

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
August 24, 2016**

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

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

I	9:00 A.M.	SDAB-D-16-200	Revise the size of a Freestanding Minor Digital Off-Premises Sign (approved by the Subdivision and Development Appeal Board, SDAB-D-15-097) 10730 - 99 Street NW Project No.: 180163072-002
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II	11:00 A.M.	SDAB-D-16-201	Construct a 39-dwelling Apartment House with General Retail Stores at grade, 6 dwellings of Row Housing, and 3 Live-Work Units 10922 - 77 Avenue NW, 10920 - 77 Avenue NW, 7708 - 109 Street NW, 7704 - 109 Street NW, 7716 - 109 Street NW, 7712 - 109 Street NW Project No.: 180105494-001
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-200

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

APPELLANT:

APPLICATION NO.: 180163072-002

ADDRESS OF APPELLANT: 10705 - 101 Street NW

APPLICATION TO: Revise the size of a Freestanding Minor Digital Off-Premises Sign (approved by the Subdivision and Development Appeal Board, SDAB-D15-097)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: July 11, 2016

DATE OF APPEAL: July 28, 2016

NOTIFICATION PERIOD: July 19, 2016 through August 3, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10730 - 99 Street NW

LEGAL DESCRIPTION: Plan 5825NY Lot B

ZONE: CB2-General Business Zone

OVERLAY: Pedestrian Commercial Shopping Street Overlay

STATUTORY PLAN: Boyle Street / McCauley Area Redevelopment Plan

Grounds for Appeal

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

Proposed signage will diminish and/or eliminate visibility of the existing retail business (and its signage) which has been operating in this location for over 40 years.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - (ii) ...

or

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

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

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

...

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

...

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

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

(i) the proposed development would not

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

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 340.1 states the **General Purpose** of the **CB2 General Business Zone** is to provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.

Section 819.1 states the **General Purpose** of the **Pedestrian Commercial Shopping Street Overlay** is to maintain the pedestrian-oriented character of commercial areas, comprised of shopping streets in close proximity to residential areas of the City.

<i>Discretionary Use</i>

Section 340.3(41) states a **Minor Digital Off-premises Sign** is a **Discretionary Use** in the **CB2 General Business Zone**.

Section 819.3(13) of the **Pedestrian Commercial Shopping Street Overlay** states (in part) Signage shall be provided in accordance with Schedule 59E of this Bylaw, with the intent to compliment the pedestrian-oriented commercial environment.

Under Section 7.9(6), **Minor Digital Off-premises Signs** means any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign

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

Under Section 6.2(8), **Freestanding Signs** means any On-premises or Off-premises Sign supported independently of a building. The Sign may take the form of single or multiple icons, product or corporate symbol, may involve a three dimensional or volumetric representation, may have single or multiple faces and may or may not be permanently fixed to the ground;

Development Officer’s Determination

Freestanding Minor Digital Off-premises Sign is approved as a Discretionary Use (Section 340.3(40)).

Sign Area

Section 59E.3(5)(c)(ii) states the maximum Area shall be 20 square metres for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 square metres.

Under Section 6.2(24), **Sign Area** means the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area;

Under Section 6.2(3), **Copy** means the letters, graphics or characters that make up the message on the Sign face.

Development Officer’s Determination

The Sign Area varied to 26.75 square metres (Section 59E.3(5)(c)(ii)).

Separation Distance

Section 59E.3(5)(d) states that proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 square metres or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8 square metres or other Off-premises Sign
Greater than 8 square metres to less than 20 square metres	100 metres
20 square metres to 40 square metres	200 metres
Greater than 40 square metres	300 metres

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

Development Officer's Determination

The separation distance reduced to 140 metres (Section 59E.3(5)(d)).

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: 180163072-002
Application Date: MAY 18, 2016
Printed: July 28, 2016 at 1:58 PM
Page: 1 of 3

Application for Sign Combo Permit SDAB-D- 16 -2 0 0

This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.

Applicant

ASTRAL OUT OF HOME

Property Address(es) and Legal Description(s)

10730 - 99 STREET NW
Plan 5825NY Lot B

CB2

Scope of Application

To revise the size of a Freestanding Minor Digital Off-Premises Sign (approved by the Subdivision and Development Appeal Board, SDAB-D15-097)

Permit Details

ASA Sticker No./Name of Engineer:
Construction Value: 150000

Class of Permit: Class B
Expiry Date: 2020-06-04 00:00:00

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: 0
Minor Digital On/Off-premises Sign: 0

Freestanding Off-premises Sign: 1
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

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision

Approved

THIS IS NOT A PERMIT



Project Number: **180163072-002**
Application Date: MAY 18, 2016
Printed: July 28, 2016 at 1:58 PM
Page: 2 of 3

