

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
January 31, 2018**

**Councillor's Boardroom  
City Hall, 1 Sir Winston  
Churchill Square NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
Councillor's Boardroom**

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I	9:00 A.M.	SDAB-D-18-017	Construct a Convenience Retail Store, Professional, Financial and Office Support Service, Restaurant (106 square metres of Public Space), and 2 Dwellings of Apartment Housing building  10158 - 90 Street NW Project No.: 244382817-002
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**To Be Raised**

II	1:00 P.M.	SDAB-D-17-232	Add (1) additional Dwelling to an existing (13) Dwelling Apartment House for a total of 14 Dwellings and to construct exterior alterations (additional window for egress)  10003 - 87 Avenue NW Project No.: 258470653-003
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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-18-017

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

APPELLANT #1:

ADDRESS OF APPELLANT #1: 10159 - 90 Street NW

APPELLANT #2:

ADDRESS OF APPELLANT #2: 10165 - 90 Street NW

APPLICATION NO.: 244382817-002

APPLICATION TO: To construct a Convenience Retail Store, Professional, Financial and Office Support Service, Restaurant (106 square metres of Public Space), and 2 Dwellings of Apartment Housing building

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: December 14, 2017

DATE OF APPEAL #1: January 8, 2018

DATE OF APPEAL #2: January 9, 2018

NOTIFICATION PERIOD: Dec. 21, 2017 through Jan. 11, 2018

RESPONDENT: Redbrick Realestate Services Inc.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10158 - 90 Street NW

LEGAL DESCRIPTION: Plan RN37 Blk 1 Lot 9

ZONE: CNC Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: Riverdale Area Redevelopment Plan

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<i>Grounds for Appeal</i>
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The Appellants provided the following reasons for appealing the decision of the Development Authority:

M. Sutherland:

Into perpetuity I will be adversely affected by this development. The purpose of the zoning classification is to provide a community based business that is consistent with the needs of the community, (e.g., convenience store) and landscape of my home as well as the surrounding dwellings. A minimum of 21 parking stalls are identified in the development notice. The developers are proposing 7 double stacks parking stalls. Given, the volume of parking required from their employees, residents and customers combined with their operating hours and requested loading zone on the street directly in front of my home it is highly unlikely that I will be able to park in front of my house. This will have an adverse affect on me personally while impacting my properly value. The increased traffic volume on my quite street will pose risks to myself, my family and my neighbors. The setbacks of the structure are not consistent with my home and the other homes in the neighbourhood - valuable greenspace will be permanently lost. I will be negatively impacted by the odors/air pollution generated by the combined waste of this multi-facet development. Riverdale is a desirable greenspace community to live in. This monstrosity of this structure is counter to the overall development of my dwelling and the surrounding structures. This development is also setting an undesirable precedent for future developments, whereby developers propose 3 level structures.

M. Cooper:

We object to all of the variances and discretionary uses listed in the letter for the following reasons:

- The proposed development contravenes the primary objective of Bylaw 10251, Section 2.4 [Riverdale Area Redevelopment Plan] with respect to CNC districting:

Objective: Continue the opportunity for small scale pedestrian oriented commercial uses to serve the community from central locations which have historically been used for such purposes. The uses contemplated in this proposal are clearly not small scale, pedestrian oriented or primarily designed to serve the community. As such it is more appropriately a zoning change request.

- Bylaw 10251 provides the following advice to the Development Officer:

Parking requirements may be relaxed, or eliminated, if it can be shown that the use is oriented towards a community, as opposed to a city or regional

market, and if traffic from outside the community will be minimal and adequately handled by existing on-street or on-site parking.

The developer has told community meetings that 70% of visits to the proposed facility will be by auto. From the outset, community members have expressed concern about likely increases in traffic, especially since the proposed development is at one of the most dangerous intersections in the community. This application has not included an estimate of likely traffic volumes to be expected. This information is critical to allow the community and the board to determine the significance of traffic increases.

- The Parking Analysis contains a series of highly questionable assumptions about existing parking situation in the community that must be challenged. It fails to recognize the existence of the need for on street parking for a number of the smaller homes on 90 Street, the on street parking for the group home close to the proposed location, the on street parking for the Big Brothers and Sisters facility, and the steady encroachment of on street parking for downtown workers.
- The development (as proposed) is clearly the overdevelopment of a residential sized lot in the heart of a residential community. As more uses are piled on the development requires more variances and the impact on adjacent neighbours in terms of shading and location of garbage bins only gets worse.
- The Applicant's submitted site plans show various sized versions of a "future patio" on the north side of the building site that we understand is not permissible. If it is not a permitted use it must be removed from all finally approved diagrams in order to prevent future potential confusion about the intentions of the final decision making body.

