

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
March 11, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-040

Place on site, 9 seacans as a storage structure/building to a General Retail Store on the main floor and Professional, Financial, and Office Support on the second floor

10158 - 156 Street NW
Project No.: 365285742-002

II 1:30 P.M. SDAB-D-21-041

Change the Use from a Personal Service Shop to a Cannabis Retail Sales use and to construct interior alterations

6627 - 177 Street NW
Project No.: 381264021-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-040

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 365285742-002

APPLICATION TO: Place on site, 9 seacans as a storage structure/building to a General Retail Store on the main floor and Professional, Financial, and Office Support on the second floor

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 22, 2021

DATE OF APPEAL: February 11, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10158 - 156 Street NW

LEGAL DESCRIPTION: Plan 1924AM Blk 1 Lots 9-10

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Jasper Place Area Redevelopment Plan

Grounds for Appeal

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

We would like to appeal for the following reasons. Please take these into consideration.

1. Since the City of Edmonton has no policies in place in regards to sea cans, we had placed most of them on our property 15 years ago and have never had any issues or complaints from our long term tenants or

neighbours. Most of our tenants have been here for over 5 years and some as long as 10 years.

2. As one of the reasons given for the rejection of the Permit was a continuous wall of 20 meters or more, this issue should not apply, as the true measurements are 17.83 meters.

3. We have been keeping the building and the area around the containers extremely well maintained and clean. We take pride in ownership of this building. When the containers were not there, we had people dump beds and furniture into the South West corner of our property as it is adjacent to the garbage bins of the nearby apartment building. This was a real problem as we often had to dispose of the rubbish ourselves.

4. Due to absolute necessity of the Containers for storing merchandise for our business, we cannot afford losing them as our business is fully dependant on this extra stock. Our business has been operating in this fashion for many many years. We have people from all over the city and surrounding areas coming to our Craft Shop as the selection that we offer does not compare to others.

5. With Business already being at extreme low levels, we would have no option but to close our operations as renting storage or another location would certainly not be feasible. We have 15 loyal employees at our business that have all been with us for over 10 years. They rely on this consistent job and the income it provides.

6. We would be willing to paint or fence in the containers in order for them to match the exterior of the building or anything else necessary to comply without having to move them.

General Matters

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

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
 - or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to 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(7), **General Retail Stores**, up to a maximum Floor Area of 1 000 m² of Public Space, is a **Permitted Use** in the **(CB1) Low Intensity Business Zone**.

Under section 330.2(13), **Professional, Financial and Office Support Services** is a **Permitted Use** in the **(CB1) Low Intensity Business Zone**.

Under section 330.3(11), **General Retail Stores**, with a Floor Area greater than 1 000 m², is a **Discretionary Use** in the **(CB1) Low Intensity Business Zone**.

Under section 7.4(24), **General Retail Stores** means:

development used for the retail or consignment sale of new goods or merchandise within an enclosed building, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold wholesale. Accessory Uses may include the assembly or repair of products sold on Site, or minor public services such

as postal services or pharmacies. This Use does not include Aircraft Sales/Rentals, Automotive and Minor Recreation Vehicle Sales/Rentals, Cannabis Retail Sales, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Garden Centres, Pawn Stores, Liquor Stores, Major Service Stations, Minor Service Stations, Secondhand Stores, and Warehouse Sales.

Under section 7.4(42), **Professional, Financial and Office Support Services** means:

development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical Uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.

Under section 6.1, **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.”

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, and limited Residential-related 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.

General Performance Standards for Non-industrial Developments

Section 57.3(1) states:

In all non-industrial developments, the design and use of exterior finishing materials shall be to the satisfaction of the Development Officer who shall ensure, as far as reasonably practicable, proposed buildings and structures shall use materials similar to, or better than, the standard of surrounding development.

Development Officer's Determination

1) Section 57.3.General Performance Standards for Non-industrial Developments - In all non-industrial developments, the design and use of exterior finishing materials shall be to the satisfaction of the Development Officer who shall ensure, as far as reasonably practicable, proposed buildings and structures shall use materials similar to, or better than, the standard of surrounding development.

