

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
June 7, 2017**

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

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

I	9:00 A.M.	SDAB-D-17-100	Construct 174 units of Apartment Housing (2 Buildings, each with 87 Dwellings) and Accessory Building (shed storage) 1665 - Jamha Road NW Project No.: 238265722-001
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-100

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

APPELLANT:

APPLICATION NO.: 238265722-001

APPLICATION TO: Construct 174 units of Apartment Housing (2 Buildings, each with 87 Dwellings) and Accessory Building (shed storage)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: April 27, 2017

DATE OF APPEAL: May 15, 2017

NOTIFICATION PERIOD: May 4, 2017 through May 18, 2017 (Page 5 of Permit)

RESPONDENT:

ADDRESS OF RESPONDENT: 1665 Jamha Road NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1665 Jamha Road NW

LEGAL DESCRIPTION: Plan 1524202 Blk 9 Lot 1

ZONE: DC2.891 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Burnewood Neighbourhood Area Structure Plan

Grounds for Appeal

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

1. Traffic congestion onto and off 50th street and parking on Jamha road.
2. Sun shadowing of 4 story building onto bungalows below running southwest to northeast.

3. Jackson heights was developed as an upscale neighbourhood to attract volunteers/ families who were upgrading and moving out of millwoods

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.

685(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 within 14 days,

...

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given *in accordance with the land use bylaw*. [emphasis added]

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.2 Class B Development

1. Within seven days of the issuance of a Development Permit for a Class B Discretionary Development, the Development Officer shall dispatch a written notice by ordinary mail to all relevant parties listed below that are wholly or partially within 60.0 m of the boundaries of the Site which is the subject of the Development Permit:

- a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land;
 - c. the President of each Community League; and
 - d. the President of each Business Revitalization Zone.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
 3. Within 10 days of the issuance of a Development Permit for Class B Discretionary Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating their decision, and the right to appeal therefrom.
 4. Where, in the opinion of the Development Officer, a proposed development is likely to affect other owners of land beyond 60.0 m, the Development Officer shall notify owners of land at such additional distance and direction from the Site as, in the opinion of the Development Officer, may experience any impact attributable to the development.

The decision of the Development Officer is dated April 27, 2017. Notice of the development was published in the Edmonton Journal on May 4, 2017. The Notice of Appeal was filed on May 15, 2017.

Direct Control Districts

The *Municipal Government Act* states:

Designation of direct control districts

641(1) The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (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.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 2.981.1 states that the **General Purpose** of the **DC2.891 Site Specific Development Control Provision** is:

...to accommodate the development of two (2) low rise apartment buildings a maximum of 4 storeys in height that are compatible with the surrounding neighborhood.

Under Section 2.981.3(1), **Apartment Housing** is a **Listed Use**.

Section 7.2(1) states:

Apartment Housing means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use.

Section 6.1(2) states:

Accessory means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site;

Discretionary Development

No variances were listed by the Development Authority, though it was noted that the proposed development is a "Discretionary Development – The Site is designated Direct Control (Direct Control (Section DC2.891))".

Notice to Applicant/Appellant


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



Project Number: **238265722-001**
Application Date: DEC 29, 2016
Printed: May 29, 2017 at 3:38 PM
Page: 1 of 5

Major Development Permit

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

Applicant 	Property Address(es) and Legal Description(s) 1665 - JAMHA ROAD NW Plan 1524202 Blk 9 Lot 1
	Specific Address(es) Entryway: 1665 - JAMHA ROAD NW Entryway: 1671 - JAMHA ROAD NW Building: 1665 - JAMHA ROAD NW Building: 1671 - JAMHA ROAD NW

Scope of Permit
To construct 174 units of Apartment Housing (2 Buildings, each with 87 Dwellings) and Accessory Building (shed storage).

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): 16563.4 New Sewer Service Required: Y Site Area (sq. m.): 18619.98	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 174 Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Appealed to SDAB

The permit holder is advised to read the reverse for important information concerning this decision.



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Major Development Permit

Subject to the Following Conditions

This Development Permit authorizes the proposed development to construct 174 units of Apartment Housing (2 Buildings, each with 87 Dwellings) and Accessory Building (shed storage).

The Site shall be developed in accordance with the stamped, signed, and conditionally approved drawings.

When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until:

- a. any conditions of approval, except those of a continuing nature, have been fulfilled; and
- b. the time for filing a notice of appeal to the Subdivision and Development Appeal Board as specified in subsection 21.1 of this Bylaw and the Municipal Government Act has passed.

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

Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51).

A minimum of one development permit notification sign on Site must be posted by the applicant in accordance with Section 20.2 of this Bylaw. (Reference Section 15.9).

The Development Permit Notification Sign must be posted on-site prior to any demolition or construction activity and within 14 days after the Notification Period expires with no appeal .