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

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

**Grounds for Appeal**

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

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

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

(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 decision is made 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 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;
  - ...
  - (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*:**

Under Section 310.1, the **General Purpose** of the **Neighbourhood Convenience Commercial Zone** is to provide for convenience commercial and personal service uses, which are intended to serve the day-to-day needs of residents within residential neighbourhoods.

Section 310.2(1) states a **Convenience Retail Store** is a **Permitted Use** in the **Neighbourhood Convenience Commercial Zone**.

Under Section 7.4(13), **Convenience Retail Stores** means development used for the retail sale of those goods required by area residents or employees on a day to day basis, from business premises which do not exceed 275 m<sup>2</sup> in gross Floor Area. Typical Uses include small food stores, drug stores, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter. This Use does not include Cannabis Retail Sales.

Section 310.2(4) states **Professional, Financial and Office Support Services** is a **Permitted Use** in the **Neighbourhood Convenience Commercial Zone**.

Under Section 7.4(44), **Professional, Financial and Office Support Services** means development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical Uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.

Section 310.3(1) states **Apartment Housing** is a **Discretionary Use** in the **Neighbourhood Convenience Commercial 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.

Section 310.3(21) states **Restaurants, for less than 100 occupants and 120 square metres of Public Space**, is a **Discretionary Use** in the **Neighbourhood Convenience Commercial Zone**.

Under Section 7.4(47), **Restaurants** mean development where the primary purpose of the facility is the sale of prepared foods and beverages to the public, for consumption within the premises or off the Site. Minors are never prohibited from any portion of the establishment at any time during the hours of operation. This Use typically has a varied menu, with a fully equipped kitchen and preparation area, and includes fast food and family restaurants.

#### **Development Officer's Determination**

1. Discretionary Uses - Apartment Housing and Restaurant, are approved as Discretionary Uses (Section 310.3(1) &(21)).

<i>Parking and Loading</i>
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Section 54.2, Schedule 1(A), states:

<b>Residential and Residential-Related Uses</b>											
1. Apartment Housing	<table border="1"> <thead> <tr> <th>Dwelling Size</th> <th>Minimum</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>1</td> </tr> <tr> <td>1 Bedroom Dwelling</td> <td>1</td> </tr> <tr> <td>2 Bedroom Dwelling</td> <td>1.5</td> </tr> <tr> <td>3 or more Bedroom Dwelling</td> <td>1.7</td> </tr> </tbody> </table> <p>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.</p>	Dwelling Size	Minimum	Studio	1	1 Bedroom Dwelling	1	2 Bedroom Dwelling	1.5	3 or more Bedroom Dwelling	1.7
Dwelling Size	Minimum										
Studio	1										
1 Bedroom Dwelling	1										
2 Bedroom Dwelling	1.5										
3 or more Bedroom Dwelling	1.7										

<b>Commercial Use Classes</b>	
12. Any development within a Commercial Use not listed separately in this table, with a Floor Area of:	
a. less than <u>4 500 m<sup>2</sup></u>	1 parking space per <u>40.0 m<sup>2</sup></u> of Floor Area
b. <u>4 500m<sup>2</sup> - 9 000m<sup>2</sup></u>	1 parking space per <u>33.3 m<sup>2</sup></u> of Floor Area
c. <u>9 000 m<sup>2</sup> 28 000 m<sup>2</sup></u>	1 parking space per <u>28.5 m<sup>2</sup></u> of Floor Area
d. greater than <u>28 000 m<sup>2</sup></u>	1 parking space per <u>25.0 m<sup>2</sup></u> of Floor Area

23. Professional, Financial and Office Support Services	1 parking space per <a href="#">29.4 m<sup>2</sup></a> of Floor Area
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24. Restaurants, Specialty Food Services	1 parking space per <a href="#">9.6 m<sup>2</sup></a> of Public Space.
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Section 54.4, Schedule 3, states:

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces Required
1. Any development within the Commercial or Industrial Use Classes, excluding Professional, Financial and Office Support Services	Less than <a href="#">465 m<sup>2</sup></a>	1
	<a href="#">465 m<sup>2</sup></a> to <a href="#">2 300 m<sup>2</sup></a>	2
	Each additional <a href="#">2 300 m<sup>2</sup></a> , or fraction thereof	1 additional
2. Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services, excluding Limited Group Homes	Up to <a href="#">2 800 m<sup>2</sup></a>	1
	Each additional <a href="#">2 800 m<sup>2</sup></a> or fraction thereof	1 additional

**Development Officer’s Determination**

2. Parking & Loading - There are 7 parking stalls instead of 21 and no on-site loading stalls (Section 54.2 - Schedule 1(A) and Section 54.4 - Schedule 3).

<b><i>Setback</i></b>
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Section 310.4(5) states a minimum Setback of 4.5 metres shall be required where a Site abuts a public roadway, other than a Lane.

