

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
January 30, 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-19-011	Operate a Major Home Based Business (Administration office and storage of a vehicle for mechanical contractor - HIGH TECH MECHANICAL LTD.) Expires Dec 20, 2023 6155 - 175 Avenue NW Project No.: 294950433-001
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II	10:30 A.M.	SDAB-D-19-012	Change the use of a General Retail Store to a Cannabis Retail Store 10279 - Jasper Avenue NW Project No.: 287607590-001
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NOTE: *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-19-011

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

APPELLANT:

ADDRESS OF APPELLANT: 6159 - 175 Avenue NW

APPLICATION NO.: 294950433-001

APPLICATION TO: Operate a Major Home Based Business (Administration office and storage of a vehicle for mechanical contractor - HIGH TECH MECHANICAL LTD.) Expires Dec 20, 2023

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: December 20, 2018

DATE OF APPEAL: January 6, 2019

NOTIFICATION PERIOD: December 27, 2018 through January 17, 2019

RESPONDENT: G. Singh

ADDRESS OF RESPONDENT: 6155 - 175 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6155 - 175 Avenue NW

LEGAL DESCRIPTION: Plan 1520683 Blk 10 Lot 56

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: McConachie Neighbourhood Structure Plan
Pilot Sound Area Structure Plan

Grounds for Appeal

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

I am appealing this decision as this permit has been issued to someone who blatantly disregards the City's bylaws, has no consideration for his neighbours and within weeks of being issued the permit, is breaking it's conditions.

The business being run out of this house has been causing excess noise and been unsightly since we moved in. The day after (March 24, 2018) taking possession of our new house located at 6159 – 175 Avenue NW, the man operating "High-Tech Mechanical Ltd", parked his white cube van in front of our driveway even though our builder had put a clearly marked sign out saying "No Parking – Occupied Residence". We had a U-Haul coming with our belongings at 8 am that morning and when we tried to ring the doorbell, no one would answer us. We called 311 and parking enforcement came to deal with the problem. This was the first of many issues we have had to deal with in regards to this man running his mechanical company out of his house. They have continued to block our driveway with various vehicles (work and personal), store piping (ABS, Cast-iron, etc.), (picture #1), tubs and jacuzzis on their driveway creating an unsightly mess, parking in the yard because he does not have enough room for the work vehicles (picture #2), store derelict work vehicles, receive deliveries from mechanical supplies almost weekly (pictures #3 and #4), leaving cast-iron piping on the roof of his van and overhanging onto the sidewalk (picture #5). At one point, they were operating 5 vehicles (1 cube van, 2 full sized work vans and 2 personal vehicles) out of a residence with 2 drivers until one of the vans broke down, then it was parked on the driveway for over one month. He has run this business out of his house for almost a year without getting the proper permits and blatantly disregards the bylaws regarding storing of construction materials.

He sometimes has helpers or employees go with him to work and they leave their personal vehicles parked in front of our driveway or throughout the neighbourhood. Not only has he shown complete disregard for the neighbourhood with his business, he has been completely inattentive to contractors working on his property for him when they have caused damage to other people's property.

After having been issued the permit, he still has his white cube truck parked in the street, in vacant houses driveways and on his driveway every day. He continues to do this even though the Development Planning Technician (Jeremy Folkman) I spoke to from the City explicitly stated he was not to have this truck in the area as it was a condition of the permit. Within a day of being issued the permit, he has violated its terms and continues to do so as of today (January 6, 2019). I have attached a picture of the vehicle (picture #6) still there even though he was told it needed a proper parking location in an area designated for commercial use.

It's because of these reasons I am asking for an appeal to his home business development permit as he has no proper means to store these materials out of site and blatantly disregards the terms of his permit so soon after it has been issued.

I feel come spring, it will only get worse as construction is slow right now and he has proven to not have any care or respect for his neighbours and the City bylaws.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

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

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

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

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

or

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

or

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

Hearing and Decision

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

...

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

...

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

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 115.1, the **General Purpose** of the (RSL) **Residential Small Lot Zone** is to provide smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites and Garden Suites.

