

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
August 31, 2016**

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

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

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I	9:00 A.M.	SDAB-D-16-206	Install (1) Freestanding Minor Digital On-premises Off-premises Sign (7.62 m x 3.65 m (Off-premises) & 7.62 m x 0.6 m (On-premises))  10304 - 109 Street NW Project No.: 222889971-001
<hr/>			
II	10:30 A.M.	SDAB-D-16-207	Install a Freestanding Off-premises Sign (6.1 m x 3 m - facing West)  9617 - 63 Avenue NW Project No.: 221457423-001
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III	1:30 P.M.	SDAB-D-16-208	Construct a 125 Dwelling Apartment House building (Signature 3)  5151C - Windermere Boulevard SW Project No.: 118027037-025
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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-16-206

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 222889971-001

ADDRESS OF APPELLANT: 10304 - 109 Street NW

APPLICATION TO: Install (1) Freestanding Minor Digital On-premises Off-premises Sign (7.62 m x 3.65 m (Off-premises) & 7.62 m x 0.6 m (On-premises)).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 28, 2016

DATE OF APPEAL: August 5, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10304 - 109 Street NW

LEGAL DESCRIPTION: Plan EDMONTO Blk HB

ZONE: UW Urban Warehouse Zone

OVERLAY: Special Area Downtown

STATUTORY PLAN: Capital City Downtown Plan

***Grounds for Appeal***

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

We are solicitors for Pattison Outdoor Advertising, the Applicant in the above noted matter. Our clients' Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. The proposed sign is a Discretionary Use in the (UW) - Urban Warehouse Zone, and requires a minor variance with respect to radial separation requirements. The proposed sign is 1/2 the allowable sign area in the Zone.

2. The Development Officer failed to apply the required test for the granting of a variance contrary to the direction of the Alberta Court of Appeal as provided in *Newcastle Centre GP Ltd. v. Edmonton et al*, 2014 ABCA 295. In this regard, the refusal was issued on the basis that: "The Zoning Bylaw establishes the separation [sic.] distances between Digital Signs and off-premises Signs to prevent the proliferation of such signs."

3. Owing to intervening development and sign placement, messaging on the proposed sign and the encroaching sign is not likely to be visible at the same time. Moreover, a distance of 30 metres (the requested variance) over a distance of 200 metres (the mandated setback) in downtown Edmonton is imperceptible. In all of this, it is submitted that the requested 15% variance in setback will have no additional, material impact on the use, enjoyment or value of neighbouring properties nor unduly affect the amenities of the neighbourhood.

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

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

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

**Appeals**

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

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

...

The decision of the Development Officer is dated July 28, 2016. The Notice of Appeal was filed on August 5, 2016.

**Determining an Appeal**

**Hearing and decision**

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

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

...

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

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

(i) the proposed development would not

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

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

and

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

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 910.11 states that the **General Purpose** of the **UW Urban Warehouse Zone** is:

... to develop a unique mixed-use business commercial, educational and residential neighbourhood, accommodating a diversity of uses, including residential, commercial, institutional, light manufacturing and assembly in a safe, walkable, human-scaled built environment that builds on the existing land use pattern and respects the architectural characteristics and functions of the area.

Under Section 910.11(3)(nn), **Minor Digital On-premises Off-premises Signs** are a **Discretionary Use** in the UW Urban Warehouse Zone.

Section 7.9(7) states:

**Minor Digital On-premises 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 On-premises 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 may include Copy from Minor Digital On-premises Signs and Minor Digital Off-premises Signs.

Section 910.1 states that the **General Purpose** of the **Special Area Downtown** is:

To designate the Downtown area as a Special Area and to adopt the following land use regulations to achieve the objectives of the Capital City Downtown Plan.

The Capital City Downtown Plan was adopted by City Council in April 2010 through Bylaw 15200.

***Separation Distance Requirement***

Section 59F.3(6)(e) provides as follows:

Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

...

- e. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m<sup>2</sup> or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8.0 m <sup>2</sup> or other Off-premises Sign
Greater than 8.0 m <sup>2</sup> to less than 20 m <sup>2</sup>	100 m
20 m <sup>2</sup> to 40 m <sup>2</sup>	200 m
Greater than 40 m <sup>2</sup>	300 m

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

**Development Officer’s Determination**

The Development Officer referenced Section 59F.3(6)(e) and made the following determination:

Proposed Separation: 170 m  
Deficient by: 30 m



The Zoning Bylaw establishes the separation distances between Digital signs and Off-premise Signs to prevent the proliferation of such signs.

