

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
June 3, 2020**

## SUBDIVISION AND DEVELOPMENT APPEAL BOARD

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I     9:00 A.M.     SDAB-D-20-062

Change the use from a Convenience Retail Store to a Cannabis Retail Sales use and to construct interior alterations.

11743 - 124 Street NW  
Project No.: 357625276-002

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II    9:00 A.M.     SDAB-D-20-063

Install a Freestanding Billboard General Advertising Sign (freestanding Minor Digital On-Premises Off-Premises sign) (1-side 2.4m x 8.8m facing north) (OUTFRONT | 852 HONG KONG CAFE)

3010 – Calgary Trail NW  
Project No.: 355752431-001

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III   9:00 A.M.     SDAB-D-20-064

Construct a Multi-unit Housing building (row house) with 4 Dwellings, and to develop Secondary Suites in the Basements

10219 - 146 Street NW  
Project No.: 352993491-002

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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

FILE: SDAB-D-20-062

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 357625276-002

APPLICATION TO: Change the use from a Convenience Retail Store to a Cannabis Retail Sales use and to construct interior alterations.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 16, 2020

DATE OF APPEAL: May 6, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11743 - 124 Street NW

LEGAL DESCRIPTION: Plan 4128HW Blk 39 Lot 12

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

***Grounds for Appeal***

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

I represent Mahal & Sons Inc. ("Mahal"), a tenant of premises located at 12305 - 118 Avenue. As a tenant of premises in close proximity to the Site, Mahal is an affected party. Mahal objects to the Development Permit on the following grounds:

1. Mahal first learned of issuance of the Development Permit on April 21, 2020. Mahal's information is that the Development Permit was issued on April 16, 2020.
2. At the time of issuance of the Development Permit, there was at least

one other development permit for a Cannabis Retail Sales use within 200 metres of the Site.

3. Pursuant to Section 70.1(b) of the Edmonton Zoning Bylaw, the development officer does not have authority to vary the separation distance between two Cannabis Retail Sales uses by more than 20 metres. The existing approved Cannabis Retail Sales use is within 180 metres of the Site. Therefore, the development officer did not have any authority to issue the Development Permit, and the Development Permit should be revoked.

Such further and other grounds as may be raised at the hearing of the appeal.

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

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

**Grounds for Appeal**

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

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

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

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

**(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).**

**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 clause (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 330.2(3), **Cannabis Retail Sales** is a **Permitted Use** in the **(CB1) Low Intensity Business Zone**.

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

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

Under section 6.1, **Cannabis** means:

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

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

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

Under section 6.1, **Site** means “an area of land consisting of one or more abutting Lots.”

Section 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton’s main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

<b><i>Section 70 – Cannabis Retail Sales</i></b>
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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.

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***Previous Subdivision and Development Appeal Board Decision***

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<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-02-067	Operate a Minor Alcohol Sales Establishment (Liquor King) and to construct interior alternations	April 19, 2002; that the appeal be DENIED and the development GRANTED subject to conditions.

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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>357625276-002</b> Application Date: MAR 13, 2020 Printed: April 16, 2020 at 12:58 PM Page: 1 of 3		
<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>	<table border="1"> <tr> <td data-bbox="812 453 1406 546"> <b>Property Address(es) and Legal Description(s)</b>                      11743 - 124 STREET NW                      Plan 4128HW Blk 39 Lot 12                 </td> </tr> <tr> <td data-bbox="812 550 1406 680"> <b>Specific Address(es)</b>                      Suite: 11751 - 124 STREET NW                      Entryway: 11751 - 124 STREET NW                      Building: 11743 - 124 STREET NW                 </td> </tr> </table>	<b>Property Address(es) and Legal Description(s)</b> 11743 - 124 STREET NW Plan 4128HW Blk 39 Lot 12	<b>Specific Address(es)</b> Suite: 11751 - 124 STREET NW Entryway: 11751 - 124 STREET NW Building: 11743 - 124 STREET NW
<b>Property Address(es) and Legal Description(s)</b> 11743 - 124 STREET NW Plan 4128HW Blk 39 Lot 12			
<b>Specific Address(es)</b> Suite: 11751 - 124 STREET NW Entryway: 11751 - 124 STREET NW Building: 11743 - 124 STREET NW			
<b>Scope of Permit</b> To change the use from a Convenience Retail Store to a Cannabis Retail Sales use and to construct interior alterations.			
<b>Permit Details</b> <table border="1" style="width: 100%;"> <tr> <td data-bbox="256 814 808 924">                     Class of Permit: Class A                      Gross Floor Area (sq.m.):                      New Sewer Service Required: N                      Site Area (sq. m.):                 </td> <td data-bbox="812 814 1406 924">                     Contact Person:                      Lot Grading Needed?: N                      NumberOfMainFloorDwellings:                      Stat. Plan Overlay/Annex Area: (none)                 </td> </tr> </table>		Class of Permit: Class A Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class A Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Apr 16, 2020 <b>Development Authority:</b> CHOW, STEPHEN <b>Subject to the Following Conditions</b> Zoning Conditions: 1. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. (Reference Section 54.1.1.c)  2. 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.  3. Signs require separate Development Applications.			