Major Home Based Business regulations – Section 75

A Major Home Based Business shall comply with the following regulations:

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
3. **the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;**
4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
5. **there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;**
6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. a Bed and Breakfast Operation, operating as a Major Home Based Business shall have a maximum of two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units. In addition to any other parking requirements of this Bylaw, one additional parking space shall be provided for each Sleeping Unit;
8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and
9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

10. a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

Discretionary Use

Section 115.3(4) states that a **Major Home Based Business** is a **Discretionary Use** in the **(RSL) Residential Small Lot Zone**.

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

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

Development Officer's Determination

Discretionary Use - Major Home Based Business is approved as a Discretionary Use (Section 115.3(4)).

Outdoor Storage

Section 75.5 states that there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings.

Development Officer's Determination

Outdoor storage - Allow the storage of one vehicle associated with the business (Section 75.5).

Off-street Parking

Section 75.3 states that the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located.

Section 54.2 Schedule 1(A)(8) stipulates that a Major Home Based Business requires 1 parking space in addition to parking required for principal Dwelling and that 1 parking space per guest room is required in addition to the parking required for the principal Dwelling.

Objects Prohibited or Restricted in Residential Zones – Section 45

Section 45:

1. No person shall keep in any part of a Site in any Residential Zone:
 - a. any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg;
 - b. more than one commercial vehicle having a maximum gross vehicle weight (G.V.W.R.) of 4 600 kg or less, for longer than reasonably necessary while loading or unloading such vehicle.
2. For the purpose of subsection 45(1) a commercial vehicle means a vehicle that:
 - a. is intended or designed for commercial purposes; or
 - b. is used for commercial purposes.

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: **294950433-001**
Application Date: OCT 11, 2018
Printed: January 7, 2019 at 7:59 AM
Page: 1 of 3

Home Occupation

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

Applicant	Property Address(es) and Legal Description(s) 6155 - 175 AVENUE NW Plan 1520683 Blk 10 Lot 56
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Scope of Permit
To operate a Major Home Based Business (Administration office and storage of a vehicle for mechanical contractor - HIGH TECH MECHANICAL LTD.) Expires Dec 20, 2023.

Permit Details	
# of business related visits/day: 1 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: Y	# of vehicles at one time: 1 Business has Trailers or Equipment?: N Description of Business: Office for mechanical contractor and vehicle storage in driveway, all work performed at job sites. Expiry Date: 2023-12-20 00:00:00

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

Applicant signature: _____

Development Permit Decision
Approved

Issue Date: Dec 20, 2018 **Development Authority:** FOLKMAN, JEREMY



Project Number: **294950433-001**
Application Date: OCT 11, 2018
Printed: January 7, 2019 at 7:59 AM
Page: 2 of 3

Home Occupation

Subject to the Following Conditions

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

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.
5. If there are visits associated with the business the number shall not exceed the number applied for with this application.
6. The site shall not be used as a daily rendezvous for employees or business partners.
7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
9. Fabrications of business related materials are prohibited.
10. All commercial and industrial equipment, including but not limited to Bobcats, are not permitted at the site. The equipment shall be stored at an approved storage facility.
11. All commercial, industrial and overweight vehicles shall be parked at an approved storage facility. The Development Permit may be revoked if any commercial, industrial and overweight vehicles are parked or stored at the residential site.
12. One or more enclosed or empty non-enclosed trailer with less than 4500 kg gross vehicle weight shall be parked at an approved storage facility, unless a variance has been granted for an enclosed or empty non-enclosed trailer for this Major Home Based Business.
13. All parking for the Dwelling and Home Based Business must be accommodated on site, unless a parking variance has been granted for this Major Home Based Business.
14. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
15. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on ****Dec/20 2023 ****.

Notes:

1. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.



Project Number: **294950433-001**
 Application Date: OCT 11, 2018
 Printed: January 7, 2019 at 7:59 AM
 Page: 3 of 3

Home Occupation

3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).

Variiances

1. Discretionary Use - Major Home Based Business is approved as a Discretionary Use (Section 130.3.4).
2. Outdoor storage - Allow the storage of one vehicle associated with the business (Section 75.5).