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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*.

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	Project Number: <b>222889971-001</b> Application Date: JUN 01, 2016 Printed: August 22, 2016 at 1:18 PM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 10304 - 109 STREET NW Plan EDMONTO Blk HB
<b>Scope of Application</b> To install (1) Freestanding Minor Digital On-premises Off-premises Sign (7.62 m x 3.65 m (Off-premises) & 7.62 m x 0.6 m (On-premises)).	
<b>Permit Details</b>	
ASA Sticker No./Name of Engineer: Construction Value: 125000	Class of Permit: Class A 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: 0 Minor Digital On/Off-premises Sign: 1	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
I/We certify that the above noted details are correct.  Applicant signature: _____	
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m <sup>2</sup> or Off-premises Signs. If the proposed Sign Area is greater than 20.0m <sup>2</sup> to less than 40m <sup>2</sup> the minimum separation distance from Digital Signs greater than 8.0 m <sup>2</sup> or other Off-premises Sign shall be 200m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59F.3(6)(e))  Proposed Separation: 170 m Deficient by: 30 m  The Zoning Bylaw establishes the separation distances between Digital signs and Off-premise Signs to prevent the proliferation of such signs.  <b>Rights of Appeal</b> The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.	
<b>THIS IS NOT A PERMIT</b>	





Project Number: **222889971-001**  
Application Date: JUN 01, 2016  
Printed: August 22, 2016 at 1:18 PM  
Page: 2 of 2