Application for Sign Combo Permit

Subject to the Following Conditions

- 1) Freestanding Minor Digital Off-premises Sign permit expires June 4, 2020. A new application will be required to extend the display duration.
- 2) The proposed Freestanding Minor Digital Off-premises sign shall comply in accordance to the approved plans submitted.
- 3) Minor Digital Off-premises Signs shall use automatic light level controls to adjust light levels at night, under cloudy and other darkened conditions to reduce light pollution, in accordance with the following:
 - a) Ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise / Sunset calculator from the National Research Council of Canada; (Reference Section 59.2(5)(a))
 - b) Brightness level of the Sign shall not exceed 400 nits when measured from the sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/Sunset calculator from the national research Council of Canada (Reference Section 59.2(5)(b))
- 4) The proposed freestanding Digital On-Premises Sign shall comply with the following conditions in consultation with the Transportation Planning, in accordance to Section 59.2(11):
 - a) That, should at any time, City Operations determine that the sign face contributes to safety concerns, the owner/applicant must immediately address the safety concerns identified by removing the sign, de-energizing the sign, changing the message conveyed on the sign, and or address the concern in another manner acceptable to City Operations.
 - b) That the owner/applicant must provide a written statement of the actions taken to mitigate concerns identified by City Operations within 30 days of the notification of the safety concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign.
 - c) The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/into road right-of-way.

ADVISEMENT:

- 1) Should the Applicant wish to display video or any form of moving images on the sign, a new Development Application for a major digital sign will be required. At that time, Transportation Services will require a safety review of the sign prior to responding to the application.
- 2) 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 (Reference Section 5.2).

Variances

- 1) Freestanding Minor Digital Off-premises Sign is approved as a Discretionary Use (Section 340.3(40)).
- 2) The Sign Area varied to 26.75 m² (Section 59E.3(5)(c)(ii))
- 3) The separation distance reduced to 140 m (Section 59E.3(5)(d))

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.

THIS IS NOT A PERMIT



Application for Sign Combo Permit

Project Number: **180163072-002**
Application Date: MAY 18, 2016
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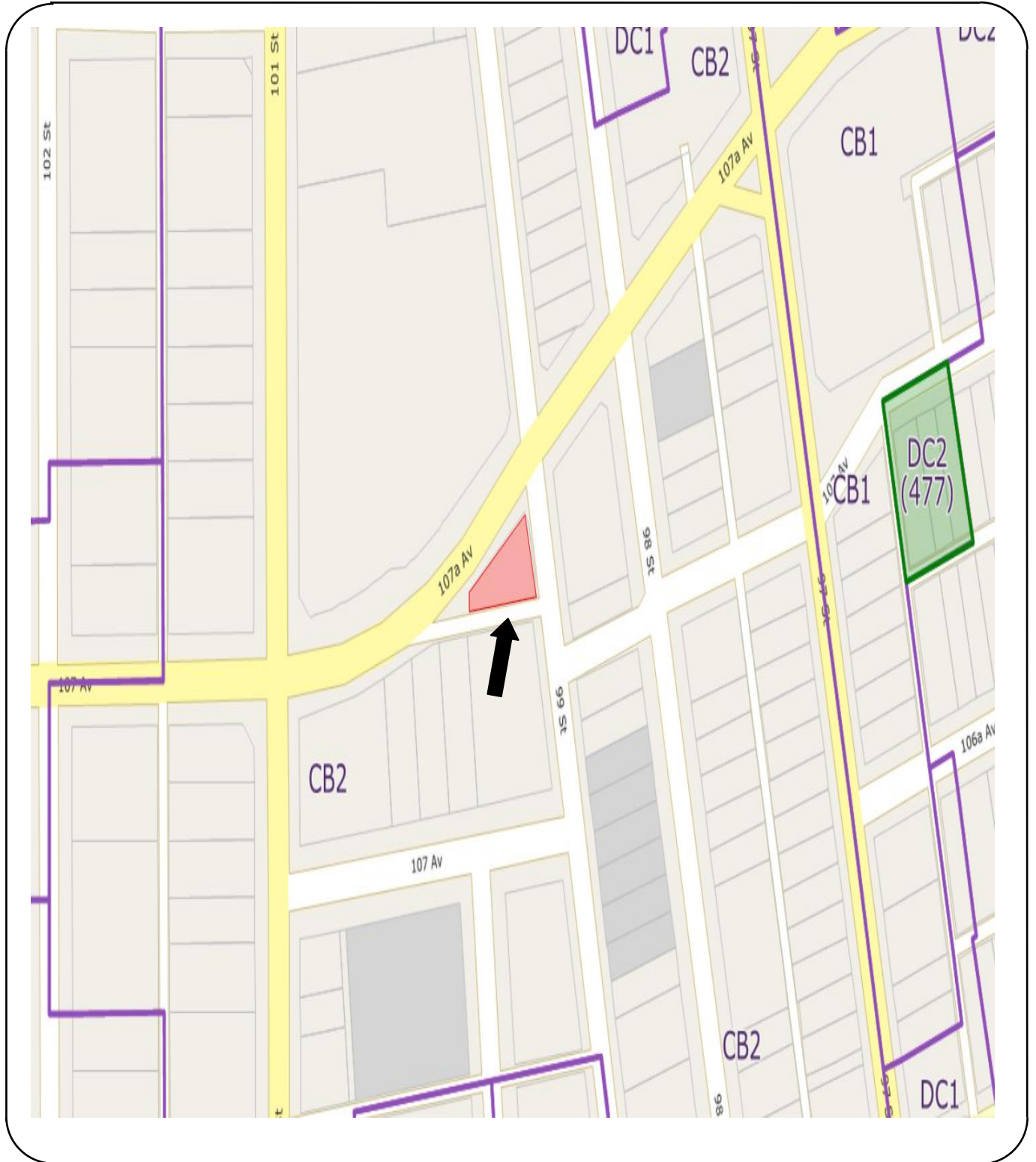
Issue Date: Jul 11, 2016 Development Authority: AHUJA, SACHIN Signature: _____
Notice Period Begins: Jul 19, 2016 Ends: Aug 03, 2016