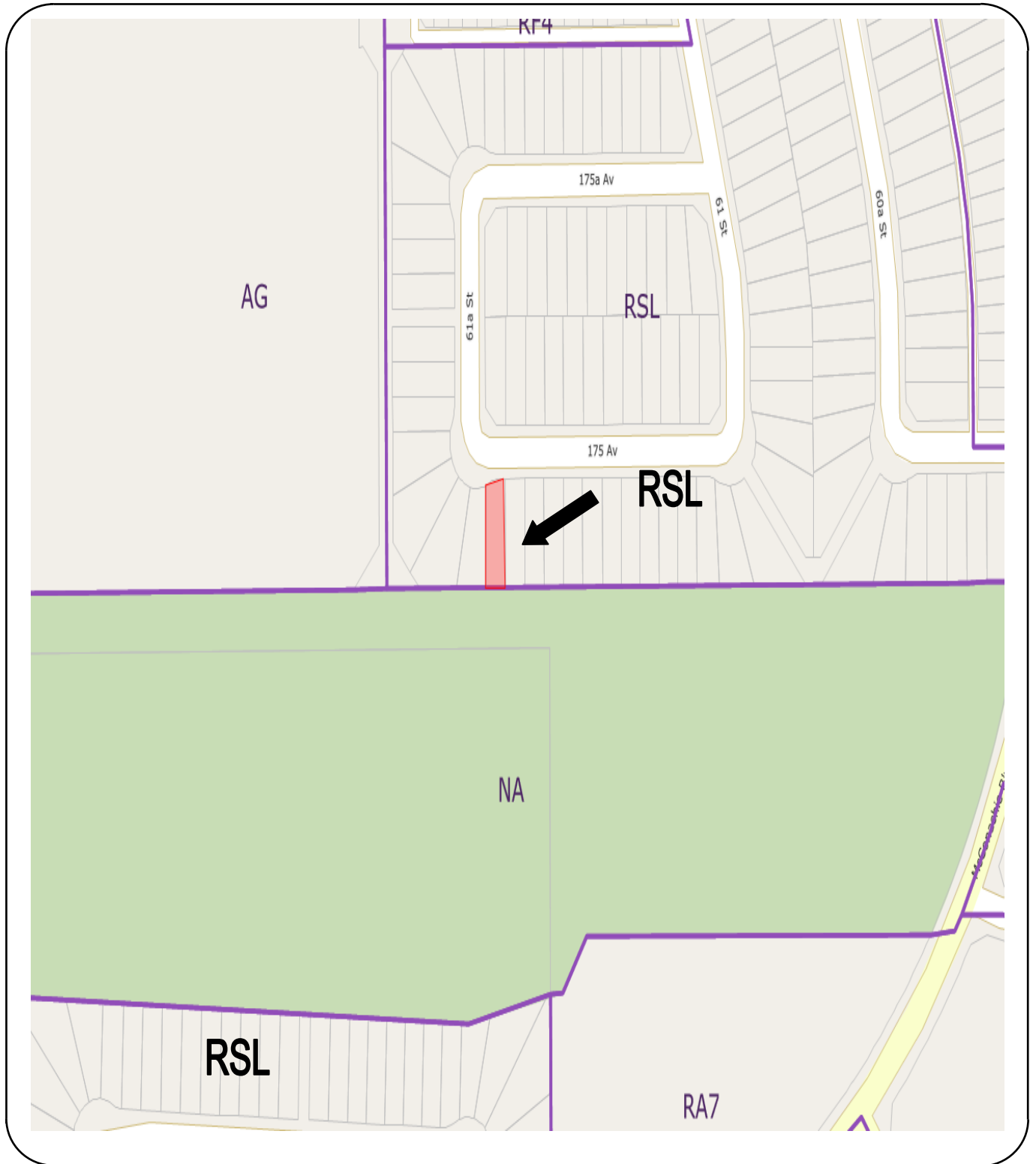
Rights of Appeal

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 27, 2018 **Ends:** Jan 17, 2019

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$316.00	\$316.00	05405928	Oct 11, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$316.00	\$316.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-011



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-012

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 287607590-001

APPLICATION TO: Change the Use of a General Retail Store to a Cannabis Retail Store

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 4, 2019

DATE OF APPEAL: January 7, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10279 Jasper Avenue NW

LEGAL DESCRIPTION: Plan NB Blk 2 Lot 76

ZONE: CCA Core Commercial Arts 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:

On behalf of Canna Cabana, we would like to appeal the decision on Development Permit 287607590- 001 for a Cannabis Retail Store, dated January 4, 2018 for the following reasons.

