2025.

Long-term rentals at this property are welcome and supported, but short-term rentals are not.

Reasons to appeal this decision include the following:

1. Short-term rentals are undesirable because they have costly economic and financial consequences for the City, for taxpayers, and for long-term renters.

- a. Costs to the City include higher infrastructure costs like:
 - a. More trash collection. Since short-term guest turnover creates more trash, cleaners will need to ensure cleanliness to compete in the market and to meet sanitation regulations.
 - b. More road maintenance costs and a higher environmental footprint due to:
 - i. Higher road and parking use
 - ii. Building new roads or maintain existing roads more frequently, since long-term renters will be forced to move to areas not impacted by short-term rentals.
 - c. The potential for higher police surveillance costs if crime or vandalism occur, since short-term guest backgrounds are unknown and their commitment to a community does not exist.
- b. Costs to long-term renters are higher long-term rental rates and unplanned evictions. Those most impacted by these outcomes tend to be:
 - a. Families, since space is at a premium.
 - b. Vulnerable populations.
 - c. Key civic workers, such as policemen, firemen, and nurses, since these professions support median incomes.
 - d. Municipalities and their taxpayers, because cities will need to create new policies to manage negative results of housing affordability, infrastructure and environmental costs.
- c. Short-term rentals may decrease property values when neighborhood residents do not want them and cannot resell their properties.
- d. Home insurance premiums have risen significantly in the past few years. Since home insurance premiums on buildings with a commercial business are higher due to planned and unplanned risks, if short-term rentals were to increase, it's reasonable to assume that long-term home insurance premiums would also increase.

2. Short-term rentals are economically undesirable because they compete unfairly in the hotel/lodging industry.

- a. Unfair economic advantages exist since short-term rentals:
 - a. May not pay staff.
 - b. Are not regulated like traditional hotel/lodging industries.
 - c. Do not pay licenses, fees, and tourist taxes like hotel/lodging industry competitors.

- b. Further, approving this Development Permit deteriorates an already bleak situation in the hotel/lodging industry. The recent environment has been negatively impacted in three ways:
 - a. with the overall downturn in Albert's economy,
 - b. with world oil prices hitting a new record low, and
 - c. with the onslaught of the Covid-19 pandemic that has had unprecedented closures and layoffs due to travel halting.

Allowing this variance will hurt businesses in the hotel/lodging industry.

3. Short-term rentals are undesirable because they have negative qualitative consequences of permanently changing the nature and characteristics of a community.

- a. The community setting where this property resides (Capilano; Hardisty) has a strong family and community -oriented history. Neighbors have remained in this district for decades. Short-term rentals service the hotel/lodging industry. This area is not a hotel zone for an influx of unknown strangers. It does not need additional noise nor disruptions brought by short-term renters.
- b. Long-term renters have higher consideration for neighborhoods and prioritize their community because their shelter, district, and well being are directly and indirectly impacted by their actions. Conversely, short-term renters do not have the same incentives nor priorities.

4. Experience from other municipalities in Canada and around the world show that short-term property rentals have significant negative consequences.

- a. In Canada, legislation and regulations have been adapted, interpreted, or created for strata properties, municipalities and provinces. Once Pandora's box was open, legislators have had to catch up to the unintended outcomes of short-term rentals. The situation was not prevented in the first place. An ounce of prevention is worth a pound of cure. The City of Edmonton could easily avoid these adverse outcomes by rescinding this permit.
- b. Canadian cities such as Vancouver and Toronto have taken more extreme measures to mitigate these risks. Many global cities such as New York, Los Angeles, San Francisco, London, Barcelona, and Sydney, have also taken action. In other international cities, like Singapore, short-term rentals are illegal and are strictly enforced.
- c. Although some short-term rental companies strongly convey a message of support and cooperation with municipalities, when asked to collect local occupancy taxes, the same companies have sued the requesting municipalities.

The Subdivision and Development Appeal Board has the opportunity to prevent all of these results by cancelling the Class B Development Permit and variance at 6212-106 Avenue to have a Major Home-Based Business Permit for short-term vacation rentals for 5 years, to March 5 2025.

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.

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
 - or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

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

...

