

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Thursday, 9:00 A.M.**  
**January 6, 2022**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I      9:00 A.M.      SDAB-D-22-003

Construct a 44 Dwelling Multi-unit Housing  
(apartment) building

8632 - 108 Street NW, 8636 - 108 Street NW  
Project No.: 375104685-002

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-22-003

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 375104685-002

APPLICATION TO: Construct a 44 Dwelling Multi-unit Housing (apartment) building

DECISION OF THE

DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: November 10, 2021

DATE OF APPEAL: December 8, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION

OF SUBJECT PROPERTY: 8632 - 108 Street NW, 8636 - 108 Street NW

LEGAL DESCRIPTION: Plan 3901AJ Blk 187 Lot 7, Plan 3901AJ Blk 187 Lot 8

ZONE: (RA7) Low Rise Apartment Zone

OVERLAY: N/A

STATUTORY PLAN: Garneau Area Redevelopment Plan

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***Grounds for Appeal***

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

To Whom It May Concern:

The Garneau Planning Committee and residents/property owners in East Garneau would like to appeal development permit approval for a 44-dwelling multi-unit housing building at 8636 108 St NW.

Issues with the three variances listed in the development permit notice are:

1. The reduced side setbacks above 10m in height create massing that negatively impacts the sense of community space and may adversely affect the privacy of neighbouring residents.
2. The reduced landscape buffer at rear of the building decreases green space in the community; the addition of a parking space instead only adds to congestion in an already crowded alley.
3. The two main floor units abutting 108 St do not have individual ground-level entrances; this creates a boarding house aesthetic that is not consistent with surrounding buildings, reducing the quality and appeal of new housing in the community.

Importantly, consideration of this development permit should also take account of the following issues:

1. The replacement of two single detached houses with 44 dwellings far exceeds the expected 250 people/jobs per ha outlined in the new city plan.
2. The single front entrance is neither welcoming nor street friendly, and the decision to include a rooftop shared space rather than balconies is inconsistent with local buildings.
3. The limited front setback is not consistent with nearby buildings and further reduces green spaces in the neighbourhood.

Ideally, the developer would reconsider the size and style of the building as well as the number and size of the units. Regardless, no reasonable justification for variances to standard zoning have been provided by either the city planner or the developer. The development proposal should adhere to RA7 guidelines. The building should have proper setbacks; required landscape buffering at front, back, and sides; and a separate entrance for each ground floor unit.

On the next two pages is a list of local residents/owners who have expressed concerns related to their proximity to the proposed building and how the variances will affect their homes.

Best regards, Dr. David Buchanan, Ph.D. Chair, Garneau Planning Committee

<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 the decision in accordance with subsection (2.1).

**Appeals**

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

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

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

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

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

or

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

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the

issuance of the permit was given in accordance with the land use bylaw.

**Hearing and Decision**

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

...

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

...

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

and

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

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

Under section 210.2(8), **Multi-unit Housing** is a **Permitted Use** in the **(RA7) Low Rise Apartment Zone**.

Under section 7.2(4), **Multi-unit Housing** means:

development that consists of:

- a. three or more principal Dwellings arranged in any configuration and in any number of buildings;
- or
- b. any number of Dwellings developed in conjunction with a Commercial Use where allowed in the Zone.

Section 210.1 states that the **General Purpose** of the **(RA7) Low Rise Apartment Zone** is “to provide a Zone for low rise Multi-unit Housing.”

<b><i>Setbacks</i></b>
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Section 210.4(6)(a) states “the minimum Side Setback shall be 1.2 m, except: for buildings over 10.0 m in Height, the portion of the building above this Height shall require a minimum Side Setback of 3.0 m.”

**Development Officer’s Determination**

**Reduced Side Setbacks - The portion of the building above 10.0m in height is 1.5m to the Northside property line and 2.0m to the Southside property line, instead of 3.0m (Section 210.4.6.a).**

[unedited]

<b><i>Landscape Buffer</i></b>
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Section 210.4(11) states “Parking, loading, storage, or trash collection may be permitted within the Side Setback, provided a minimum 1.5 m wide soft landscaping buffer is provided within the Setback and that all parking and service areas are screened from view from any Site zoned to allow Single Detached Housing as a Permitted Use.”

