

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
June 26, 2019**

**Hearing Room No. 2  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 2**

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I	9:00 A.M.	SDAB-D-19-079	Leave as built a Single Detached House (increase building height). 10622 - 69 Street NW Project No.: 257884965-010
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II	9:00 A.M.	SDAB-D-19-078	Leave as built a Single Detached House (increase building height). 10620 - 69 Street NW Project No.: 257883235-010
<hr/>			
III	10:30 A.M.	SDAB-D-19-095	Construct a Single Detached House with Unenclosed Front Porch, rear uncovered deck (5.94m x 3.05m), rear balcony, fireplace, and to develop a Secondary Suite in the Basement 10526 - 85 Avenue NW Project No.: 302525621-001
<hr/>			
IV	1:30 P.M.	SDAB-D-19-080	Change the use from a Specialty Food Store (Starbucks) to a Cannabis Retail Sales and construct interior alterations 4333 - 50 Street NW Project No.: 306082440-001
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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 / II: 9:00 A.M. FILE: SDAB-D-19-078 / 079

**TO BE RAISED**

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 257883235-010  
257884965-010

APPLICATION TO: Leave as built a Single Detached House  
(increase building height).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 15, 2019

DATE OF APPEAL: May 3, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10620 - 69 Street NW  
10622 – 69 Street NW

LEGAL DESCRIPTION: Plan 1720067 Blk 46 Lot 48  
Plan 1720067 Blk 46 Lot 47

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

**16020 – 69 Street NW / SDAB-D-19-078**

Height is 1 ft higher than initial approved DP.

We are aware that objections have been raised.

We tried getting support from neighbors, however their mindset is that they are strongly against "skinnies" and will not support it. Lots of

neighbors have sign regards to NO LOT SPLIT plus restricted covenant. Further, Community league does not wish to get involved.

Another reason from immediate neighbors is that this new house is blocking Sunlight to their houses---Our observation is that there is already tons of mature trees in close proximity to our project-Which means this has been the norm even prior to the project.

Strongly recommend the Appeals board team to do a site visit to check if the 1 ft height looks too obvious or an eye soar.

Our Surveyor has suggested that we can raise grades by 6 inches if needed, however this will still mean, we will be out by 0.6 inches

Our best hope is that Appeal's Board team will understand that this is a honest, plus 1st and last mistake from our Company and come up with a reasonable decision.

I will upload photos of neighbors houses with trees blocking Sun for review.

Thanks

**16022 – 69 Street NW / SDAB-D-19-079**

Height issue is an honest mistake on our part. House is already built, little late to do the changes and will be too expensive to do the changes.

Height is 1.2 ft higher than initial approved DP.

We are aware that objections have been raised.

We tried getting support from neighbors, however their mindset is that they are strongly against "skinnies" and will not support it. Lots of neighbors have sign regards to NO LOT SPLIT plus restricted covenant. Further, Community league does not wish to get involved.

Another reason from immediate neighbors is that this new house is blocking Sunlight to their houses---Our observation is that there is already tons of mature trees in close proximity to our project-Which means this has been the norm even prior to the project.

Strongly recommend the Appeals board team to do a site visit to check if the 1.2 ft height looks too obvious or an eye soar.

Our Surveyor has suggested that we can raise grades by 6 inches if needed, however this will still mean, we will be out by 0.8

Our best hope is that Appeal's Board team will understand that this is a honest, plus 1st and last mistake from our Company and come up with a reasonable decision.

I will upload photos of neighbors houses with trees blocking Sun for review.

Thanks

<b><i>General Matters</i></b>
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**Appeal History:**

On May 30, 2019, the Subdivision and Development Appeal Board made and passed the following motion:

“That the appeal hearing be postponed to June 26 or 27, 2019.”

**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*:**

Section 110.1 states that the **General Purpose** of (RF1) **Single Detached Residential Zone** is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

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.

Under section 110.2(5), **Single Detached Housing** is a **Permitted Use** in the (RF1) **Single Detached Residential Zone**.