Building Permit Decision
No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$102.00	\$102.00	03381962	Jun 23, 2016
Safety Codes Fee	\$40.40	\$40.40	03432806	Jul 11, 2016
Sign Development Application Fee	\$261.00	\$261.00	03381962	Jun 23, 2016
Sign Building Permit Fee	\$1,010.00	\$1,010.00	03432806	Jul 11, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,413.40	\$1,413.40		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-200



ITEM II: 11:00 A.M.

FILE: SDAB-D-16-201

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

APPELLANT:

APPLICATION NO.: 180105494-001

ADDRESS OF APPELLANT: 10944 – 77 Avenue

APPLICATION TO: Construct a 39-dwelling Apartment House with General Retail Stores at grade, 6 dwellings of Row Housing, and 3 Live-Work Units

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: July 8, 2016

DATE OF APPEAL: July 27, 2016

NOTIFICATION PERIOD: July 14, 2016 through July 28, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10922 - 77 Avenue NW, 10920 - 77 Avenue NW, 7708 - 109 Street NW, 7704 - 109 Street NW, 7716 - 109 Street NW, 7712 - 109 Street NW

LEGAL DESCRIPTION: Plan I24 Blk 18 Lot 1, Plan 4855EO Lot 6, Plan 4855EO Lot 9, Plan 4855EO Lot 10, Plan 4855EO Lots 7-8, Plan 4855EO Lot 8

ZONE: DC2-Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

Grounds for Appeal

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

The Development Officer did not follow the direction of City Council when the DC2 Bylaw was approved because of the variances that were granted.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - (ii) ...

or

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

Section 641(4) of the *Municipal Government Act*, RSA 2000, c M-26, states despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Section 2 of the *Edmonton Zoning Bylaw 12800* concerning Repeal, Enactment and Transition Procedures states the following:

- 2.4 Subject only to the provisions in the *Municipal Government Act* respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.
- 2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.
- 2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

General Provisions from the *Edmonton Zoning Bylaw*:

Section DC2.872.1 states the **General Purpose** of the Zone is to allow a mixed use residential/commercial development in a built form that is compatible with adjacent uses, which contains a mix of varied housing forms. Commercial Uses

are required to be at street level and are intended to serve the surrounding area. The development is intended to achieve a high standard of appearance and be pedestrian oriented at the street level.

Section DC2.872.3(a) states **Apartment Housing** is a Listed Use in the DC2 Zone.

Under Section 7.2(1) of the *Edmonton Zoning Bylaw*, Apartment Housing means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.

Section DC2.872.3(f) states a **General Retail Store** is a Listed Use in the DC2 Zone.

Under Section 7.4(22) of the *Edmonton Zoning Bylaw*, 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 Class does not include Aircraft Sales/Rentals, Automotive and Minor Recreation Vehicle Sales/Rentals, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Garden Centres, Pawn Stores, Major Alcohol Sales, Minor Alcohol Sales, Major Service Stations, Minor Service Stations, Secondhand Stores, and Warehouse Sales.

Section DC2.872.3(p) states **Row Housing** is a Listed Use in the DC2 Zone.

