

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
March 14, 2018**

**River Valley Room
City Hall, 1 Sir Winston
Churchill Square NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
RIVER VALLEY ROOM – CITY HALL**

I	9:00 A.M.	SDAB-D-18-040	Construct and operate a temporary, surface Non-accessory Parking Lot (58 vehicular parking stalls, valid for up to 6 months from March 1, 2018 to August 31, 2018) 11540 / 11558 - Jasper Avenue NW Project No.: 273063464-001
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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-18-040

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 273063464-001

APPLICATION TO: Construct and operate a temporary, surface Non-accessory Parking Lot (58 vehicular parking stalls, valid for up to 6 months from March 1, 2018 to August 31, 2018)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 14, 2018

DATE OF APPEAL: February 15, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11540 / 11558 - Jasper Avenue NW

LEGAL DESCRIPTION: Plan B3 Blk 15 Lots 81-83

ZONE: DC1 Direct Development Control Provision (Area 8 of the Oliver Area Redevelopment Plan)

OVERLAY: N/A

STATUTORY PLAN: Oliver Area Redevelopment Plan

Grounds for Appeal

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

Development permit application is temporary for six months.

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

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

Appeals

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

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

General Provisions from the *Oliver Area Redevelopment Plan*:

Under section 15.9.3(hh), **Non-accessory Parking** is a **listed Use** in the DC2 Direct Development Control Provision (Area 8 of the Oliver Area Redevelopment Plan) ("DC2 – Area 8")

Section 15.9.2 states that the **Rationale** of **DC2 – Area 8** is:

To provide for a range of uses, with the objective of promoting the continuing development of a pedestrian oriented commercial strip in terms of land use activities and design elements. The District also provides opportunity for the inclusion of residential uses above the ground floor level.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 7.4(41), **Non-accessory Parking** means:

development providing vehicular parking which is not primarily intended for the Use of residents, employees or clients of a particular development. Typical Uses include surface parking lots and parking structures located above or below Grade.

Oliver Area Redevelopment Plan

Section 3.4 under Plan Objectives states:

To support and encourage the strengthening of the Jasper Avenue commercial strip as the major focus of retail and service commercial activity, particularly pedestrian-oriented activity, in the area. This may include forging links with the adjacent commercial areas of 124 Street and Downtown.

Development Officer's Determination:

1) The proposed development is a surface, Non-accessory Parking lot, that does not meet the following policies of the Oliver Area Redevelopment Plan (ARP):

a) The proposed development does not support and encourage the strengthening of the Jasper Avenue commercial strip as the major focus of retail and service commercial activity, particularly pedestrian-oriented activity, in the area. (Reference: Oliver Area Redevelopment Plan, Section 3.4, page 6)) [unedited]

Section 8.5.1(2) under Sub Area 4 states:

Lands immediately adjacent to Jasper Avenue shall be developed for a broad range of general retail, service commercial and business support services, oriented to both local and regional shoppers. Residential uses on upper storeys is allowed but not required. Uses which support high pedestrian levels and usage are encouraged. Auto oriented uses, and residential uses, beyond those which presently exist, are discouraged.

Development Officer's Determination:

b) The proposed surface, Non-accessory Parking lot, is located immediately adjacent to Jasper Avenue, and is not developed as a broad range of general retail, service commercial and business support services, oriented to both local and regional shoppers...Auto oriented uses, and residential uses, beyond those which presently exist, are discouraged. (Reference: Oliver Area Redevelopment Plan, Section 8.5.1(2), page 28)) [unedited]

Section 8.5.1(3) under Sub Area 4 states:

Design of any redevelopment along Jasper Avenue should include provisions for outdoor seating and assembly, should provide strong visual interest at ground floor levels, and should orient parking and loading to the rear of the building, to be accessed from the rear lane. Developments should have articulated facades to heighten visual interest, and avoid long monolithic facades. Intensive use of display windows and doors is encouraged, and blank walls are discouraged. Design measures must be included to reduce negative impacts such as noise, light, odours and negative visual elements on the residential area north of the lane. The development of nonaccessory parking fronting directly on Jasper Avenue is discouraged.

Development Officer's Determination:

c) Design of any redevelopment along Jasper Avenue should include provisions for outdoor seating and assembly, should provide strong visual interest at ground floor levels, and should orient parking and loading to the rear of the building, to be accessed from the rear lane... The development of non-accessory parking fronting directly on Jasper Avenue is discouraged. (Reference: Oliver Area Redevelopment Plan, Section 8.5.1(3), page 28-29) [unedited]

Edmonton Zoning Bylaw

Section 55.3(1)(b) under General Planting Requirements states:

for new development consisting of Residential-Related Use Classes, Commercial Use Classes, Industrial Use Classes, Basic Services Use Classes, and Community, Educational, Recreational and Cultural Service Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:

- i. one tree for each 25 m² and one shrub for each 15 m² of Setback;

- ii. one tree for each 20 m² and one shrub for each 10 m² of parking area islands, as determined by subsection 54.2(3); and
- iii. in no case shall there be less than one tree per parking area island.