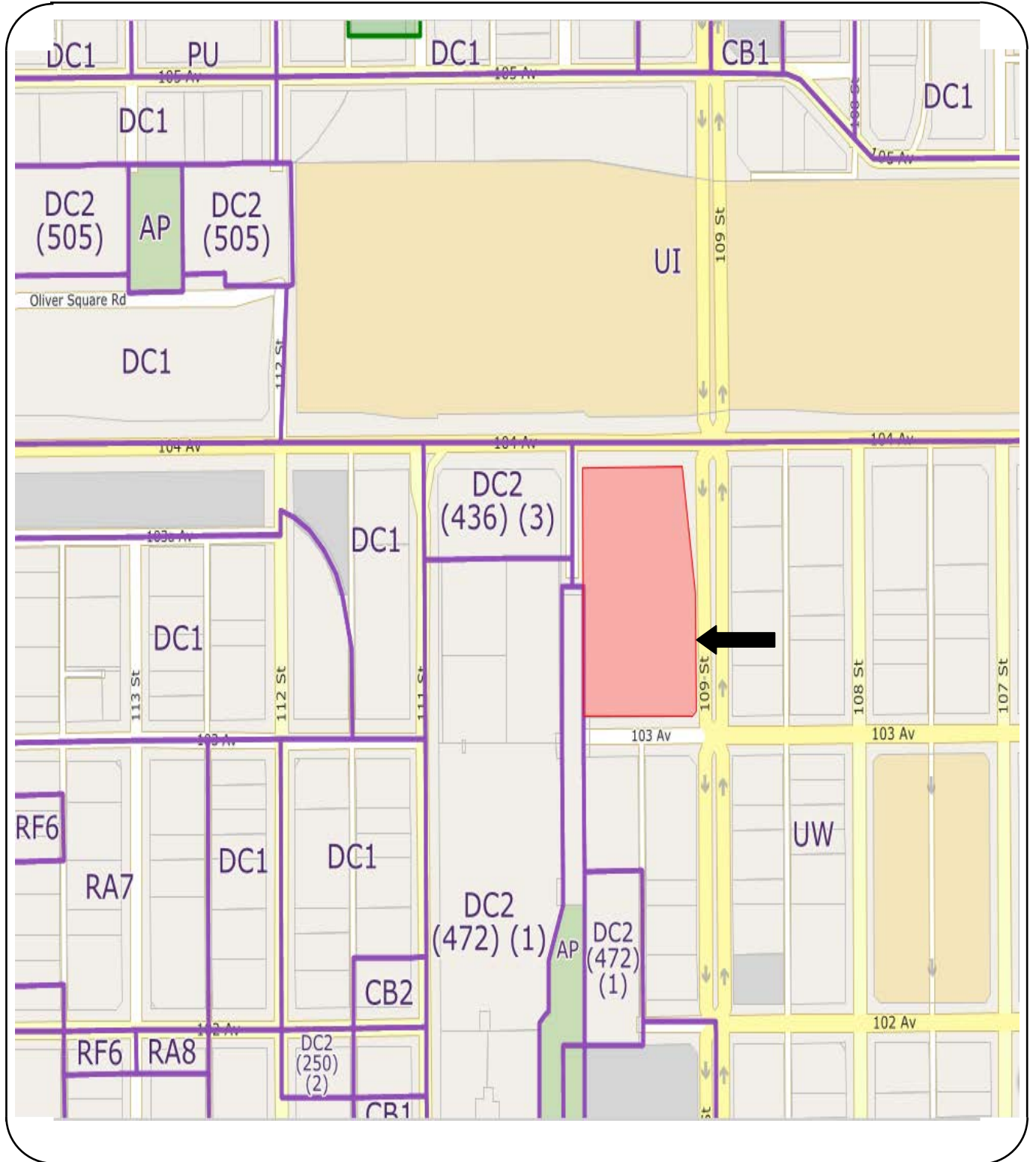
## Application for Sign Combo Permit

Issue Date: Jul 28, 2016      Development Authority: AHUJA, SACHIN      Signature: \_\_\_\_\_

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Safety Codes Fee	\$50.00	\$50.00	03324181	Jun 01, 2016
Sign Dev Appl Fee - Digital Signs	\$425.00	\$425.00	03324181	Jun 01, 2016
Sign Building Permit Fee	\$1,250.00	\$1,250.00	03324181	Jun 01, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,725.00	\$1,725.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-206



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-207

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

APPELLANT:

APPLICATION NO.: 221457423-001

ADDRESS OF APPELLANT: 9615 - 63 Avenue NW

APPLICATION TO: Install a Freestanding Off-premises Sign  
(6.1 m x 3 m - facing West)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: July 19, 2016

DATE OF APPEAL: August 3, 2016

RESPONDENT: Pattison Outdoor Advertising

ADDRESS OF RESPONDENT: 9617 - 63 Avenue NW  
9617 - 63 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9617 - 63 Avenue NW  
9617 - 63 Avenue NW

LEGAL DESCRIPTION: Plan 6228HW Blk 4 Lot 8  
Plan 6228HW Blk 4 Lot 7

ZONE: IM Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

The proposed sign will devalue the look of our property, distract from the view of our showroom and equipment, restrict access to our building for repairs, distract driver attention to a already high traffic left turn lane

intersection, & not benefit any local business other than a revenue generator for the building owner.

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

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

**Appeals**

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

...

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

The *Edmonton Zoning Bylaw 12800* provides as follows:

**20. Notification of Issuance of Development Permits**

**20.1 Class B Development**

1. Within seven days of the issuance of a Development Permit for Class B Development, the Development Officer shall dispatch a notice by ordinary mail to:

- a. each assessed owner of the Site or a part of the Site of the development;
  - b. each assessed owner of land, wholly or partly within a distance of 60.0 m of the boundary of the Site;
  - c. the President of each Community League operating within the notification boundaries described in clause (b), above; and
  - d. the President of each Business Revitalization Zone Association operating within the notification boundaries described in clause (b) above.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
  3. Within 10 days of the issuance of a Development Permit for Class B Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating his decision, and the right to appeal therefrom.

The decision of the Development Officer is dated July 19, 2016. Notice of the development was published in the Edmonton Journal on July 26, 2016. The Notice of Appeal was filed on August 3, 2016.

### **Determining an Appeal**

The *Municipal Government Act* states the following:

#### **Hearing and decision**

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

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

...

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

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

- (i) the proposed development would not

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

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

and

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

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 420.1 states that the **General Purpose** of the **IM Medium Industrial Zone** is:

...to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

Under Section 420.2(15), **Freestanding Off-premises Signs, where they are not within 100.0 m of a Residential Zone** is a **Permitted Use** in the IM Medium Industrial Zone.

