

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
June 12, 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-19-084	Construct a two-Storey Garden Suite (main floor Garage 9.14m x 8.53m, second floor Garden Suite 9.14m x 8.53m) and to demolish an existing Accessory Building (detached Garage). 7932 - 80 Avenue NW Project No.: 275433347-001
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II	10:30 A.M.	SDAB-D-19-085	Construct an Apartment House building (47 Dwellings), with an underground parkade 950 - 119 Street NW Project No.: 292228779-001
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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-19-084

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 275433347-001

APPLICATION TO: Construct a two-Storey Garden Suite (main floor Garage 9.14m x 8.53m, second floor Garden Suite 9.14m x 8.53m) and to demolish an existing Accessory Building (detached Garage).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 29, 2019

DATE OF APPEAL: May 17, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7932 - 80 Avenue NW

LEGAL DESCRIPTION: Plan 1738HW Blk 45 Lot 10

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

Hello,

We wish to appeal this decision based on a couple very important reasons.

First of all, after an extensive amount of research, design work and many redesigns, we came up with a great floor plan with ideally proportioned spaces which also allowed for a diminutive yet vital half bathroom.

What that allows, along with slightly bigger dimensions than usual, is to make this suite perfectly comfortable for not just one, but "two" people.

This is vital as this makes the housing more affordable by spreading the rent between two people. Those in the garage suite will get the single garage as well which is now deep enough for not only a vehicle but for vital storage room. This is also important as it means fewer vehicles cluttering the streets. Something that has become a significant problem in infill neighborhoods. Again, this makes it much more possible to double the population density of this project without adding to some of the headaches associated with split lots and duplexes. During our research, it was found that most conforming units were small even for just one person.

The second thing, as mentioned above, is that this essentially doubles the number of people in the unit, therefore increasing the density, which is one of the city's main goals with allowing garage suites in the first place.

Finally, it should be noted that there are other garage suite units in the city that are quite a bit larger than this. Attached is a listing for one in the McKearnan area and the link below is for one in Glenwood. These are just a couple examples that are far larger than what we have proposed.

In closing, we acquired signatures from all the surrounding neighbors. We had fairly lengthy discussions with each of them typically lasting about 10 minutes. They were all quite happy with the proposal, asking several questions, and the general consensus was that they were happy the ugly old single garage and unused garden would be gone, and that it WASN'T an infill duplex.

<https://www.kijiji.ca/v-house-rental/edmonton/garage-suite-for-rent-cozy-and-specious/1424054098?enableSearchNavigationFlag=true>

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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 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*:

Under section 140.2(3), **Garden Suites** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(3), **Garden Suites** means:

an Accessory building containing a Dwelling, which is located separate from the principal Use which is Single Detached Housing, and which may contain a Parking Area. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. This Use Class does not include Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Section 140.1 states that the **General Purpose** of **(RF3) Small Scale Infill Development Zone** is:

to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four principal Dwellings under certain conditions, including Secondary Suites and Garden Suites.

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

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

<i>Height</i>

Section 87.2(b) states:

The maximum Height shall be as follows:

- b. 6.2 m where the Garden Suite has a roof slope of less than 4/12 (18.4°).

Under section 6.1, **Height** means “a vertical distance between two points.”

Development Officer’s Determination

Height (to midpoint of roof) - The garden suite is 6.5m in height, instead of 6.2m (Section 87.2.b). [unedited]

<i>Floor Area</i>

Section 87.3 states:

Floor Area shall be provided in accordance with the following:

- a. for the purposes of this regulation, Floor Area shall exclude Basement areas within the Garden Suite, up to 6 m² of the area covered by elevators and any associated landing area on each storey, and up to 6 m² of the area covered by stairways;
- b. **the maximum total Floor Area for a Garden Suite shall be 130 m²;**
- c. **in the RF1, RF2, RF3, RF4, RF5, RF6, RA7, RA8, and RA9 Zones, the maximum Second Storey Floor Area shall be 50 m², except where the Garden Suite complies with the regulations of Section 93 the maximum Second Storey Floor Area shall be 60 m²; and**
- d. in all other Zones, the maximum Second Storey Floor Area shall be 60 m².