**Development Officer's Determination**

3. Setbacks Along Public Roadways - The distance from the proposed building to the property line along 90 Street NW is 0.65m and 2.26m from the property line along 101A Avenue instead of 4.5m (Section 310.4(5)).

***Parking and Waste Enclosures***

Section 310.4(7) states no parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or a LRT line in accordance with the provisions of Section 55.5 of this Bylaw. If the rear or sides of a Site are used for parking, an outdoor service display area or both, and abut a Residential Zone or a Lane serving a Residential Zone, such areas shall be screened in accordance with the provisions of subsection 55.4 of this Bylaw.

**Development Officer's Determination**

4. Services Location - Parking and waste enclosures are located within the Setbacks towards the back alley (Section 310.4(7)).

***Landscaping***

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

Section 55.3(1)(c)(iii) states approximately 75 percent of required coniferous trees shall be a minimum of 2.5 metres in Height and approximately 25 percent shall be a minimum of 3.5 metres in Height.

**Development Officer's Determination**

5. Landscaping - The proposed ratio of coniferous to deciduous plants is 60:40 instead of 50:50 and the proposed coniferous tree heights at time of installation are all 2.5m instead of 25% of the trees being 3.5m in height (Section 55.3(c)(i) & Section 55.3(c)(iii)).

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Notice to Applicant/Appellant

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

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Project Number: **244382817-002**  
 Application Date: AUG 21, 2017  
 Printed: January 8, 2018 at 10:12 AM  
 Page: 1 of 5

## Major Development Permit

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

**Applicant**



**Property Address(es) and Legal Description(s)**

10158 - 90 STREET NW  
 Plan RN37 Blk 1 Lot 9

**Specific Address(es)**

- Suite: 1, 10158 - 90 STREET NW
- Suite: 101, 10158 - 90 STREET NW
- Suite: 102, 10158 - 90 STREET NW
- Suite: 201, 10158 - 90 STREET NW
- Suite: 301, 10158 - 90 STREET NW
- Suite: 302, 10158 - 90 STREET NW
- Entryway: 10158 - 90 STREET NW
- Building: 10158 - 90 STREET NW

**Scope of Permit**

To construct a Convenience Retail Store, Professional, Financial and Office Support Service, Restaurant (106m2 of Public Space), and 2 Dwellings of Apartment Housing building.

**Permit Details**

Class of Permit: Class B  
 Gross Floor Area (sq.m.): 636.3  
 New Sewer Service Required: Y  
 Site Area (sq. m.): 642.57

Contact Person:  
 Lot Grading Needed?: Y  
 NumberOfMainFloorDwellings: 0  
 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

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

Applicant signature: \_\_\_\_\_

**Development Permit Decision**

Approved



Project Number: 244382817-002  
Application Date: AUG 21, 2017  
Printed: January 8, 2018 at 10:12 AM  
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## Major Development Permit

### Subject to the Following Conditions

#### DEVELOPMENT AND ZONING CONDITIONS

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2)

PRIOR TO RELEASE OF DRAWINGS TO PLANS EXAMINATION FOR BUILDING PERMIT REVIEW, the property owner shall enter into a Servicing Agreement and pay the Permanent Area Contribution (PAC) & Sanitary Servicing Strategy Expansion Assessment (EA). The rate for the 2017 calendar year is calculated at \$13,153/ha (Riverdale Onsite Sanitary). The following is for information purposes. The rates shown are the years indicated. The final PAC and EA amounts will be based on the prevailing rates at the time the applicant/owner pays and enters into a servicing agreement with the City.

PRIOR TO RELEASE OF DRAWINGS TO PLANS EXAMINATION FOR BUILDING PERMIT REVIEW, the property owner shall pay the Sanitary Sewer Trunk Charge. SSTC is charged \$1,566 per dwelling for the first (2) Dwellings and \$7,832 per hectare for the non-residential portion of the development. The amount to be paid is outlined at the end of this document. Please note that the SSTC rates are subject to adjustment at the end of the year. The final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at 2nd Floor cashiers, Edmonton Service Centre, 10111 ? 104 Avenue NW.

PRIOR TO OCCUPANCY, A Development Permit Inspection shall be required in accordance with Section 26, and to the satisfaction of the Development Officer.

LANDSCAPING shall be installed in accordance with the stamped approved Landscaping Plan, Section 55, and to the satisfaction of the Development Officer.

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 (Section 54.1).

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).

Outdoor speakers or amplification systems shall NOT be allowed from this Site as it abuts and is across the Lane from a Site zoned residential (Section 90(2)).

An approved Development Permit means that the proposed development has been reviewed against the provisions of this Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments 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.