Under Section 7.2(6) of the *Edmonton Zoning Bylaw*, Row Housing means development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to Grade. This Use Class does not include Stacked Row Housing or Blatchford Townhousing.

Section DC2.872.3(i) states a **Live Work Unit** is a Listed Use in the DC2 Zone.

Under Section 7.3(5) of the *Edmonton Zoning Bylaw*, Live Work Unit means a unit that contains one Dwelling, in addition to dedicated floor space for the purpose of conducting work. The work component may or may not be separate and distinct from the Dwelling. This Use Class does not include a Minor Home Based Business or a Major Home Based Business.

Amenity Space

Section DC2. 872.4.2.3 states the Amenity Area for Apartment Housing Dwellings shall have a minimum width and length of 2.0 metres and may be located within a Front Setback provided that a minimum Setback of 1.0 metres is maintained between the Private Outdoor Amenity Area and any property line that abuts a public roadway or Lane.

Under Section 6.1(5), **Amenity Area** means:

- a. with respect to Residential Use Classes, space provided for the active or passive recreation and enjoyment of the occupants of a residential development, which may be for private or communal use and owned individually or in common, subject to the regulations of this Bylaw; and
- b. with respect to Non-Residential Use Classes, space provided for the active or passive recreation and enjoyment of the public, during the hours which the development is open to the public, which shall be owned and maintained by the owners of the development, subject to the regulations of this Bylaw;

Development Officer's Determination

Amenity Space - Amenity space for the Apartment Houses may have a minimum width of 1 metres, instead of 2 metres, for the 3rd and 4th floors (Section DC2(872).4(2)(3)).

Driveway Slope

Section DC2.872.4.4.3 states the underground parking garage ramp shall have a minimum width of 6.0 metres for a distance of 5.5 metres into the Site to accommodate two-way traffic. The driveway ramp shall be at Grade at the property line. The slope of the driveway ramp shall not be greater than 6 percent for a distance of 4.5 metres inside the property line, unless otherwise agreed to by Transportation Services.

Development Officer's Determination

Driveway Slope - The underground parking garage ramp will have an 18 percent slope for single lengths of up to 14.8 metres, instead of 4.5 metres (Section DC2(872).4(4)(3)).

<i>Landscaping</i>

Section DC2.872.4.3.1 states a detailed Landscape Plan shall be submitted by a registered Landscape Architect, in accordance with the Zoning Bylaw, for review and approval by the Development Officer prior to the approval of any Development Permit.

Section 55.3(1)(c)(i) of the *Edmonton Zoning Bylaw* states the proportion of deciduous to coniferous trees and shrubs shall be approximately 50:50.

Development Officer's Determination

Landscaping - There are 89 percent deciduous trees and shrubs and 11 percent coniferous trees and shrubs, instead of an even number of each (Section 55.3(1)(c)).

<i>Projection</i>

Section DC2.872.4.1.5.c states Row Housing and Stacked Row Housing Uses shall provide a minimum Front Setback of 4.5 metres for units facing north, and a 3.0 metres minimum Front Setback for Units facing south and a minimum of 2.5 metres from the west property line and as shown in Appendix II – CONCEPTUAL SITE PLAN.

Section 44.2 of the *Edmonton Zoning Bylaw* states windows, or cantilevered projections without windows, may project into a required Setback or Separation Space, provided that such projections do not exceed 0.6 metres in the case of Setbacks or Separation Spaces. In all cases, a minimum distance of 0.6 metres from the property line to the outside wall of such projection and all other portions of a Dwelling, including eaves, shall be maintained.

Development Officer's Determination

Projection - The distance from the bay window and steps to the property line along 77 Avenue (front lot line) is 0.86 metres, instead of 3 metres (Section 44.2 and DC2(872).4(1)(5)(c)).

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: 180105494-001
Application Date: SEP 30, 2015
Printed: July 27, 2016 at 11:08 AM
Page: 1 of 6

SDAB-D- 16 - 2011

Major Development Permit

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

WHITTAKER ARCHITECTS LTD



Property Address(es) and Legal Description(s)

- 10922 - 77 AVENUE NW
Plan I24 Blk 18 Lot 1
- 10920 - 77 AVENUE NW
Plan 4855EO Lot 6
- 7708 - 109 STREET NW
Plan 4855EO Lot 9
- 7704 - 109 STREET NW
Plan 4855EO Lot 10
- 7716 - 109 STREET NW
Plan 4855EO Lots 7-8
- 7712 - 109 STREET NW
Plan 4855EO Lot 8

DC2

Scope of Permit

To construct a 39-dwelling Apartment House with General Retail Stores at grade, 6 dwellings of Row Housing, and 3 Live-Work Units.