Under section 6.1, **Floor Area** means:

the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Development Officer’s Determination

Total Floor Area - The total floor area of the garden suite is 153m² instead of 130m² (Section 87.3.b). [unedited]

Second Floor Area - The second floor area of the garden suite is 75m² instead of 50m² (Section 87.3.c). [unedited]

Site Coverage

Section 87.4(a)(i)(B) states:

Notwithstanding the maximum Site Coverage prescribed for Accessory Buildings in the underlying Zone:

- a. in the RF1, RF2, RF3, RF4, RF5, RF6, RA7, RA8, and RA9 Zones:
 - i. the maximum Site Coverage of a Garden Suite shall be in accordance with the following:
 - A. ...
 - B. the total maximum Site Coverage of other Accessory buildings and any Parking Area within the Garden Suite shall not exceed 12%; and
 - C. ...

Under section 6.1, **Site Coverage** means:

the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 m above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:


- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 m or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m above Grade;

Development Officer's Determination

Site Coverage - The garden suite parking area covers 16% of the site, instead of 12% (Section 87.4.a.i.B). [unedited]

Notice to Applicant/Appellant

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

	Project Number: 275433347-001 Application Date: FEB 22, 2018 Printed: April 29, 2019 at 11:38 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>			
<p>This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>			
Applicant	Property Address(es) and Legal Description(s) 7932 - 80 AVENUE NW Plan 1738HW Blk 45 Lot 10 Location(s) of Work Entryway: 7932A - 80 AVENUE NW Building: 7932 - 80 AVENUE NW Building: 7932A - 80 AVENUE NW		
Scope of Application To construct a two-Storey Garden Suite (main floor Garage 9.14m x 8.53m, second floor Garden Suite 9.14m x 8.53m) and to demolish an existing Accessory Building (detached Garage).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 742 Class of Permit: Class B Front Yard (m): 28.14 Rear Yard (m): 3.05 Side Yard, left (m): 1.72 Site Area (sq. m.): 479.2 Site Width (m): 12.06 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 6.5 Dwelling Type: Garden Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.2 Site Depth (m): 39.72 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 742 Class of Permit: Class B Front Yard (m): 28.14 Rear Yard (m): 3.05 Side Yard, left (m): 1.72 Site Area (sq. m.): 479.2 Site Width (m): 12.06	Building Height to Midpoint (m): 6.5 Dwelling Type: Garden Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.2 Site Depth (m): 39.72 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Issue Date: Apr 29, 2019 Development Authority: ZHOU, ROWLEY Reason for Refusal Height (to midpoint of roof) - The garden suite is 6.5m in height, instead of 6.2m (Section 87.2.b). Total Floor Area - The total floor area of the garden suite is 153m ² instead of 130m ² (Section 87.3.b). Second Floor Area - The second floor area of the garden suite is 75m ² instead of 50m ² (Section 87.3.c). Site Coverage - The garden suite parking area covers 16% of the site, instead of 12% (Section 87.4.a.i.B). 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.			
THIS IS NOT A PERMIT			



Project Number: **275433347-001**
Application Date: FEB 22, 2018
Printed: April 29, 2019 at 11:38 AM
Page: 2 of 2

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$81.00	\$81.00	04811290	Feb 22, 2018
Safety Codes Fee	\$43.44	\$43.44	04811290	Feb 22, 2018
Electrical Safety Codes Fee	\$13.62	\$13.62	04811290	Feb 22, 2018
Sanitary Sewer Trunk Fund	\$721.00	\$721.00	04811290	Feb 22, 2018
Building Permit Fee	\$1,086.00	\$1,086.00	04811290	Feb 22, 2018
Water Usage Fee	\$25.41	\$25.41	04811290	Feb 22, 2018
Electrical Fees (House)	\$228.00	\$228.00	04811290	Feb 22, 2018
Lot Grading Fee	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,198.47	\$2,198.47		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-084



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-085

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

APPELLANT:

APPLICATION NO.: 292228779-001

APPLICATION TO: Construct an Apartment House building (47 Dwellings), with an underground parkade

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 25, 2019

DATE OF APPEAL: May 17, 2019

NOTIFICATION PERIOD: May 2, 2019 through May 23, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 950 - 119 Street NW

LEGAL DESCRIPTION: NW-30-51-24-4

ZONE: (RA7) Low Rise Apartment Zone

OVERLAY: North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: Twin Brooks Neighbourhood Area Structure Plan

Grounds for Appeal

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

We have received notice of approval of a Development Permit for a property located near us, at 950-119 Street NW in the Neighbourhood of Twin Brooks. The development is for a Low-Rise Apartment House building (47 Dwellings), with an underground parkade.