Project Number: **357625276-002**  
Application Date: MAR 13, 2020  
Printed: April 16, 2020 at 12:58 PM  
Page: 2 of 3

## Major Development Permit

### Subject to the Following Conditions

#### Zoning Conditions:

1. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. (Reference Section 54.1.1.c)
2. 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.
3. Signs require separate Development Applications.

### Subject to the Following Advisements

#### Zoning Advisements:

- a. This Development Permit is NOT a Business Licence. A separate application must be made for a Business Licence. Please contact the 311 Call Centre (780-442-5311) for further information.
- b. 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 (780-442-5311) for further information.
- c. The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- d. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)
- e. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.
- f. With future changes of use for this site, Subdivision Planning will require the applicant to provide parking justification and conduct observations on site to establish if parking continues to be sufficient for the site.



Project Number: **357625276-002**  
 Application Date: MAR 13, 2020  
 Printed: April 16, 2020 at 12:58 PM  
 Page: 3 of 3

## Major Development Permit

**Subject to the Following Advisements**

**Zoning Advisements:**

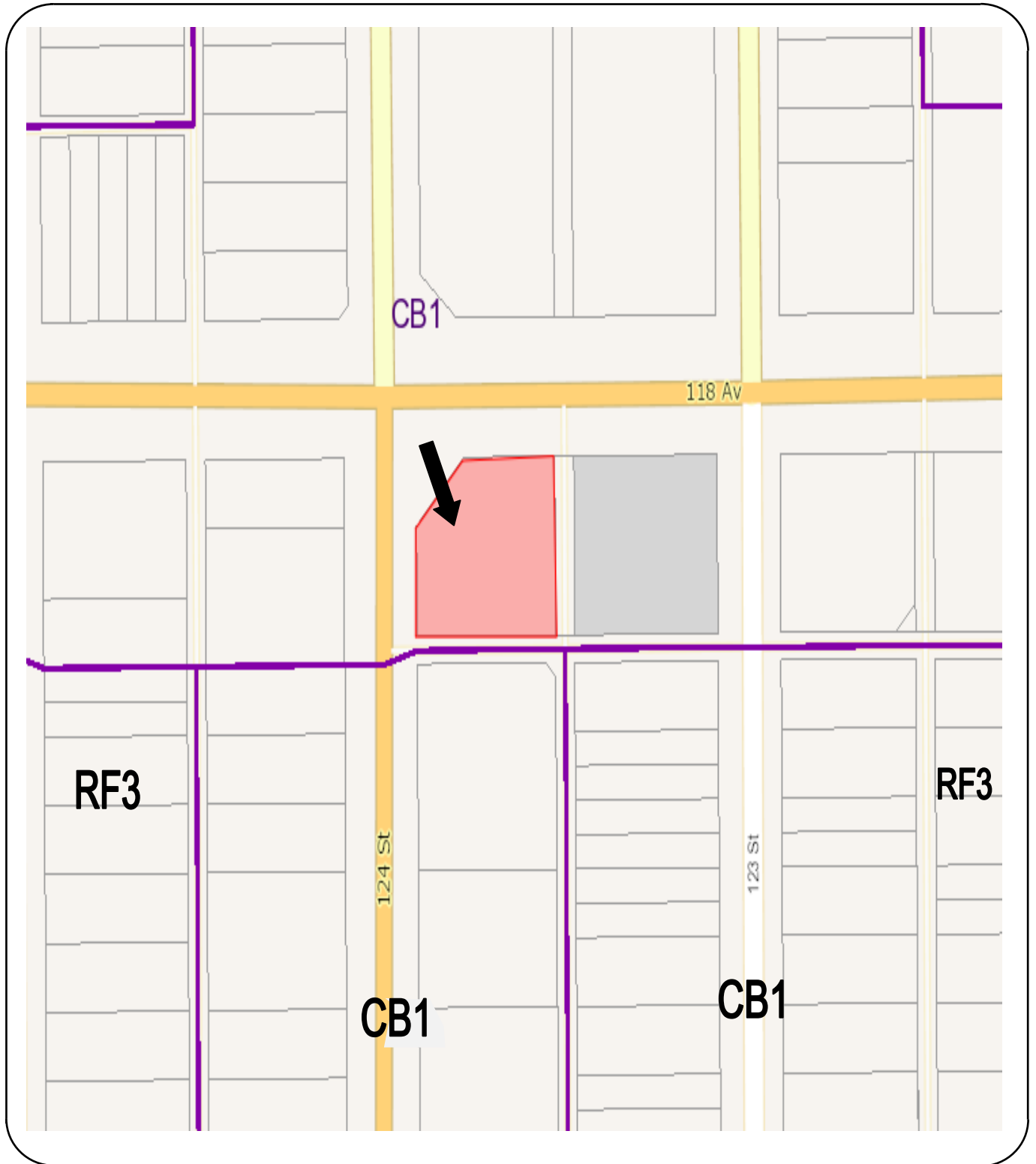
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- c. The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
- d. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)
- e. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.
- f. With future changes of use for this site, Subdivision Planning will require the applicant to provide parking justification and conduct observations on site to establish if parking continues to be sufficient for the site.