The proposed development is the placement of 9 seacans used as structures for additional floor space to the existing. The seacan structures do not use materials similar to, or better than, the standard of the building on site, as well as surrounding development. The existing exterior materials of the building on site consists of brick and glazing. The surrounding development consists of similar high quality exterior materials of brick, stucco, and siding.

The seacans do not meet this standard established on site or with surrounding development, contrary to Section 57.3.

[unedited]

(CB1) Low Intensity Business Zone Development Regulations

Section 330.4(6) states:

Any business premises or multiple occupancy building having a Floor Area greater than 2 000 m² or a single wall length greater than 20.0 m that is visible from a public road, shall comply with the following criteria:

- a. the roof line and building façade shall include design elements and add architectural interest; and
- b. Landscaping adjacent to exterior walls shall be used to minimize the perceived mass of the building and to create visual interest.

Development Officer's Determination

2) Section 330.4(6) - Any business premises or multiple occupancy building having a Floor Area greater than 2 000 m² or a single wall length greater than 20.0 m that is visible from a public road, shall comply with the following criteria:

- i) the roof line and building façade shall include design elements and add architectural interest; and**

ii) Landscaping adjacent to exterior walls shall be used to minimize the perceived mass of the building and to create visual interest.

Proposed: The seacans do not have a consistent roofline or facade consistent with the architectural design elements of the building on site or with surrounding development. No landscaping has been proposed to screen the seacans from the public roadway along 102 Avenue.

Main Streets Overlay - The proposed development is located within the Main Streets Overlay.

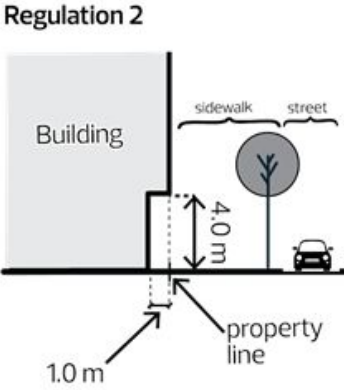
[unedited]

Main Streets Overlay Development Regulations

Section 819.3(2) states:

A Setback of 1.0 m shall be required where a Site Abuts a public roadway, other than a Lane. The 1.0 m Setback shall be paved and visually incorporated into the public Walkway to the satisfaction of the Development Officer in consultation with the applicable City department. The Development Officer may allow this Setback to be increased to a maximum of 2.5 m to accommodate street related activities, such as patios and seating areas, or to retain existing mature landscaping, that contribute to the pedestrian-oriented shopping character of the area. Buildings may project to the front and side property lines above 4.0 m in Height.

Diagram of Regulation 2 - for illustrative purposes



Development Officer's Determination

3) Section 819.3(2) - A Setback of 1.0 m shall be required where a Site Abuts a public roadway, other than a Lane. The 1.0 m Setback shall be paved and visually incorporated into the public Walkway to the satisfaction of the Development Officer in consultation with the applicable City department. The Development Officer may allow this Setback to be increased to a maximum of 2.5 m to accommodate street related activities, such as patios and seating areas, or to retain existing mature landscaping, that contribute to the pedestrian-oriented shopping character of the area. Buildings may project to the front and side property lines above 4.0 m in Height.

**Required setback: 1m from property line adjacent to 102 Avenue
Proposed: 18.42m from property line adjacent to 102 Avenue
Exceeds by: 17.42m**

[unedited]

Section 819.4(5) states "To improve architectural interest of the principal structure and create a pedestrian-friendly environment for all seasons, design techniques including but not limited to entrance features, varied roof design, outdoor seating areas, canopies, or Landscaping shall be incorporated.

Development Officer's Determination

4) Section 819.4(5) - To improve architectural interest of the principal structure and create a pedestrian-friendly environment for all seasons, design techniques including but not limited to entrance features, varied roof design, outdoor seating areas, canopies, or Landscaping shall be incorporated.

Proposed: The seacan structures do not use materials similar to, or better than, the standard of the building on site, as well as surrounding development, to improve the architectural interest of the overall development.

[unedited]

Section 819.4(6) states "Winter design elements such as the use of colour and functional and decorative lighting to enhance the appearance of the building while minimizing light pollution during the winter months shall be incorporated."