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

***Mature Neighbourhood Overlay - Height***

Section 814.3(5) states "The maximum Height shall not exceed 8.9 m."

**Development Officer's Determination (16020 – 69 Street NW / SDAB-D-19-078)**

1. Height - The house was built 9.2m high (to the midpoint), instead of 8.9m (Section 814.3.5) [unedited]

**Development Officer's Determination (16022 – 69 Street NW / SDAB-D-19-079)**

1. Height - The house was built 9.3m high (to the midpoint), instead of 8.9m (Section 814.3.5) [unedited]

***Height***

Section 52.2(c) states:

In determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:

...

- c. Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

**Development Officer's Determination (16020 – 69 Street NW / SDAB-D-19-078)**

2. Height - The house was built 10.6m high (to the peak), instead of 10.4m (Section 52.2(c)) [unedited]

**Development Officer's Determination (16022 – 69 Street NW / SDAB-D-19-079)**

2. Height - The house was built 10.8m high (to the peak), instead of 10.4m (Section 52.2(c)) [unedited]

***Community Consultation***

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed 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 814.5(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 Sections 11.3 and 11.4.

Section 814.5(2) states:


Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 metres of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 metres of the Site of the proposed development and the President of each Community League	814.3(5) - Height


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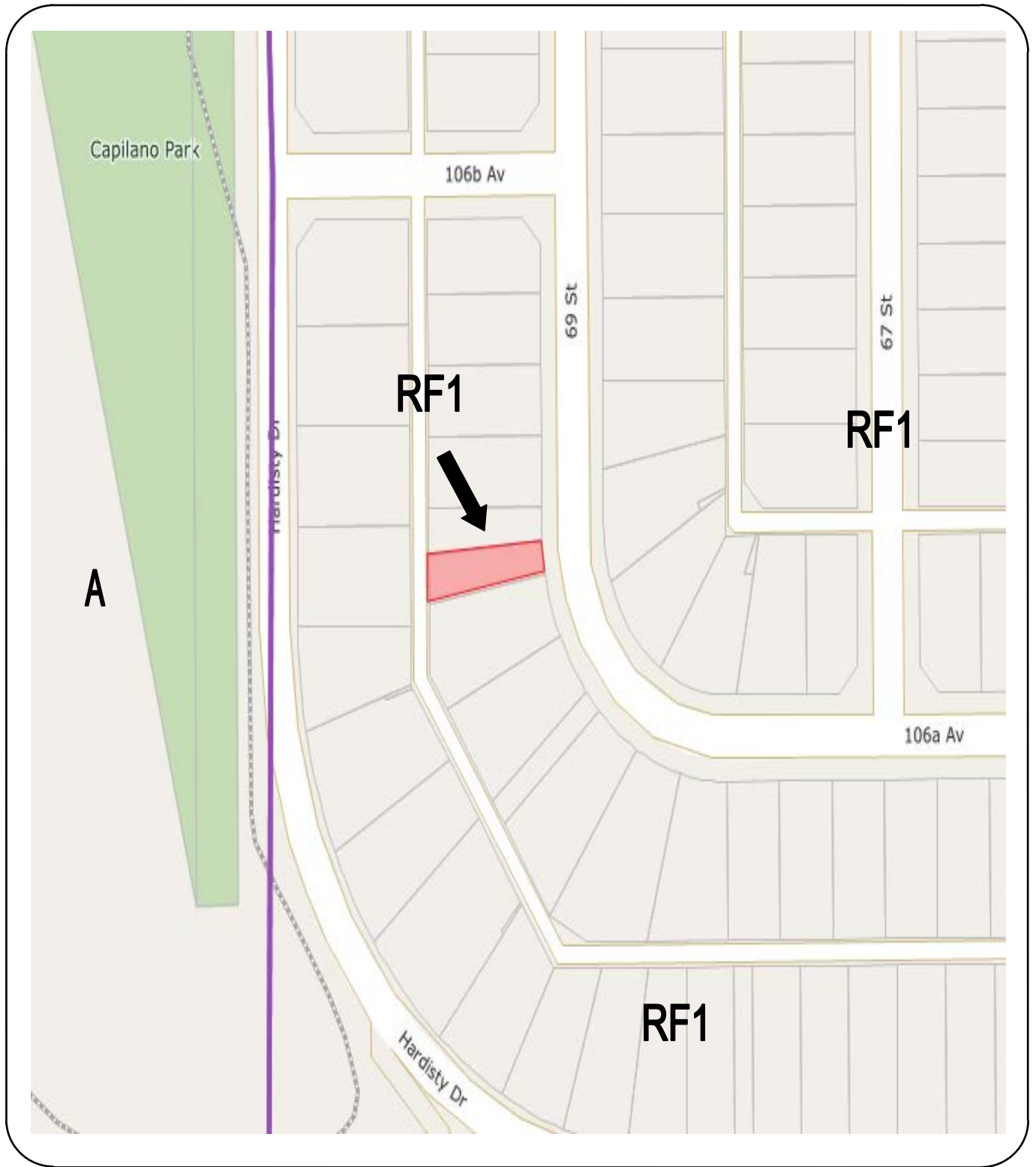
Notice to Applicant/Appellant