#### DEVELOPMENT AND ZONING ADVISEMENTS

THIS IS NOT AN ENCROACHMENT AGREEMENT. Any proposed outdoor furniture, fixtures, or similar permanent or temporary objects that are to be placed on public road right of way, unless otherwise explicitly agreed to by the City of Edmonton, shall require separate review. An application for a Sidewalk Cafe shall be required for all seating areas proposed outside of private property. Any encroachment is subject to further review from Transportation Planning.

OFF-SITE LOADING and ACCESSIBILITY PARKING shall not be allowed without express authorization from Transportation Operations. Any requirement for accessibility parking under the Alberta Building Code shall be provided on site as required by the Building Department and to the satisfaction of the Safety Codes Officer.

If any Specialty Food Service, Restaurant, Bar and Neighbourhood Pub or Nightclub abuts or is across a Lane from a Site zoned residential (Section 90(2)), the applicant shall provide a Servicing Agreement to the Development Officer for review and approval.



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Application Date: AUG 21, 2017  
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## Major Development Permit

residential or a Site with a residential development, the Development Officer shall draw a line parallel to the boundary or Lane separating each such residential development or Zone and bisecting the Site containing the Specialty Food Service, Restaurant, Bar and Neighbourhood Pub or Nightclub Uses and shall not allow any outdoor seating on the side of any such line that is closest to the Residential Zone or development (Section 90(1)).

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.

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

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

Signs require separate Development Applications.

### TRANSPORTATION PLANNING CONDITIONS:

1. Access is proposed to the alley. Any modifications to the alley access must be reviewed and approved by Subdivision Planning. A crossing permit for the alley is not required.
2. The proposed sidewalk connections to the public sidewalk and sidewalk extensions to the curb line are acceptable to Subdivision Planning. However, we will not support a curb ramp or curb cut at the curb line, as shown on Enclosure I.
3. Garbage enclosures must be located entirely within private property and gates and/or doors of the garbage enclosure must not open or encroach into road right-of-way, as shown on Enclosure I.
4. A 2m x 4m x 200 mm thick concrete pad must be constructed in front of the garbage bins on private property to provide an adequate base that will withstand the weight of the waste management vehicle when loading, as shown on Enclosure I. Additionally, no parking is permitted within the garbage pick-up area. Signage to this effect must be installed in a visible area and located on private property.
5. A barrier must be placed between the parking stalls and the roadway, as shown on Enclosure I.
6. All parking stalls perpendicular to the alley must be a minimum length of 5.5 m. Subdivision Planning has no objection to the proposed tandem parking stalls.
7. No objects are permitted to encroach onto, over or under road right-of-way.
8. There is an existing power pole in the alley that may interfere with access to a proposed parking stall to the site, as shown on Enclosure I. Should relocation of the pole/guy-wire be required, all costs associated with relocation must be borne by the owner/applicant. The applicant should contact Ron Hewitt (780-412-3128) of EPCOR Customer Engineering for more information. There are also existing power poles along 101A Avenue adjacent to the development that must be considered during construction.
9. 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](http://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.



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## Major Development Permit

10. 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:

[http://www.edmonton.ca/transportation/on\\_your\\_streets/on-street-construction-maintenance-permit.aspx](http://www.edmonton.ca/transportation/on_your_streets/on-street-construction-maintenance-permit.aspx)

11. Any alley, 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. The alley, sidewalks and boulevard will be inspected by Development Inspections prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

### TRANSPORTATION PLANNING ADVISEMENTS

1. Subdivision Planning has reviewed the Parking Study report submitted by the applicant dated September 22, 2017. We recognize that the on-site parking requirement for the development is 21 parking stalls and that 7 parking stalls are provided (deficient by 14 stalls). Subdivision Planning supports the findings of the Parking Study associated with the proposed development. The Study concludes that there is sufficient parking in the vicinity of the proposed development and within the community to support the proposed uses. The assessment considers that there are about 960 on-street parallel parking stalls within a 5 minute walk of the subject property. The neighbourhood of Riverdale includes a mix of residential land uses with access to transit and opportunities for visitors to make use of alternative transportation modes such as walking and cycling, reducing the vehicular parking demand associated with the proposed development. Based on the Parking Study, Subdivision Planning has no objection to the parking deficiency associated with this development.

2. Based on the limited information available on the proposed uses for the development at this time, the proposed on-street loading and disabled zones on 90 Street adjacent to the development will not be supported by Parking Services. In the future, when the exact uses in the development are known, the applicant may contact Brian Murphy (780-944-0040) of City Operations to further discuss and review the possibility for an on-street loading and disabled zones on 90 Street.