Development Officer’s Determination

5) Section 819.4(5) - Winter design elements such as the use of color and functional and decorative lighting to enhance the appearance of the building while minimizing light pollution during the winter months shall be incorporated.

Proposed: The seacans remain in a raw unfinished color inconsistent with the appearance of the existing building on site and surrounding development.

[unedited]

Section 819.4(7) states “All exposed building Façades shall have complementary exterior finishing materials. On Corner Lots, the Façade treatment shall wrap around the side of the building to provide a consistent profile facing both public roadways.”

Development Officer’s Determination

6) Section 819.4(7) - All exposed building Façades shall have complementary exterior finishing materials. On Corner Lots, the Façade treatment shall wrap around the side of the building to provide a consistent profile facing both public roadways.

Proposed: This is a corner lot site. The applicant has not made effort to treat the exposed facades of the seacans to be consistent and complimentary with exterior finishes or colors of the existing building on site, or provide a consistent profile facing 102 Avenue and the lane.

[unedited]

Main Streets Overlay Community Consultation

Section 819.4(15) states:

When the Development Officer determines that a Development Permit application does not comply with the regulations contained in this Overlay:


- a. the Development Officer shall send notice to the municipal address and assessed owners of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development, and the President of each affected Community League and each Business Improvement Area Association


operating within the distance described above to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;

- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been mailed, unless the Development Officer receives feedback from all specified recipients; and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit application in accordance with Section 11.3.

Notice to Applicant/Appellant

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

	<p>Application for Major Development Permit</p>		Project Number: 365285742-002 Application Date: JUN 17, 2020 Printed: January 22, 2021 at 4:43 PM Page: 1 of 3	
This document is a Development Permit Decision for the development application described below.				
Applicant	Property Address(es) and Legal Description(s) 10158 - 156 STREET NW Plan 1924AM Blk 1 Lots 9-10 Specific Address(es) Entryway: 15615 - 102 AVENUE NW Building: 10158 - 156 STREET NW			
Scope of Application To place on site, 9 seacans as a storage structure/building to a General Retail Store on the main floor and Professional, Financial, and Office Support on the second floor.				
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; font-size: small;"> Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 145 </td> <td style="width: 50%; font-size: small;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Strat Plan Overlay/Asses Area: (none) </td> </tr> </table>			Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 145	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Strat Plan Overlay/Asses Area: (none)
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Development Application Decision Refused Issue Date: Jan 22, 2021 Development Authority: CHOW, STEPHEN				
THIS IS NOT A PERMIT				