Section 7.9(3) states:

**Freestanding Off-premises Signs** means any Sign supported independent of a building, 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, entertainment or service provided on the premises or Site where the Sign is displayed.

<b><i>Separation Distance</i></b>
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Section 420.4(5) states that “Signs shall comply with the regulations found in Schedule 59G.”

Section 59G.2(5)(d) provides as follows:

- 5. Freestanding Off-premises Signs (not within 100.0 m of a Residential Zone) shall be subject to the following regulations:
  - ...
  - d. Proposed Sign locations shall be separated from Digital Signs greater than 8.0 m<sup>2</sup> or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8.0 m <sup>2</sup> or other Off-premises Sign
less than 20 m <sup>2</sup>	100 m
20 m <sup>2</sup> to 40 m <sup>2</sup>	200 m
Greater than 40 m <sup>2</sup>	300 m

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



**Development Officer’s Determination**

The Development Officer noted that the “Freestanding Off-premises Sign is approved as a Discretionary Use (Section 420.3 (10))”, and granted the following variance:

- 2) Separation distance between (2) Freestanding Off-premises Signs reduced from 100 m to 96 m. [no reference section provided]

**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: <b>221457423-001</b> Application Date: MAY 10, 2016 Printed: August 12, 2016 at 8:23 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>			
This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit			
<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 9617 - 63 AVENUE NW Plan 6228HW Blk 4 Lot 8  9617 - 63 AVENUE NW Plan 6228HW Blk 4 Lot 7		
<b>Scope of Permit</b> To install a Freestanding Off-premises Sign (6.1 m x 3 m - facing West).			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     ASA Sticker No./Name of Engineer:                      Construction Value: 10000                 </td> <td style="width: 50%; border: none;">                     Class of Permit: Class B                      Expiry Date: 2021-07-19 00:00:00                 </td> </tr> </table>		ASA Sticker No./Name of Engineer: Construction Value: 10000	Class of Permit: Class B Expiry Date: 2021-07-19 00:00:00
ASA Sticker No./Name of Engineer: Construction Value: 10000	Class of Permit: Class B Expiry Date: 2021-07-19 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: _____			
<b>Development Permit Decision</b> Appealed to SDAB  <b>Subject to the Following Conditions</b> <ol style="list-style-type: none"> <li>1) Freestanding Off-premises Sign permit is be approved for a period of up to five years. A new application will be required on or before July 19,2021</li> <li>2) The proposed Freestanding Off-premises sign shall comply in accordance to the approved plans submitted.</li> <li>3) The intensity of exposed bulbs on a Sign, excluding Digital Signs, shall not exceed 1100 lumens. (Reference Section 59.2(4))</li> </ol> <p>ADVISEMENTS:</p> <p>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)</p>			
<b>The permit holder is advised to read the reverse for important information concerning this decision.</b>			





Project Number: **221457423-001**  
 Application Date: MAY 10, 2016  
 Printed: August 12, 2016 at 8:23 AM  
 Page: 2 of 2

## Application for Sign Combo Permit

**Variations**

- 1) Freestanding Off-premises Sign is approved as a Discretionary Use (Section 420.3 (10)).
- 2) Separation distance between (2) Freestanding Off-premises Signs reduced from 100 m to 96 m.

**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 19, 2016      **Development Authority:** AHUJA, SACHIN      **Signature:** \_\_\_\_\_

**Notice Period Begins:** Jul 26, 2016      **Ends:** Aug 10, 2016

**Building Permit Decision**

No decision has yet been made.

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
DP Notification Fee	\$102.00	\$102.00	03499179	Aug 05, 2016
Sign Development Application Fee	\$261.00	\$261.00	03274628	May 12, 2016
Sign Building Permit Fee	\$149.00	\$149.00	03274628	May 12, 2016
Safety Codes Fee	\$5.96	\$5.96	03274628	May 12, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$517.96	\$517.96		

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



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-207



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-208

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

APPELLANT NO. 1:

APPELLANT NO. 2:

APPLICATION NO.: 118027037-025

ADDRESS OF APPELLANT NO 1: 166 Ambleside Drive SW  
ADDRESS OF APPELLANT NO 2: 308 - 111 Ambleside Drive SW

APPLICATION TO: Construct a 125 Dwelling Apartment House building (Signature 3)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: July 28, 2016