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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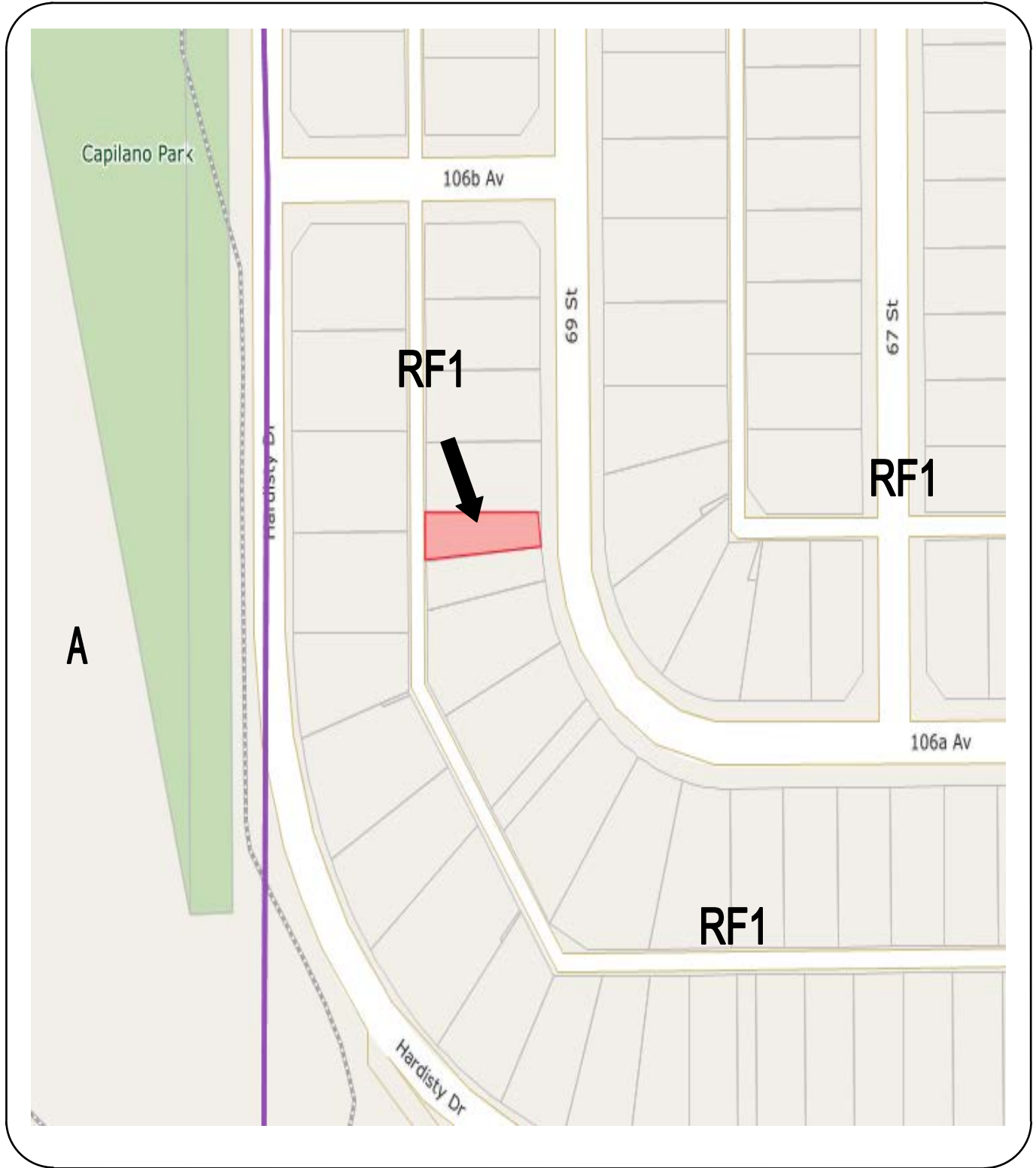