Landscaping shall be in accordance to the approved landscape plan, Section 55 and to the satisfaction of the Development Officer.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is completed in accordance with the approved landscape plan, Section 55 and to the satisfaction of the Development Officer, and is maintained for two growing seasons. It should be sent attention to the Development Officer and be accompanied by an estimate of the work to be done. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

- a) cash to a value equal to 100% of the established landscaping costs; or
- b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs (see enclosed for Requirements).

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$194,532.00. The SSTC charge is quoted at year 2017 rate. Please contact Private Development, Drainage Services, at 780-496-5665 for further details regarding the fee. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 2nd Floor, Edmonton Tower, 10111 104 Avenue NW, Edmonton AB T5J 0J4.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$9,790.00.

ADVISEMENTS:

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

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the ~~Edmonton Zoning Bylaw~~ ~~to determine compliance with the provisions of the~~ ~~with such conditions, including but not limited to, as may be required.~~

The permit holder is advised to read the reverse for important information concerning this decision.



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Major Development Permit

Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

Principles of Crime Prevention Through Environmental Design (CPTED) shall be considered as per Section DC2.891.4.s.

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

Signs require separate Development Applications.

NOTE: 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.

TRANSPORTATION CONDITIONS:

1. The proposed 10 m access to Jamha Road located approximately 70.3 m from the west property line, as shown on the Enclosure, is acceptable to Transportation Planning and Engineering. The proposed access must be constructed as a commercial crossing access as per the City of Edmonton Design and Construction Standards and aligned with the centerline of Jarvis Crescent to the north.
2. The existing one-directional curb ramp at the southwest side of the intersection of Jamha Road and Jarvis Crescent, as shown on the Enclosure, conflicts with the proposed 10 m access to Jamha Road. This curb ramp must be removed and reconstructed with a minimum 1.0 m clearance maintained between the eastern edge of the curb ramp and the western edge of the flare for the proposed 10 m access.
3. The existing bus stop #3396 on Jamha Road must be removed and reconstructed to a 9 m x 4 m concrete bus stop amenities pad located 25 m east of the proposed 10 m access, as shown on the Enclosure.
4. There is an existing streetlight on the south side of Jamha Road that conflicts with the proposed 10 m access, as shown on the Enclosure. This streetlight must be removed and relocated a minimum 1.5 m from the proposed access. All costs associated with removal and relocation of the streetlight must be borne by the owner/applicant. The applicant must contact Nick Shapka at 780-412-3089 of EPCOR Technology & Meter Services Services for more information.
5. The owner must enter into a Municipal Improvement Agreement with the City for the following improvements:
 - a) construction of the proposed 10 m commercial crossing access to Jamha Road located approximately 70.3 m from the west property line and aligned with the centerline of Jarvis Crescent;
 - b) removal of the existing one-directional curb ramp at the southwest side of the intersection of Jamha Road and Jarvis Crescent and reconstruction with a minimum 1.0 m clearance between the eastern edge of the curb ramp and the western edge of the flare for the proposed 10 m access;
 - c) removal of the existing bus stop #3396 on Jamha Road and reconstruction to a 9 m x 4 m concrete bus stop amenities pad located 25 m east of the proposed 10 m access; and
 - d) removal and relocation of the existing streetlight that conflicts with the proposed 10 m access.

The Municipal Improvement Agreement must be signed PRIOR to the release of the drawings for Building Permit review. The Agreement must be signed by the property owner and returned to Transportation Planning and Engineering to the attention of Annie Duong (780-496-1799) including an irrevocable Letter of Credit in the amount of \$38,000 to cover 100% of construction

The permit holder is advised to read the reverse for important information concerning this decision.



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Major Development Permit

costs. The Agreement will be forwarded directly to the owner for his signature. Engineering Drawings are not required for this Agreement. However, construction must meet the City of Edmonton Design and Construction Standards and the owner must contact Annie Duong (780-496-1799) of Transportation Planning and Engineering at least 48 hours prior to construction to coordinate inspections.

It is understood that at the time of this review, the land ownership transfer has not yet been finalized and the legal information of the future land owner is not yet known. The owner/applicant shall request the Municipal Improvement Agreement documents once the legal information for the future land owner has been finalized. Please contact Peter Sontrop of Transportation Planning and Engineering at 780-442-3243 to prepare the documents.

6.The proposed connector sidewalks from the subject site to tie into the City sidewalk on the south side of Jamha Road, and to tie into the existing walkway on the east side of the site, as shown on the Enclosure, are acceptable to Transportation Planning and Engineering. Any proposed gates must either swing into the property or slide along the fence. No objects are permitted to encroach onto, over or under road right-of-way.

7.There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) 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.

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

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

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

http://www.edmonton.ca/transportation/on_your_streets/on-street-construction-maintenance-permit.aspx

9.Any sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Planning and Engineering, as per Section 15.5(f) of the Zoning Bylaw. The sidewalks and boulevard will be inspected by Transportation Planning and Engineering prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

TRANSPORTATION ADVISEMENTS:

- 1.Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or within the hoarded area.
- 2.Transit service is provided along Jamha Road.