We are strongly opposed to the approval and request that it be rescinded. The reasons for our opposition are set out below.

1. The approval contravenes the City of Edmonton *Top of Bank Policy C542: Development Setbacks from River Valley/Ravine Crests*. Passed by City Council in 2010, it sets the conditions under which any construction, either roads or buildings, may occur in proximity to the crest of the river valley/ravine system. The property is just metres away from ours and it is obvious that establishment of an Urban Development Line (UDL), as required by Policy C542, would not safely accommodate construction of a four-story residential building with an underground parkade. The purpose of the Policy is to minimize environmental risk due to slope instability and failure and this condition would not be met, if construction is allowed to proceed.
2. Knowing the depth and steepness of the valley sides of Blackmud Creek Ravine, we think any disturbance of land on the property in question would contribute to soil instability (i.e. slumping, settling, creeping, or sloughing) and, consequently, failure. Such disturbance would accelerate soil erosion and lead to further environmental degradation. Further, because of the depth and steepness of the valley, geotechnical assessment should be conducted to establish an Estimated Long-Term Line of Stability, and an Urban Development Line, prior to Approval of the Development Permit.
3. As noted above, the property in question is close to ours, backing on to the top of the bank of the Blackmud Creek. The City of Edmonton, since adoption of Policy C542, has registered a Restrictive Covenant against the titles of property owners in our condominium corporation, prohibiting construction of permanent sprinkler or irrigation systems. Under Policy 542, the City has the authority to impose restrictions on land use near the crest of the river valley to protect the integrity of the most vulnerable part of the landscape. It is illogical to have restrictions imposed on adjacent land, while permitting such construction on nearby land that abuts the crest of the Blackmud Creek ravine.
4. Because the property abuts the crest of the Blackmud Creek ravine system it is our opinion that further soil disturbance will make it vulnerable to soil slippage and slumping. Indeed, in 2012, a landslide occurred along the crest of the ravine just metres to the north of the property and City of Edmonton signage was erected to indicate closure of the public trail. The sign erected by the City is still in place.
5. City authorities should adopt a proactive stance and refrain from approval of construction that results in undue disturbance of vulnerable areas of the ecosystem.

At least one incident of soil instability within the City has compromised the integrity of buildings that were constructed on land of dubious long-term stability.

6. We extend an invitation to members of the Appeal Board to visit the site at 950 — 119 Street NW to see the physical proximity of the property to the crest of the ravine. We believe that establishment of an Urban Development Line, as required under Policy C542, would preclude construction of the magnitude for which approval has been given. Therefore, we feel the approval for development was premature and, technically, ill-advised.
7. Finally, we oppose the Approval of this Development Permit because of the potential threat it poses to property values in the area. Stability of the slope and top of bank (crest) is jeopardized and this would detract from the esthetic value of the public walking trail. Although the property is not part of the public trail system along the Blackmud Creek, nearby properties and, indeed the entire community, benefit from the natural ambiance of the ravine system and maintenance of soil stability along its banks.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal 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, 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 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*:

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

Section 811.1 states that the **General Purpose** of the **North Saskatchewan River Valley and Ravine System Protection Overlay** is “to provide a development Setback from the North Saskatchewan River Valley and Ravine System.”