Permit Details

Class of Permit: Class B
Gross Floor Area (sq.m.): 598.05
New Sewer Service Required: Y
Site Area (sq. m.): 2210.82

Contact Person:
Lot Grading Needed?: Y
NumberOfMainFloorDwellings: 9
Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision

Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **180105494-001**
 Application Date: SEP 30, 2015
 Printed: July 27, 2016 at 11:08 AM
 Page: 2 of 6

Major Development Permit

Subject to the Following Conditions

- 1) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1).
- 2) WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2).
- 3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant shall provide confirmation in a form to the satisfaction of the Development Officer, that a contribution valued at \$200,000 shall be made toward the acquisition of Public Art to be permanently displayed in a publicly accessible location on the Site. In addition, an art plan prepared by an art consultant shall be submitted to the City of Edmonton for review and approval, prior to the issuance of a Building Permit. The artwork will be acquired through an acceptable art procurement process administered by the art consultant in consultation with the owner/operator, and shall be owned and maintained by the owner/operator and placed on the Site in a space that is publicly visible and accessible. (Reference Section DC2(872).7(2)(1)).
- 4) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$715.
- 5) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay the Sanitary Sewer Trunk Charge (SSTC) fee. SSTC is applicable to 39 multi-family dwellings at the rate of \$1,021/dwelling and an assessable commercial area of 0.0598 ha at \$7,152/ha under the current DP#180105494-001. For information purposes, the year 2015 rate is \$1,021/dwelling and \$7,152/ha respectively. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 5th Floor cashiers, Sustainable Development, 10250 - 101 Street NW.
- 6) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:
 - a) cash to a value equal to 100% of the established landscaping costs;
 - or
 - b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.
 Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. (Reference Section 55.6).
- 7) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must dedicate to the City of Edmonton and register all road rights-of-way necessary for the construction of the new north-south alley, as per the Sustainable Development memorandum dated 6 July 2016. A plan of survey (road plan) with proof of Section 62 notification must be submitted to Chantal Villecourt (780-442-6322) of Sustainable Development (19th floor Century Place, 9803 - 102A Avenue NW, Edmonton, AB T5J 3A3). The owner may contact Chad Fremmerlid (780-496-1962) of Transportation Planning and Engineering for further information regarding the road plan registration. The owner may be required to submit a Phase I Environmental Site Assessment (ESA) for all affected lands to be registered as road right-of-way. All associated costs will be borne by the applicant. Urban Transportation has no concerns with a potential land swap agreement for the portion of alley closed as part of LDA 13-0116 as per the Sustainable Development memorandum dated 6 July 2016.
- 8) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or landowner shall submit a letter from an engineering firm stating that the portion of the underground parkade situated under the waste collection loading area will be able to withstand the weight of the collection vehicle during loading activities.
- 9) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into a Municipal Improvement Agreement with the City for the following improvements:
 - a) construction of the a 6 m wide commercial alley between 77 Avenue and the east-west alley north of the property;

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **180105494-001**
 Application Date: SEP 30, 2015
 Printed: July 27, 2016 at 11:08 AM
 Page: 3 of 6

Major Development Permit

- b) construction of 2.2 m curb extension on the north side of 77 Avenue immediately west of the new alley;
- c) construction of a 1.3 m curb extension at the NW corner of 77 Avenue and 109 Street; and
- d) construction of 2 m sidewalk from the west property line to 109 Street, and from 77 Avenue to the north property line; and
- e) relocation of two existing street light poles along 109 Street.

The Agreement must be signed by the property owner and returned to Transportation Planning and Engineering to the attention of Annie Duong (780-496-1799) including an irrevocable Letter of Credit in the amount of \$145,000.00 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature. Once signed, the owner is required to have a Civil Engineer submit stamped engineering drawings for approval by Transportation Planning and Engineering.