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.3(4), a **Major Home Based Business** is a **Discretionary Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.3(7), **Major Home Based Business** means:

development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses that may generate more than one business associated visit per day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use includes Bed and Breakfast Operations but does not include General Retail Sales, Cannabis Retail Sales or Cannabis Production and Distribution.

Under section 6.1, **Bed and Breakfast Operation** means “a Dwelling where temporary sleeping accommodations, with or without meals, are provided for remuneration to members of the public.”

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is “to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Discretionary Use

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed business complies with the regulations in the Zoning Bylaw. [unedited]

Notice to Applicant/Appellant

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



Project Number: **355064237-001**
 Application Date: FEB 14, 2020
 Printed: March 26, 2020 at 12:17 PM
 Page: 1 of 3

Home Occupation

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 Edmonton Zoning Bylaw 12800 as amended.

| | |
|------------------|---|
| Applicant | Property Address(es) and Legal Description(s) 6212 - 106 AVENUE NW Plan 1823042 Blk 41 Lot 13B |
| | Specific Address(es) Suite: 6212 - 106 AVENUE NW Suite: BSMT, 6212 - 106 AVENUE NW Entryway: 6212 - 106 AVENUE NW Building: 6212 - 106 AVENUE NW |

Scope of Permit
 To operate a Major Home Based Business (Bed and Breakfast short term rental - Airbnb Accommodation), expires March 5, 2025.

| | |
|---|--|
| Permit Details | |
| # of business related visits/day: Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: | # of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Shared Home Short Term Rental Accommodation (AIRBNB) - Legal Basement Suite - 1 - 2 bedroom Expiry Date: 2025-03-05 00:00:00 |

Development Permit Decision
 Approved
Issue Date: Mar 05, 2020 **Development Authority:** YEUNG, KENNETH



Project Number: **355064237-001**
Application Date: FEB 14, 2020
Printed: March 26, 2020 at 12:17 PM
Page: 2 of 3

Home Occupation

Subject to the Following Conditions

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

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.
4. If there are visits associated with the business the number shall not exceed the number applied for with this application.
5. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
6. The number of temporary sleeping accommodations on-site shall not exceed two. Cooking facilities are prohibited within temporary sleeping accommodations (Section 75.7).
7. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
8. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.
9. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
10. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on March 5, 2025.

Notes:

1. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.
3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).