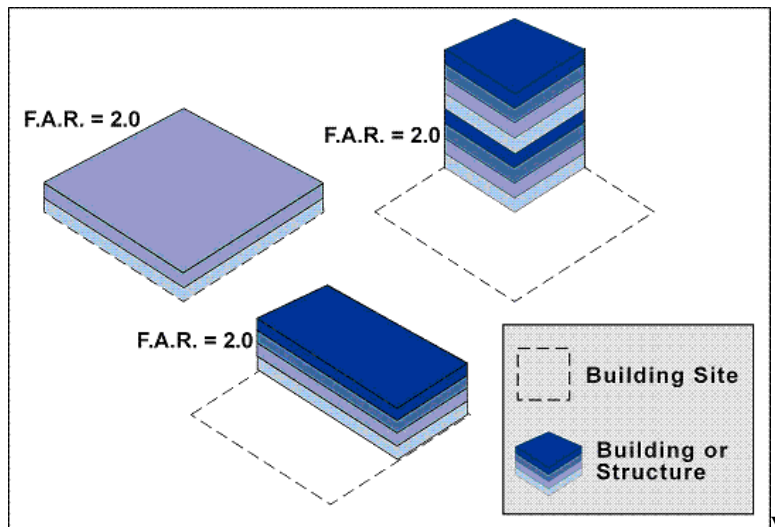
<i>Floor Area Ratio</i>

Section 210.4(6) states “The maximum Floor Area Ratio shall be 1.3. The maximum Floor Area Ratio may be increased to 1.4 when underground parking is provided. In such a case, the application will be a Discretionary Development.”

Under section 6.1, **Floor Area Ratio** means:

the numerical value of the Floor Area of the building or structure relative to the Site upon which it is located, excluding:

- a. Basement areas used exclusively for storage or service to the building, or as a Secondary Suite;
- b. Parking Areas below ground level;
- c. Walkways required by the Development Officer;
- d. Floor Areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the Site; and
- e. indoor Common Amenity Area, divided by the area of the Site.



Under section 6.1, **Floor Area** means:


the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Development Officer’s Determination

Floor Area Ratio - In accordance with Section 210.4(6) the maximum Floor Area Ratio is permitted to be increased from 1.3 to 1.4 when an underground parkade is provided. The proposed Floor Area Ratio for this Apartment House with an underground parkade is 1.4. Reference Section 210.4(6). [unedited]

Notice to Applicant/Appellant

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

	<p>Project Number: 292228779-001 Application Date: SEP 10, 2018 Printed: April 25, 2019 at 10:32 AM Page: 1 of 5</p>		
<h2 style="margin: 0;">Major Development Permit</h2>			
<p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.</p>			
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 950 - 119 STREET NW NW-30-51-24-4</p> <hr/> <p>Specific Address(es) Entryway: 950 - 119 STREET NW Building: 950 - 119 STREET NW</p>		
<p>Scope of Permit To construct an Apartment House building (47 Dwellings), with an underground parkade.</p>			
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 4862.64 New Sewer Service Required: Y Site Area (sq. m.): 9237.68 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 11 Stat. Plan Overlay/Annex Area: North Sask. River Valley/Ravine Sys. </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 4862.64 New Sewer Service Required: Y Site Area (sq. m.): 9237.68	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 11 Stat. Plan Overlay/Annex Area: North Sask. River Valley/Ravine Sys.
Class of Permit: Class B Gross Floor Area (sq.m.): 4862.64 New Sewer Service Required: Y Site Area (sq. m.): 9237.68	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 11 Stat. Plan Overlay/Annex Area: North Sask. River Valley/Ravine Sys.		
<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>			
<p>Development Permit Decision Approved Issue Date: Apr 25, 2019 Development Authority: BACON, KIRK</p>			



Project Number: **292228779-001**
 Application Date: SEP 10, 2018
 Printed: April 25, 2019 at 10:32 AM
 Page: 2 of 5

Major Development Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(1). Reference Section 17 (1).

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 20.5.2).

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the subject site from Subdivision file LDA13-0132 shall be legally registered as a separate Lot.

The development shall be in accordance with the recommendations of the geotechnical reports (2012 Geotechnical Investigation, 2012 Slope Stability Evaluation and Setback Distance Determination, and the 2018 Update to Geotechnical & Slope Stability Studies, all prepared by CT & Associates) for this property to the satisfaction of the Development Officer in consultation with Engineering Services.

It is understood that there will be continued involvement of the Geotechnical consultant throughout the construction phase of the project.

All access locations and curb crossings shall have the approval of Subdivision Planning (Transportation) prior to the start of construction. Reference Section 53(1).

1) Subdivision Planning has reviewed a proposed subdivision (LDA/13-0132) for this site which was approved March 6, 2014. Subdivision Planning has not yet reviewed engineering drawings for this application nor has an Agreement been signed. As a result, the drawings for Building Permit review must NOT be released until such time that a signed Agreement exists.

2) Ministerial Consent is required for all development within the Transportation/Utility Corridor. The drawings for Building Permit review must NOT be released until such time that Ministerial Consent is obtained. The application for Ministerial Consent is to be made by the developer.