**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-078





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-079



ITEM III: 10:30 A.M.

FILE: SDAB-D-19-095

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 302525621-001

APPLICATION TO: Construct a Single Detached House with Unenclosed Front Porch, rear uncovered deck (5.94m x 3.05m), rear balcony, fireplace, and to develop a Secondary Suite in the Basement

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 30, 2019

DATE OF APPEAL: June 3, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10526 - 85 Avenue NW

LEGAL DESCRIPTION: Plan 1920560 Blk 99 Lot 3

ZONE: RF4 Semi-Detached Residential Zone

OVERLAY: MNO Mature Neighbourhood Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

***Grounds for Appeal***

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

We are asking for a height variance. The extra height is keeping with the look and feel of the street.

**General Matters**

**Appeal Information:**

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

**Grounds for Appeal**

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

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

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

**Appeals**

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
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**Hearing and Decision**

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

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- (a.1) must comply with the land use policies;
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licence and distances between those premises and other premises;

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

and

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

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

Section 110.1 states that the **General Purpose** of **(RF4) Semi-detached Residential Zone** is “to provide a zone primarily for Semi-detached Housing and Duplex Housing.”

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.

Under section 150.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF4) Semi-detached Residential Zone**.

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.



***Mature Neighbourhood Overlay - Height***

Section 814.3(5) states “The maximum Height shall not exceed 8.9 m.”

**Development Officer’s Determination**

Height - The house shall not exceed a Height of 8.9m (Section 814.3.5).