Development Officer's Determination:

The proposed development, a surface, Non-accessory Parking lot, does not meet the following provisions of the Zoning Bylaw 12800:

2) Landscaping:

a) Landscaping shall be provided for new development consisting of Commercial Use Classes, the number of trees and shrubs provided shall be determined on the basis of Section 55.3(1)(b). [unedited]

Section 55.3(1)(e) under General Planting Requirements states:

all open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.

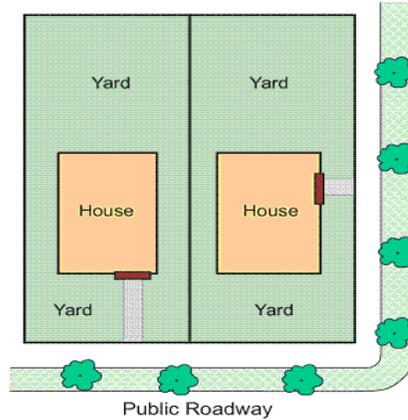
Section 15.9.4(f) of DC2 – Area 8 states “In order to promote the formation of a pedestrian-oriented shopping street, no minimum Front Yard shall be required.”

Section 15.9.4(g) of DC2 – Area 8 states “The minimum Rear Yard shall be 7.5m, except that this may be reduced to 2.0m provided adequate access is provided for service vehicles and parking.”

Section 15.9.4(h) of DC2 – Area 8 states “A minimum Side Yard of 2.0m shall be required where a lot abuts a flanking roadway other than a lane.”

Under section 6.1(124), **Yard** means:

the part of a Site unoccupied by any portion of a building or structure 1.0 m or more above Grade, unless otherwise permitted in this Bylaw. A Yard is not a Setback, Amenity Area or Separation Space.



Development Officer's Determination:

b) All open space including Front Yards, Rear Yards, Side Yards and Yards, and Setback areas shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. (Reference: Section 55.3(1)(e)) Within the DC1, Area 8, of the Oliver ARP, the minimum yards are: no minimum Front Yard, minimum Rear Yard shall be 7.5 m, and a minimum Side Yard of 2.0 m. [unedited]

Section 55.5(2) under General (Landscaping) Requirements states:

The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

Development Officer's Determination:

c) The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways. (Reference: Section 55.5(2)) [unedited]

Section 55.7(1)(a)(b)(iv) under Additional Landscaping Regulations for Specific Land Uses states:

The Development Officer may require Landscaping in addition to that specified in Section 55 if:

- a. there is a likelihood that the proposed development will generate undesirable impacts on surrounding Sites and between Uses within the development, such as poor appearance, excessive noise, light, odours, traffic, litter or dust;
- b. such additional Landscaping is warranted due to combinations of Uses including, but not limited to the following:
 - ...
 - iv. any Non-accessory Parking

Development Officer's Determination:

d) The Development Officer may require Landscaping in addition to that specified in Section 55, if such additional Landscaping is warranted due to combinations of Uses including Non-accessory Parking. (Reference: Section 55.7(1)(a)(b)(iv)) [unedited]

Section 55.5(5) under General (Landscaping) Requirements states:

Any parking lot having eight or more parking spaces that is visible from an Abutting Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a LRT line, shall have perimeter planting. The location, length, thickness and Height of such perimeter planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to provide substantial interruption of the view of the parking lot.

Development Officer's Determination:

e) Any parking lot having eight or more parking spaces that is visible from an Abutting Site in a Commercial Zone, or from a public roadway other than a Lane, shall have perimeter planting. (Reference: Section 55.5(5))

The applicant is proposing no landscaping, contrary to the above referenced Sections of the Landscaping regulations. [unedited]

Section 54.2(3)(b) under Landscaped Islands Within Parking Areas states:

For parking areas containing parking for 40 or more vehicles, a minimum of two landscaped islands shall be required. These islands shall be placed to provide visual relief, to assist vehicular circulation and to organize large areas of parking into smaller cells. The number of islands provided shall be to the satisfaction of the Development Officer.

Development Officer’s Determination:

3) For parking areas containing parking for 40 or more vehicles, a minimum of two landscaped islands shall be required. These islands shall be placed to provide visual relief, to assist vehicular circulation and to organize large areas of parking into smaller cells. The number of islands provided shall be to the satisfaction of the Development Officer. (Reference: Section 54.2(3)(b))

No landscaped parking islands are proposed, contrary to Section 54.2(3)(b). [unedited]

Section 54.1(3)(a) under Parking for People with Disabilities states:

Parking spaces for the disabled shall:

- i. be provided in accordance with the Alberta Building Code in effect at the time of the Development Permit application, for which no discretion exists;
- ii. be included, by the Development Officer, in the calculation of the applicable minimum parking requirement; and
- iii. be identified as parking spaces for the disabled through the use of appropriate signage, in accordance with Provincial standards.