**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.

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$5,600.00	\$5,600.00	06480351	Mar 16, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	\$5,600.00	\$5,600.00		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-062

ITEM II

FILE: SDAB-D-20-063

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 355752431-001

APPLICATION TO: Install a Freestanding Billboard General Advertising Sign (freestanding Minor Digital On-Premises Off-Premises sign) (1-side 2.4m x 8.8m facing north) (OUTFRONT | 852 HONG KONG CAFE)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 20, 2020

DATE OF APPEAL: May 8, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3010 – Calgary Trail NW

LEGAL DESCRIPTION: Plan 5711KS Blk A

ZONE: DC2.12 - Site Specific Development Control Provision

OVERLAY: N/A

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:

The digital sign would help the on-premise business better advertise their services. Existing landscaping would not be affected and sign would be incorporated into surroundings.

Other areas of Calgary Trail/Gateway Blvd currently have digital signage, properties on which the Calgary Trail LUS applies as well. Therefore we feel that this structure is not contrary to Study, and should be considered also.

***General Matters*****Appeal Information:**

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

**Grounds for Appeal**

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

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

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

**Appeals**

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

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

**685(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.

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

- 2.4 Subject only to the provisions in the Municipal Government Act respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this



Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

...

2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.

2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

At the time of the creation of the subject Direct Control Site, the *City of Edmonton Land Use Bylaw 5996* was in effect. An Alberta Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control Bylaw passed before 2001 to a provision of the old *Land Use Bylaw*. In the absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning Bylaw*.

**General Provisions from the DC2.12 Site Specific Development Control Provision (“DC2.12”):**

Section DC2.12.1 states that the **General Purpose** of DC2.12 is:

To provide a site specific development control district to accommodate commercial development on the site in a way which recognizes access constraints on the site and roadway constraints adjacent to the site, and is compatible with neighbouring residential and commercial uses.

Section DC2.12.4. states:

Signs shall be allowed in this district as provided for in Schedule 79H, and in accordance with the general provisions of Sections 79.1 to 79.9 inclusive, of the Land Use Bylaw.

Section DC2.12.4. states:

Developments in this district shall be evaluated with respect to compliance with the General Development Regulations of Sections 59 to 79 inclusive, of the Land Use Bylaw.

**General Provisions from the *Edmonton Land Use Bylaw 5996*:**

Section 14, Development Classes, states that the following classes of development are hereby established:

- 1) Class O - No Development Permit Required;
- 2) Class A - Minor Permitted Use;
- 3) Class B - Permitted Use;
- 4) Class C - Discretionary Use; and
- 5) Class D - Design Review.

Section 14.3 states

The developments included in this Class are those Permitted Uses where the regulations of this Bylaw are more complex and where the development application must be reviewed to determine its compliance with this Bylaw, or where conditions of approval or agreements to ensure compliance are considered necessary. The Development Officer shall issue a permit, with or without conditions for the development of Permitted Uses after reviewing the application and the submission requirements of this Class to ensure compliance with the regulations of this Bylaw. This Class shall include all Permitted Use developments, including those affected by an Overlay, except those identified in Class O or Class A

Class B shall also include the following sign uses and development:

- 1) Canopy, Undercanopy, Facia, Freestanding and Projecting On-premise Identification or Business Identification Signs including or not including the use of manual animation, running lights, scintillating lights, manual changeable copy and time and temperature displays;
- 2) Facia and Freestanding General Advertising Signs; except that where such signs are to be erected in the CNC, CSC, IB or AGI Districts, or within the civic centre area defined in Sign Schedule 79G, they shall be a Class C development;

(...)

Under section 9.2(2), **Animated Sign** means:

any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign. Animated Sign does not include Flashing Signs, Rotating Signs, signs with accessory running lights or flashing lights, or electronically controlled Changeable Copy Signs such as those showing time and

temperature displays.

Under section 9.2(4)(b), **Billboard** means:

a General Advertising Sign that has a sign area of more than 3.75 m<sup>2</sup> (40.35 sq. ft.). The display copy of the sign can be printed on a translucent vinyl sheet or painted on a number of plywood or light steel sections which are locked into a frame to form a single sign face.

Under section 9.2(6), **Business Identification Sign** means:

a sign identifying the name, dealer, franchise association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.

Under section 9.2(8), **Changeable Copy Sign** means:

a permanent On-premise Sign or portion of such a sign on which copy can be readily changed manually through the utilization of attachable characters, or automatically through the electronic switching of lamp banks or illuminated tubes. Changeable Copy Signs include mechanically controlled time and temperature displays.

Under Section 9.2(15), **Freestanding Sign** means “any sign supported independently of a building and permanently fixed to the ground.”

Under Section 9.2(16), **General Advertising Sign** means:

a sign which directs attention to a business, activity, product, service or entertainment which cannot be considered as the principal products sold nor a principal business, activity, entertainment or service provided on the premises where the sign is displayed and general advertising has a similar meaning. Typical General Advertising Signs includes Billboards and Junior Panels as defined in this Bylaw.

Under Section 9.2(21), **Local Advertising Sign** means:

a sign or portion of a sign on which the copy refers only to products or merchandise produced, offered for sale or obtainable at the premises on which the sign is displayed and which are related to the principal function of such premises, and local advertising has a similar meaning.

Under Section 9.2(25), **On-premise Sign** means:

a sign identifying or advertising a business, activity, service or product located on the premises where the sign is erected. On-premise Signs includes signs erected on a site to provide warning or direction to persons entering upon the site.