Maximum: 8.9m

Proposed: 9.9m


Exceeds by: 1.0m

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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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	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: <b>302525621-001</b> Application Date: JAN 14, 2019 Printed: June 3, 2019 at 2:49 PM Page: 1 of 2																									
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<b>Applicant</b> <div style="background-color: black; width: 100%; height: 40px; margin-top: 5px;"></div>	<b>Property Address(es) and Legal Description(s)</b> 10526 - 85 AVENUE NW Plan 1920560 Blk 99 Lot 3  <b>Specific Address(es)</b> Suite: 10526 - 85 AVENUE NW Suite: BSMT, 10526 - 85 AVENUE NW Entryway: 10526 - 85 AVENUE NW Building: 10526 - 85 AVENUE NW																										
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<b>Development Application Decision</b> Refused  <b>Issue Date:</b> May 30, 2019 <b>Development Authority:</b> ZHOU, ROWLEY  <b>Reason for Refusal</b> Height - The house shall not exceed a Height of 8.9m (Section 814.3.5). Maximum: 8.9m Proposed: 9.9m Exceeds by: 1.0m  <b>Rights of Appeal</b> 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.																											
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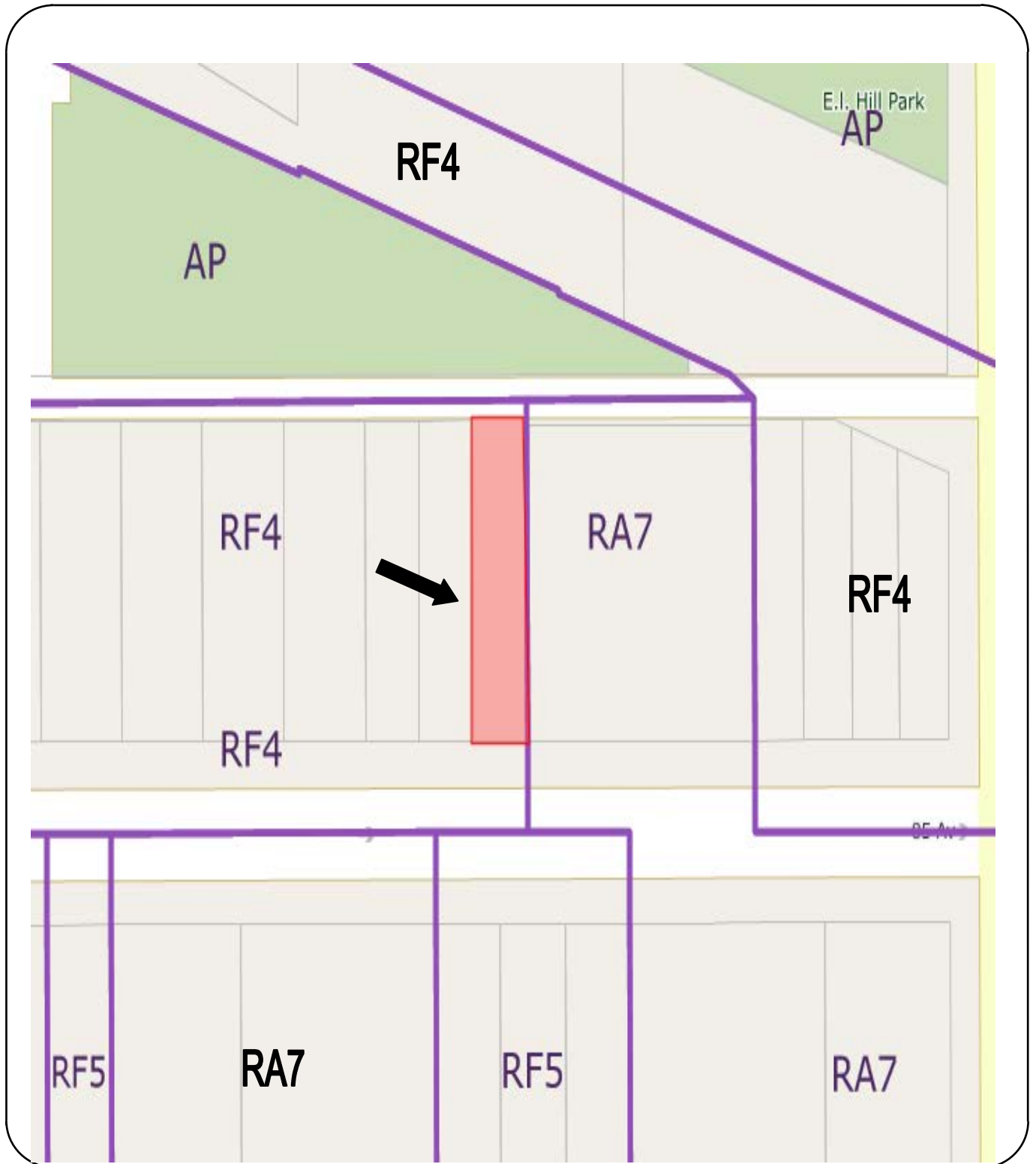
## Application for Minor Development Permit

Project Number: **302525621-001**  
Application Date: JAN 14, 2019  
Printed: June 3, 2019 at 2:49 PM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,580.00</u>	<u>\$1,580.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-095



ITEM IV: 1:30 P.M.

