

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
December 9, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-197

To construct a 317 square metre addition (282 seats) to an existing Nightclub (existing without permits - Blues on Whyte)

10319 - 82 Avenue NW, 10329 - 82 Avenue NW
Project No.: 408842804-002

II 1:30 P.M. SDAB-D-21-200

To convert one-half of a Semi-detached House to Supportive Housing with a maximum of 10 residents

12727 - 123A Street NW
Project No.: 407417258-002

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

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 408842804-002

APPLICATION TO: Construct a 317 square metre addition (282 seats) to an existing Nightclub (existing without permits - Blues on Whyte)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 19, 2021

DATE OF APPEAL: November 3, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10319 - 82 Avenue NW, 10329 - 82 Avenue NW

LEGAL DESCRIPTION: Plan I Blk 61 Lots 4-5, Plan I Blk 61 Lots 6-8

ZONE: DC1 - Direct Development Control Provision (Historical Commercial DC1 of the Strathcona Area Redevelopment Plan)

OVERLAY: Whyte Avenue Commercial Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

We are solicitors for Commercial Hotel Inc., who has built a deck and pergola (the “Development”) on its lands. The Development was previously the subject of a Stop Order, which was appealed to this Board on August 19, 2021. On September 3, 2021, this Board issued a decision

varying the Stop Order (2021 ABESDAB 10135). In accordance with the Board's decision, our client applied for a development permit for the Development, and on October 19, 2021 the Refusal was issued. We hereby give notice of our client's appeal of the Refusal on the following grounds:

- The Development Authority failed to follow the directions of Council by classifying the Development as a nightclub;
- the Development is appropriate at the subject location;
- the Development does not require a permit under the Zoning Bylaw; or, if the Development does require a permit, a permit should issue on the basis that it is a permitted use with no variances required; and
- such further and other grounds as may be presented at the hearing of this appeal.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

Appeals

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

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

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

or

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

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (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.

General Provisions from the DC1 - Direct Development Control Provision (Historical Commercial DC1 of the Strathcona Area Redevelopment Plan) ("DC1"):

Under section 4(x), a **Nightclub, not to exceed 200 Occupants nor 240 square metres of Public Space**, is a **Listed Use** in the DC1.

Section 3 states that the **Rationale** of the DC1 is:

This Provision is intended to:

- a) apply detailed and sensitive control of development and redevelopment within the core historic commercial area of Strathcona;

- b) encourage a highly pedestrian, retail commercial environment with offices and others Uses on the upper floors;
- c) emphasize and retain the original, historic architectural and urban design characteristics of this area in future renovations and redevelopments; and
- d) provide detailed control over specific Sites, which are or may be in future designated as historic resources under the Alberta Historical Resources Act, in an area which is used for primarily commercial purposes.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 7.4(38), **Nightclub** means:

development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the Site, in a facility where entertainment facilities take up more than 10% of the Floor Area. This Use typically has a limited menu from a partially equipped kitchen/preparation area and prohibits minors from lawfully utilizing the facility. Typical Uses include dance clubs, cabarets, nightclubs, lounges, neighbourhood pubs and bars, beverage rooms, and cocktail lounges. This Use does not include Cannabis Lounges.

Section 820.1 states that the **General Purpose** of the **Whyte Avenue Commercial Overlay** is:

to prohibit new Bars and Neighbourhood Pubs, and Nightclubs; to prohibit the expansion of existing Nightclubs; to restrict expansion of existing Bars and Neighbourhood Pubs; and to provide opportunities for Breweries, Wineries and Distilleries in the Whyte Avenue Commercial Area.

Section 820.2, Application, of the **Whyte Avenue Commercial Overlay** states:

Notwithstanding any provisions of the Zoning Bylaw respecting the area of application of Overlays, this Overlay applies to all Zones, Direct Development Control Provisions and Site Specific Development Control Provisions on those lands shown in Appendix I to this Overlay.

Section 820.3, Development Regulations, of the **Whyte Avenue Commercial Overlay** states:

1. Notwithstanding the Uses listed in the underlying Zones, Direct Development Control Provisions or Site Specific Development Control Provisions, and notwithstanding any provisions of the Zoning Bylaw respecting the alteration of Uses through Overlays, Bars and Neighbourhood Pubs, and Nightclubs are only

Permitted or Discretionary Uses in the Zone, Direct Development Control Provisions or Site Specific Development Control Provisions if that Use was being lawfully carried on as of December 1, 2003.