3. The applicant is advised that the reconstruction of the existing sidewalk on 90 Street and 101A Avenue is encouraged and would be supported with the redevelopment of the site. This reconstruction may require a Developer Initiated Servicing Agreement. The

### Variances

1. Discretionary Uses - Apartment Housing and Restaurant, are approved as Discretionary Uses (Section 310.3(1) &(21)).
2. Parking & Loading - There are 7 parking stalls instead of 21 and no on-site loading stalls (Section 54.2 - Schedule 1(A) and Section 54.4 - Schedule 3).
3. Setbacks Along Public Roadways - The distance from the proposed building to the property line along 90 Street NW is 0.65m and 2.26m from the property line along 101A Avenue instead of 4.5m (Section 310.4(5)).
4. Services Location - Parking and waste enclosures are located within the Setbacks towards the back alley (Section 310.4(7)).
5. Landscaping - The proposed ratio of coniferous to deciduous plants is 60:40 instead of 50:50 and the proposed coniferous tree heights at time of installation are all 2.5m instead of 25% of the trees being 3.5m in height (Section 55.3(c)(i) & Section 55.3(c)(iii)).

### 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.





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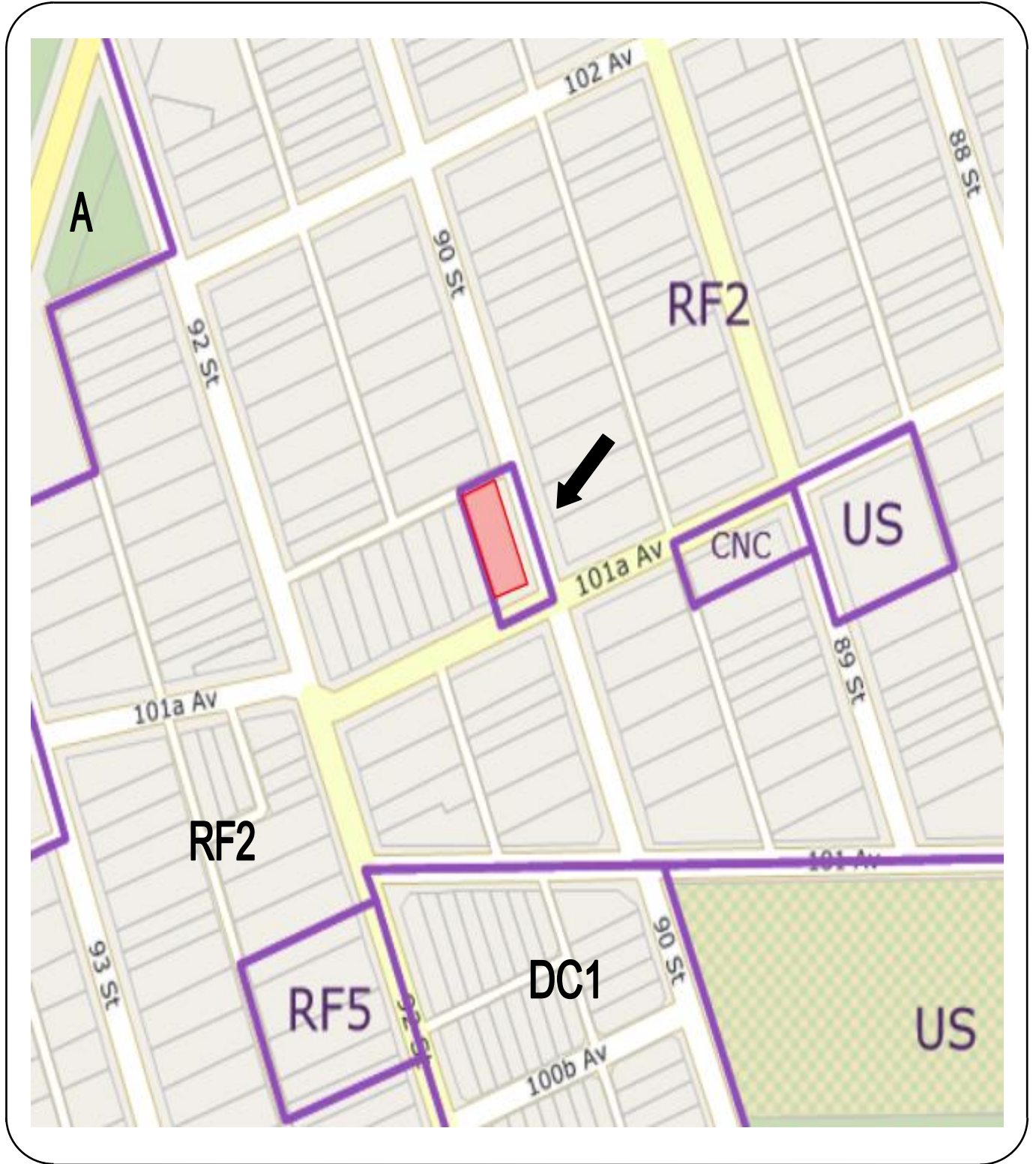
## Major Development Permit