	<p>Application for Major Development Permit</p>	<p>Project Number: 365285742-002 Application Date: JUN 17, 2020 Printed: January 22, 2021 at 4:43 PM Page: 2 of 3</p>
<p>Reason for Refusal</p> <p>1) Section 57.3.General Performance Standards for Non-industrial Developments - In all non-industrial developments, the design and use of exterior finishing materials shall be to the satisfaction of the Development Officer who shall ensure, as far as reasonably practicable, proposed buildings and structures shall use materials similar to, or better than, the standard of surrounding development.</p> <p>The proposed development is the placement of 9 seacans used as structures for additional floor space to the existing. The seacan structures do not use materials similar to, or better than, the standard of the building on site, as well as surrounding development. The existing exterior materials of the building on site consists of brick and glazing. The surrounding development consists of similar high quality exterior materials of brick, stucco, and siding.</p> <p>The seacans do not meet this standard established on site or with surrounding development, contrary to Section 57.3.</p> <p>2) Section 330.4(6) - Any business premises or multiple occupancy building having a Floor Area greater than 2 000 m² or a single wall length greater than 20.0 m that is visible from a public road, shall comply with the following criteria:</p> <p>i) the roof line and building façade shall include design elements and add architectural interest; and ii) Landscaping adjacent to exterior walls shall be used to minimize the perceived mass of the building and to create visual interest.</p> <p>Proposed: The seacans do not have a consistent roofline or facade consistent with the architectural design elements of the building on site or with surrounding development. No landscaping has been proposed to screen the seacans from the public roadway along 102 Avenue.</p> <p>Main Streets Overlay - The proposed development is located within the Main Streets Overlay.</p> <p>3) Section 819.3(2) - A Setback of 1.0 m shall be required where a Site Abuts a public roadway, other than a Lane. The 1.0 m Setback shall be paved and visually incorporated into the public Walkway to the satisfaction of the Development Officer in consultation with the applicable City department. The Development Officer may allow this Setback to be increased to a maximum of 2.5 m to accommodate street related activities, such as patios and seating areas, or to retain existing mature landscaping, that contribute to the pedestrian-oriented shopping character of the area. Buildings may project to the front and side property lines above 4.0 m in Height.</p> <p>Required setback: 1m from property line adjacent to 102 Avenue Proposed: 18.42m from property line adjacent to 102 Avenue Exceeds by: 17.42m</p> <p>4) Section 819.4(5) - To improve architectural interest of the principal structure and create a pedestrian-friendly environment for all seasons, design techniques including but not limited to entrance features, varied roof design, outdoor seating areas, canopies, or Landscaping shall be incorporated.</p> <p>Proposed: The seacan structures do not use materials similar to, or better than, the standard of the building on site, as well as surrounding development, to improve the architectural interest of the overall development.</p> <p>5) Section 819.4(5) - Winter design elements such as the use of color and functional and decorative lighting to enhance the appearance of the building while minimizing light pollution during the winter months shall be incorporated.</p> <p>Proposed: The seacans remain in a raw unfinished color inconsistent with the appearance of the existing building on site and surrounding development.</p> <p>6) Section 819.4(7) - All exposed building Façades shall have complementary exterior finishing materials. On Corner Lots, the Façade treatment shall wrap around the side of the building to provide a consistent profile facing both public roadways.</p> <p>Proposed: This is a corner lot site. The applicant has not made effort to treat the exposed facades of the seacans to be consistent and complimentary with exterior finishes or colors of the existing building on site, or provide a consistent profile facing 102 Avenue and the lane.</p>		
<p>THIS IS NOT A PERMIT</p>		



Project Number: **365285742-002**
Application Date: JUN 17, 2020
Printed: January 22, 2021 at 4:43 PM
Page: 3 of 3