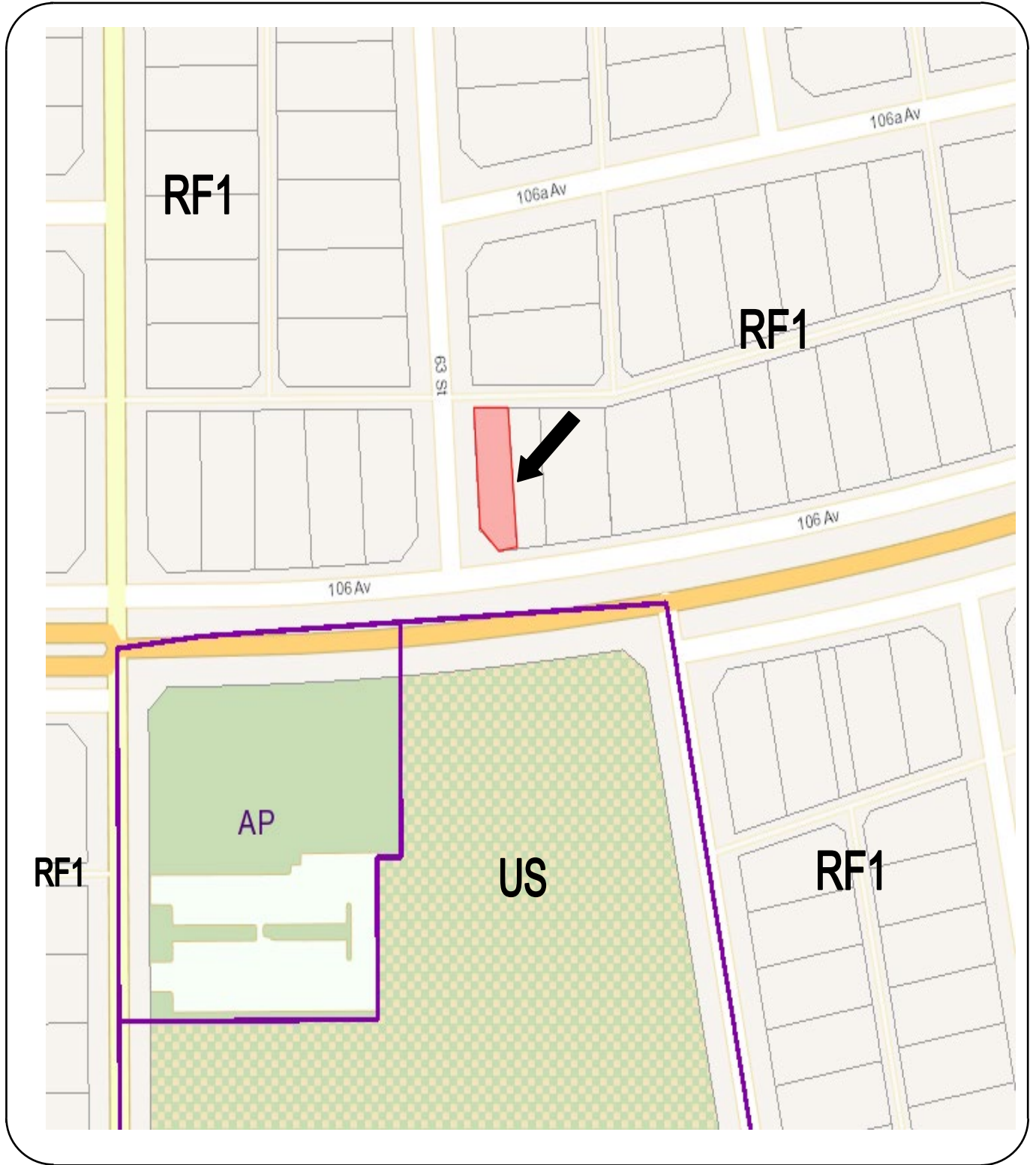
Variances

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed business complies with the regulations in the Zoning Bylaw.

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.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-048



ITEM VI

FILE: SDAB-D-20-049

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

APPELLANT:

APPLICATION NO.: 343046208-002

APPLICATION TO: Construct a 2 Storey commercial building with General Retail Stores on the main floor and Professional, Financial and Office Support on the second floor

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: February 14, 2020

DATE OF APPEAL: March 11, 2020

NOTIFICATION PERIOD: February 20, 2020 through March 12, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11803 - 114 Avenue NW

LEGAL DESCRIPTION: Plan 9423352 Blk 18A Lot A

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

119 Street and 114 Ave. - On the SE corner the City of Edmonton has approved rezoning and the building of a new business complex. The owner has been recorded as stating he plans on putting in a Café, a

Daycare and a Yoga studio. This was after the Public Hearing. More parking that the City of Edmonton has not factored into the equation. I live at 11409 - 118A Street NW. Year after year we in the neighborhood witness constant accidents at the intersection of 114 Avenue and 119 Street Most are not major. The East side of 114 Avenue at 119 Street ices up so bad that people are sliding into snowbanks, etc. to avoid an accident. Yearly we have tire tracks on the city property in front of our home along 118A Street and onto our driveway. Fortunately many hit the snow banks and some the Stop sign. Keep in mind this is without the added traffic that the new location at 114 Ave and 119 Street will provide and the new Blatchford district.

The new building that will be going up will have its exit/entrance northbound on 114 Avenue. 114 Avenue and 119 street is heavily congested especially during rush hour traffic. There are days traffic is backed up northbound south of 114 Avenue to Kingsway Avenue. It's difficult going southbound on 119 Street and then having to turn East onto 114 Avenue. Then there are the drivers using 114 Avenue to dry their cars at high rates of speed westbound after leaving the carwash. A flashing speed sign is temporary.

We also have the danger to pedestrians, especially the elderly, children and the disabled in the neighborhood. There are no crosswalks, no walk lights and no traffic lights at 114 Avenue and 119 Street. 119 Street is going to see an increase in traffic with the closure of 120 street and then the new building on the SE corner of 114 Avenue and 118 Street is going to add to this congestion.

There are school kids that catch the school bus and are forced to deal with this traffic build up. We have some blind people in our neighborhood who are terrified of having to cross southbound on 114 Avenue as there is no traffic/pedestrian control.