3) The proposed 8.6m access to 119 Street located 1.6m from the north property line, is acceptable to Subdivision Planning and must be constructed as a culvert crossing access to City of Edmonton Complete Street Design and Construction Standards. The proposed construction is located within the Transportation/ Utility Corridor (TUC). With this, Ministerial Consent is required for any construction and design approval within the TUC. The application for Ministerial Consent is to be made by the developer.

4) The existing residential access to 119 Street located at the north property line must be removed and the boulevard restored to grass.

5) The proposed 11.5m access to 119 Street located 5.6m from the south east corner pin property line, is acceptable to Subdivision Planning and must be constructed as a culvert crossing access to City of Edmonton Complete Street Design and Construction Standards. The proposed construction is located within the Transportation/Utility Corridor (TUC). With this, Ministerial Consent is required for any construction and design approval within the TUC. The application for Ministerial Consent is to be made by the developer.

6) The owner must construct a 2m granular walkway, including curb ramps at 119 Street, and connecting the existing walkways, including a connection to the existing trail through 978 – 119 Street (Lot 2), to the satisfaction of Subdivision and Development Coordination. A portion of the granular walkway is located within the Transportation/Utility Corridor (T.U.C.). Ministerial consent is required for all development within the T.U.C. The application for Ministerial Consent is to be made by the developer.

7) The owner must construct fences wholly within private property to the satisfaction of Subdivision and Development Coordination.

8) The owner must enter into a Servicing Agreement with the City for the following improvements:

a)The proposed 8.6m access to 119 Street located 1.6m from the north property line, is acceptable to Subdivision Planning and must be constructed as a culvert crossing access to City of Edmonton Complete Street Design and Construction Standards;

b)The existing residential access to 119 Street located at the north property line must be removed and the boulevard restored;

c)The proposed 11.5m access to 119 Street located 5.6m from the south east corner pin property line, is acceptable to Subdivision Planning and must be constructed as a culvert crossing access to City of Edmonton Complete Street Design and Construction Standards;

d)The 2m granular walkways, including curb ramps, connecting the existing walkways, including a connection to the existing trail through 978 – 119 Street (Lot 2);

e)The fences positioned wholly on privately-owned lands to the satisfaction of Subdivision and Development Coordination; and

f)The owner is responsible for the design, landscaping and construction within the public utility lots, utility rights-of-way, road islands, boulevards, medians, walkways, and Municipal Reserve parcels, to the satisfaction of Subdivision and Development



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Coordination.

The Agreement must also include, among other things, the following:

- aa) That the owner pay the servicing costs, assessments, roadway, roadway modification costs (including but not limited to sidewalk, shared use path and/or transit infrastructure), construction costs and inspection costs occasioned by the subdivision;
- bb) That the owner pay the proportionate share of the Permanent Area Contributions and/or lateral Sewer Oversizing Charges for the construction of permanent storm and sanitary drainage facilities in the basin;
- cc) That the owner submit detailed engineering drawings and technical studies in accordance with the City of Edmonton Design and Construction Standards and to the satisfaction of the City and affected utility agencies;
- dd) That the owner submit an Erosion and Sediment Control (ESC) Plan specified for this development and for implementation during and after construction in accordance with the City of Edmonton ESC Guidelines and Field Manual;
- ee) That the owner is responsible for the design, landscaping and construction within the public utility lots, utility rights-of-way, road islands, boulevards, medians, walkways, and Municipal Reserve parcels, to the satisfaction of Subdivision and Development Coordination.

This Servicing Agreement is a requirement with this Development Application. The Agreement must be signed PRIOR to the release of the drawings for Building Permit review.

Please email development.coordination@edmonton.ca to initiate the required Servicing Agreement. Following this, any further questions regarding this Servicing Agreement may be directed to Adil Virani (780-496-6037) of the Development Servicing Agreements Unit.