**Development Officers Determination**

**Based on Section 9.2 (4b and 16) Sign Definitions, of the Land Use Bylaw 5996 that was in effect at the time DC2(12) was amended May 24, 1994.**

**Reference LUB: Edmonton (Alta.) - 1991-1993 - Edmonton land use bylaw, number 5996\_office consolidation number 9.**

***Schedule 79H of the Edmonton Land Use Study 5996***

Schedule 79H.1(1) states the following Signs shall be allowed, subject to the Sign Regulations of this Schedule:

- a) ...
- b) ...
- c) Awning, Canopy, Under-canopy, Facia, Freestanding, Projecting and Window, On-premise Business Identification Signs and On-premise Changeable Copy and Local Advertising Signs;
- d) ...
- e) ...
- f) Facia and Freestanding General Advertising Signs;
- g) ...

***Calgary Trail Land Use Study***

The *City of Edmonton Charter*, 2018 Regulation, Alta Reg 39/2018 states the following:

**(31) In section 616 of the Act,**

**(e) clause (dd) is to be read as follows:**

(dd) “statutory plan” means

- (i) an intermunicipal development plan,
- (ii) a municipal development plan,
- (iii) an area structure plan,
- (iv) an area redevelopment plan, and
- (v) an additional statutory plan under section 635.1

adopted by the City under Division 4;

**Development Officers Determination**

**1) Section 3.4.b.ii of the Calgary Trail Land Use Study: The sign is located within the Calgary Trail Land Use Study adopted by Resolution of Council on September 11, 1984, with amendments in August 2015. Under the General Urban Design Policies of Section 3.4.b.ii of the Calgary Trail Land Use Study:**

**"Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards."**

**The proposed Freestanding Billboard General Advertising Sign (freestanding Minor Digital On-Premises Off-Premises sign) is contrary to Section 3.4.b.ii of the Calgary Trail Land Use Study.**

***General Provisions (General Advertising Signs)***

Section 79.8(1)(e) states "General Advertising Signs may be illuminated provided that the lighting is concealed or shielded to minimize glare."

**Development Officers Determination**

**2) 79.8(1)(e): General advertising signs may be illuminated provided that the lighting is concealed or shielded to minimize glare.**


**Proposed: The sign is illuminated (digital panel) and is not shielded to minimize glare, therefore it does not comply with Section 79.8(1)(e).**

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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>355752431-001</b> Application Date: FEB 24, 2020 Printed: May 8, 2020 at 12:37 PM Page: 1 of 2	
	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.		
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 3010 - CALGARY TRAIL NW Plan 5711KS Blk A	
<b>Scope of Application</b> To install a Freestanding Billboard General Advertising Sign (freestanding Minor Digital On-Premises Off-Premises sign) (1-side 2.4m x 8.8m facing north) (OUTFRONT   852 HONG KONG CAFE).		
<b>Permit Details</b>		
ASA Sticker No./Name of Engineer: Construction Value: 200000	Class of Permit: Expiry Date:	
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 1 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0	
<b>Development Application Decision</b> Refused  <b>Issue Date:</b> Apr 20, 2020 <b>Development Authority:</b> NOORMAN, BRENDA  <b>Reason for Refusal</b> Based on Section 9.2 (4b and 16) Sign Definitions, of the Land Use Bylaw 5996 that was in effect at the time DC2(12) was amended May 24, 1994. Reference LUB: Edmonton (Alta.) - 1991-1993 - Edmonton land use bylaw, number 5996_office consolidation number 9.  1) Section 3.4.b.ii of the Calgary Trail Land Use Study: The sign is located within the Calgary Trail Land Use Study adopted by Resolution of Council on September 11, 1984, with amendments in August 2015. Under the General Urban Design Policies of Section 3.4.b.ii of the Calgary Trail Land Use Study:  "Greater attention shall be given to improving the location, siting, Signage comprehensibility and design of signage in the corridor by discouraging the use of portable signs and free-standing billboards."  The proposed Freestanding Billboard General Advertising Sign (freestanding Minor Digital On-Premises Off-Premises sign) is contrary to Section 3.4.b.ii of the Calgary Trail Land Use Study.  2) 79.8(1)(e): General advertising signs may be illuminated provided that the lighting is concealed or shielded to minimize glare.  Proposed: The sign is illuminated (digital panel) and is not shielded to minimize glare, therefore it does not comply with Section 79.8(1)(e).		
<b>THIS IS NOT A PERMIT</b>		



Project Number: **355752431-001**  
Application Date: FEB 24, 2020  
Printed: May 8, 2020 at 12:37 PM  
Page: 2 of 2