2. Existing Bars and Neighbourhood Pubs, and Nightclubs in the area of application of this Overlay shall not be allowed to expand beyond the occupancy load and Public Space specified by their respective approvals, except:
 - a. in accordance with 12.2(1)(dd); or
 - b. when the expansion of the Public Space and occupancy load of a Bars and Neighbourhood Pubs Use is for a new or expanded outdoor service area or patio space and the development otherwise complies with the requirements of the underlying Zone
3. A Bar and Neighbourhood Pub or Nightclub that was a conforming Use as of December 1, 2003 shall remain a conforming Use and a Bar and Neighbourhood Pub or Nightclub that was a non-conforming Use as of December 1, 2003 shall remain a non-conforming Use unless it is brought into conformity with the requirements of the Zoning Bylaw.

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

Section 5.1 states:

5.1 Requirement for a Development Permit

1. No person shall commence, or cause or allow to be commenced, a development without a Development Permit issued in accordance with Section 12 of this Bylaw.
2. No person shall carry on, or cause or allow to be carried on a development without a Development Permit issued in accordance with Section 12 of this Bylaw.

Section 12.2(1)(dd) states A Development Permit is not required for:

Exterior alterations for the development of a patio that are Accessory to Bars and Neighbourhood Pubs, Breweries, Wineries and Distilleries, Restaurants or a Specialty Food Services Use that is operating under an existing valid Development Permit and complies with the following:

- i. The new or expanded patio space shall comply with the requirements of the underlying Zone and Overlay.
- ii. Notwithstanding 12.2(1)(dd)(i), no part of a patio shall encroach into any Setbacks defined by the Zone in which the patio is

located, except in those parts of the Setback with lawn, Hardsurfaced materials, or decorative Hardsurfacing ground cover. Existing trees and shrubs may not be removed.

- iii. On-site parking may be used for patio space, except the required number of designated barrier free Vehicle Parking, which must remain available for parking use.
- iv. Permanent fences and barriers, planters, Platform Structures such as decks or stages shall comply with the Zone and shall not exceed 1.2 m in Height;
- v. Subject to the approval of the applicable City Department, no part of the patio, including exit gates, shall open or encroach into road right-of-way.
- vi. No audio-visual equipment may be installed at a Height exceeding 2.1 m above Grade, measured to the middle of the device, and shall not be attached to a building. Televisions, speakers, and video displays must be oriented facing away from vehicle traffic and shall not be arranged consecutively to create a wall or visual obstruction.

Development Officer's Determination

1) Section 4.x of the Strathcona Area Redevelopment Plan, Historical Commercial Direct Control Provision, List of Uses: Nightclubs, not to exceed 200 Occupants nor 240 m² of Public Space

PROPOSED: the Nightclub Use has 539 seats (282 outdoor seats, 257 indoor seats); the addition contains 317m² Public Space in addition to the indoor Public Space (unknown)

OCCUPANTS EXCEEDS BY: 339 seats

PUBLIC SPACE EXCEEDS BY: Greater than 240m² Public Space as the applicant has not provided the indoor Public Space to confirm total Public Space

2) Section 820.1 The purpose of this Overlay is to prohibit new Bars and Neighbourhood Pubs, and Nightclubs; to prohibit the expansion of existing Nightclubs; to restrict expansion of existing Bars and Neighbourhood Pubs; and to provide opportunities for Breweries, Wineries and Distilleries in the Whyte Avenue Commercial Area.

PROPOSED: The proposed development is an expansion of an existing Nightclub, contrary to the General Purpose of the Whyte Avenue Commercial Overlay

3) Section 820.3(2) Existing Bars and Neighbourhood Pubs, and Nightclubs in the area of application of this Overlay shall not be allowed to expand beyond the occupancy load and Public Space specified by their respective approvals, except:

a. in accordance with 12.2(1)(dd); or

b. when the expansion of the Public Space and occupancy load of a Bars and Neighbourhood Pubs Use is for a new or expanded outdoor service area or patio space and the development otherwise complies with the requirements of the underlying Zone

PROPOSED: The proposed Nightclub expansion is not eligible for expansion in accordance with the Whyte Avenue Commercial Overlay, Section 820.3(2)(a) or (b) as it is not one of the contemplated Uses in the exemption subclauses (a) and (b).