The proposed location is an existing smoking accessories store called Smoker’s Corner, and would be converted to a cannabis retail sales store through upgrades to the interior and exterior to meet regulatory requirements. If not permitted to convert to include cannabis sales, the long-term viability of the store could be in question, as cannabis users can be assumed to prefer to make purchases of both cannabis and accessories at the same location. To not grant variance when appropriate would cause harm to the business and a negative economic impact on the area.

The business has operated for six years in the community without issue, and enjoys a loyal customer base who would like to see the conversion take place.

The proposed development is a permitted use in the Core Commercial Arts Zone (CCA). The purpose of this Zone is to provide a variety of high density and quality development that accommodates a wide variety of uses, including cannabis retail sales. Permitting cannabis retail sales in this zone shows a clear intent to encourage this type of development in the Zone. However, the current setback requirements set by Council make it difficult in a high-density area such as CCA to find locations that do not infringe on these setback distances. This is contradictory to the intent of the zoning allowances and should be considered.

The public library referenced in the refusal due to setback requirements, Enterprise Square EPL, is a temporary location that is scheduled to be moved to its permanent location just south of Churchill Square in early 2020, at a distance of 481 metres (m) from the proposed development. With the current moratorium on new cannabis licenses from the AGLC and the required time to build out the proposed development, the library could very well be moved by the time a store is opened at the location, or a condition could be imposed on the proposed development to address the timing of completion of the development in relation to the closing of the library. In fact in a recent decision (SDAB-D-18-188), the Edmonton SDAB granted a variance for nearby cannabis store and the same library based partially on the rationale that the library would be moving to a new location in 2020.

In regards to the setback distance from another cannabis retail sales, the two locations are located in two different commercial zones with numerous buildings obstructing the view from one to the other, facing in different directions and with major intersections of Jasper Avenue and 103 street separating the two. The actual walking distance is approximately 220m. Considering the extremely high density of businesses and residential in this area, it cannot be argued to create an appearance of clustering, and the population would be well served to have more than one location within a fairly large area to serve a large local and business population.

The AGLC did not impose setback distances between cannabis stores and many municipalities have done the same or imposed lower distances, especially in concentrated commercial areas where separation can be difficult to achieve. Fort McMurray is in the process of lowering their setbacks from 150 metres (m) property line to property line, to 100m door-to-door.

The Edmonton SDAB has the authority, per Section 687(3)(d) of the Municipal Government Act to grant variance and approve this development, and we believe this development would not "unduly interfere with the amenities of the neighbourhood, or materially interfere

with or affect the use, enjoyment, or value of neighbouring parcels of land (MGA Section 687(3)(d)(i)". We look forward to further addressing this matter with you.

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.

Appeals

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

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

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;

- (a.3) subject to 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 910.2(f) states that **Cannabis Retail Sales** is a **Permitted Use** in the (CCA) Core Commercial Arts Zone.

Section 910.5(1) states that the **General Purpose** of the (CCA) **Core Commercial Arts Zone** is:

to provide a Zone for a variety of high density and quality development that accommodates office, retail, service, institutional, residential, arts and entertainment Uses and meet the Use objectives for the Commercial Cultural Core. The intent is to further strengthen the Downtown's central area by providing continuous retail at ground level, enhancing arts and entertainment activities, accommodating Residential Uses and making the Core more pedestrian friendly.

Under Section 7.4(9), **Cannabis Retail Sales** means development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use may include retail sales of Cannabis accessories. This Use does not include Cannabis Production and Distribution.

Under Section 6.1, **Cannabis** means:

a cannabis plant and anything referred to in subsection (a) of this definition but does not include anything referred to in subsection (b) of this definition:

- a. Cannabis includes:
 - i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in subsection (b) of this definition.
 - ii. any substance or mixture of substances that contains or has on it any part of such a plant;
 - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
- b. Notwithstanding subsection (a) of this definition, Cannabis does not include:
 - i. a non-viable seed of a cannabis plant;
 - ii. a mature stalk, without any leaf, flower, seed or branch, of such plant;
 - iii. fibre derived from a stalk referred in subsection (b)(ii) of this definition; and
 - iv. the root or any part of the root of such a plant.