DATE OF APPEAL NO. 1: August 9, 2016  
DATE OF APPEAL NO. 2: August 23, 2016

RESPONDENT: New Studio Architecture

ADDRESS OF RESPONDENT: 5151C Windermere Boulevard SW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5151C Windermere Boulevard SW

LEGAL DESCRIPTION: Condo Common Area (Plan 1520328)

ZONE: RA9 High Rise Apartment Zone

OVERLAY: N/A

STATUTORY PLAN: Ambleside Neighbourhood Structure Plan  
Windermere Area Structure Plan

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***Grounds for Appeal***

**Appellant No. 1**

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

1. Traffic impact in Ambleside community
2. Street Parking
3. Reduced property values of existing homes near proposed structure.
4. Westrich not in compliance with the City of Edmonton's Appeal Boards last documented requirements (capping underground garage in required timeline set out by appeal board)
5. No rapid transit in Windermere.
6. Impact on Anthony Henday (increase noise and traffic congestion)

### **Appellant No. 2**

The Infusion Condominiums are located directly east of the proposed development across Ambleside Drive. Infusion Condominium Corporation is opposed to the addition of a third building on the stated site. The following concerns are being expressed by our owners and tenants with regard to the proposed development at 5145 Windermere Blvd NW:

- Impact on Infusion:
  - 103 Ambleside Drive (Infusion 103) will have its sunlight directly blocked by the construction of the new building. The design of the building has limited glass and will not reflect sunlight to offset the impact of the presence of the building.
  - 4 years of ongoing construction has resulted in additional maintenance costs for Infusion — siding needs cleaning, we require bi-annual garage and parking area sweeping to address the volume of direct and mud, windows require washing, etc.
  - Contractors and visitors to the other site routinely park in reserved parking spots and visitor parking on the Infusion site which is strictly for resident use only. Developer's attitude has not supported addressing this or other issues.
  - Loss of owners due to the ongoing construction: the length of this project is well in excess of reasonable and has forced many owners to sell or consider selling, impacting the stability of our community.
  -
- Impact on neighbourhood:
  - Suitability: the proposed building is not in keeping with the feel and design of the neighbourhood overall
  - Traffic flow has residents of 5145 Windermere Blvd crossing Ambleside Drive in such a way and at speeds that have caused near misses for accidents as drivers head north to the intersection.
  - Traffic volume has increased significantly in the <sup>1/2</sup> block radius surrounding the development site already and is not expected to improve with more vehicles entering and exiting the site.
  - Parking: street parking is very limited in the area. Indications were that the Signature development had adequate parking for 2 vehicles per unit but this does not appear to be the case and residents and visitors are finding it increasingly difficult to find street parking. In addition no parking signs on the west side of Ambleside Drive are regularly ignored by residents of the development site.

- General upkeep and mess in the neighbourhood. The neighbourhood has been bombarded with 4 years of non-stop noise, dirt, messy roadways, nails in tires and other issues related to a poorly run and maintained constructions site.
- 
- Length of time for development completion:
  - The first two phases of this project took 4 years. At times there were no workers on site. This ongoing noise, environmental conditions, traffic and other factors has been unreasonable. The entire Windermere-Ambleside area has almost fully developed in the time it took the Signature Condominiums phases 1 and 2 to be built.

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

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

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

**Appeals**

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

...

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

The *Edmonton Zoning Bylaw 12800* provides as follows:

**20. Notification of Issuance of Development Permits**

**20.1 Class B Development**

1. Within seven days of the issuance of a Development Permit for Class B Development, the Development Officer shall dispatch a notice by ordinary mail to:
  - a. each assessed owner of the Site or a part of the Site of the development;
  - b. each assessed owner of land, wholly or partly within a distance of 60.0 m of the boundary of the Site;
  - c. the President of each Community League operating within the notification boundaries described in clause (b), above; and
  - d. the President of each Business Revitalization Zone Association operating within the notification boundaries described in clause (b) above.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
3. Within 10 days of the issuance of a Development Permit for Class B Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating his decision, and the right to appeal therefrom.

The decision of the Development Officer is dated July 28, 2016. Notice of the development was published in the *Edmonton Journal* on August 9, 2016. The Notices of Appeal were filed on August 9, 2016 (Appellant No. 1) and August 23, 2016 (Appellant No. 2).