[unedited]

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-21-135	To acquire development permits to expand the Nightclub Use to the adjacent lot and for an accessory structure (Pergola) by July 23, 2021 or cease the Nightclub Use and remove the pergola immediately	September 3, 2021; The Appeal is DENIED and the decision of the Development Compliance Officer is CONFIRMED. The wording of the Stop Order is VARIED

Notice to Applicant/Appellant

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

	Project Number: 408842804-002 Application Date: SEP 18, 2021 Printed: November 4, 2021 at 7:39 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant	Property Address(es) and Legal Description(s) 10319 - 82 AVENUE NW Plan I Blk 61 Lots 4-5 10329 - 82 AVENUE NW Plan I Blk 61 Lots 6-8		
Scope of Application To construct a 317m ² addition (282 seats) to an existing Nightclub (existing without permits - Blues on Whyte).			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Class of Permit: Gross Floor Area (sq. m.): 317.36 New Sewer Service Required: Site Area (sq. m.): 834.92 </td> <td style="width: 50%; vertical-align: top;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Whyte Avenue Commercial Overlay </td> </tr> </table>		Class of Permit: Gross Floor Area (sq. m.): 317.36 New Sewer Service Required: Site Area (sq. m.): 834.92	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Whyte Avenue Commercial Overlay
Class of Permit: Gross Floor Area (sq. m.): 317.36 New Sewer Service Required: Site Area (sq. m.): 834.92	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Whyte Avenue Commercial Overlay		
Development Application Decision Refused Issue Date: Oct 19, 2021 Development Authority: BUCCINO, SAMANTHA Reason for Refusal 1) Section 4.x of the Strathcona Area Redevelopment Plan, Historical Commercial Direct Control Provision, List of Uses: Nightclubs, not to exceed 200 Occupants nor 240 m ² of Public Space PROPOSED: the Nightclub Use has 539 seats (282 outdoor seats, 257 indoor seats); the addition contains 317m ² Public Space in addition to the indoor Public Space (unknown) OCCUPANTS EXCEEDS BY: 339 seats PUBLIC SPACE EXCEEDS BY: Greater than 240m ² Public Space as the applicant has not provided the indoor Public Space to confirm total Public Space 2) Section 820.1 The purpose of this Overlay is to prohibit new Bars and Neighbourhood Pubs, and Nightclubs; to prohibit the expansion of existing Nightclubs; to restrict expansion of existing Bars and Neighbourhood Pubs; and to provide opportunities for Breweries, Wineries and Distilleries in the Whyte Avenue Commercial Area. PROPOSED: The proposed development is an expansion of an existing Nightclub, contrary to the General Purpose of the Whyte Avenue Commercial Overlay 3) Section 820.3(2) Existing Bars and Neighbourhood Pubs, and Nightclubs in the area of application of this Overlay shall not be allowed to expand beyond the occupancy load and Public Space specified by their respective approvals, except: a. in accordance with 12.2(1)(dd); or b. when the expansion of the Public Space and occupancy load of a Bars and Neighbourhood Pubs Use is for a new or expanded outdoor service area or patio space and the development otherwise complies with the requirements of the underlying Zone PROPOSED: The proposed Nightclub expansion is not eligible for expansion in accordance with the Whyte Avenue Commercial Overlay, Section 820.3(2)(a) or (b) as it is not one of the contemplated Uses in the exemption subclauses (a) and (b).			
THIS IS NOT A PERMIT			



Project Number: **408842804-002**
Application Date: SEP 18, 2021
Printed: November 4, 2021 at 7:39 AM
Page: 2 of 2