Section 910.1 states that the **General Purpose** of the **Special Area Downtown Overlay** 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.”

<p><i>Section 70 – Cannabis Retail Sales Regulations</i></p>

- 1. Any Cannabis Retail Sales shall not be located less than 200 m from any other Cannabis Retail Sales. For the purposes of this subsection only:**

- a. the 200 metres separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of any other approved Cannabis Retail Sales Use;**
 - b. A Development Officer shall not grant a variance to reduce the separation distance by more than 20 metres in compliance with Section 11; and
 - c. The issuance of a Development Permit which contains a variance to separation distance as described in 70(1)b shall be issued as a Class B Discretionary Development.
- 2. Any Site containing a Cannabis Retail Sales shall not be located less than 200 metres from any Site being used for a public library, or for public or private education at the time of the application for the Development Permit for the Cannabis Retail Sales. For the purposes of this subsection only:**
 - a. the 200 metres separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;**
 - b. the term “public library” is limited to the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries; and**
 - c. the term "public or private education" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other Commercial Schools.
- 3. Any Site containing a Cannabis Retail Sales shall not be located less than 100 metres from any Site being used for Community Recreation Services Use, a community recreation facility, a provincial health care facility, as public lands, or any Site that is designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales. For the purposes of this subsection only:**
 - a. the 100 metres separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
 - b. the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as per the Municipal Government Act; and

- c. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.
4. **Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2) or 70(3).**
5. Cannabis Retail Sales shall include design elements that readily allow for natural surveillance to promote a safe urban environment, where applicable and to the satisfaction of the development officer, including the following requirements:
 - a. customer access to the store is limited to a store front that is visible from the street other than a Lane, or a shopping centre parking lot, or a mall access that allows visibility from the interior of the mall into the store;
 - b. the exterior of all stores shall have ample transparency from the street;
 - c. Any outdoor lighting shall be designed to ensure a well-lit environment for pedestrians and illumination of the property; and
 - d. Landscaping shall be low-growing shrubs or deciduous trees with a high canopy at maturity to maintain natural surveillance.
6. The Development Officer shall impose a condition on any Development Permit issued for Cannabis Retail Sales requiring that the development:
 - a. shall not commence until authorized by and compliant with superior legislation; and
 - b. must commence within nine (9) months of the date of approval of the Development Permit.
7. For the purposes of Section 70(6), development commences when the Cannabis Retail Sales Use is established or begins operation.

<p><i>Separation Distance from a Public Library</i></p>
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Development Officer's Determination

The proposed Cannabis Retail Store does not comply with the minimum setback requirement from a public library (Enterprise Square EPL) (Section 70.2):

Required Setback: 200 m
Proposed Setback: 31 m
Deficient by 169 m

Separation Distance from Another Cannabis Retail Sales

Development Officer's Determination


Required Setback: 200 m

Proposed Setback: 138 m

Deficient by 62 m

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: 287607590-001 Application Date: JUL 16, 2018 Printed: January 4, 2019 at 11:29 AM Page: 1 of 2		
This document is a Development Permit Decision for the development application described below.				
Applicant [REDACTED]	Property Address(es) and Legal Description(s) 10279 - JASPER AVENUE NW Plan NB Blk 2 Lot 76			
	Specific Address(es) Building: 10275 - JASPER AVENUE NW			
Scope of Application To change the use of a General Retail Store to a Cannabis Retail Store.				
Permit Details				
Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Downtown			
I/We certify that the above noted details are correct. Applicant signature: _____				
Development Application Decision Refused Issue Date: Jan 04, 2019 Development Authority: WELCH, IMAI Reason for Refusal 1) The proposed Cannabis Retail Store does not comply with the minimum setback requirement from a public library (Enterprise Square EPL) (Section 70.2): Required Setback: 200 m Proposed Setback: 31 m Deficient by 169 m 2) The proposed Cannabis Retail Store does not comply with the minimum setback requirement from a (insert prohibited use such as park, school, etc.) (Section 70.1): Required Setback: 200 m Proposed Setback: 138 m Deficient by 62 m Under Sections 70.1(b) and 70.4 of the Zoning Bylaw, the Development Officer is prohibited from granting the necessary variances to the minimum setback to allow for the proposed Cannabis Retail Store.				
Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
THIS IS NOT A PERMIT				