- 10) The owner must construct a 6 m wide commercial alley between 77 Avenue and the east-west alley north of the property to the satisfaction of Transportation Planning and Engineering as per the Sustainable Development memorandum dated 6 July 2016.
- 11) The proposed access to the new north-south alley is acceptable to Urban Transportation, as per the Sustainable Development memorandum dated 6 July 2016.
- 12) The proposed 2.2 m curb extension adjacent to the new north-south alley, as per the Sustainable Development memorandum dated 6 July 2016, is acceptable to Urban Transportation. No installations or plantings are permitted within the curb extension that may impact sight lines into or out of the alley. The curb extension must be construction to the satisfaction of Transportation Planning and Engineering. Any additional costs or construction requirements associated with the construction of the curb extension are the responsibility of the owner/applicant.
- 13) The proposed curb extension at the NW corner of the intersection of 77 Avenue and 109 Street is acceptable to Urban Transportation as per the Sustainable Development memorandum dated 6 July 2016. A curb extension at this location may not extend beyond the current curb line by more than 1.3 m and no installations or plantings are permitted within the curb extension that may impact sight lines between 109 Street and 77 Avenue. The curb extension must be constructed to the satisfaction of Transportation Planning and Engineering. Any additional costs or construction requirements associated with the construction of the curb extension are the responsibility of the owner/applicant.
- 14) The owner must construct a 2.0 m boulevard sidewalk from the west property line to 109 Street, and from 77 Avenue to the north property line, as per the Sustainable Development memorandum dated 6 July 2016, to the satisfaction of Transportation Planning and Engineering. Details of options for alternative surface treatments will be reviewed with the submission of Engineering drawings.
- 15) There are two existing street light pole along 109 Street requiring relocation. All costs associated with relocation must be borne by the owner/applicant. The applicant should contact Nick Shapka at 780-412-3089 of EPCOR Technology & Meter Services for more information.
- 16) The underground driveway ramp must not exceed a slope of 6% for a minimum distance of 4.5 m inside the property line and the ramp must be at grade at the property line. The proposed ramp slope as per the Sustainable Development memorandum dated 6 July 2016, is acceptable to Urban Transportation.
- 17) No exterior doors are permitted to encroach on to road right-of-way. All entranceways must be designed to ensure the doors do not encroach over road right-of-way.
- 18) Any underground parking access card devices must be located on site, a minimum of 3 m inside the property line.
- 19) Any retaining walls bordering the underground driveway/parkade ramp, must not exceed a height of 0.3 m for a distance of 3 m from the property line and no portion of the wall may encroach onto road right-of-way. Should the owner/applicant wish to increase this height, adequate sight line data must be provided to ensure vehicles can exit safely.
- 20) Any gates constructed as part of the development must not swing out over road right-of-way. Gates must either swing into the property or slide along the fence.

The permit holder is advised to read the reverse for important information concerning this decision.



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- 21) Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.
- 22) The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance with Section 54.6.
- 23) Visitor and commercial parking areas shall be clearly marked with signs. (Ref. Section DC2(872).4(4)(8)).
- 24) All waste collection areas shall be developed as per the approved drawings, to the Development Officer's satisfaction.
- 25) The landowner shall maintain the lane area in front of the Temporary Waste Removal Area, specifically keeping the area clear of ice and snow, as per the letter submitted by the applicant dated 17 May 2016.
- 26) The access to the waste removal area shall be signed "No Parking". (Ref. Section DC2(872).4(5)(4)).
- 27) Landscaping shall be in accordance to the approved landscape, Section 55 and to the satisfaction of the Development Officer.
- 28) There are existing boulevard trees adjacent to the proposed alley access that must be protected during construction. An Urban Forestry representative must be present during construction of the new alley access. The owner/applicant must contact Bonnie Fermanuik of Urban Forestry (780-496-4960) prior to construction. The costs for any required hoarding and/or root-cutting shall be borne by the owner/applicant.
- 29) A site meeting with Urban Forestry will be required to review construction plans and tree protection during construction conflicts (construction work within 5 meters). This meeting will need to be scheduled a minimum 4 weeks in advance of the construction start date. Please be advised that all costs associated with the removal, replacement or transplanting of trees shall be covered by the Proponent as per the Corporate Tree Management Policy (C456A). Urban Forestry will schedule and carry out all required tree work involved with this project. Please contact Bonnie Fermanuik at Urban Forestry (780-496-4960) to arrange this meeting.
- 30) Shrub plantings proposed within the boulevard of 109 Street are currently not supported by Parks Operations and Urban Forestry. Planting within the boulevard shall only be permitted if supported by Parks Operations, Urban Forestry, and Urban Design.
- 31) The proposed landscaping within the alley must be installed, owned and maintained by the owner applicant. The owner must enter into a licence of occupation for landscaping within public road right-of-way for landscaping. For more information the licence, contact Elise Sabo (780-496-2850).
- 32) The owner must enter into a Licence of occupation for the hard surfacing and installation of benches within the boulevard as per the Sustainable Development memorandum dated 6 July 2016. No portion of the hard surfacing may be installed within 3 m of existing boulevard trees. For more information the licence, contact Elise Sabo (780-496-2850).
- 33) 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 of the Edmonton Zoning Bylaw 12800).
- 34) Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.
- 35) The proposed lighting within the alley must be installed, owned, operated, and maintained by the owner/applicant. The owner must enter into a Right-of-way consent and access agreement (RCAA) with the City of Edmonton for the installation and maintenance of private lighting infrastructure within the alley. For more information the agreement, contact Elise Sabo (780-496-2850).
- 36) All areas of the development shall incorporate the use of LED lighting or other energy saving lighting systems (Ref. Section DC2(872)(4)(8)(2)).