Then we have the Blatchford development. 119 Street cannot handle the increase in traffic volume from this new development especially with the closure of 120 Street between 111 Avenue and Kingsway Avenue. 120 Street is extremely wide and meant for high traffic flow and trucks. Why is this being closed off thus forcing more traffic onto 119 Street? A road that is not designed for future traffic increase.

The intersection of 111 Avenue and 119 Street gets heavily congested during rush hour with vehicles getting stuck within the intersection heading northbound thus upsetting East and West bound traffic on light changes. Just North of the 111 Avenue and 119 Street intersection is the entrance to the business complex on the east side of 119 Street and then a few feet further North is the West driveway access to the Links Clinic (Mira Health Centre). This driveway is heavily used to access this complex and this is what causes traffic to get backed up into the intersection of 111 Avenue and 119 Street at light changes. It has happened to me many times. Everyone is all of a sudden slamming on

their brakes as someone decides to turn west into the Links Centre parking lot. Entering the intersection heading northbound at 111 Avenue and 119 Street drivers cannot see that far ahead to determine what is going to happen thus many are getting stuck in the intersection after a light change.

Currently the Owner of the proposed building at the SE corner of 114 Avenue and 119 Street has informed City Planning that Transit and Street parking will address parking concerns. once parents get to 114 Avenue and 119 Street. There is no Westbound parking on 114 Avenue between 117 to 119 Street.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board (“SDAB”) made and passed the following motion on March 25, 2020:

“That the appeal hearing be rescheduled to a date to be determined.”

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

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

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

- (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

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

Hearing and Decision

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 330.2(7), **General Retail Stores, up to a maximum Floor Area of 1 000 square metres**, is a **Permitted Use** in the **(CB1) Low Intensity Business Zone**.

Under section 330.2(13), **Professional, Financial and Office Support Services** is a **Permitted Use** in the **(CB1) Low Intensity Business Zone**.

Under section 330.3(11), **General Retail Stores, with a Floor Area greater than 1 000 square metres**, is a **Discretionary Use** in the **(CB1) Low Intensity Business Zone**.

Under section 7.4(24), **General Retail Stores** means:

development used for the retail or consignment sale of new goods or merchandise within an enclosed building, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold wholesale. Accessory Uses may include the assembly or repair of products sold on Site, or minor public services such as postal services or pharmacies. This Use does not include Aircraft Sales/Rentals, Automotive and Minor Recreation Vehicle Sales/Rentals, Cannabis Retail Sales, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Garden Centres, Pawn Stores, Liquor Stores, Major Service Stations, Minor Service Stations, Secondhand Stores, and Warehouse Sales.

Under Section 7.4(43), **Professional, Financial and Office Support Services** means:

development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical Uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.

Section 330.1 states that the **General Purpose of (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.

Parking Spaces

Section 54.2, Schedule 1(A)(19), states Professional, Financial and Office Support Services requires the following minimum number of Parking Spaces:

1 parking space per 29.4 square metres of Floor Area

Section 54.2, Schedule 1(A)(12) states any development within a Commercial Use not listed separately in this table, with a Floor Area of:

- | | |
|--|---|
| a. less than 4 500 m ² Floor Area | 1 parking space per 40 square metres of |
| b. 4 500m ² - 9 000m ² of Floor Area | 1 parking space per 33.3square metres |
| c. 9 000 m ² 28 000 m ² of Floor Area | 1 parking space per 28.5 square metres |
| d. greater than 28 000 m ² Floor Area | 1 parking space per 25 square metres of |

Development Officer's Determination

1. Parking - The site has 23 parking stalls, instead of 38 (Reference Section 54 and Schedule 1(A))

Loading Spaces

Section 54.4(3)(a) states:

Each off-street loading space shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload. Each required loading space shall be a minimum of 3.0 metres in width, a minimum of 9.0 metres in length and maintain a minimum overhead clearance of 4.0 metres, unless larger dimensions are required, having regard to the type of vehicle loading and unloading without projecting into a public roadway.