Variances

Discretionary Development - The Site is designated Direct Control (Direct Control (Section DC2.891))

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.

Issue Date: Apr 27, 2017 Development Authority: ANGELES, JOSELITO Signature: _____

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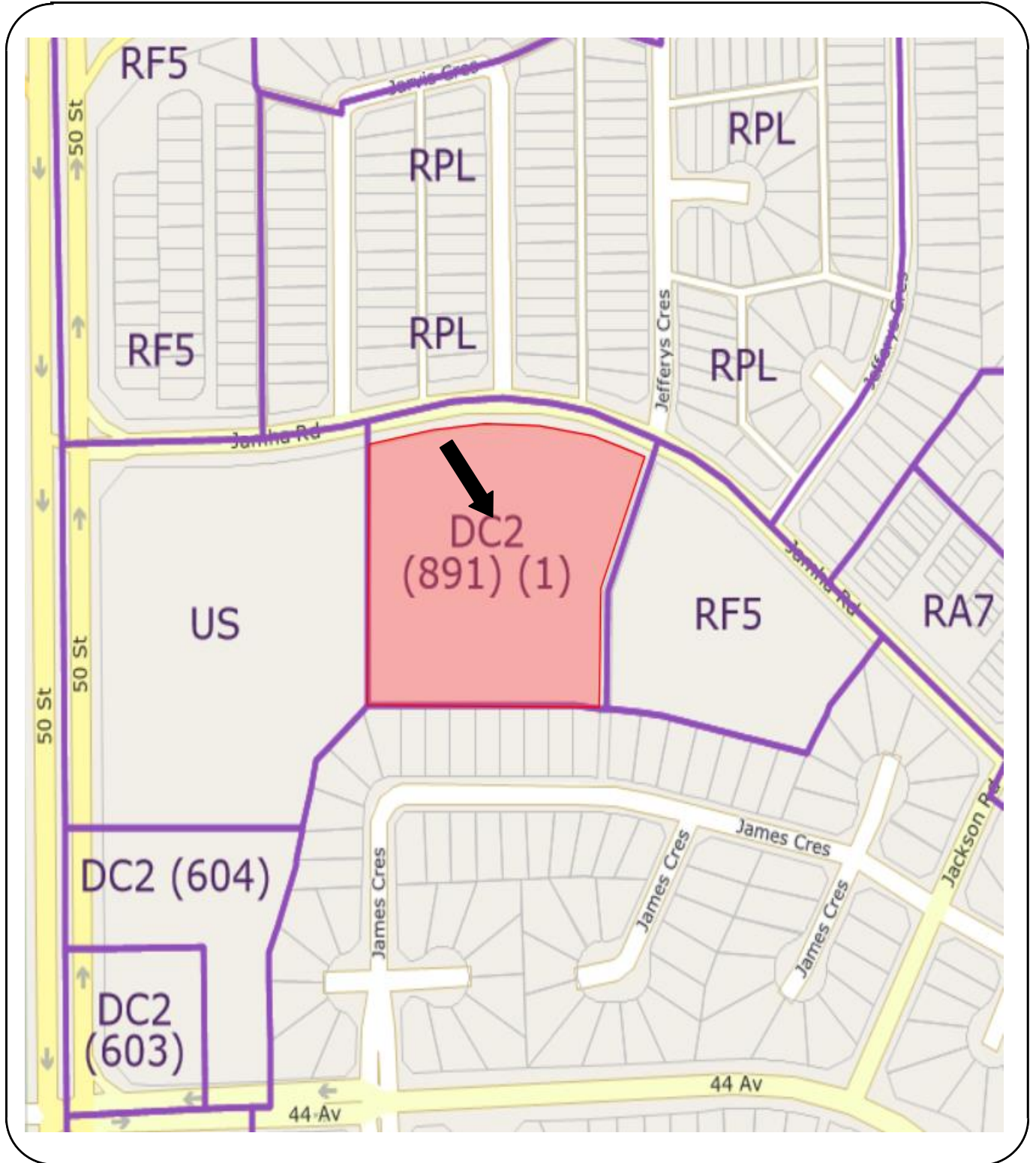
Major Development Permit

Notice Period Begins: May 04, 2017 **Ends:** May 18, 2017

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee # of dwelling units	\$11,900.00	\$11,900.00	03834347	Dec 29, 2016
DP Notification Fee	\$102.00	\$102.00	03834347	Dec 29, 2016
Major Dev. Application Fee	\$786.00	\$786.00	03834347	Dec 29, 2016
Sanitary Sewer Trunk Fund 2012+	\$194,532.00			
Lot Grading Fee	\$9,790.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$217,110.00	\$12,788.00		
(\$204,322.00 outstanding)				

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-100