Application for Major Development Permit

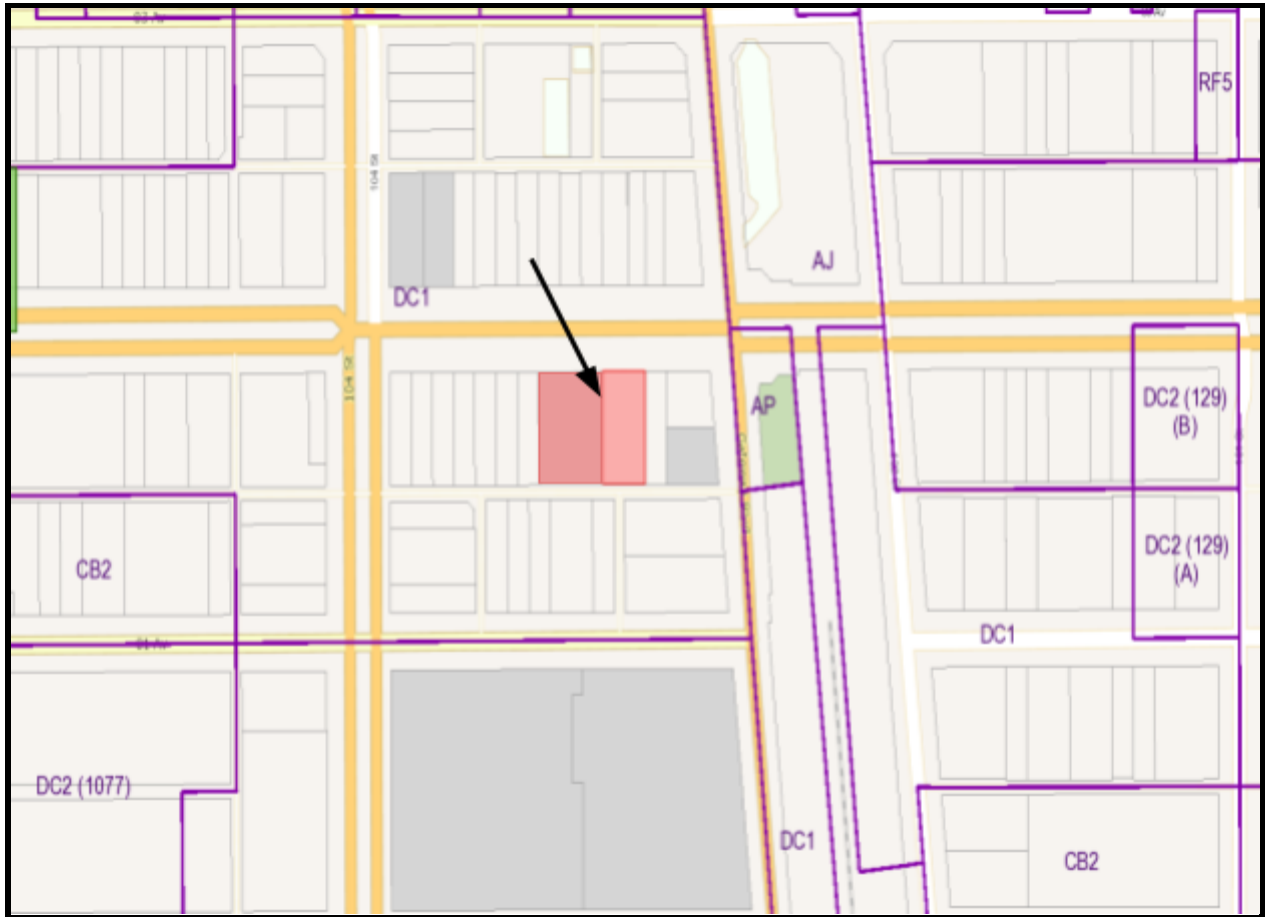
Rights of Appeal

The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$1,080.00	\$1,080.00	1523760821810010	Sep 20, 2021
Development Permit Inspection Fee	\$528.00	\$528.00	1523760821810010	Sep 20, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,608.00</u>	<u>\$1,608.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-197

▲
N

ITEM II: 1:30 P.M.

FILE: SDAB-D-21-200

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 407417258-002

APPLICATION TO: Convert one-half of a Semi-detached House to Supportive Housing with a maximum of 10 residents

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: November 4, 2021

DATE OF APPEAL: November 22, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12727 - 123A Street NW

LEGAL DESCRIPTION: Plan 0921827 Blk 20 Lot 9A

ZONE: (RF2) Low Density Infill Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

This will decrease house prices, a semidetached house is not big enough to house 10 people, there is no explanation of the purpose of the 10 people living here, what is the demographic of this proposed housing, there is not enough parking, there is already rentals in the area that the landowners do

not take care of, the cost of this appeal is a barrier to others in the Calder area from making an appeal.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

Appeals

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

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

or

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

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

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

...

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 3.2(1)(r) states **Group Home** is deemed to be **Supportive Housing**.

Under section 120.3(3), **Supportive Housing** is a **Discretionary Use** in the **(RF2) Low Density Infill Zone**.

Under section 7.3(8), **Supportive Housing** means “a residential Use with on site or off site supports to ensure the residents’ day-to-day needs are met. This does not include Extended Medical Treatment Services.”

Under section 120.3(3), **Supportive Housing, Restricted to Limited Supportive Housing**, is a **Permitted Use** in the **(RF2) Low Density Infill Zone**.