**Development Officer's Determination**

**Reduced Landscape Buffer - Parking, bicycle storage, and trash collection are permitted within the side setback. There is no landscape buffer provided (Section 210.4.11).**

[unedited]

<b><i>Ground-level entrances</i></b>
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Section 210.4(13) states All principal Dwellings shall have an individual ground level entrance, where:

- a. the Site Abuts a public roadway, other than a Lane;
- b. the building Façade that faces the public roadway is 12.2 m or longer;
- c. the Dwelling is located on the first Storey; and
- d. the Site is located either
  - i. within the boundaries of the Mature Neighbourhood Overlay; or
  - ii. outside the boundaries of the Mature Neighbourhood Overlay and is Setback less than 4.5 m from the public roadway, other than a Lane.

**Development Officer's Determination**

**Design - The two main floor units abutting 108 Street NW do not have individual ground-level entrances (Section 210.4.13).**

[unedited]



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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.

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		Project Number: <b>375104685-002</b> Application Date: OCT 08, 2020 Printed: December 8, 2021 at 9:32 AM Page: 1 of 6	
<h2>Major Development Permit</h2>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
<b>Applicant</b>  SPAN ARCHITECTURE INC 		<b>Property Address(es) and Legal Description(s)</b> 8632 - 108 STREET NW Plan 3901AJ Blk 187 Lot 7 8636 - 108 STREET NW Plan 3901AJ Blk 187 Lot 8  <b>Specific Address(es)</b> Entryway: 8636 - 108 STREET NW Building: 8636 - 108 STREET NW	
<b>Scope of Permit</b> To construct a 44 Dwelling Multi-unit Housing (apartment) building.			
<b>Permit Details</b>			
Class of Permit: Class B Gross Floor Area (sq.m.): 1900 New Sewer Service Required: Y Site Area (sq. m.): 804.6		Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 2 Stat. Plan Overlay/Annex Area: (none)	
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Nov 10, 2021 <b>Development Authority:</b> YEUNG, KENNETH <b>Subject to the Following Conditions</b> Zoning Conditions: This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1).  1. This Development Permit authorizes the development of a 44 Dwelling Multi-unit Housing (apartment) building. 2. The development shall be constructed in accordance with the stamped and approved drawings. 3. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building (Section 210.4.22). 4. Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer. 5. Bicycle parking shall be provided in accordance to Section 54.5 and to the satisfaction of the Development Officer. 6. 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). 7. All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5). 8. The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.4(6) 9. Outdoor common Amenity Area shall include seating and outdoor lighting. Reference Section 46.9(d) to the satisfaction of the			



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Development Officer.

10. Frosted or translucent glass treatment shall be used on windows to minimize overlook into adjacent properties (Section 210.4.19).

11. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$1,246.00 per Dwelling with credit given for one single family dwelling at the rate of \$1,746/dwelling (For 2021, the total SSTC fee is \$53,078.00). The SSTC charge is quoted at year 2021 rate. Please contact Private Development, Drainage Services, at 780-496-5665 for further details regarding the fee. The final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 2nd Floor, Edmonton Tower, 10111 104 Avenue NW, Edmonton AB T5J 0J4.

EPCOR Conditions:

1. The proposed development appears to be contained on two separately titled lots (Lots 7 and 8). Servicing from one lot to another is not permitted under City of Edmonton bylaws. A separate service must be provided to each lot or the lots must be consolidated prior to commencing construction. Serviced buildings must be contained within one lot.
2. Multiple services are providing service to the subject site. A Caveat of Restrictive Covenant for Check Valve Installation must be registered on title where more than one service is provided to a single lot. Check valves must be installed and maintained at the applicant's expense where looping of the water main back to the public system is planned or exists. Please contact [waterlandadmin@epcor.com](mailto:waterlandadmin@epcor.com) to initiate the restrictive covenant process. The process can take up to 4 weeks.
3. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 17698 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting [waterlandadmin@epcor.com](mailto:waterlandadmin@epcor.com).