Issue Date: Dec 14, 2017    Development Authority: LEE, CHRISTIAN  
Notice Period Begins: Dec 21, 2017    Ends: Jan 11, 2018

Signature: \_\_\_\_\_

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$929.00	\$929.00	04388842	Aug 21, 2017
Development Permit Inspection Fee	\$500.00	\$500.00	04388842	Aug 21, 2017
Sanitary Sewer Trunk Fund 2012+	\$3,132.00	\$3,132.00	04388842	Aug 21, 2017
Lot Grading Fee	\$227.00	\$227.00	04388842	Aug 21, 2017
Dev. Application Fee for GFA	\$188.00	\$188.00	04388842	Aug 21, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$4,976.00	\$4,976.00		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-017



**TO BE RAISED**  
**ITEM II: 1:00 P.M.**

FILE: SDAB-D-17-232

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 258470653-003

APPLICATION TO: Add (1) additional Dwelling to an existing (13) Dwelling Apartment House for a total of 14 Dwellings and to construct exterior alterations (additional window for egress)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 13, 2017

DATE OF APPEAL: October 27, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10003 - 87 Avenue NW

LEGAL DESCRIPTION: Condo Common Area (Plan 0626935)

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

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*Grounds for Appeal*

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

We want to present our plan to the Appeal Board to legalize the rental unit. It has been used as such for the past 30 years. We believe it provides a safe home and doesn't impact negatively the neighbourhood.

On behalf of the Board of Directors, I would like to appeal the decision to refuse our development permit application for an additional dwelling to our existing 13 unit condominium building.

The additional suite has, in fact, existed since the 1980's. After receiving notice of an illegal structure on the developer's suite built by the developer, the Board performed a search by the city to discern what else may be amiss.

This additional suite was revealed to have been converted by the developer without development permits, however we believe the suite existed since the original build. We have acted in good faith and applied for the proper permit in order to remediate any issues required.

The reasons for the refusal are based on density, amenity area and parking. As the suite is pre-existing, we cannot do anything about the density. We are open to finding a solution for the amenity area. The parking has never been an issue, as our lot is rarely filled to capacity and so does not affect the neighbourhood street parking. Because we are situated in one of the most walkable areas in the city, some of our residents do not even own a car.

The suite is owned by the condominium corporation. Its rental income is used towards the corporation's operating costs, and losing that income would create financial hardship on all the owners. The majority of the current owners have bought into the building with the assumption that the rental suite was legal and its income was a constant.

We have had many exceptional long term tenants in this suite, including university students and professionals, who have had great things to say about their time of residence in the suite and in the area. We consider this additional suite a great amenity to the neighbourhood as well as our building.

Please know that we applied for the development permit with the intention of conforming to the city's requirements, to right past wrongs so to speak. We hope that the result of the application is not punitive and that you will consider our appeal.

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

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

**Grounds for Appeal**

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

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

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

(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 decision is made 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 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;

...

(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*:**

Under Section 210.2(1), **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.

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

Section 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill Overlay** is to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

***Density***

Section 210.4(2) states the maximum Density shall be 125 Dwellings/hectares.

Under Section 6.1(25), **Density** means, when used in reference to Residential and Residential-Related development, the number of Dwellings on a Site expressed as Dwellings per hectare.

Under Section 6.1(31), **Dwelling** means 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 used permanently or semi-permanently as a residence for a single Household.

Section 11.3(1)(b) states in approving a Development Permit Application pursuant to Section 11.2, the Development Officer shall adhere to the following: except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio or Density regulations.

**Development Officer's Determination**

RA7 (Low Rise Apartment Zone) maximum Density requirement is 125 Dwellings/ha.

- The total proposed number of Dwellings for this Site is 14. The Site area is 1,065.83 square metres or 0.1065 hectares.
- $14/0.1065 = 131.46$  Dwellings/ hectares will be the proposed Density. This exceeded the maximum requirement.
- As per Section 11.3.1.b: ... there shall be no variance from maximum Density regulations

***Amenity Area***

Section 823.4(3) states:

- a. A minimum Private Outdoor Amenity Area of 7.5 square metres shall be provided for each Apartment Housing Dwelling except that for ground Storey Dwellings a minimum of 15.0 m<sup>2</sup> of Private Outdoor Amenity Area shall be provided.
- b. Notwithstanding Section 47 of this Bylaw, the Private Outdoor Amenity Area for Apartment Housing Dwellings shall have a minimum width and length of 2.0 metres and may be located within a Front Setback provided that a minimum Setback of 1.0 metres is maintained between the property line and the Private Outdoor Amenity Area.