Under Section 6.1, **Limited Supportive Housing** means “a Supportive Housing development with not more than six residents. This development can reasonably expect two or fewer visits by emergency services per month and is located in a freestanding structure that is purpose-built or wholly converted for that purpose.”

Under Section 6.1, **Congregate Living** means “four or more individuals occupying Sleeping Units in a building where the occupants share access to facilities such as cooking, dining, laundry, or sanitary facilities. Typical Uses where Congregate Living is found include Fraternity and Sorority Housing, Supportive Housing, and Lodging Houses.”

Under Section 6.1, **Dwelling** means:

- a. a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is suitable for permanent residence for a single Household; or
- b. a Sleeping Unit, for the purposes of calculating Density for Supportive Housing or Lodging House Uses

Under Section 6.1, **Sleeping Unit** meansmeans a Habitable Room in a building used for Congregate Living in which the room is occupied by a person under any form of accommodation agreement providing remuneration for the room, and the room:

- a. does not include provision for cooking or food preparation, except that:
 - i. Sleeping Units may include limited food preparation facilities such as bar fridge, mini-sink, and microwave where Lodging

Houses or Supportive Housing is a Permitted Use and where more than 12 Sleeping Units are allowed in a development;

- b. may or may not be equipped with sanitary facilities; and
- c. provides accommodation for a maximum of two persons.

Section 120.1 states that the **General Purpose of (RF2) Low Density Infill Zone** is:

to allow for Single Detached Housing, infill on narrow lots, Semi-detached Housing, Duplex Housing, Secondary Suites and Garden Suites.

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

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

<i>Section 94 Supportive Community Provision</i>

The purpose of the Supportive Community Provisions is to facilitate the provision of housing in which care is provided to people in a residential setting.

1. The portion of a Development Permit application for Multi-unit Housing or Supportive Housing that achieves all of the criteria listed in subsection 94(1)(a) Supportive Community Criteria, shall be considered a supportive community and the regulations of subsection 94(1)(b) shall apply.
 - a. Supportive Community Criteria:
 - i. indoor Common Amenity Area, separate from entryways, corridors and utility areas, comprises a minimum of 10% of the Floor Area of the development, and has the capacity to seat all residents. Such space shall contain one or more common dining areas;
 - ii. the Landscape Plan identifies activity features designed to enhance the wellness of the residents, such as walking paths or raised beds for gardening;
 - iii. internal common space is designed to facilitate safety, circulation and resident interaction by:
 1. containing a minimum corridor clearance width of 1.65 m,

2. containing a minimum stairway clearance width of 1.65 m,
 3. minimizing the impact of corridor length by including, at regular intervals, areas which could accommodate seating, and
 4. allowing visual surveillance of the principal entry area;
- iv. all Dwellings and Sleeping Units shall have Inclusive Design, in accordance with Section 93 of this Bylaw;
 - v. the development has undergone and addresses the recommendations of a Crime Prevention Through Environmental Design (CPTED) review in accordance with Section 58 of this Bylaw, General Performance Standards for a Safe Physical Environment;
 - vi. the proposed development has been assessed by the Province of Alberta and is eligible to be licensed as a supportive living accommodation, pursuant to provincial legislation;
 - vii. the proposed development addresses requirements for pedestrian amenities on-Site and in the surrounding area, such as sidewalks and pedestrian crossings, in accordance with the recommendations of Transportation Services; and
- b. Supportive Community Regulations:
 - i. density shall be calculated in accordance with the Zone in which the development is located, except that the maximum density may be increased by 25%. If a Dwelling or Sleeping Unit is designed to convert into a smaller unit, the density and parking shall be calculated based upon the highest number of potential Dwellings or Sleeping Units.

Development Officer's Determination



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

Note: The remainder of the building is deemed to remain as a Semi-detached House (Section 7.2.7).