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37) A 1.8 m solid privacy and noise attenuating fence with landscaping consisting of trees and shrubs must be provided along the west side of the north-south alley.

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

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

40) There is a catchbasin in the vicinity of the proposed curb extension at the corner of 77 Avenue and 109 Street that may require modifications, as per the Sustainable Development memorandum dated 6 July 2016. The owner/applicant must contact privatedevelopmentdrainage@edmonton.ca for Drainage Planning and Engineering's requirements.

41) 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.

42) This development is proposed to be constructed up to the property line. The owner/applicant must enter into an Encroachment Agreement with the City for any pilings, shoring & tie-backs to remain within road right-of-way. The owner/applicant must email sdencroachmentagreements@edmonton.ca for information on the agreement. The applicant is responsible to provide Development and Zoning Services with a plan identifying all existing utilities on road right-of-way within the affected area of the encroachment.

NOTES:

1) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

2) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).

3) Signs require separate Development Applications.

4) 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.

5) A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

6) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

7) 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.

8) Although not formally submitted as part of this application, the applicant has expressed interest in pursuing alternative surface

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treatments within the alley. The City of Edmonton is open to alternative surface treatments as long as they are provided to the satisfaction of Transportation Planning and Engineering. Furthermore, Urban Transportation advises that any alleys constructed with enhancements will not receive any higher priority in clearing and maintenance. Should repair of the alley, or utility work within the alley be required, the City of Edmonton may replace any portion of the enhanced alley with standard materials (asphalt). Any proposal of non-standard surface treatment will be reviewed with the submission of detailed engineering drawings.

Variations

- 1) Amenity Space - Amenity space for the Apartment Houses may have a minimum width of 1m, instead of 2m, for the 3rd and 4th floors (Section DC2(872).4(2)(3)).
- 2) Driveway Slope - The underground parking garage ramp will have an 18% slope for single lengths of up to 14.8m, instead of 4.5m (Section DC2(872).4(4)(3)).
- 3) Landscaping - There are 89% deciduous trees and shrubs and 11% coniferous trees and shrubs, instead of an even number of each (Section 55.3(1)(c)).
- 4) Projection - The distance from the bay window and steps to the property line along 77 Avenue (front lot line) is 0.86m, instead of 3m (Section 44.2 and DC2(872).4(1)(5)(c)).

Rights of Appeal

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

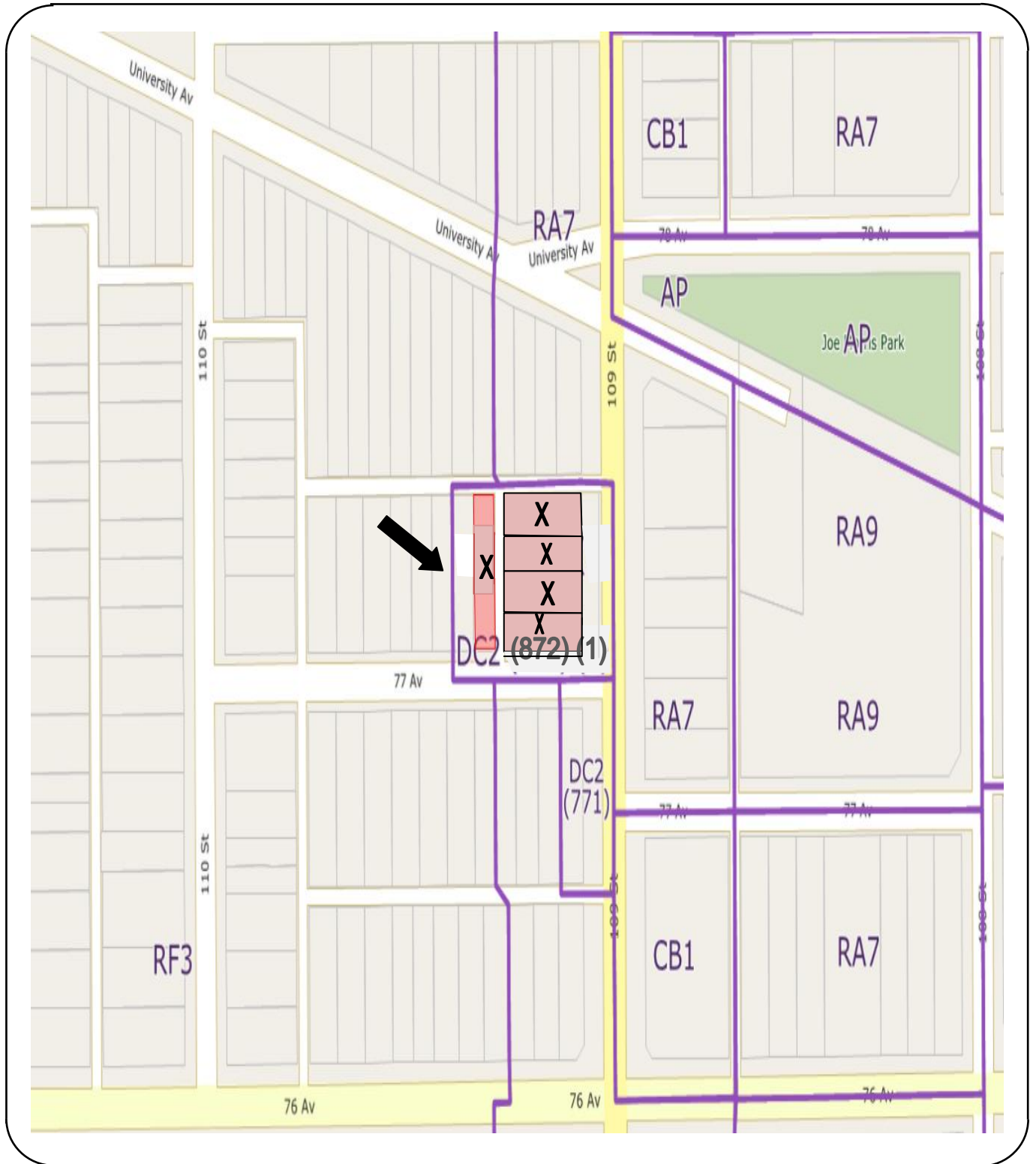
Issue Date: Jul 08, 2016 **Development Authority:** WELCH, IMAI
Notice Period Begins: Jul 14, 2016 **Ends:** Jul 28, 2016