FILE: SDAB-D-19-080

**TO BE RAISED**

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:  
APPLICATION NO.: 306082440-001

APPLICATION TO: Change the use from a Specialty Food Store (Starbucks) to a Cannabis Retail Sales and construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 25, 2019

DATE OF APPEAL: May 8, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4333 - 50 Street NW

LEGAL DESCRIPTION: Plan 9123322 Blk 1 Lot 56

ZONE: DC2 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Burnewood Neighbourhood Area Structure Plan

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***Grounds for Appeal***

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

1. The permit application was refused due to proximity of the parcel of land including Jackie Parker Recreational Area zoned as public lands (100m required; 47m provided)
2. The Appellant respectfully requests that the SDAB uses its variance power to grant a variance in the required separation for the following reasons:

- a. The City of Edmonton planning department did not measure as prescribed in the most recent zoning bylaw amendment, Section 70 Subsection 3 (a) “separation distance shall be measured from the closest point of the subject site boundary to the closest point of another site boundary and shall not be measured from zone boundaries or from the edges of structures”.
    - i. If measured from our specific site boundary the proximity of our site to the public lands is approximately 95m.
    - ii. Copy of Bylaw amendment is enclosed for reference
  - b. While the public lands abut directly onto 50 Street NW, the portion of the lands used for park space is further than that
    - i. The closest portion of the off-leash dog park parking lot is approximately 178 m away as shown in the attached map
    - ii. The closest portion of the parking lot for Jackie Parker Recreational Area is approximately 300 m away as shown in the attached map
    - iii. Maps enclosed for reference
  - c. Walking distance from our site to:
    - i. Jackie Parker Park is approximately 400 m
    - ii. Off-leash dog park is approximately 180 m
    - iii. Maps enclosed for reference
3. Such further and other grounds may be determined from reviewing the file.

<b><i>General Matters</i></b>
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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.

...

**(4)** Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

**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) ...

**General Provisions of DC2.1040 Site Specific Development Control Provision:**

Under section DC2.1040.3(b), **Cannabis Retail Sales** is a **Listed Use**.

Section DC2.1040.1 states that the **General Purpose** of this **Site Specific Development Control Provision** is:

To establish a Site Specific Development Control District to accommodate a limited range of local convenience commercial and personal service uses which are intended to serve the day-to-day needs of the neighbourhood residents, with site development criteria to ensure that the commercial development will be compatible with the adjacent residential Zonings.

Section DC2.1040.5(d) states: "Cannabis Retail Sales shall be developed in accordance with Section 70 of the Zoning Bylaw."

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

Under section 7.4(9), **Cannabis Retail Sales** means:

development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use may include retail sales of Cannabis accessories. This Use does not include Cannabis Production and Distribution.

Under section 6.1, **Cannabis** means:

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

- a. Cannabis includes:
  - i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in subsection (b) of this definition.
  - ii. any substance or mixture of substances that contains or has on it any part of such a plant;
  - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Notwithstanding subsection (a) of this definition, Cannabis does not include:

- i. a non-viable seed of a cannabis plant;
- ii. a mature stalk, without any leaf, flower, seed or branch, of such plant;
- iii. fibre derived from a stalk referred in subsection (b)(ii) of this definition; and
- iv. the root or any part of the root of such a plant.