Engineering Drawings are required for the Servicing Agreement. The owner is required to have a Civil Engineer submit stamped engineering drawings for approval by the City of Edmonton. The Engineering Drawings must include the improvements outlined in 8.a) to f) above as well as the following:

- Storm and sanitary extensions across adjacent lands to connect to existing storm and sanitary sewers, to the satisfaction of Subdivision and Development Coordination, prior to engineering drawing approval.
- The required water main service connection to the satisfaction of EPCOR Water Services Inc., as shown on the Subdivision (LDA/13-0132) Enclosure I "Conditions of Approval" map.
- The abandonment of the existing water main connection, to the satisfaction of EPCOR Water Services Inc., as shown on the Subdivision (LDA/13-0132) Enclosure I "Conditions of Approval" map.
- The required water hydrant to the satisfaction of EPCOR Water Services Inc., as shown on the Subdivision (LDA/13-0132) Enclosure I "Conditions of Approval" map.

Prior to Engineering Drawing review, the owner must:

- Submit the Twin Brooks Infill Site Technical Memorandum, and obtain approval by Planning Coordination.
- The applicant must contact Annie Duong (780-442-0251) 72 hours prior to removal or construction within city road right-of-way.
- 9) There are two (2) boulevard trees located along 119 Street that will require removal. The trees are located within the Transportation/Utility Corridor. Ministerial Consent is required for the tree removal.
 - 10) Any underground parking access card devices must not encroach onto road right-of-way.
 - 11) The proposed retaining walls bordering the underground driveway/parkade ramp, must not encroach onto road right-of-way.
 - 12) Heated driveways must not encroach onto road right-of-way.
 - 13) All required landscaping for the development must be provided on site.
 - 14) Any sidewalk, boulevard, or shared use path 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.

Subdivision Planning (Transportation) Advisements:

- 1) Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or within the hoarded area.
- 2) Given the proposed pedestrian connection to the required granular trail at the parkade entrance, pedestrian signage should be installed at this location.
- 3) The applicant is advised that more than a 12% difference in the ramp slope may result in vehicles "bottoming out" at the break-over point.
- 4) There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.



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5) There are existing pipelines located north of the site. Crossing Agreements and/or proximity agreements may be required prior to start of construction. The applicant is required to contact the pipeline company to obtain all required agreements, and conform to all requirements of such agreements. All costs associated with construction over the pipelines and requirements of the pipeline agreements must be borne by the owner/applicant.

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

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

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

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

and,

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

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$55,742.00 (based on 2019 rates). All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the property owner shall enter into a Servicing Agreement to pay the applicable Permanent Area Contribution (PAC) Assessments. Please contact Adil Virani at 780-496 6037 for further details regarding the Servicing Agreement. All assessments are based upon information currently available to the City. The final applicable PAC rates are subject to change based on the year in which the payment is collected by the City of Edmonton.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$870.00.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$510.00.

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

- Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.
- Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.
- A Guaranteed Landscaping Security shall be provided to the City of Edmonton at the time of Development Permit Inspection, to the satisfaction of the Development Officer.

NOTES:

- 1) Upon the first Development Permit Inspection and determination that landscape construction has been completed in compliance with the approved Landscape Plan, 20% of the approved Guaranteed Landscape Security shall be collected and retained for a period of 24 months from the date of first Development Permit Inspection.
- 2) Sites that are not completed or are not compliant with approved Landscape Plans at the first Development Permit Inspection, shall be required to submit a Security for incomplete work, up to and including the full value of the approved Guaranteed Landscape Security value.

The Development Officer advises the applicant of and strongly encourages compliance with the security management guidelines contained within subsection 3.1 of the Design Guide for a Safer City. Reference Section 54.7(3). It is strongly recommended that the walls and ceiling of the underground parkade be painted white or other light colour to enhance the efficiency of the lighting.



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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 to the satisfaction of the Development Officer.

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.

The developer shall provide a minimum of 6 visitor parking spaces readily available to an entrance of the building to be served, and clearly identified as visitor parking to the satisfaction of the Development Officer. Reference Section 54.2, Schedule 1A(1).

The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54(6).

NOTES:

- 1) Signs require separate Development Applications.
- 2) 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.
- 3) This approval does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

Variances

Floor Area Ratio - In accordance with Section 210.4(6) the maximum Floor Area Ratio is permitted to be increased from 1.3 to 1.4 when an underground parkade is provided. The proposed Floor Area Ratio for this Apartment House with an underground parkade is 1.4. Reference Section 210.4(6).