- c. Development containing ten (10) to nineteen (19) Apartment Housing Dwellings shall provide a minimum of 2.5 square metres of common Amenity Area per Dwelling in addition to the 7.5 metres of Private Outdoor Amenity Area required under Section 823.3(3)(a). Common Amenity Area shall be designed to facilitate active or passive recreational activities and shall:
  - i. be located outdoors at ground level,
  - ii. be aggregated into areas of not less than 25.0 square metres,
  - iii. have a minimum width and length of 4.0 metres,
  - iv. have access to sunlight,
  - v. include seating and artificial lighting, and
  - vi. be directly accessible from the building.

**Development Officer’s Determination**

Amenity Area - Amenity Area is not provided instead of the minimum 7.5 square metres per Dwelling. (Section 823.3(3)(a))

***Parking***

Section 54.2, Schedule 1(A)(1) states the following:

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.

**Development Officer’s Determination**

Parking - Parking spaces are 18 instead of 20. (Section 54.2 Schedule 1(A))



***Community Consultation***

Section 823.6 states the following:

1. When the Development Officer determines that a Development Permit application for the construction of new Apartment Housing or new Stacked Row Housing does not comply with the regulations contained in this Overlay:
  - a. the Development Officer shall send notice to the Recipient Parties specified in Table 823.6(2) to solicit comments directly related to the variance;
  - b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified Affected Parties in accordance with Table 823.6(2); and
  - c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.2.

<b>Table 823.6(2)</b>			
<b>Tier Number</b>	<b>Recipient Parties:</b>	<b>Affected Parties:</b>	<b>Regulation proposed to be varied</b>
Tier 2	The municipal address and assessed owners of land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development and the President of each applicable Community League	The municipal address and assessed owners of land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	823.4(3) – Amenity Area

***Previous Subdivision and Development Appeal Board Decisions***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-17-192	To Construct exterior alteration to an existing Apartment building (removing the rooftop addition	December 8, 2017; Appeal denied and the decision of the Development Officer


	and rooftop patio, 5.54 metres by 4.04 metres)	confirmed. The Development Permit to remove rooftop addition and patio is approved.  Appealed to Court of Appeal
SDAB-D-09-074	To construct an addition to an Apartment building (4.88 metres by 5.49 metres access to a roof top deck)	June 5, 2009; that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the excess of one storey in maximum allowable number of Storeys be permitted
SDAB-D-07-126	To construct an addition to an Apartment building (fourth floor addition)	June 29, 2007; that the appeal be DENIED and the DEVELOPMENT REFUSED

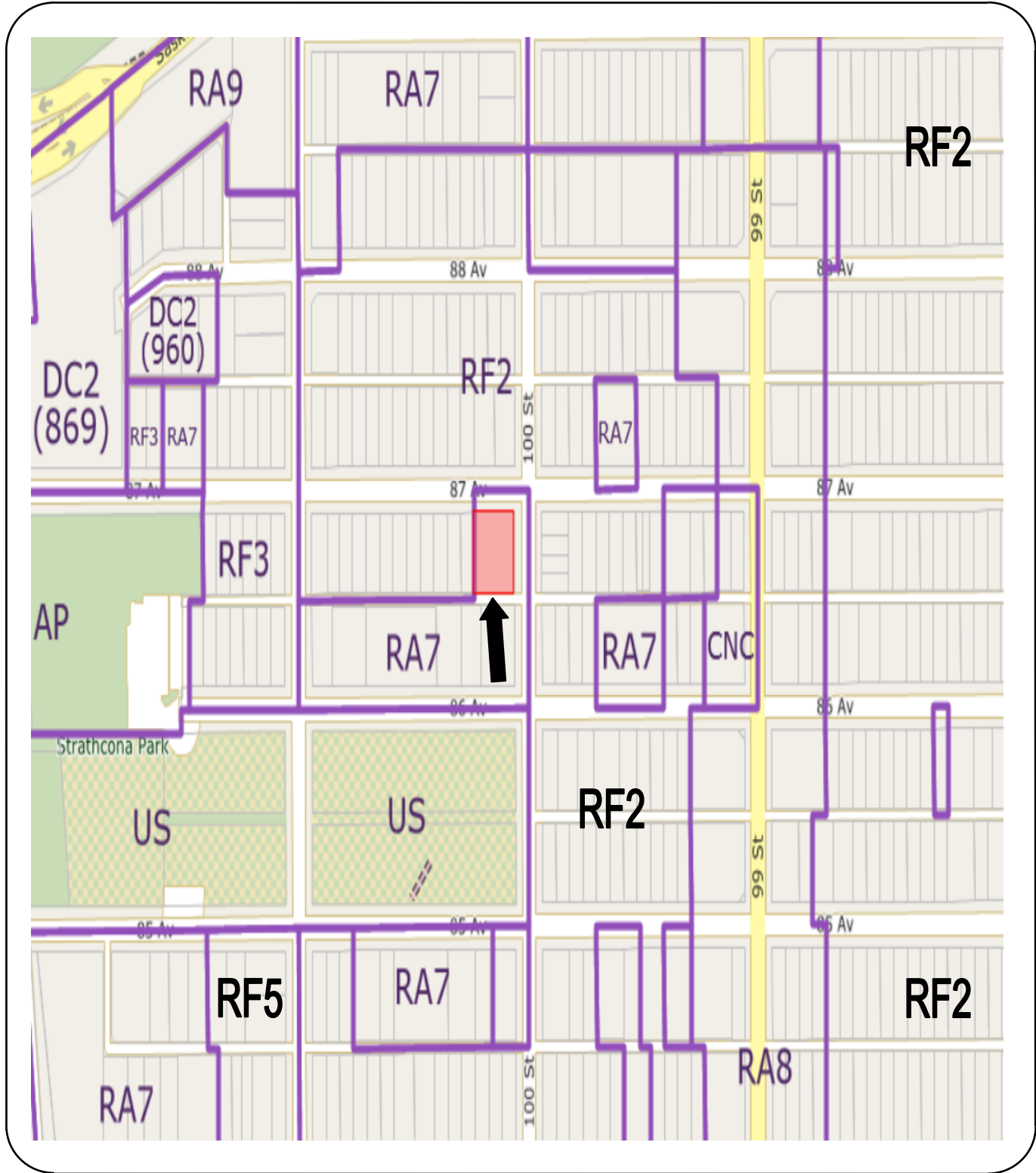
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Notice to Applicant/Appellant