[unedited]

Notice to Applicant/Appellant

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

	Project Number: 407417258-002 Application Date: SEP 02, 2021 Printed: November 16, 2021 at 1:32 PM Page: 1 of 5		
<h2>Major Development Permit</h2>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
Applicant 	Property Address(es) and Legal Description(s) 12727 - 123A STREET NW Plan 0921827 Blk 20 Lot 9A Specific Address(es) Suite: 12727 - 123A STREET NW Entryway: 12727 - 123A STREET NW Building: 12725 - 123A STREET NW		
Scope of Permit To convert one-half of a Semi-detached House to Supportive Housing with a maximum of 10 residents.			
Permit Details <table border="1" style="width: 100%;"> <tr> <td data-bbox="256 814 786 919"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 290.35 </td> <td data-bbox="802 814 1360 919"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 290.35	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 290.35	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
Development Permit Decision Approved Issue Date: Nov 04, 2021 Development Authority: YEUNG, KENNETH Subject to the Following Conditions Zoning Conditions: This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1). This Development Permit authorizes the development to convert one-half of a Semi-detached House to Supportive Housing with a maximum of 10 residents. 1. The development shall be constructed in accordance with the stamped and approved drawings. 2. 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. 3. 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. (Section 51). 4. All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5). 5. Sleeping Unit means a Habitable Room in a building used for Congregate Living in which the room is occupied by a person under any form of accommodation agreement providing remuneration for the room, and the room: (a) does not include provision for cooking or food preparation; (b) may or may not be equipped with sanitary facilities; and (c) provides accommodation for a maximum of two persons (Section 6). 6. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee for 2 multi family dwellings at \$1246/dwelling. 2 multi-family dwellings is based on our equivalency formula of 3 sleeping units = one dwelling (6 sleeping units / 3 [equivalency factor] = 2 multi-family dwellings; therefore we have charged for 2 dwellings) with credit given for one single family dwelling at the rate of \$1712/dwelling. The			

Major Development Permit

SSTC charge is quoted at year 2021 rate. Please contact Private Development, Drainage Services, at 780-496-5665 for further details regarding the fee. The final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 2nd Floor, Edmonton Tower, 10111 104 Avenue NW, Edmonton AB T5J 0J4.

Drainage Services Conditions:

This advisement identifies the development assessments applicable to the property located at 12727 - 123A STREET NW (Plan 0921827 Blk 20 Lot 9A; Calder).

APPLICABLE ASSESSMENTS - Sanitary Sewer Trunk Charge (SSTC)

Based on our records, this property was never assessed for SSTC.

- SSTC is applicable to the property for 2 multi family dwellings at \$1246/dwelling under the current DP#407417258-002. =2 multi-family dwellings is based on our equivalency formula of 3 sleeping units = one dwelling (6 sleeping units / 3 [equivalency factor] = 2 multi-family dwellings; therefore we have charged for 2 dwellings) with credit given for one single family dwelling at the rate of \$1712/dwelling. The property area is obtained from the City's information program called POSSE and the number of dwellings is based on the drawings submitted with this Application for Major Development Permit.
- Payment should be made at the Edmonton Service Centre, 2nd Floor, 10111 – 104 Avenue NW.
- For information purposes, the 2021 rate is \$1246/dwelling. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment.

Additional Notes

- The above assessment is made based on information currently available to our Department. Should such information change in the future, a new assessment may be made.
- In addition to the above items, the applicant/owner may need to pay for the installation cost of sewer services to the property line. For details, please contact EPCOR Drainage.
- More information about the above charges can be found on the City of Edmonton's website:
https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx

EPCOR Conditions:

1. To meet the municipal fire protection requirements of City of Edmonton Design and Construction Standards Volume 4 (Water), the applicant/owner is required to construct approximately 105m of new water main complete with one (1) new municipal hydrant along 128 Avenue NW more or less as shown in the attachment (DP407417258-002_EPCOR Water Enclosure) at their expense. This work can be undertaken under a City of Edmonton Servicing Agreement (Development.Coordination@edmonton.ca).
2. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 17698 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting waterlandadmin@epcor.com.

Infill Fire Protection Assessment (IFPA) Conditions:

Edmonton Fire Rescue Services (EFRS) Engineering has reviewed the details of this development permit. The following assessment is provided:

Given that there is no increase to the building's existing floor area, in conjunction with operational details consistent with Group C major occupancy classification within the 2019 National Building Code (Alberta Edition), from the Fire Underwriter Survey methodology perspective this application presents no increase in fire risk for this development. As such, EFRS supports this application with no conditions for municipal fire protection infrastructure upgrades (hydrants and water main).

Fire Rescue Services Conditions:

1. Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal however, has the following conditions for your implementation and information.

Major Development Permit

Edmonton Fire Rescue Services Access Guidelines specify that the unobstructed travel path (measured from a fire department vehicle to the principal entry of the building) must be a minimum 1.1m of clear width (gates must be non-locking)

In addition to the detailed conditions, the following advisements are provided for your implementation and information:

Upon review of the noted development application, Edmonton Fire Rescue Services has no objections to this proposal however, has the following advice for your implementation and information.