**Determining an Appeal**

The *Municipal Government Act* states the following:

**Hearing and decision**

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

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

...

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

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 230.1 states that the **General Purpose** of the **RA9 High Rise Apartment Zone** is “to provide for High Rise Apartment buildings.”

...to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

Under Section 230.3(1), **Apartment Housing, on a Site larger than 1.0 ha** is a **Discretionary Use** in the RA9 High Rise Apartment Zone.

Section 7.2(1) states:

**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.

***Floor Area Ratio***

Section 230.4(3) states:

The maximum Floor Area Ratio shall be 3.0, except that the Development Officer may use his variance power to increase this maximum for developments with larger individual unit floor plates and additional indoor Amenity Areas and facilities, and which comply with the density provisions of this Section. Any application for a development proposed to exceed 3.0 F.A.R. shall be a Class B Development.

**Development Officer's Determination**

The Development Officer noted that the subject development was approved as a Discretionary Use in the RA9 High Rise Apartment Zone, and granted the following variance:

Increased Floor Area Ratio - the proposed Floor Area Ratio is 3.1 instead of 3.0 (Section 230.4.3).

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**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*.

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Project Number: **118027037-025**  
Application Date: JUN 30, 2014  
Printed: July 28, 2016 at 8:55 AM  
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### 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**



**Property Address(es) and Legal Description(s)**  
5151C - WINDERMERE BOULEVARD SW  
Condo Common Area (Plan 1520328)

**Specific Address(es)**  
Entryway: 5145 - WINDERMERE BOULEVARD NW  
Building: 5145 - WINDERMERE BOULEVARD NW

**Scope of Permit**

To construct a 125 Dwelling Apartment House building (Signature 3).

**Permit Details**

Class of Permit: Class B  
Gross Floor Area (sq.m.): 11940  
New Sewer Service Required: Y  
Site Area (sq. m.): 12467

Contact Person:  
Lot Grading Needed?: Y  
NumberOfMainFloorDwellings: 5  
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: **118027037-025**  
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## Major Development Permit

### Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(1). Reference Section 17(1).

All mechanical equipment, including roof mechanical units, on all onsite buildings shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building to the satisfaction of the Development Officer.

The applicant shall submit an updated Wind Impact Statement to address the revised design to the satisfaction of the Development Officer. The developer shall comply with any updated recommendations of the Wind Impact Statement to the satisfaction of the Development Officer.

For the underground parkade the Development Officer advises and strongly encourages compliance with the security management guidelines contained within subsection 3.1 of the Design Guide for a Safer City. Reference Section 54.7(3). It is encouraged that the parkade walls and ceilings be painted white or other light colour to enhance the efficiency of the lighting.

All access locations and curb crossings shall have the approval of Transportation Planning and Engineering prior to the start of construction. Reference Section 53(1).

- 1) Access from the site to Windermere Boulevard SW and Ambleside Drive SW exist. Any modification to the existing accesses requires the review and approval of Transportation Planning and Engineering.
- 2) The proposed connector sidewalks (3 total) from the north property line of the subject site to tie into the City shared use path on the south side of Windermere Boulevard SW, are acceptable to Transportation Planning and Engineering.
- 3) Parallel parking is NOT permitted on the internal road system as the road width (carriageway) is less than 7.5m. Both sides of the road must be signed 'No Parking'. A road width of less than 7.5m will not accommodate parking and still allow emergency vehicle access.
- 4) All steps must be located a minimum distance of 0.15m inside of the property line, and shall not encroach onto road right-of-way.
- 5) There are existing boulevard trees adjacent to the site that must be protected during construction. Prior to construction, the owner/applicant must contact to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant. Please contact Bonnie Fermanuik of Community Services (780-496-4960).
- 6) All required landscaping for the development must be provided on site.
- 8) It should be noted that the shared use path on the north boulevard has been enclosed with hoarding. Transportation Planning and Engineering has concerns that the shared use path and boulevard may be damaged. Further to this any sidewalk, shared use path or boulevard damage occurring as a result of the construction activities must be restored to the satisfaction of Transportation Planning and Engineering, as per Section 15.5(f) of the Zoning Bylaw. The sidewalk, shared use path, 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.