Section 54.4, Schedule 3, states the following:


| Use of Building or Site | Total Floor Area of Building | Minimum Number of loading Spaces Required |
|---|---|---|
| 1. Any development within the Commercial or Industrial Use Classes, excluding Professional, Financial and Office Support Services | Less than <u>465 m²</u> <u>465 m² to 2 300 m²</u> Each additional <u>2 300 m²</u> , or fraction thereof | 1 2 1 additional |
| 2. Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services, excluding Limited Group Homes | Up to <u>2 800 m²</u> Each additional <u>2 800 m²</u> or fraction thereof | 1 1 additional |

Development Officer’s Determination

2. Loading - 1 Loading space at 3.0m x 7.0m instead of 2 loading spaces at 3.0m x 9.0m (Reference Sections 54.4(3)(a) and 54.4 Schedule 3)

Notice to Applicant/Appellant

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

| | | | |
|--|--|---|---|
|  | Project Number: 343046208-002 Application Date: OCT 05, 2019 Printed: March 12, 2020 at 7:56 AM Page: 1 of 6 | | |
| | <h2>Major Development Permit</h2> | | |
| 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 Edmonton Zoning Bylaw 12800 as amended. | | | |
| <p>Applicant</p> <p>SPAN ARCHITECTURE INC Care of: SONGLIN PAN 3212 - MCCALL PLACE NW EDMONTON, ALBERTA CANADA T6R 3V2</p> | <p>Property Address(es) and Legal Description(s)</p> <p>11803 - 114 AVENUE NW Plan 9423352 Blk 18A Lot A</p> <hr/> <p>Specific Address(es)</p> <p>Suite: 11803 - 114 AVENUE NW Suite: 11807 - 114 AVENUE NW Suite: 11811 - 114 AVENUE NW Suite: 11815 - 114 AVENUE NW Suite: 11819 - 114 AVENUE NW Suite: 11827 - 114 AVENUE NW Suite: 201, 11823 - 114 AVENUE NW Suite: 202, 11823 - 114 AVENUE NW Suite: UTIL, 11831 - 114 AVENUE NW Entryway: 11803 - 114 AVENUE NW Entryway: 11807 - 114 AVENUE NW Entryway: 11811 - 114 AVENUE NW Entryway: 11815 - 114 AVENUE NW Entryway: 11819 - 114 AVENUE NW Entryway: 11823 - 114 AVENUE NW Entryway: 11827 - 114 AVENUE NW Entryway: UTIL, 11831 - 114 AVENUE NW Building: 11803 - 114 AVENUE NW</p> | | |
| <p>Scope of Permit</p> <p>To construct a 2 Storey commercial building with General Retail Stores on the main floor and Professional, Financial and Office Support on the second floor.</p> | | | |
| <p>Permit Details</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class of Permit: Class B Gross Floor Area (sq.m.): 1599.79 New Sewer Service Required: Y Site Area (sq. m.): 1760.14 </td> <td style="width: 50%;"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table> | | Class of Permit: Class B Gross Floor Area (sq.m.): 1599.79 New Sewer Service Required: Y Site Area (sq. m.): 1760.14 | Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) |
| Class of Permit: Class B Gross Floor Area (sq.m.): 1599.79 New Sewer Service Required: Y Site Area (sq. m.): 1760.14 | Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) | | |
| <p>Development Permit Decision</p> <p>Approved</p> <p>Issue Date: Feb 14, 2020 Development Authority: ADAMS, PAUL</p> <p>Subject to the Following Conditions</p> <p>Drainage Services Conditions:</p> <ol style="list-style-type: none"> Sanitary Sewer Trunk Charge (SSTC) Based on our record, this property was never assessed for SSTC. | | | |



Project Number: **343046208-002**
 Application Date: OCT 05, 2019
 Printed: March 12, 2020 at 7:56 AM
 Page: 2 of 6

Major Development Permit

-SSTC is applicable to the entire property area of 0.1759 ha at the rate of \$8,311/ha under the current DP#343046208-002. The area is obtained from the City's information computer program called POSSE.

-Payment should be made at the Edmonton Service Centre, 2nd Floor, 10111 – 104 Avenue NW.

-For information purposes, the 2019 rate is \$8,311/ha. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment.

EPCOR Conditions:

1. As per EPCOR Water Services, Inc.'s response to LDA19-0232, the applicant is required to construct one new hydrant on 114 Ave west of the lane east of 119 St at their expense. This work can be undertaken either under a servicing agreement or under EPCOR Water Services, Inc.'s New Water Distribution Mains capital program. For more information on the program, please contact waterdtnfrastructure@epcor.com.