Prior to the commencement of construction, alteration or demolition operations, a fire safety plan, accepted in writing by the fire department and the authority having jurisdiction, shall be prepared for the site.

Construction Site Fire Safety Plan Template

https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const.aspx

A formal submission of your Fire Safety Plan will be required for a Building Permit to be issued (please do not forward your Fire Safety Plan at this time).

If you have any questions please contact Technical Services at cmsfpts@edmonton.ca.

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

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

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

1) Hydrants on construction, alteration, or demolition site shall

a) be clearly marked with a sign,

b) be accessible, and

c) have an unobstructed clearance of not less than 2 m at all times.

Partial Occupancy Conditions as per the NFC(2019-AE) 5.6.1.12. For additional information please see:

Occupancy of Buildings Under Construction STANDATA –

<https://open.alberta.ca/dataset/19a79320-afad-49ac-8cfb-70278c9daf1f/resource/e083a4d3-1bca-40b0-b15f-a4b67d716dfa/download/ma-standata-bulletin-joint-fire-building-19-fcb-005-bcb-004.pdf>

Reference: NFC(2019-AE) 5.6.1.12. Fire Separations in Partly Occupied Buildings

1) Where part of a building continues to be occupied, the occupied part shall be separated from the part being demolished or constructed by a fire separation having a fire-resistance rating of not less than 1 h.

Reference: NFC(2019-AE) 2.7.1.6. Means of Egress

Means of egress shall be maintained in good repair and free of obstructions.

Subject to the Following Advisements

Zoning Advisements:

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

Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

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

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

Major Development Permit

EPCOR Advisements:

1. The site is currently serviced by one (1) 25mm copper service located at 0.3m south of the north property line of Lot 9A. If this service will not be utilized for the planned development, it must be abandoned back to the water main prior to any on-site excavation. The applicant is to contact EPCOR's Water Meter Inspector at 780-412-4000 a minimum of four weeks prior to commencing any work on the site including demolition, excavation or grading for direction on the correct process to follow to have the service isolated and meter removed.
2. The existing service may not be of sufficient size for the proposed development. The owner/applicant must review the total on-site water demands and service line capacity with a qualified engineer to determine the size of service required and ensure adequate water supply to the proposed development.
3. A new water service may be constructed for this lot directly off EPCOR's 100mm water main along the lane east of 123A Street NW adjacent to the subject site.
4. For information on service abandonments and the provisioning of a new water service contact EPCOR Infill Water and Sewer Servicing (IWASS) at wass.drainage@epcor.com or at 780-496-5444.
5. The applicant must submit bacteriological test results to EPCOR Water Dispatch and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-4500 for more information on how to provide the test results. EPCOR Water Dispatch can provide information on the tie-in and commissioning procedure.
6. There is a deficiency in hydrant spacing (distance between municipal fire hydrants) adjacent to the property. According to City of Edmonton Design and Construction Standards Volume 4 (Water), the maximum allowable spacing between fire hydrants is 150m for the zoning. There are no hydrants adjacent to the site along 123A Street; the closest hydrant is approximately 117m away; and the hydrant spacing in the area is approximately 278m (actual spacing). This does not meet the municipal hydrant spacing requirement.
7. EPCOR Water must review and accept all proposed water infrastructure upgrade designs.
8. Edmonton Fire Rescue Services' (EFRS), Fire Protection Engineer may be able to perform an Infill Fire Protection Assessment (IFPA) at development permit application to potentially alter or lessen on-street fire protection infrastructure upgrades assuming certain criteria are met. The applicant may request that the Development Officer initiate this review.
9. In 2020, the Infill Cost Share Pilot project was initiated to fund hydrants and water mains required for fire protection in infill development areas. The final application deadline for the 2021 construction season ended on October 31, 2020. Although funding for 2022 and onward has not been determined, EPCOR Water Services Inc. (EWSI) encourages interested applicants to go to the Infill Cost Share website at www.epcor.com/infill-cost-share for more information regarding this program and for program updates.
10. Proposed designs including landscaping and hardscaping must meet Volume 1 (Table of Minimum Offsets) and Volume 4 (Water) of the City of Edmonton Design and Construction Standards.
- 10a. As per 1.6.1.3 of City of Edmonton Design and Construction Standards Volume 4 (Water), dimensions must be provided as part of the engineering drawing submission package where a tree or shrub bed is installed within 5.0m of a valve, hydrant or curb cock.
11. No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.
12. The advisements and conditions provided in this response are firm and cannot be altered.