Development Officer’s Determination:

4) Disabled Parking Spaces shall be provided in accordance to Section 54.1(3).

No Disabled Parking Spaces are proposed, contrary to Section 54.1(3). [unedited]

<i>Previous Subdivision and Development Appeal Board Decision</i>

Application Number	Description	Decision
SDAB-D-16-010	To operate a Temporary Non Accessory Parking Lot for 2 Years (December 2015 - December, 2017)	The appeal is DENIED and the decision of the Development Authority is CONFIRMED.

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: 273063464-001
Application Date: JAN 23, 2018
Printed: February 15, 2018 at 3:20 PM
Page: 1 of 3

Application for Major Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant

Property Address(es) and Legal Description(s)

11540 - JASPER AVENUE NW
Plan B3 Blk 15 Lot 81
11558 - JASPER AVENUE NW
Plan B3 Blk 15 Lots 82-83

Scope of Application

To construct and operate a temporary, surface Non-accessory Parking lot (58 vehicular parking stalls, valid for up to 6 months from March 1, 2018 to August 31, 2018).

Permit Details

Class of Permit: Class B
Gross Floor Area (sq.m.):
New Sewer Service Required: N
Site Area (sq. m.): 2217.78

Contact Person:
Lot Grading Needed?: N
NumberOfMainFloorDwellings:
Stat. Plan Overlay/Annex Area: Oliver

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **273063464-001**
 Application Date: JAN 23, 2018
 Printed: February 15, 2018 at 3:20 PM
 Page: 2 of 3

Application for Major Development Permit

Reason for Refusal

1) The proposed development is a surface, Non-accessory Parking lot, that does not meet the following policies of the Oliver Area Redevelopment Plan (ARP):

a) The proposed development does not support and encourage the strengthening of the Jasper Avenue commercial strip as the major focus of retail and service commercial activity, particularly pedestrian-oriented activity, in the area. (Reference: Oliver Area Redevelopment Plan, Section 3.4, page 6))

b) The proposed surface, Non-accessory Parking lot, is located immediately adjacent to Jasper Avenue, and is not developed as a broad range of general retail, service commercial and business support services, oriented to both local and regional shoppers...Auto oriented uses, and residential uses, beyond those which presently exist, are discouraged. (Reference: Oliver Area Redevelopment Plan, Section 8.5.1(2), page 28))

c) Design of any redevelopment along Jasper Avenue should include provisions for outdoor seating and assembly, should provide strong visual interest at ground floor levels, and should orient parking and loading to the rear of the building, to be accessed from the rear lane... The development of non-accessory parking fronting directly on Jasper Avenue is discouraged. (Reference: Oliver Area Redevelopment Plan, Section 8.5.1(3), page 28-29)

The proposed development, a surface, Non-accessory Parking lot, does not meet the following provisions of the Zoning Bylaw 12800:

2) Landscaping:

a) Landscaping shall be provided for new development consisting of Commercial Use Classes, the number of trees and shrubs provided shall be determined on the basis of Section 55.3(1)(b).

b) All open space including Front Yards, Rear Yards, Side Yards and Yards, and Setback areas shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. (Reference: Section 55.3(1)(e)) Within the DC1, Area 8, of the Oliver ARP, the minimum yards are: no minimum Front Yard, minimum Rear Yard shall be 7.5 m, and a minimum Side Yard of 2.0 m.

c) The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways. (Reference: Section 55.5(2))

d) The Development Officer may require Landscaping in addition to that specified in Section 55, if such additional Landscaping is warranted due to combinations of Uses including Non-accessory Parking. (Reference: Section 55.7(1)(a)(b)(iv))

e) Any parking lot having eight or more parking spaces that is visible from an Abutting Site in a Commercial Zone, or from a public roadway other than a Lane, shall have perimeter planting. (Reference: Section 55.5(5))

The applicant is proposing no landscaping, contrary to the above referenced Sections of the Landscaping regulations.

3) For parking areas containing parking for 40 or more vehicles, a minimum of two landscaped islands shall be required. These islands shall be placed to provide visual relief, to assist vehicular circulation and to organize large areas of parking into smaller cells. The number of islands provided shall be to the satisfaction of the Development Officer. (Reference: Section 54.2(3)(b))

No landscaped parking islands are proposed, contrary to Section 54.2(3)(b).

4) Disabled Parking Spaces shall be provided in accordance to Section 54.1(3).

No Disabled Parking Spaces are proposed, contrary to Section 54.1(3).

THIS IS NOT A PERMIT



Project Number: 273063464-001
Application Date: JAN 23, 2018
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Page: 3 of 3

Application for Major Development Permit

Rights of Appeal

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Feb 14, 2018 Development Authority: LOUIE, CINDY

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$510.00	\$510.00	04758441	Jan 23, 2018
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$510.00	\$510.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-040

