

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
January 17, 2019**

**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-19-008

Construct four buildings of Apartment Housing
(total of 235 Dwellings).

17420 - 110 Street NW

Project No.: 287301625-002

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-19-008

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

APPELLANT:

APPLICATION NO.: 287301625-002

APPLICATION TO: Construct four buildings of Apartment Housing (total of 235 Dwellings).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: December 14, 2018

DATE OF APPEAL: December 20, 2018

RESPONDENT:

ADDRESS OF RESPONDENT: 17420 - 110 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17420 - 110 Street NW

LEGAL DESCRIPTION: Plan 0325055 Blk X Lot 1

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: N/A

STATUTORY PLAN: Castle Downs Extension ASP
Chambery NSP

Grounds for Appeal

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

Too much of an increase in traffic flow for the area. Limited overflow parking. Potential for reduced value of my property. Loss of privacy.

General Matters

Appeal Information:

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

Grounds for Appeal

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,

...

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

Hearing and Decision

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*

Section 210.1 states that the **General Purpose** of **(RA7) Low Rise Apartment Zone** is “To provide a Zone for Low Rise Apartments.”

Section 210.2(1) states that **Apartment Housing** is a **Permitted Use** in the **(RA7) Low Rise Apartment Zone**.

Under section 7.2(1), **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.

Site Area

Section 201.4(14) states:

Apartment Housing, Group Homes, Lodging Houses, Row Housing and Stacked Row Housing shall be located on Sites of 1.4 ha or less. The Development Officer may exercise discretion in those cases in which Apartment Housing, Boarding and Lodging Houses, Row Housing and Stacked Row Housing would be located on Sites greater than 1.4 ha, having regard for Site design, building massing and scale.

Development Officer’s Determination

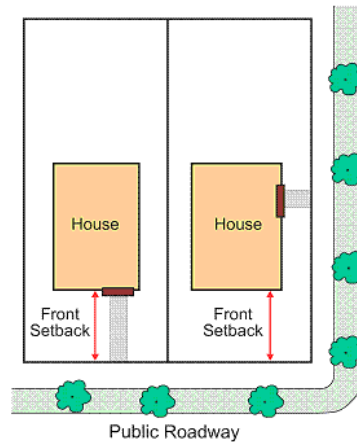
Site - Apartment housing is located on a site of 2.5 ha, instead of 1.4 ha or less (Section 210.4.14).

Front Setback

Section 201.4(7) states: “The minimum Front Setback shall be 6.0 m.”

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

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



Development Officer’s Determination

Reduced Front Setback - The distance from the apartment house to the property line along 110 Street NW (front lot line) is 5.7m instead of 6.0m (Section 210.4.7).

Parking

Schedule 1(A): All Areas Outside of the Downtown Special Area, Main Street Corridors, and Transit Nodes		
Use of Building or Site	Minimum Number of Parking Spaces Required	
Residential and Residential-Related Uses		
1. Apartment Housing Stacked Row Housing	Dwelling Size	Minimum
	Studio	1
	1 Bedroom Dwelling	1
	2 Bedroom Dwelling	1.5
	3 or more Bedroom Dwelling	1.7
Visitor parking shall be provided at a minimum rate of 0 visitor parking spaces for the first 7 Dwellings, and 1 visitor parking space per 7 Dwellings thereafter. Visitor parking spaces shall be readily available to the primary building entrance for each multi-unit residential		


	building on Site, and be clearly identified as visitor parking, to the satisfaction of the Development Officer.
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Development Officer's Determination

Parking - The site has 356 parking spaces, instead of 371 (Section 54.2 and Schedule 1).

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: 287301625-002 Application Date: SEP 19, 2018 Printed: December 21, 2018 at 9:24 AM Page: 1 of 5
<h2>Major Development Permit</h2>		
<p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.</p>		
Applicant BROADSTREET PROPERTIES LTD. 100 - ST. ANN'S ROAD CAMPBELL RIVER, BRITISH COLUMBIA CANADA V9W4C4	Property Address(es) and Legal Description(s) 17420 - 110 STREET NW Plan 0325055 Blk X Lot 1	
Scope of Permit To construct four buildings of Apartment Housing (total of 235 Dwellings).		
Permit Details		
Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.):	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 56 Stat. Plan Overlay/Annex Area: (none)	
I/We certify that the above noted details are correct. Applicant signature: _____		
Development Permit Decision Approved Issue Date: Dec 14, 2018 Development Authority: YEUNG, KENNETH		



Project Number: **287301625-002**
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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)

This Development Permit authorizes the development of four buildings of Apartment Housing (total of 235 Dwellings).

The Site shall be developed in accordance with the stamped, signed, and conditionally approved drawings.

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

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).

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$1,629.00. The SSTC charge is quoted at year 2018 rate. Please contact Private Development, Drainage Services, at 780-496-5665 for further details regarding the fee. However, 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.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay the Development Permit Inspection Fee and Lot Grading Fee.