Should you require any additional information, please contact Myra Cruz at MCruz@epcor.com.



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Major Development Permit

Variations

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

Note: The remainder of the building is deemed to remain as a Semi-detached House (Section 7.2.7).

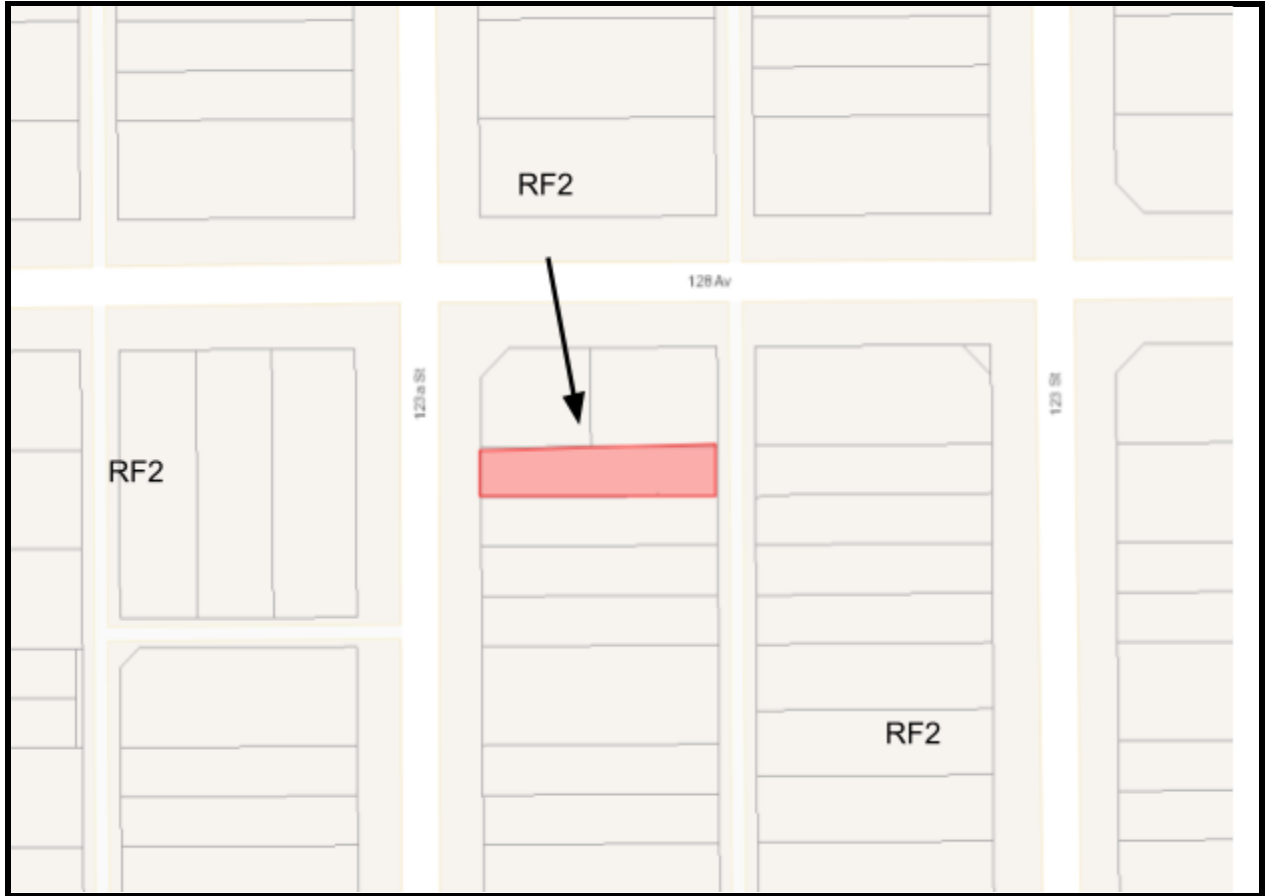
Rights of Appeal

This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

Notice Period Begins: Nov 16, 2021 **Ends:** Dec 07, 2021

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$528.00	\$528.00	148227034384001	Sep 10, 2021
Sanitary Sewer Trunk Fund 2012+	\$776.00	\$776.00	156658061520001	Sep 29, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,304.00	\$1,304.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-200

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N