***Section 70 – Cannabis Retail Sales (amended February 25, 2019)***

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



- a. the 200 m separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of any other approved Cannabis Retail Sales Use;
  - b. A Development Officer shall not grant a variance to reduce the separation distance by more than 20 m in compliance with Section 11; and
  - c. The issuance of a Development Permit which contains a variance to separation distance as described in 70(1)(b) shall be issued as a Class B Discretionary Development.
2. **Any Site containing Cannabis Retail Sales shall not be located less than:**
- a. 200 m from any Site being used for a public library, at the time of the application for the Development Permit for the Cannabis Retail Sales; and
  - b. **100 m from any Site being used for Community Recreation Services Use, a community recreation facility or as public lands at the time of application for the Development Permit for the Cannabis Retail Sales.**
3. **For the purposes of subsection 2:**
- a. **separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;**
  - b. the term “public library” is limited to the collection of literary, artistic, musical and similar reference materials and learning resources in the form of books, electronic files, computers, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries.
  - c. the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as per the Municipal Government Act; and
  - d. **the term "public lands" is limited to Sites zoned AP, and Sites zoned A.**
4. Subsection 105(3) of the *Gaming, Liquor and Cannabis Regulation*, is expressly varied by the following:
- a. any Site containing a Cannabis Retail Sales shall not be located less than:

*Public or private education*

- i. 200 m from a Site being used for public or private education, at the time of the application for the Development Permit for the Cannabis Retail Sales;

***Provincial health care facility***

- ii. 100 m from a Site being used for a provincial health care facility at the time of the application for the Development Permit for the Cannabis Retail Sales; and

***School reserve or municipal and school reserve***

- iii. 100 m from a Site designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales.

***Measurement of Separation Distances***

- b. For the purposes of this subsection, separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures.

***Sites Greater than Two Hectares***

- c. For Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, that do not contain a public library at the time of application for the Development Permit for the Cannabis Retail Sales:
  - i. Subsection 70(2), and 70(4)(a) shall not apply; and
  - ii. the distances referred to in Subsection 105(3) of the *Gaming, Liquor and Cannabis Regulation* shall be expressly varied to 0 m.
- d. For the purposes of subsection 70(4)(a)(i), the term "public or private education" means a school as defined in subsection (1)(y)(i) and (1)(y)(ii) of the *School Act (as amended from time to time)*.

5. **Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2), 70(3)(a) or 70(4).**

**Design Requirements**

6. Cannabis Retail Sales shall include design elements that readily allow for natural surveillance to promote a safe urban environment, where applicable and to the satisfaction of the Development Officer, including the following requirements:

- a. customer access to the store is limited to a storefront that is visible from the street other than a Lane, or a shopping centre parking lot, or mall access that allows visibility from the interior of the mall into the store;
- b. the exterior of all stores shall have ample transparency from the street;
- c. Any outdoor lighting shall be designed to ensure a well-lit environment for pedestrians and illumination of the property; and
- d. Landscaping shall be low-growing shrubs or deciduous trees with a high canopy at maturity to maintain natural surveillance.

***Minimum Setback from Public Lands***

**Development Officer's Determination**

The proposed Cannabis Retail Store does not comply with the minimum setback requirement from public lands (Jackie Parker Recreational Area) (Sections 70.2-70.3):

Required Setback: 100m  
Proposed Setback: 47m  
Deficient by 53m


Under Section 70.5 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.