## Application for Sign Combo Permit

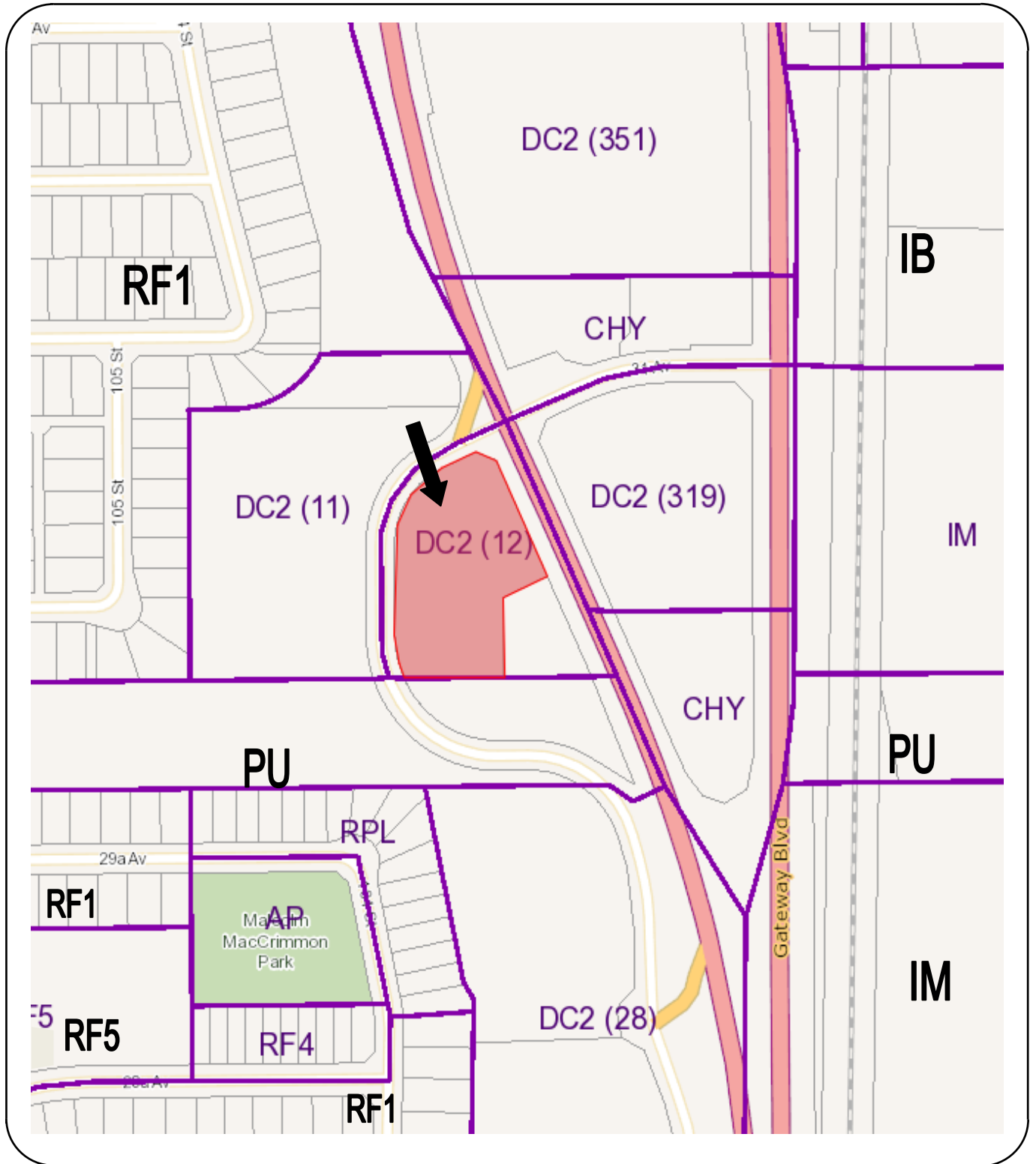
### Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Safety Codes Fee	\$86.16	\$86.16	06466036	Mar 06, 2020
Sign Building Permit Fee	\$2,154.00	\$2,154.00	06466036	Mar 06, 2020
Sign Dev Appl Fee - Digital Signs	\$467.00	\$467.00	06466036	Mar 06, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,707.16</u>	<u>\$2,707.16</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location



File: SDAB-D-20-063



N



ITEM III

FILE: SDAB-D-20-064

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 352993491-002

APPLICATION TO: Construct a Multi-unit Housing building (row house) with 4 Dwellings, and to develop Secondary Suites in the Basements

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 20, 2020

DATE OF APPEAL: May 9, 2020

NOTIFICATION PERIOD: April 28, 2020 through May 19, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10219 - 146 Street NW

LEGAL DESCRIPTION: Plan 1340W Blk A Lot 42

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:

We received a notice in the mail on April 22, 2020 regarding a Development Permit Notice in Grovenor pertaining to the site listed above and are looking to appeal this permit as the appeal notice period is April 28, 2020 – May 19, 2020.

**1. Zoning Restriction**

- **Section 140.4.4** states "The minimum Site Area for Duplex Housing, Semi-detached Housing, and Multi-unit Housing shall be 150 m<sup>2</sup> per principal Dwelling." Recently these restrictions for RF3 zoning have been loosened or removed entirely in order to allow for more RF3 zoned infill housing. Despite that fact this build still fails to meet the minimum requirements of the city as noted above. The city is in direct violation of their own bylaws that are set forth by granting approval of the development permit as it does not fit within the sizing requirements.
- I am deeply concerned with the recent bylaw amendment that now allows a build of this style to not require entrances to face a public roadway. This amendment significantly changes the number and type of lots that would deem this type of build acceptable, yet this lot still fails to meet the other minimum criteria in the bylaws.