Landscaping Conditions:

1. Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.

2. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.

3. Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.

4. A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed (www.edmonton.ca/landscapeinspectionrequest).

5. 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 Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.

6. Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, 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 Officer.

Transportation Conditions:

1. The existing 6 m commercial crossing access to 114 Avenue located approximately 10 m from the east property line must be removed and the curb & gutter and sidewalk constructed and boulevard restored to City of Edmonton Complete Streets Design and Construction Standards.

2. The proposed 8 m commercial crossing access to 114 Avenue located approximately 6 m from the west property line, is acceptable to Subdivision Planning and must be constructed to City of Edmonton Complete Streets Design and Construction Standards.

3. The proposed access to 114 Avenue must maintain a minimum clearance of 1.5 from the streetlight OR the streetlight must be relocated. All costs associated with relocation must be borne by the owner/applicant. If relocation is required, then streetlight submissions are required for review and approval, and post construction documentation is required as per the City of Edmonton Road and Walkway Manual Design and Construction Standards. There are approved electrical consultants and electrical service



Project Number: **343046208-002**
 Application Date: OCT 05, 2019
 Printed: March 12, 2020 at 7:56 AM
 Page: 3 of 6

Major Development Permit

contractors that should be contacted to complete the work. To obtain these contacts, and for further information, please contact Shawn Jacobs, Traffic Operations at 780-496-3527 or at Shawn.Jacobs@edmonton.ca

4. Permanent objects, including fencing must NOT encroach into or over/under road right-of-way.

5. There is an existing power pole with Telus facilities in the alley that may interfere with the proposed parking lot. Should relocation of the pole/guy-wire be required, all costs associated with relocation must be borne by the owner/applicant. The applicant should email ces@epcor.com of EPCOR Customer Engineering and Soon Chung (780-446-4913) Telus for more information.

6. There is an existing service pedestal in the vicinity of the existing 6 m access to 114 Avenue. The applicant should email ces@epcor.com of EPCOR Customer Engineering for more information. Should relocation of the pedestal/transformer be required, all costs associated with relocation must be borne by the owner/applicant.

7. There may be utilities within the 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.

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:

- the start/finish date of project;
- accommodation of pedestrians and vehicles during construction;
- confirmation of lay down area within legal road right of way if required;
- 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/licences_permits/oscam-permit-request.aspx and
<https://www.edmonton.ca/documents/PDF/ConstructionSafety.pdf>

9. Any alley, sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

Zoning Conditions:


1. No parking, loading, storage, trash collection, outdoor service or display areas shall be permitted within the required 3.0m Setback and loading, storage, parking and trash collection areas shall be screened from view from any adjacent site and public roadway in accordance with Section 54 of the Zoning Bylaw. (Reference Sections 330.4(3) & (5))


2. The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6.

3. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. (Reference Section 54.1(1)(c))

4. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51)