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$811.00	\$811.00	02787954	Sep 30, 2015
Lot Grading Fee	\$715.00	\$715.00	02787954	Sep 30, 2015
DP Notification Fee	\$100.00	\$100.00	03414343	Jul 04, 2016
Dev. Application Fee # of dwelling units	\$2,380.00	\$2,380.00	02787954	Sep 30, 2015
Sanitary Sewer Trunk Fund 2012+	\$39,819.00	\$0.00	03414343	Jul 04, 2016
Dev. Application Fee for GFA	\$88.00	\$88.00	02787954	Sep 30, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$43,913.00	\$4,094.00		
(\$39,819.00 outstanding)				

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location **X** ←

File: SDAB-D-16-201



BUSINESS LAID OVER

SDAB-D-16-176	An appeal by <u>Outfront Media</u> to install (1) Freestanding Off-premises Sign (Outfront Media), existing without permits <i>August 25, 2016</i>
SDAB-D-16-190	An appeal by <u>Outfront Media</u> to install a Freestanding Off-premises Sign (6.1 metres by 3 metres facing N/S) <i>September 1, 2016</i>
SDAB-D-16-187	An appeal by <u>New Era Luxury Homes / Ogilvie LLP</u> to construct a 3 Dwelling Apartment House and to demolish the existing Single Detached House. <i>August 31, 2016 or September 1, 2016</i>
SDAB-D-16-205	An appeal by <u>Rossdale Community League & Gabe Shelley VS Edmonton Fire Rescue Services</u> to continue and intensify the use of an existing Protective and Emergency Services Use (Fire Station 21 with a 24/7 crew) and to allow interior and exterior alterations <i>September 1, 2016</i>
SDAB-D-16-204	An appeal by <u>Omer Moyen</u> to develop a Secondary Suite in the basement of a Single Detached House, existing without permits <i>September 21 or 22, 2016</i>
SDAB-D-16-192	An appeal by <u>Vishal Kapoor</u> to change the Use from General Retail to Minor Alcohol Sales (AKP Liquors) <i>September 21 or 22, 2016</i>
SDAB-S-14-001	An appeal by <u>Stantec Consulting Ltd.</u> to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <i>October 31, 2016</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

186484308-002	An appeal by <u>Elaine (Jo) & Myron Kucher; Starr Curry; Mark Stephen; Ryan McCann & Arianna Piccinin; and Ross Brown VS Nasib Ranu</u> to convert an existing Single Detached House to Child Care Services and to construct interior and exterior alterations (120 children occupancy). <i>September 7 or 8, 2016</i>
183991152-001	An appeal by <u>Karyn Germain VS Der and Associates Architecture Ltd.</u> to construct 88 Dwellings of Apartment Housing (4-storey building with underground parkade) <i>September 7 or 8, 2016</i>
169544513-002	An appeal by <u>Michael Skare</u> to construct an Accessory Building (Shed 1.98m x 4.57 m). <i>September 28 or 29, 2016</i>