Landscaping Conditions:

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$528.00 (this can be paid by phone with a credit card - 780-442-5054).
2. Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.
3. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.
4. Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. 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.
5. A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed ([www.edmonton.ca/landscapeinspectionrequest](http://www.edmonton.ca/landscapeinspectionrequest)).
6. Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.
7. Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the



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### Transportation Conditions:

1. Access is available to the alley. The area between the parking stalls and the alley driving surface must be paved to the satisfaction of Subdivision and Development Coordination. The applicant must contact Trevor Singbeil of Development Inspections at 780-496-7019 72 hours prior to removal or construction within City road right-of-way.

2. Permanent objects including concrete steps, railings, planters, bike racks, gate swings, etc. must NOT encroach into or over/under road right-of-way. Any proposed landscaping for the development must be provided entirely on private property.

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 or the neighbouring property. A 2 m x 4 m 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.

4. There are existing boulevard trees adjacent to the site that must be protected during construction. Prior to construction, the owner/applicant must contact City Operations, Parks and Roads Services at [citytrees@edmonton.ca](mailto:citytrees@edmonton.ca) to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant.

5. There is an existing power pole in the alley. All costs associated with any power pole relocations in the right-of-way must be borne by the owner/applicant. The applicant should contact EPCOR Customer Engineering at [ces@epcor.com](mailto:ces@epcor.com) for more information and to confirm clearance distances between existing/relocated power poles and access to parking.

6. "No Parking" and loading signage must be provided in the garbage/loading area. All signs must be located on private property.

7. 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 removal shall be at the expense of the owner/applicant.

8. 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/oscam-permit-request.aspx](https://www.edmonton.ca/business_economy/oscam-permit-request.aspx)

9. 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.

### Subject to the Following Advisements

#### Zoning Advisements:

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

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



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Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site.

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

4. Signs require separate Development Applications.

### EPCOR Advisements:

1. Lot 7 is currently serviced by a 20mm copper service located approximately 62.3m north of the north property line of 86 Avenue NW (S1202) and Lot 8 is currently serviced by a 20mm copper service located approximately 78.9m north of the north property line of 86 Avenue NW (S1200). The applicant is to contact EPCOR's Water Meter Inspector at 780-412-4000 a minimum of four weeks prior to commencing any work on the site, including demolition, excavation, or grading for direction on the correct process to follow to have the service isolated and meter removed.

2. A new water service may be constructed for this lot directly off EPCOR's water 250mm water main along 108 Street NW.

3. If any of these services will not be utilized for servicing the planned development, they must be abandoned back to the water main prior to any on-site excavation.

4. The existing services are not of sufficient size for the proposed development. The owner/applicant must review the total on-site water demands and service line capacity with a qualified engineer to determine the size of service required and ensure adequate water supply to the proposed development.

5. For information on Service abandonments, and the provisioning of a new water service contact EPCOR Infill Water and Sewer Servicing at [wass.drainage@epcor.com](mailto:wass.drainage@epcor.com) or at 780-496-5444.

6. The applicant must submit bacteriological test results to EPCOR Water Dispatch, and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-4500 for more information on how to provide the test results. Water Dispatch can provide information on the tie-in and commissioning procedure.

7. No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.

8. The advisements and conditions provided in this response are firm and cannot be altered.

If there are any questions or concerns regarding this response, please contact Myra Cruz at [MCruz@epcor.com](mailto:MCruz@epcor.com).

### Fire Rescue Services Advisements:

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

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

#### Construction Site Fire Safety Plan Template:

[https://www.edmonton.ca/programs\\_services/fire\\_rescue/fire-safety-planning-for-const.aspx](https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const.aspx)

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

If you have any questions please contact Technical Services at [cmsfpts@edmonton.ca](mailto:cmsfpts@edmonton.ca).

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

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





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construction.

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

- 1) Hydrants on construction, alteration, or demolition site shall
  - a) be clearly marked with a sign,
  - b) be accessible, and
  - c) have an unobstructed clearance of not less than 2 m at all times

Ensure that the building's Sprinkler Fire Department Connection is located in accordance with NBC(2019-AE) 3.2.5.15, and that the travel distance (not radius) from Fire Department Connection to fire hydrant does not exceed 45m.