## 2. Community Impact

- This build has 4 main dwellings as well as 4 secondary suites with parking only available to the primary suites. As a result, the residents of the secondary suites will have to park on the main roads, which will increase congestion for other surrounding homeowners.
- Due to the type of build, there is a good chance that the buyers of the developed properties will use these units as an income property because of the ability to rent out 2 separate suites. I am concerned with the negative impact that up to 8 rental suites could have on the surrounding neighbourhood vs. owner's purchasing the units and living in it themselves.
- The square footage of the secondary suites is approximately 500ft<sup>2</sup> below grade as well as no parking as mentioned above. There is concern that this type of housing will become low income rental units which would have a negative impact on surrounding home values and on the community in general.

<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

- fails or refuses to issue a development permit to a person,
- issues a development permit subject to conditions, or
- 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 clause (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(5), **Multi-unit Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 140.2(6), **Secondary Suites** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

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

development that consists of three or more principal Dwellings arranged in any configuration and in any number of buildings. This Use does not include Blatchford Townhousing or Blatchford Stacked Row Housing.

Under section 7.2(6), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and

sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from outside the structure. This Use Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Under section 6.1, **Dwelling** means:

- a. a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is suitable for permanent residence for a single Household; or
- b. a Sleeping Unit, for the purposes of calculating Density for Group Home or Lodging House Uses.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale 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.

<i>Site Area</i>
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Section 140.4(4) states “The minimum Site Area for Duplex Housing, Semi-detached Housing, and Multi-unit Housing shall be 150 m<sup>2</sup> per principal Dwelling.”

**Development Officers Determination**


**Site Area - The minimum Site Area is 581m<sup>2</sup> instead of 600m<sup>2</sup> (Section 140.4.4).**

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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>352993491-002</b> Application Date: JAN 23, 2020 Printed: May 11, 2020 at 7:55 AM Page: 1 of 7																																						
<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>	<table border="1"> <tr> <td colspan="2" data-bbox="829 527 1427 615"> <b>Property Address(es) and Legal Description(s)</b>                      10219 - 146 STREET NW                      Plan 1340W Blk A Lot 42                 </td> </tr> <tr> <td colspan="2" data-bbox="829 621 1427 653"> <b>Specific Address(es)</b> </td> </tr> <tr> <td data-bbox="829 659 922 680">Suite:</td> <td data-bbox="927 659 1427 680">1, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 686 922 707">Suite:</td> <td data-bbox="927 686 1427 707">2, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 714 922 735">Suite:</td> <td data-bbox="927 714 1427 735">3, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 741 922 762">Suite:</td> <td data-bbox="927 741 1427 762">4, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 768 922 789">Suite:</td> <td data-bbox="927 768 1427 789">BSMT1, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 795 922 816">Suite:</td> <td data-bbox="927 795 1427 816">BSMT2, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 823 922 844">Suite:</td> <td data-bbox="927 823 1427 844">BSMT3, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 850 922 871">Suite:</td> <td data-bbox="927 850 1427 871">BSMT4, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 877 922 898">Entryway:</td> <td data-bbox="927 877 1427 898">1, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 905 922 926">Entryway:</td> <td data-bbox="927 905 1427 926">2, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 932 922 953">Entryway:</td> <td data-bbox="927 932 1427 953">3, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 959 922 980">Entryway:</td> <td data-bbox="927 959 1427 980">4, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 987 922 1008">Entryway:</td> <td data-bbox="927 987 1427 1008">BSMT1, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 1014 922 1035">Entryway:</td> <td data-bbox="927 1014 1427 1035">BSMT2, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 1041 922 1062">Entryway:</td> <td data-bbox="927 1041 1427 1062">BSMT3, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 1068 922 1089">Entryway:</td> <td data-bbox="927 1068 1427 1089">BSMT4, 10219 - 146 STREET NW</td> </tr> <tr> <td data-bbox="829 1096 922 1117">Building:</td> <td data-bbox="927 1096 1427 1117">1, 10219 - 146 STREET NW</td> </tr> </table>	<b>Property Address(es) and Legal Description(s)</b> 10219 - 146 STREET NW Plan 1340W Blk A Lot 42		<b>Specific Address(es)</b>		Suite:	1, 10219 - 146 STREET NW	Suite:	2, 10219 - 146 STREET NW	Suite:	3, 10219 - 146 STREET NW	Suite:	4, 10219 - 146 STREET NW	Suite:	BSMT1, 10219 - 146 STREET NW	Suite:	BSMT2, 10219 - 146 STREET NW	Suite:	BSMT3, 10219 - 146 STREET NW	Suite:	BSMT4, 10219 - 146 STREET NW	Entryway:	1, 10219 - 146 STREET NW	Entryway:	2, 10219 - 146 STREET NW	Entryway:	3, 10219 - 146 STREET NW	Entryway:	4, 10219 - 146 STREET NW	Entryway:	BSMT1, 10219 - 146 STREET NW	Entryway:	BSMT2, 10219 - 146 STREET NW	Entryway:	BSMT3, 10219 - 146 STREET NW	Entryway:	BSMT4, 10219 - 146 STREET NW	Building:	1, 10219 - 146 STREET NW
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<b>Scope of Permit</b> To construct a Multi-unit Housing building (row house) with 4 Dwellings, and to develop Secondary Suites in the Basements.																																							
<b>Permit Details</b> <table border="1"> <tr> <td data-bbox="269 1352 824 1455">                     Class of Permit: Class B                      Gross Floor Area (sq.m.): 526.16                      New Sewer Service Required: Y                      Site Area (sq. m.): 581.37                 </td> <td data-bbox="829 1352 1427 1472">                     Contact Person:                      Lot Grading Needed?: Y                      NumberOfMainFloorDwellings: 4                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 526.16 New Sewer Service Required: Y Site Area (sq. m.): 581.37	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 4 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																																				
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<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Apr 20, 2020 <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 (Reference Section 17.1).  This Development Permit authorizes the development of a Multi-unit Housing (row house) building with 4 Dwellings, and to develop Secondary Suites in the Basements.																																							



Project Number: **352993491-002**  
 Application Date: JAN 23, 2020  
 Printed: May 11, 2020 at 7:55 AM  
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## Major Development Permit

The development shall be constructed in accordance with the stamped and approved drawings.

WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6).

Frosted or translucent glass treatment shall be used on windows to minimize overlook into adjacent properties (Reference Section 814.3.8).

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.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$472.00.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$6,698.00 (based on 2020 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.

Drainage Services Conditions:  
 Sanitary Sewer Trunk Charge (SSTC)

Based on our records, this property was never assessed for SSTC.

-SSTC is applicable to the property for 4 multi-family dwellings at the rate of \$1,222/dwelling and 4 Secondary Suits at the rate of \$758/suit under the current DP#352993491-002. The number of dwellings/secondary suites is based on the drawings submitted with this Application for Major Development Permit.

-Payment should be made at the Edmonton Service Centre, 2nd Floor, 10111 – 104 Avenue NW.

-For information purposes, the 2020 rate is \$1,222/dwelling and \$758/secondary suit. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment.

EPCOR Conditions:

1. A new water service must be constructed for this lot directly off EPCOR's water main along 146 Street NW or in the lane north of Stony Plain Road NW.
2. Prior to the turning on of the water service, 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 780-412-6800 for more information on how to provide the test results. Water Dispatch can provide information on the tie-in and commissioning procedure.
3. The applicant is required to construct approximately 131m of new water main complete with one new hydrant more or less as shown on the attached plan (DP352993491-002\_EPCOR Water Enclosure) at their expense. This work can be undertaken either under a Servicing Agreement or under EPCOR Water Services, Inc.'s New Water Distribution Mains capital program. For more information on the EPCOR New Water program, please contact EPCOR New Water at [waterdinfrastructure@epcor.com](mailto:waterdinfrastructure@epcor.com).
  - a. Fire Rescue Services (FRS), Fire Protection Engineer may be able to perform an Infill Fire Protection Assessment (IFPA) at development permit application to alter or lessen on-street fire protection infrastructure upgrades, assuming certain criteria are met. The applicant may request that the City Planner initiate this review.
  - b. A new cost share pilot program has started up in 2020 which may assist in offsetting any required infrastructure upgrades for the water system. Information about the new Infill Cost Share Program can be found at [www.epcor.com/infill-cost-share](http://www.epcor.com/infill-cost-share).



Project Number: **352993491-002**  
 Application Date: JAN 23, 2020  
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## Major Development Permit

4. 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 Development Officer.

### Transportation Conditions:

REVISED RESPONSE APRIL 7, 2020

1. All required landscaping for the development must be provided on site.
2. Permanent objects, including Fence must NOT encroach into or over/under road right-of-way.
3. There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; [www.digshaw.ca](http://www.digshaw.ca)) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
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:



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<p><a href="https://www.edmonton.ca/business_economy/oscam-permit-request.aspx">https://www.edmonton.ca/business_economy/oscam-permit-request.aspx</a> and  <a href="https://www.edmonton.ca/business_economy/documents/PDF/ConstructionSafety.pdf">https://www.edmonton.ca/business_economy/documents/PDF/ConstructionSafety.pdf</a></p>	
<p>4. Any alley, sidewalk, 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.</p>	
<p><b>Subject to the Following Advisements</b></p>	
<p>Zoning Advisements:  Signs require separate Development Applications.</p>	
<p>Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or <a href="mailto:lot.grading@edmonton.ca">lot.grading@edmonton.ca</a> for lot grading inspection inquiries.</p>	
<p>Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.</p>	
<p>Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.</p>	
<p>An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)</p>	
<p>A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.</p>	
<p>Drainage Services Advisements:  This advisement identifies the development assessments applicable to the property located at 10219-146 Street NW (Plan 1340W Blk A Lot 42; Grovenor).</p>	
<p><b>APPLICABLE ASSESSMENTS</b></p>	
<p>1. Permanent Area Contribution (PAC)</p>	
<p>-Storm and Sanitary PACs are not applicable, since the property is not within any active PAC basin.</p>	
<p>2. Expansion Assessment (EA)</p>	
<p>-Expansion Assessment is not applicable, since the property is outside the current Expansion Assessment Area.</p>	
<p>3. Arterial Roadway Assessment (ARA)</p>	
<p>-Arterial Roadway Assessment is not applicable, since the property is outside the current ARA Catchment Area.</p>	
<p><b>Additional Notes</b></p>	
<p>a. The above assessment is made based on information currently available to our Department. Should such information change in the future, a new assessment may be made.</p>	
<p>b. In addition to the above items, the applicant/owner may need to pay for the installation cost of sewer services to the property line. For details, please contact EPCOR Drainage.</p>	