TRANSPORTATION CONDITIONS:

The proposed 10 m access to 110 Street located approximately 13.5 m from the north property line must align with 175 Avenue and constructed as a commercial crossing access to City of Edmonton Complete Streets Design and Construction Standards, as shown on Enclosure I.

There is an existing one-directional curb ramp on 110 Street located in the vicinity of the proposed commercial crossing access that will require reconstruction, as shown on Enclosure I. The newly constructed curb ramp must be located such that a minimum separation of 1 m is maintained between the flare of the proposed access and lines up with the existing two-directional curb ramp located at the north east corner of the intersection of 110 Street and 175 Avenue.

There is an existing catch basin within the proposed access along 110 Street to this property that will require modifications or relocation, as shown on Enclosure I. The owner/applicant should contact Kimberly Cochrane (780-496-4292) with Drainage Planning for more information.

The owner must enter into an Agreement with the City for the following improvements:

- a) construction of a 10 m commercial crossing to 110 Street located approximately 13.5 from the north property line and aligns with 175 Avenue;
- b) reconstruct existing one-directional curb ramp along 110 Street 1 m north of the proposed 10 m access and align with existing two-directional curb ramp at the north east corner of the intersection of 110 Street and 175 Avenue; and
- c) modification or relocation of an existing catch basin along 110 Street.

Engineering Drawings are not required for the Agreement. However, construction must meet the City of Edmonton Complete Streets Design and Construction Standards.

The Agreement must be signed PRIOR to the release of the drawings for Building Permit review. Please email Development.coordination@edmonton.ca to initiate the required Agreement. Following this, any further questions regarding this Agreement may be directed to Esther Anderson (780-944-7773) of the Development Servicing Agreements Unit.



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Once signed by the land owner, the Agreement must be returned to Development Servicing Agreements to the attention of Esther Anderson including an irrevocable Letter of Credit in the amount of \$15,000.00 to cover 100% of construction costs.

The applicant must contact Loli Fernandez (780-944-7683) 48 hours prior to removal or construction within city road right-of-way.

There is an existing Telus pedestal in the vicinity of the proposed access to 110 Street, as shown on Enclosure I. The access must maintain a minimum clearance of 1.5 m from the Telus pedestal. The applicant should contact Lillian Liu (587-985-8574) of Telus for more information. Should relocation of the pedestal be required, all costs associated with relocation must be borne by the owner/applicant.

The proposed connector sidewalks to tie into the City sidewalks along 110 Street and 112 Street including the internal pedestrian connections with curb ramps, as shown on Enclosures I and II, are acceptable to Subdivision Planning. The pedestrian connections will provide connectivity and increase walkability. The sidewalk connectors must maintain a minimum clearance of 0.5 m from any above ground utilities.

The internal roadway must be signed "Private Road". The sign is to be located on private property at the site entrance to 110 Street, as shown on Enclosure I.

A minimum 12 m radius (measured at the centre of the road) is required for the corners of the internal roadway to accommodate the turning requirements for emergency response vehicles.

Permanent objects including retaining walls, fences, concrete steps, etc. must NOT encroach into or over/under road right-of-way, as shown on Enclosure I. All required landscaping for the development must also be provided on site.

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.

Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

- the start/finish date of project;
- accommodation of pedestrians and vehicles during construction;
- confirmation of lay down area within legal road right of way if required;
- and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

https://www.edmonton.ca/business_economy/licences_permits/oscam-permit-request.aspx

and,

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

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

TRANSPORTATION ADVISEMENT:

Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or within the hoarded area. Subdivision Planning does not object to short term on-street parking associated with the Residential Sales Centre.

Subdivision Planning does not object to the proposed parking deficiency of 15 stalls (provided 359 stalls; required 374 stalls). There



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Major Development Permit

is on-street parking available along 110 Street.

Upon future subdivision of the subject property, cross-lot access agreements will be required to maintain access to the surrounding roadways. The agreement should be registered on all lots to ensure access in perpetuity.

LANDSCAPE CONDITIONS:

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$510.00 (This can be paid by phone with a credit card - 780-442-5054)

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

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

Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.

A Guaranteed Landscaping Security shall be provided to the City of Edmonton at the time of Development Permit Inspection, to the satisfaction of the Development Officer.

LANDSCAPE ADVISEMENT:

Upon the first Development Permit Inspection and determination that landscape construction has been completed in compliance with the approved Landscape Plan, 20% of the approved Guaranteed Landscape Security shall be collected and retained for a period of 24 months from the date of first Development Permit Inspection.

Sites that are not completed or are not compliant with approved Landscape Plans at the first Development Permit Inspection, shall be required to submit a Security for incomplete work, up to and including the full value of the approved Guaranteed Landscape Security value.

DEVELOPMENT ADVISEMENT:

Signs require separate Development Applications.

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.