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

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	Project Number: <b>258470653-003</b> Application Date: JUL 28, 2017 Printed: October 27, 2017 at 1:44 PM Page: 1 of 1																														
<h2 style="margin: 0;">Application for Major Development Permit</h2>																															
This document is a Development Permit Decision for the development application described below.																															
<b>Applicant</b>  <div style="border: 1px solid black; width: 200px; height: 40px; margin: 0 auto;"></div>	<b>Property Address(es) and Legal Description(s)</b> 10003 - 87 AVENUE NW Condo Common Area (Plan 0626935)  <b>Specific Address(es)</b> Entryway: 10003 - 87 AVENUE NW																														
<b>Scope of Application</b> To add (1) additional Dwelling to an existing (13) Dwelling Apartment House for a total of 14 Dwellings and to construct exterior alterations (additional window for egress).																															
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     Class of Permit:                      Gross Floor Area (sq.m.):                      New Sewer Service Required: N                      Site Area (sq. m.):                 </td> <td style="width: 50%; border: none;">                     Contact Person:                      Lot Grading Needed?: N                      NumberOfMainFloorDwellings:                      Stat. Plan Overlay/Annex Area: Medium Scale Residential Infill                 </td> </tr> </table>		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: Medium Scale Residential Infill																												
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I/We certify that the above noted details are correct.  Applicant signature: _____																															
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> <ol style="list-style-type: none"> <li>1. RA7 (Low Rise Apartment Zone) maximum Density requirement is 125 Dwellings/ha.                         <ul style="list-style-type: none"> <li>- The total proposed number of Dwellings for this Site is 14. The Site area is 1,065.83 sm or 0.1065 ha.</li> <li>- <math>14/0.1065 = 131.46</math> Dwellings/ha will be the proposed Density. This exceeded the maximum requirement.</li> <li>- As per Section 11.3.1.b: ... there shall be no variance from maximum Density regulations</li> </ul> </li> <li>2. Amenity Area - Amenity Area is not provided instead of the minimum 7.5 sm per Dwelling. (Section 823.3(3)(a))</li> <li>3. Parking- Parking spaces are 18 instead of 20. (Section 54.2 Schedule 1(A))</li> </ol> <b>Rights of Appeal</b> The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.																															
<b>Issue Date:</b> Oct 13, 2017 <b>Development Authority:</b> ANGELES, JOSELITO <b>Signature:</b> _____																															
<b>Fees</b> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 15%; text-align: right;">Fee Amount</th> <th style="width: 15%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: right;">Receipt #</th> <th style="width: 10%; text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$271.00</td> <td style="text-align: right;">\$271.00</td> <td style="text-align: right;">04329354</td> <td style="text-align: right;">Jul 28, 2017</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">(\$500.00)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">(\$229.00)</td> <td style="text-align: right;">\$271.00</td> <td></td> <td></td> </tr> <tr> <td colspan="5" style="padding-left: 20px;">(overpaid by \$500.00)</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$271.00	\$271.00	04329354	Jul 28, 2017	Development Permit Inspection Fee	(\$500.00)				Total GST Amount:	\$0.00				Totals for Permit:	(\$229.00)	\$271.00			(overpaid by \$500.00)				
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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-232