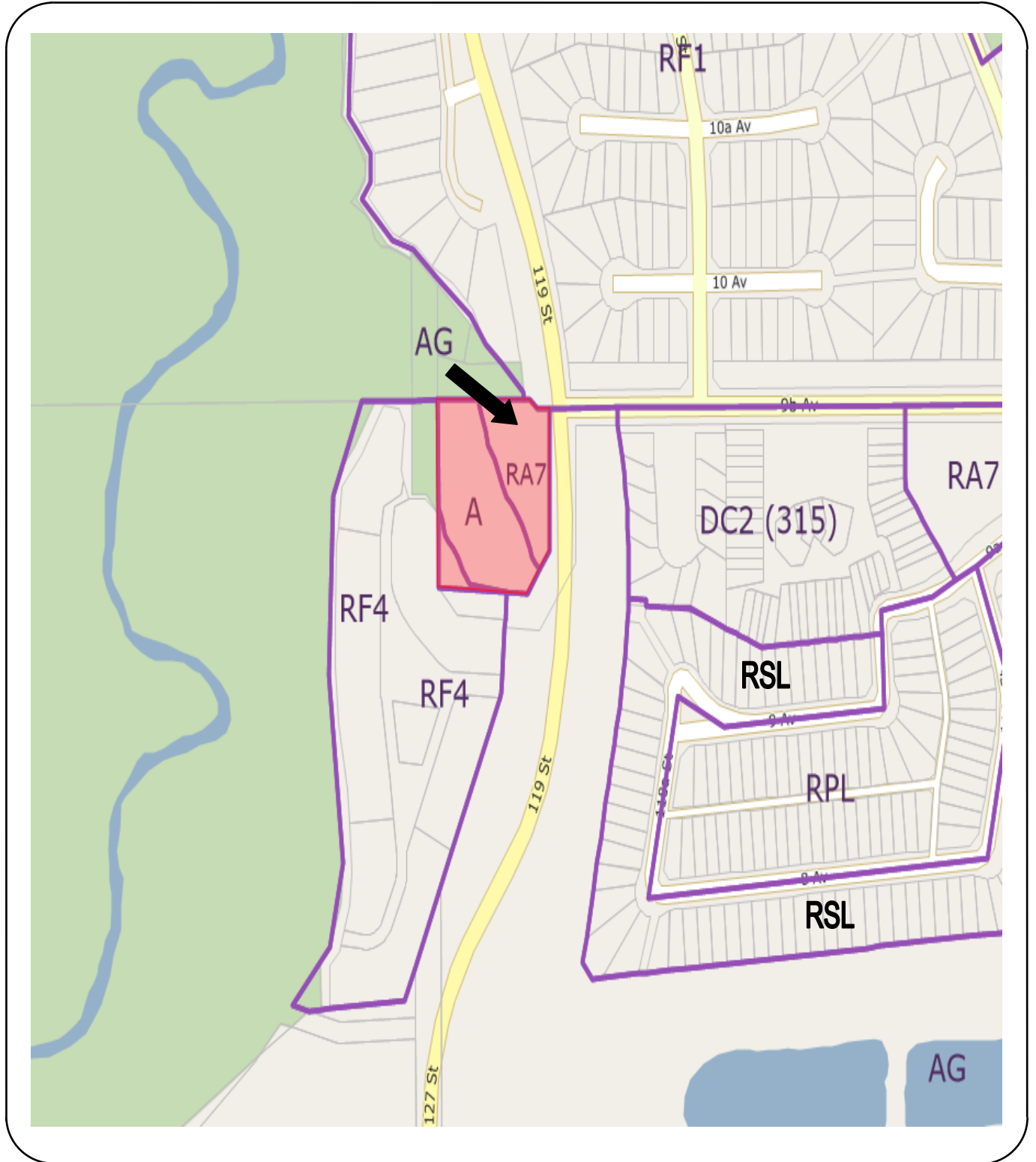
Rights of Appeal

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: May 02, 2019 **Ends:** May 23, 2019

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee # of dwelling units	\$3,225.00	\$3,225.00	05392665	Oct 04, 2018
Major Dev. Application Fee	\$835.00	\$835.00	05334084	Sep 14, 2018
Lot Grading Fee	\$870.00			
Sanitary Sewer Trunk Fund 2012+	\$55,742.00			
Development Permit Inspection Fee	\$510.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$61,182.00	\$4,060.00		
(\$57,122.00 outstanding)				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-085