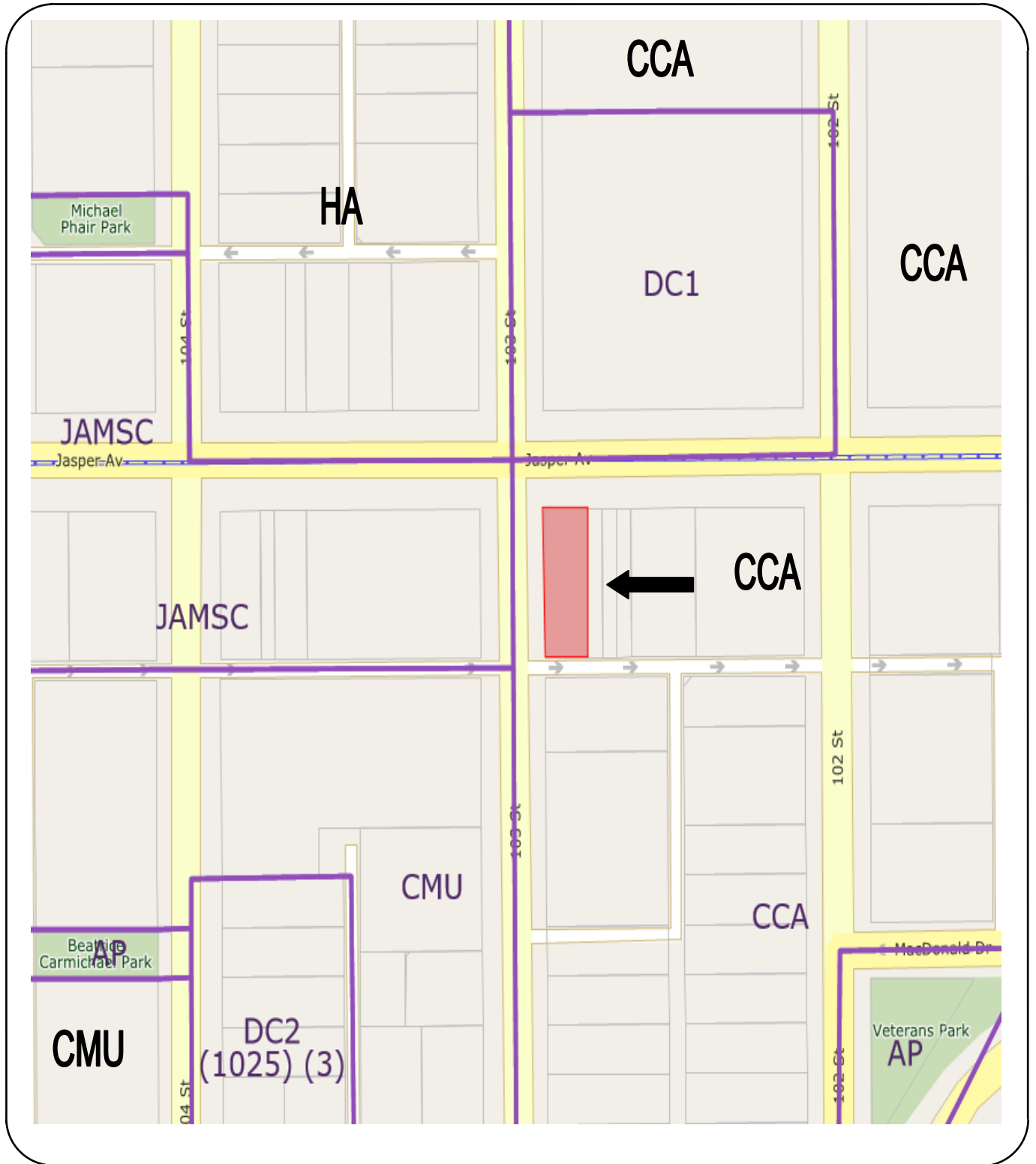
Application for Major Development Permit

Project Number: **287607590-001**
Application Date: JUL 16, 2018
Printed: January 4, 2019 at 11:29 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$5,600.00	\$5,600.00	05188684	Jul 16, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$5,600.00</u>	<u>\$5,600.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-012