5. All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55.4 & 55.5.

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| <p>6. Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.</p> <p>7. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building. (Reference Section 330.4(7))</p> <p>8. A 1.8m tall wood screen fence shall be provided to screen the property to the residential development across the lane to the East and the abutting property to the South of this Site. (Reference Section 55.5(6)).</p> <p>Subject to the Following Advisements</p> <p>Drainage Services Advisements:</p> <p>This advisement identifies the development assessments applicable to the property located at 11803-114 Avenue NW (Plan 9423352 Blk 18A Lot A; Prince Rupert).</p> <p>a. APPLICABLE ASSESSMENTS</p> <p>i. Permanent Area Contribution (PAC) -Storm and Sanitary PACs are not applicable, since the property is not within any active PAC basin.</p> <p>ii. Expansion Assessment (EA) -Expansion Assessment is not applicable, since the property is outside the current Expansion Assessment Area.</p> <p>iii. Arterial Roadway Assessment (ARA) -Arterial Roadway Assessment is not applicable, since the property is outside the current ARA Catchment Area.</p> <p>Additional Notes</p> <p>A. The above assessment is made based on information currently available to our Department. Should such information change in the future, a new assessment may be made.</p> <p>B. In addition to the above items, the applicant/owner may need to pay for the installation cost of sewer services to the property line. For details, please contact EPCOR Drainage.</p> <p>C. More information about the above charges can be found on the City of Edmonton's website:</p> <ul style="list-style-type: none"> o Permanent Area Contributions https://www.edmonton.ca/city_government/utilities/permanent-area-contributions.aspx o Sanitary Servicing Strategy Expansion Assessment https://www.edmonton.ca/city_government/utilities/expansion-assessment-charge-ea.aspx o Arterial Roadway Assessment https://www.edmonton.ca/projects_plans/roads/design_planning/arterial-roadway-assessments.aspx o Sanitary Sewer Trunk Charge https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx o Revolving Industrial Servicing Fund https://www.edmonton.ca/city_government/urban_planning_and_design/revolving-industrial-servicing-fund.aspx <p>EPCOR Advisements:</p> <p>a. There are no existing services at this location. Servicing can be provided from either the existing 200mm water main adjacent to the site on 114 Ave or from the existing 300mm water main adjacent to the site on 119 St.</p> <p>b. For information on the provisioning of a new water service contact EPCOR Drainage, Infill Water and Sewer Servicing at wass.drainage@epcor.com or at 780-496-5444.</p> <p>c. There is a deficiency in on-street hydrant spacing adjacent to the property. City of Edmonton Standards requires hydrant spacing of 90m for the proposed development. Hydrant spacing in the area is approximately 130m and does not meet the spacing requirement.</p> <p>d. Fire Rescue Services (FRS), Fire Protection Engineer may be able to perform a review at development permit application to alter or lessen on-street fire protection infrastructure upgrades, assuming certain criteria are met. The applicant may request that the City</p> | |

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| Planner initiate this review. | |
| <p>e. 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 15816 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting waterlandadmin@epcor.com.</p> | |
| Fire Rescue Services Advisements: | |
| <p>a. Fire Safety Plan Ensure that a Fire Safety Plan is prepared for this project, in accordance with the EFRS Construction Site Fire Safety Plan Template: https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const.aspx</p> | |
| <p>b. Fire Alarm If the building will be protected by a fire alarm system, 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: ABC 3.2.4.9 Annunciator and Zone Indication</p> | |
| <p>c. Hydrants Functional Provide the location(s) of the fire hydrants in proximity to the development. Confirm that these hydrants are fully functional prior to construction.</p> | |
| <p>d. Combined FDC and distance to hydrant If the building is sprinklered, ensure that the building's Sprinkler Fire Department Connection is located in accordance with ABC 3.2.5.15, and that the travel distance (not radius) from Fire Department Connection to fire hydrant does not exceed 45m. Reference: ABC 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.</p> | |
| <p>e. Hydrant-Entrance Distance Confirm that the travel distance (not radius) from principal entrance to fire hydrant does not exceed 90 meters (non-sprinklered building) Reference: ABC 3.2.5.5. Location of Access Routes 2) Access routes shall be provided to a building so that a) for a building not provided with a fire department connection, a fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 90m, and c) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45m.</p> | |
| Transportation Advisements: | |
| <p>a. The proposed connector sidewalk from the west property line of the subject site to tie into the City sidewalk on the east side of 119 Street is acceptable to Subdivision Planning.</p> | |
| Zoning Advisements: | |
| <p>a. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section</p> | |



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Major Development Permit

17.1)

b. This Development Permit is NOT a Business Licence. A separate application must be made for a Business Licence. Please contact the 311 Call Centre (780-442-5311) for further information.

c. Signs require separate Development Applications.

d. 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 (780-442-5311) for further information.

e. The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

f. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)

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

VariANCES

1. Parking - The site has 23 parking stalls, instead of 38 (Reference Section 54 and Schedule 1(A))

2. Loading - 1 Loading space at 3.0m x 7.0m instead of 2 loading spaces at 3.0m x 9.0m (Reference Sections 54.4(3)(a) and 54.4 Schedule 3)