## Major Development Permit

c. More information about the above charges can be found on the City of Edmonton's website:

o Permanent Area Contributions

[https://www.edmonton.ca/city\\_government/utilities/permanent-area-contributions.aspx](https://www.edmonton.ca/city_government/utilities/permanent-area-contributions.aspx)

o Sanitary Servicing Strategy Expansion Assessment

[https://www.edmonton.ca/city\\_government/utilities/expansion-assessment-charge-ea.aspx](https://www.edmonton.ca/city_government/utilities/expansion-assessment-charge-ea.aspx)

o Arterial Roadway Assessment

[https://www.edmonton.ca/projects\\_plans/roads/design\\_planning/arterial-roadway-assessments.aspx](https://www.edmonton.ca/projects_plans/roads/design_planning/arterial-roadway-assessments.aspx)

o Sanitary Sewer Trunk Charge

[https://www.edmonton.ca/city\\_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx](https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx)

EPCOR Advisements:

1. 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.

2. The site is currently serviced by a 20mm copper water service located at 5.8m south of the north property line of Lot 42. The applicant is to contact EPCOR Customer Service 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.

a. The existing service is 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.

b. In reference to our Terms of Service, water services cannot extend from one property to another. Any private service lines crossing the existing/proposed property lines must be identified and relocated at the owner's expense.

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

4. EPCOR Water Services, Inc. does not review on-site servicing. It is the applicant's responsibility to obtain the services of a professional to complete onsite water distribution design.

5. There is a deficiency in on-street hydrant spacing adjacent to the property. City of Edmonton Standards requires hydrant spacing of 90m for the current zoning. Although there is an existing hydrant adjacent to the site approximately 24m away, the hydrant spacing between the two closest hydrants is approximately 100m and the hydrant spacing along 146 Street NW is approximately 168m. This does not meet the spacing requirement.

6. The depth of the site means that on-street fire protection will be unable to provide coverage over the complete site area. The applicant is advised to contact Fire Rescue Services for additional on-site fire protection requirements.

Fire Rescue Services Advisements:


Part 9 Buildings – Access Guidelines

Edmonton Fire Rescue Services Access Guidelines for Part 9 Buildings specify that the unobstructed travel path (measured from a fire department vehicle to the entry of the building) must be a minimum 1.5m of clear width (gates must be non-locking) and no greater than 45m.

Note that a restrictive covenant may be required to ensure path remains clear of equipment, storage, or structures. Specific to this development, please ensure that this minimum access width is maintained from the road to the rear entry unit as well as the principal entrance facing the street.

Hydrants Functional

Provide the location(s) of the fire hydrants in proximity to the development. Confirm that these hydrants are fully functional prior to construction.

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<p><b>Fire Safety Plan</b>          Ensure that a Fire Safety Plan is prepared for this project, in accordance with the EFRS Construction Site Fire Safety Plan Template:  <a href="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></p> <p><b>Adjacent Property Protection</b>          Ensure that the protection of adjacent properties has been provided in accordance with EFRS Adjacent Property Protection Guidelines and AFC 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:  <a href="https://www.edmonton.ca/programs_services/fire_rescue/adjacent-property-protection.aspx">https://www.edmonton.ca/programs_services/fire_rescue/adjacent-property-protection.aspx</a></p> <p><b>Reference: AFC 5.6.1.2 Protection of Adjacent Building</b>          1) Protection shall be provided for adjacent buildings or facilities that would be exposed to fire originating from buildings, parts of buildings, facilities and associated areas undergoing construction, alteration or demolition operations.</p> <p><b>Transportation Advisements:</b>          1. Building Great Neighbourhoods is tentatively scheduling neighbourhood renewal in Grovenor for the 2023 construction season.</p> <p><b>Waste Management Advisements:</b>          Information on some of the requirements below is available on our  <a href="https://www.edmonton.ca/programs_services/documents/City_of_Edmonton_Waste_Storage_Requirements.pdf">https://www.edmonton.ca/programs_services/documents/City_of_Edmonton_Waste_Storage_Requirements.pdf</a></p> <p>Please feel free to send a copy of the proposed building and location of the waste storage to ensure the City standards are met and the design will be functional for the waste pickup.</p> <p>I have reviewed the site plan for this project and offer the following comments:</p> <p>This is a residential property and therefore falls under the City of Edmonton bylaw 18590, requiring the waste services is provided by the City of Edmonton.</p> <p>This site with 4 units would receive approximately 1 cubic yards of garbage service and 0.5 cubic yards of recycle service per week for the residential units.</p> <p>This site with 4 units would receive hand collection as the method of pickup for garbage and recycle. The minimum can per resident is two which would require a total of 8 cans. Waste Services recommends storing each of the residential cans in waste enclosure and/or garages until collection days. On collection days, the resident and/or property manager will be responsible to move the cans to the lane for service.</p> <p><b>Other issues to include:</b></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>          Site Area - The minimum Site Area is 581m<sup>2</sup> instead of 600m<sup>2</sup> (Section 140.4.4).</p> <p><b>Rights of Appeal</b>          This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.</p>	



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## Major Development Permit

**Notice Period Begins:** Apr 28, 2020      **Ends:** May 19, 2020

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Lot Grading Fee	\$0.00			
Development Permit Inspection Fee	\$0.00			
Sanitary Sewer Trunk Fund 2012+	\$0.00			
Major Dev. Application Fee	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$0.00</u>	<u>\$0.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-064