### Transportation Planning and Engineering Advisements:

- 1) Transportation Planning and Engineering has reviewed and accepted a Transportation Impact Assessment (TIA) for the proposed building that analyzes the traffic impact of the additional 125 units. The TIA included analysis of the current roadway operations, the current traffic plus the development traffic, and analysis of the full buildout of the Ambleside Neighbourhood in both the AM & PM peak periods. The operations of the intersection of Windermere Boulevard & Ambleside Drive SW are within City guidelines. Transportation Planning and Engineering is aware that Ambleside residents have concerns regarding the traffic generated by the additional development. While no roadway or signal infrastructure changes are required with this development, Transportation Planning and Engineering will continue to monitor the signal timings at Windermere Boulevard & Ambleside Drive SW and adjust as necessary.
- 2) Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or within the hoarded area.
- 3) Arterial Roadway Assessments were previously paid for this site, and therefore are not owed under this development application.
- 4) 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

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## Major Development Permit

and/or removals shall be at the expense of the owner/applicant.

5) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:  
[http://www.edmonton.ca/transportation/on\\_your\\_streets/on-street-construction-maintenance-permit.aspx](http://www.edmonton.ca/transportation/on_your_streets/on-street-construction-maintenance-permit.aspx)

A revised landscape plan shall be submitted to the satisfaction of the Development Officer. The landscape plan shall be revised to be consistent with the approved Site Plan.

NOTE: A landscape security has been submitted under project 118027037-001.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$139,750.00 (based on 2016 rate of \$1,118.00 per Dwelling). All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$495.00.

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

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

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.

The developer shall provide a minimum of 52 visitor parking stalls readily available to an entrance of the building to be served, and clearly identified as visitor parking to the satisfaction of the Development Officer. Reference Section 54.2(1)(a), Schedule 1A(1).

The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54(6).

All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).

### NOTES:

- 1) Signs require separate Development Applications.
- 2) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 3) Waste collection vehicles will travel over the underground parkade. Waste Management requires a letter from a certified engineer to ensure the structure is able to withstand waste collection vehicles' weight and additional downward pressure if the parkade is below our staging areas.
- 3) 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

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## Major Development Permit

**Variations**

NOTE: A variance was granted for this Development Permit pursuant to Sections 11(3) and 11(4). Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21(1) and 17(1).

Discretionary Use - Apartment Housing is approved as a Discretionary Use (Section 230.3.1).

Increased Floor Area Ratio - the proposed Floor Area Ratio is 3.1 instead of 3.0 (Section 230.4.3).