Rights of Appeal

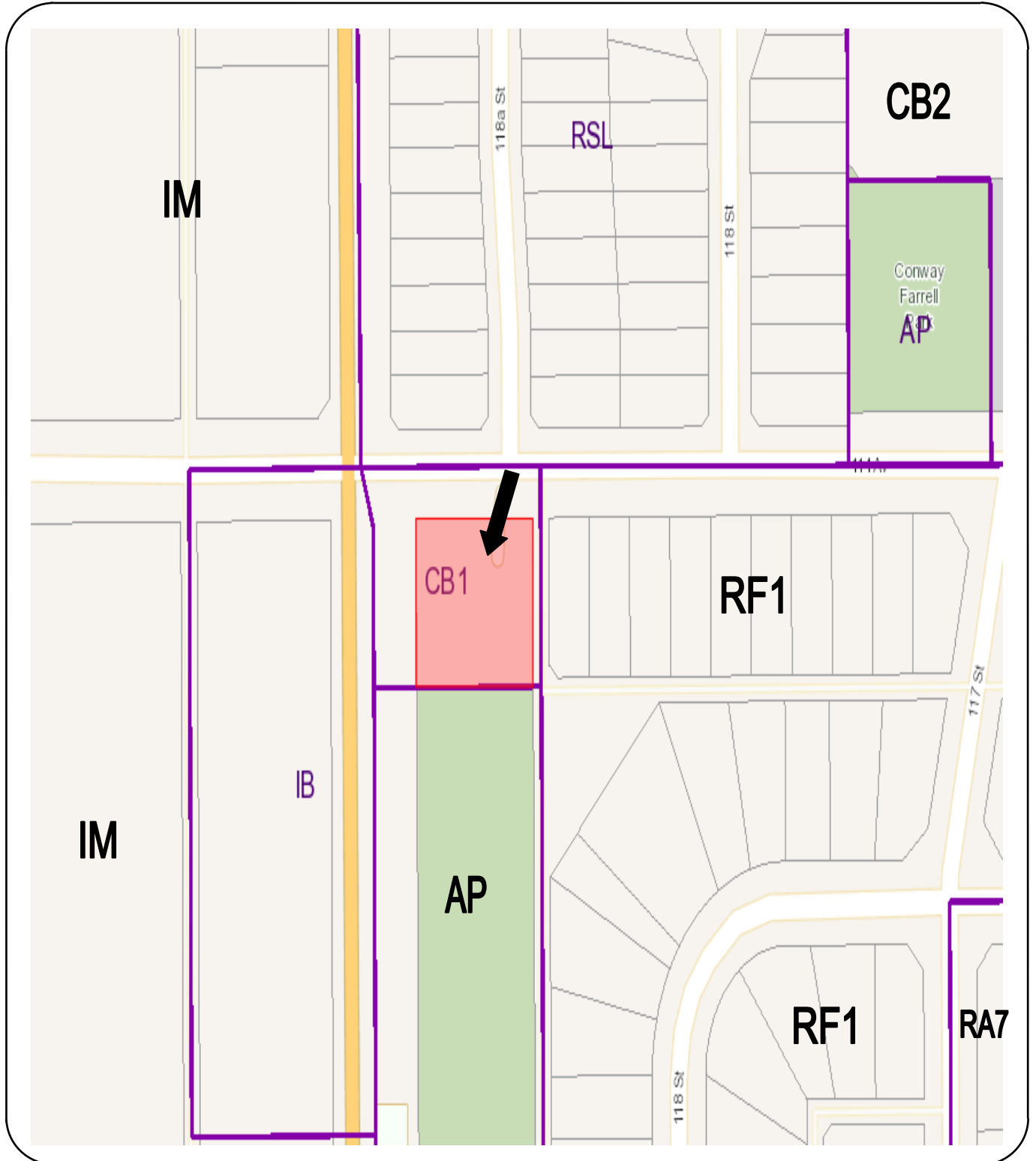
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Feb 20, 2020

Ends: Mar 12, 2020

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|-----------------------------------|------------|-------------|-----------------|--------------|
| Sanitary Sewer Trunk Fund 2012+ | \$1,461.90 | \$1,461.90 | 06332757 | Dec 16, 2019 |
| Lot Grading Fee | \$236.00 | \$236.00 | 06332757 | Dec 16, 2019 |
| Major Dev. Application Fee | \$963.00 | \$963.00 | 886950011730001 | Oct 11, 2019 |
| Dev. Application Fee for GFA | \$1,078.00 | \$1,078.00 | 886950011730001 | Oct 11, 2019 |
| Development Permit Inspection Fee | \$518.00 | \$518.00 | 06332757 | Dec 16, 2019 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | \$4,256.90 | \$4,256.90 | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-049