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

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

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



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Major Development Permit

Variations

Site - Apartment housing is located on a site of 2.5 ha, instead of 1.4 ha or less (Section 210.4.14).

Reduced Front Setback - The distance from the apartment house to the property line along 110 Street NW (front lot line) is 5.7m instead of 6.0m (Section 210.4.7).

Parking - The site has 356 parking spaces, instead of 371 (Section 54.2 and Schedule 1).

Rights of Appeal

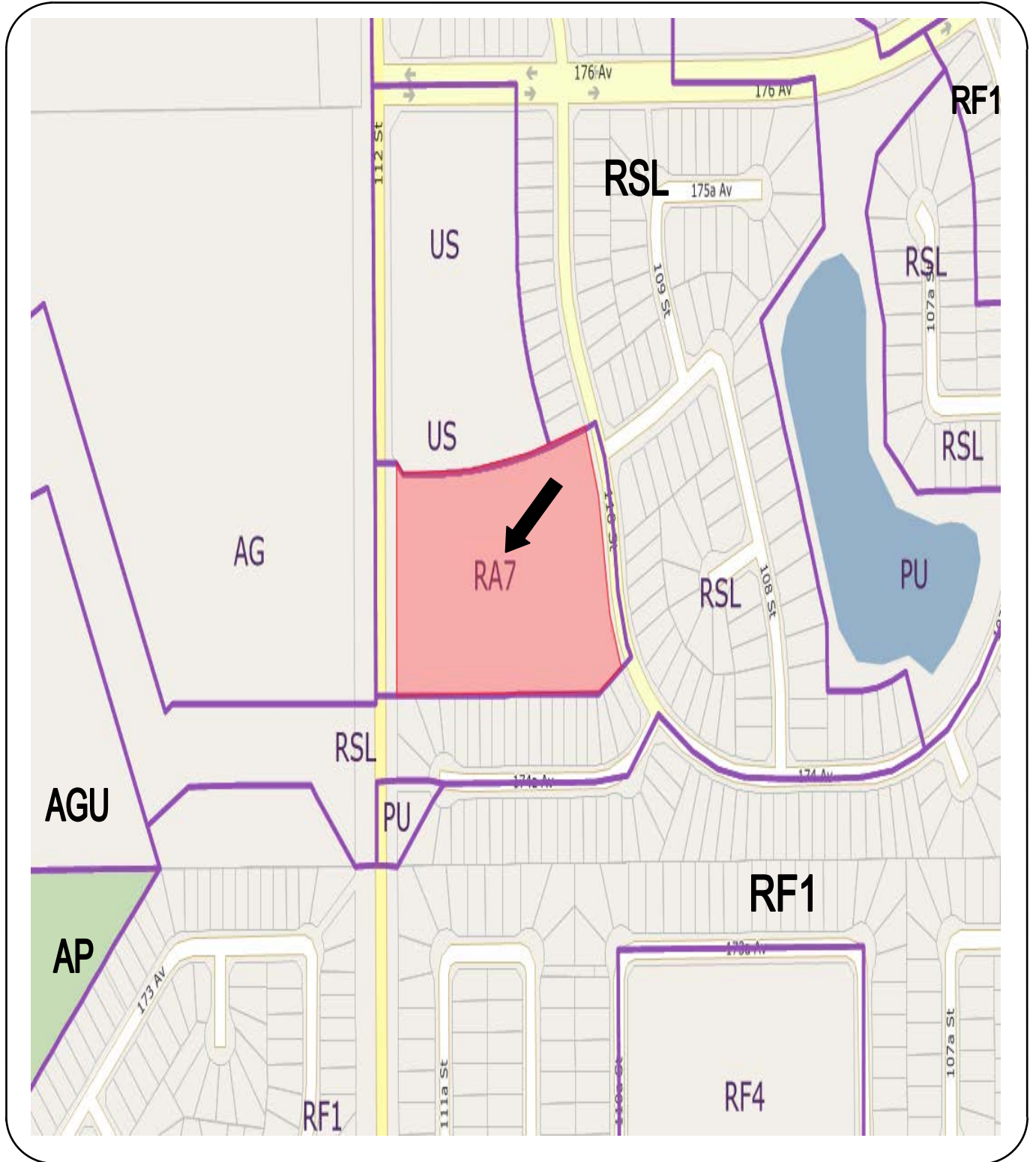
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Dec 20, 2018

Ends: Jan 10, 2019

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Permit Inspection Fee	\$510.00	\$300.00	05344126	Sep 19, 2018
Major Dev. Application Fee	\$835.00	\$835.00	05344126	Sep 19, 2018
Dev. Application Fee # of dwelling units	\$17,325.00	\$17,325.00	05344126	Sep 19, 2018
Lot Grading Fee	\$3,480.00			
Sanitary Sewer Trunk Fund 2012+	\$273,305.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$295,455.00</u>	<u>\$18,460.00</u>		
(\$276,995.00 outstanding)				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-008