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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>306082440-001</b> Application Date: FEB 28, 2019 Printed: May 8, 2019 at 3:17 PM Page: 1 of 2															
<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="background-color: black; width: 100%; height: 40px; margin-top: 5px;"></div>	<b>Property Address(es) and Legal Description(s)</b> 4333 - 50 STREET NW Plan 9123322 Blk 1 Lot 56  <b>Specific Address(es)</b> Suite: 4357 - 50 STREET NW Entryway: 4357 - 50 STREET NW Building: 4333 - 50 STREET NW															
<b>Scope of Application</b> To change the use from a Specialty Food Store (Starbucks) to a Cannabis Retail Sales and construct interior alterations.																
<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.): 195                      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: (none)                 </td> </tr> </table>		Class of Permit: Gross Floor Area (sq.m.): 195 New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)													
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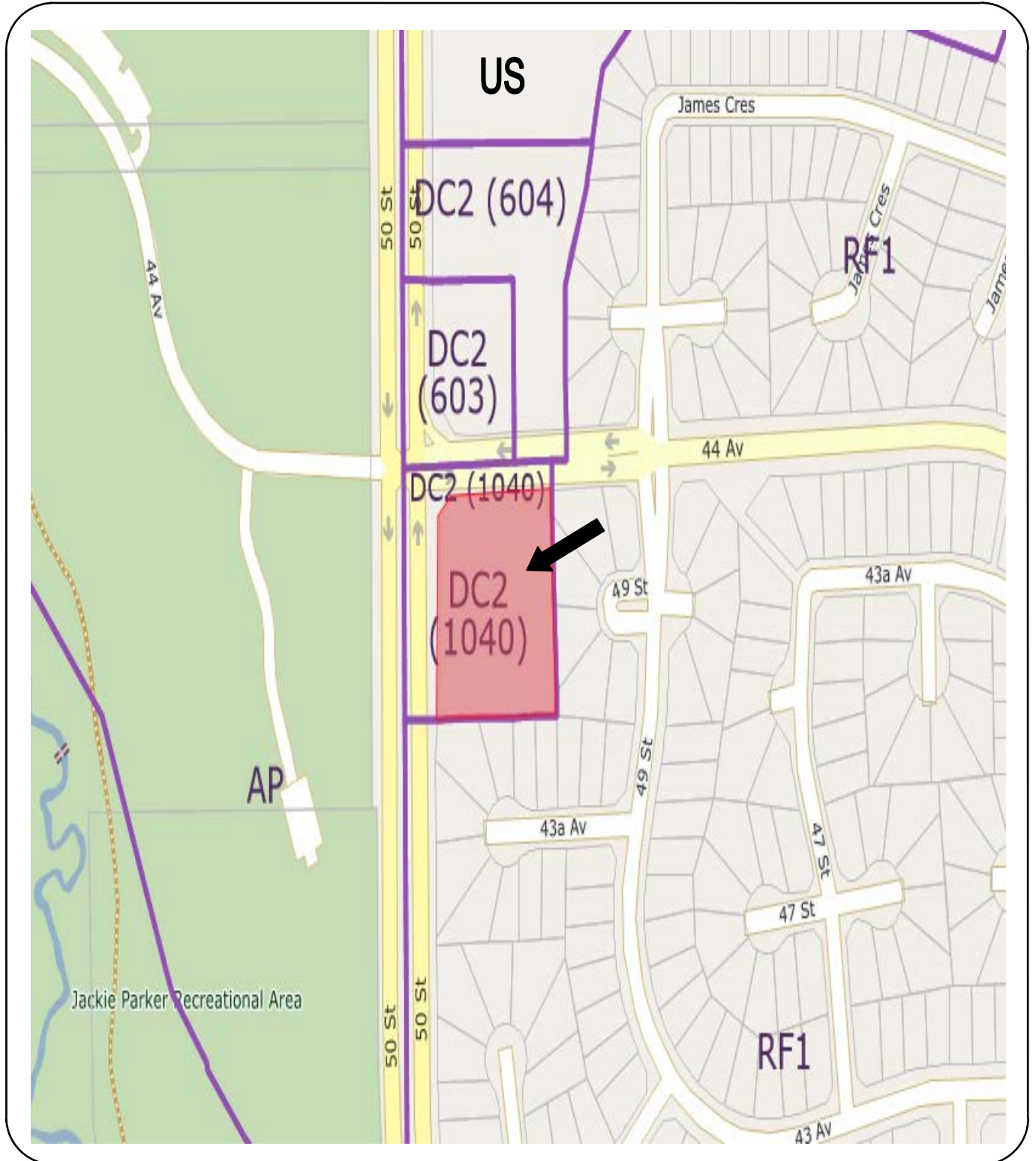
## Application for Major Development Permit

Project Number: **306082440-001**  
Application Date: FEB 28, 2019  
Printed: May 8, 2019 at 3:17 PM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$6,118.00</u>	<u>\$6,118.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-080