Reference: NBC(2019-AE) 3.2.5.15. Fire Department Connections

- 2) The fire department connection for an automatic sprinkler system shall be located so that the distance from the fire department connection to a hydrant is not more than 45 m and is unobstructed.
- 3) The fire department connection referred to in Sentences (1) and (2) shall be located no closer than 3 m and no further than 15 m from the principal entrance to the building.

Ensure that the Fire Alarm Annunciator panel is located in close proximity to the building entrance that faces a street or emergency access route.

Reference: NBC(2019-AE) 3.2.4.8 Annunciator and Zone Indication

- 1) The Fire Alarm Annunciator Panel shall be installed in close proximity to a building entrance that faces a street or an access route for fire department vehicles.

Ensure that the protection of adjacent properties has been provided in accordance with EFRS Adjacent Property Protection Guidelines and NFC(2019-AE) 5.6.1.2. This information has been included for your information and implementation during the construction of this project. For additional information please see:

[https://www.edmonton.ca/programs\\_services/fire\\_rescue/fire-safety-planning-for-const.aspx](https://www.edmonton.ca/programs_services/fire_rescue/fire-safety-planning-for-const.aspx)

Transportation Advisements:

1. The proposed sidewalk connections are acceptable to Subdivision and Development Coordination.

Waste Management Advisements:

This is a residential property and therefore falls under the City of Edmonton bylaw 18590, requiring the waste and recycle services are provided by the City of Edmonton.


This site with 44 units would receive approximately 11 cubic yards of garbage service and 6 cubic yards of recycle service per week for the residential units.

The waste storage enclosure needs to be adequately sized for the approx. one 6 cubic yard non-wheeled garbage bins and one 6 cubic yard non-wheeled recycle bins required to service the residential units. The frequency for pickup with these amounts of bins would be 2 times per week for garbage and 1 time per week for recycle.

Waste Services is strongly encouraging the implementation of the third stream of collection which is organics. The implementation of this stream is ongoing but it is better to plan for this at this stage rather than the need to retrofit the building. This would require one additional bin.

Other issues to include:

- ensure the site plan includes the proposed location for transformers and switching cubicles if needed.
- bumper pads for the walls and/or doors to prevent damage from the movement of the bins
- transition from waste storage room to service area must be smooth (no lip) and at grade
- unobstructed overhead space (min. 23') to allow the waste bins to be tipped in the service area
- reinforced tip area (tip pad 10') to prevent wheel hollows forming from collection activities
- snow removal on a daily basis in winter months to prevent snow and ice accumulations that can prevent movement of the bins in

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<h2 style="margin: 0;">Major Development Permit</h2>																																														
<p>winter months.</p> <ul style="list-style-type: none"> <li>• using a commercial grade asphalt in the drive areas of the waste vehicle to reduce the impact caused by the waste vehicle when servicing a site. A link is provided to the City of Edmonton Complete Streets Design and Construction Standards.  <a href="https://www.edmonton.ca/city_government/documents/PDF/CompleteStreets_DesignStandards_Sept2018.pdf">https://www.edmonton.ca/city_government/documents/PDF/CompleteStreets_DesignStandards_Sept2018.pdf</a></li> </ul> <p><b>Variances</b></p> <p>Reduced Side Setbacks - The portion of the building above 10.0m in height is 1.5m to the Northside property line and 2.0m to the Southside property line, instead of 3.0m (Section 210.4.6.a).</p> <p>Reduced Landscape Buffer - Parking, bicycle storage, and trash collection are permitted within the side setback. There is no landscape buffer provided (Section 210.4.11).</p> <p>Design - The two main floor units abutting 108 Street NW do not have individual ground-level entrances (Section 210.4.13).</p> <p><b>Rights of Appeal</b></p> <p>This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p> <p><b>Notice Period Begins:</b> Nov 18, 2021      <b>Ends:</b> Dec 09, 2021</p>																																														
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