**Rights of Appeal**

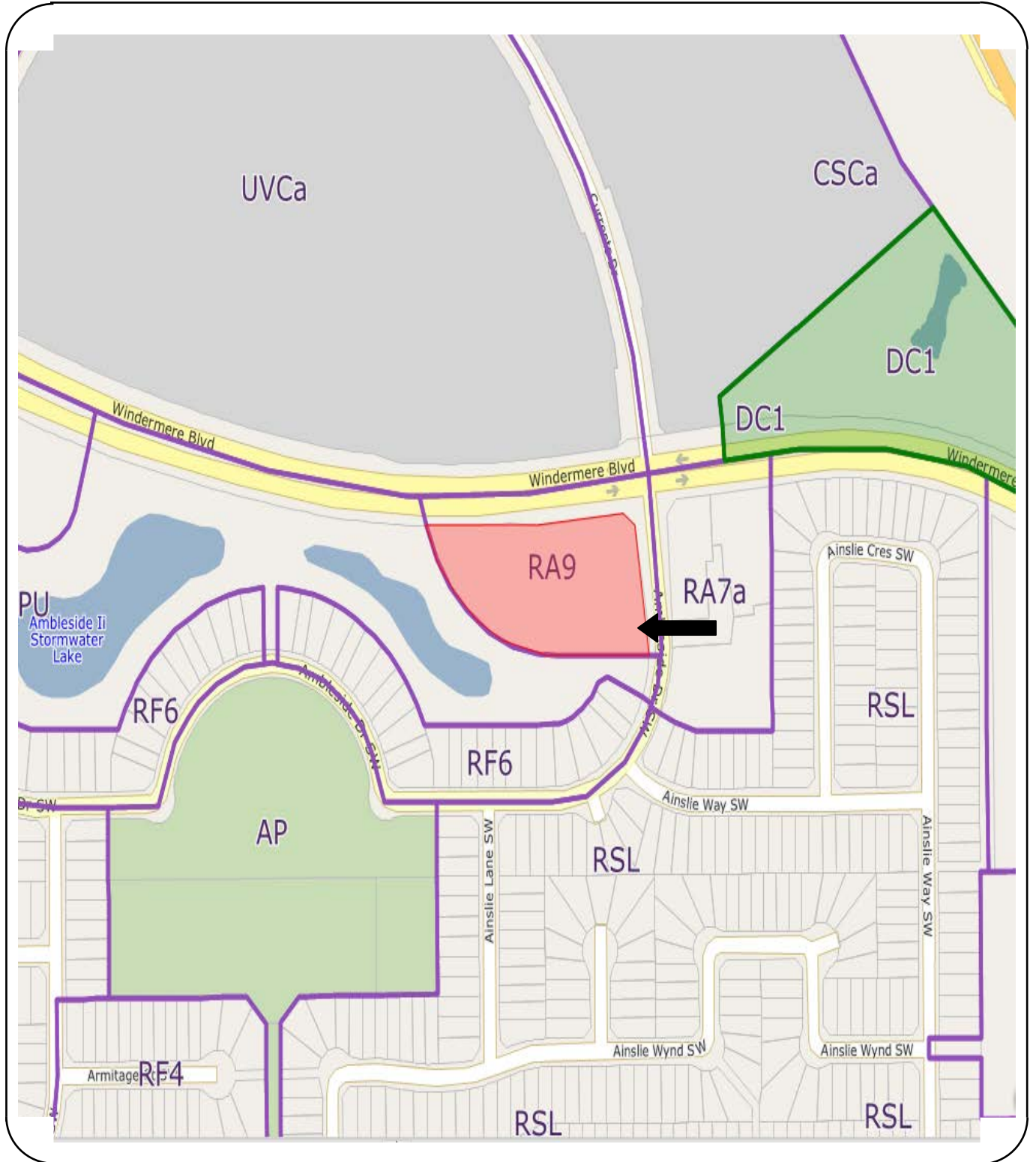
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Jul 28, 2016    **Development Authority:** BACON, KIRK    **Signature:** \_\_\_\_\_  
**Notice Period Begins:** Aug 09, 2016    **Ends:** Aug 23, 2016

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee # of dwelling units	\$8,092.00	\$8,092.00	01768864	Jul 02, 2014
Major Dev. Application Fee	\$770.00	\$770.00	01768864	Jul 02, 2014
DP Notification Fee	\$100.00			
Sanitary Sewer Trunk Fund 2012+	\$139,750.00			
Lot Grading Fee	\$495.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$149,207.00	\$8,862.00		
(\$140,345.00 outstanding)				

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



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-208



**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 <b><i>August 25, 2016</i></b>
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) <b><i>September 1, 2016</i></b>
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. <b><i>August 31, 2016 or September 1, 2016</i></b>
SDAB-D-16-205	An appeal by <u>Rossdale Community League &amp; 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 <b><i>September 1, 2016</i></b>
SDAB-D-16-204	An appeal by <u>Omer Moyaen</u> to develop a Secondary Suite in the basement of a Single Detached House, existing without permits <b><i>September 21 or 22, 2016</i></b>
SDAB-D-16-192	An appeal by <u>Vishal Kapoor</u> to change the Use from General Retail to Minor Alcohol Sales (AKP Liquors) <b><i>September 21 or 22, 2016</i></b>
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) <b><i>November 30 or December 1, 2016</i></b>

**APPEAL HEARINGS TO BE SCHEDULED**

186484308-002	An appeal by <u>Elaine (Jo) &amp; Myron Kucher; Starr Curry; Mark Stephen; Ryan McCann &amp; 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). <b><i>September 7 or 8, 2016</i></b>
183991152-001	An appeal by <u>Karyn Germain VS Der and Associates Architecture Ltd.</u> to construct 88 Dwellings of Apartment Houseing (4-storey building with underground parkade) <b><i>September 7 or 8, 2016</i></b>
169544513-002	An appeal by <u>Michael Skare</u> to construct an Accessory Building (Shed 1.98m x 4.57 m). <b><i>September 28 or 29, 2016</i></b>