Application for Major Development Permit

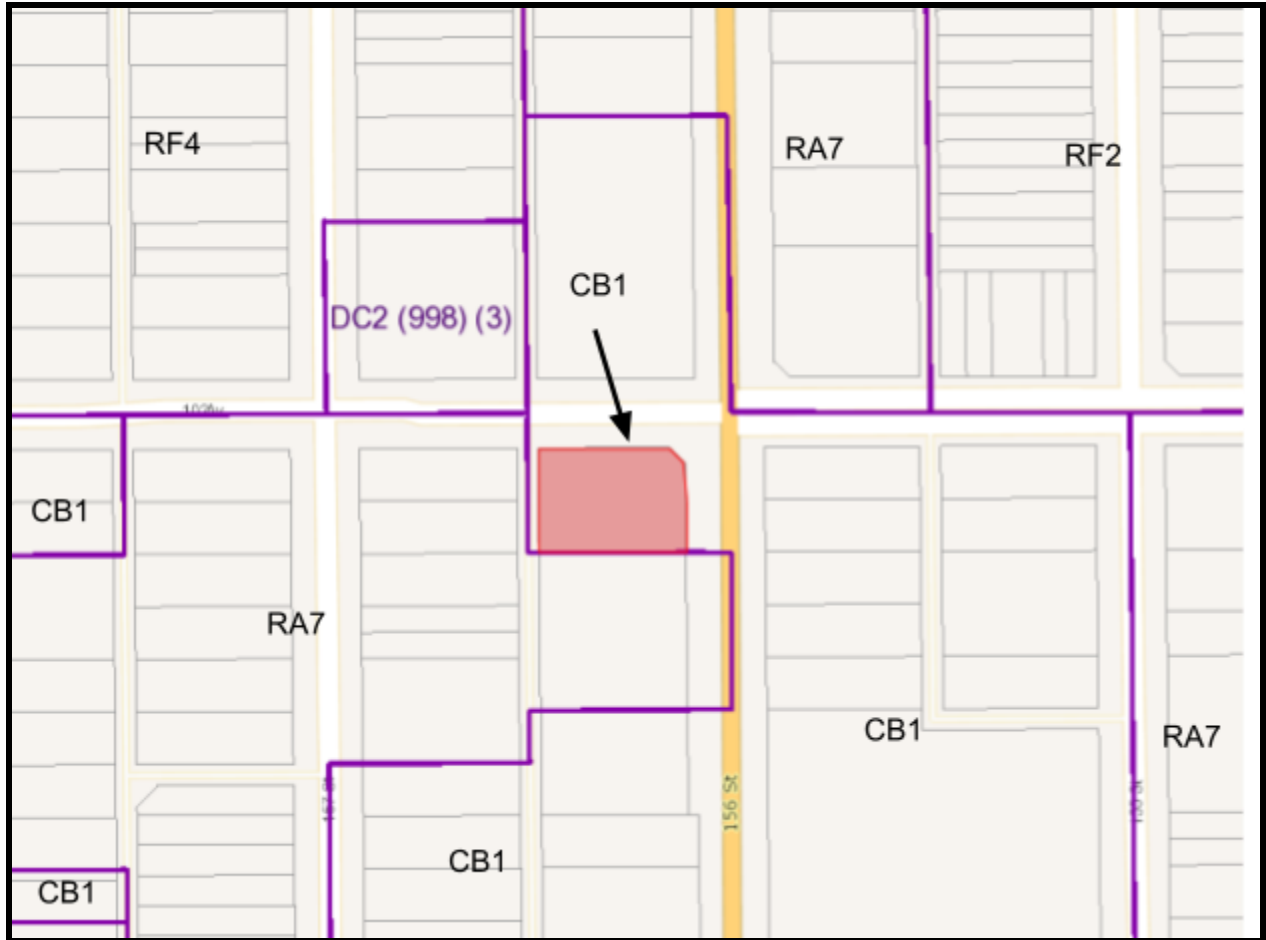
Rights of Appeal

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

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund 2012+	\$1,103.38	\$1,103.38	06644117	Jul 27, 2020
Major Dev. Application Fee	\$981.00	\$981.00	06598913	Jun 30, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,084.38</u>	<u>\$2,084.38</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-21-040 ▲
N

ITEM II: 1:30 P.M.

FILE: SDAB-D-21-041

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 381264021-002

APPLICATION TO: Change the Use from a Personal Service Shop to a Cannabis Retail Sales use and to construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 2, 2021

DATE OF APPEAL: February 12, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6627 - 177 Street NW

LEGAL DESCRIPTION: Plan 8320631 Blk 9 Lot 8

ZONE: (CSC) Shopping Centre Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

I represent Doug and Sherry Zimmerman, the Applicants for the above development permit, which was refused. They are appealing the refusal of the development permit.

The grounds of the appeal are as follows:

1. The development permit for the approved Cannabis Retail Sales that is within 200 metres of the proposed development was approved on March

21, 2Q19. There has been no development of the approved Cannabis Retail Sales in the ensuing 23 months.

2. With one exception, there are no other Cannabis Retail Sales operating south of 87th Avenue, west of the river. The only exception is a Cannabis Retail Sales store west at 199th Street and Lessard Drive, approximately 9 kilometres away.

3. The Callingwood/Lessard/Donsdale/Wolf Willow neighbourhoods do not have any other Cannabis Retail Sales in operation.

4. The site of the proposed development of the approved Cannabis Retail Sales location is a large commercial shopping centre site. Given the foregoing circumstances, the reduction in separation space will not have any negative impact on neighbouring parcels of land or on the amenities of the neighbourhood.

5. Such further and other grounds of appeal as maybe raised at the hearing of the appeal.

<i>General Matters</i>

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.

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 - (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

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- (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 320.2(3), **Cannabis Retail Sales** is a **Permitted Use** in the **(CSC) Shopping Centre 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 320.1 states that the **General Purpose** of the **(CSC) Shopping Centre Zone** is:

to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

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

Development Officer’s Determination

1. Section 70.1 The proposed location is 102m from an approved Cannabis Retail Sales location which is deficient by 98m.

**30025428-001
 Proposed: 102m
 Required: 200m
 Deficient: 98m**

Under Sections 70.1(b) of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.


[unedited]

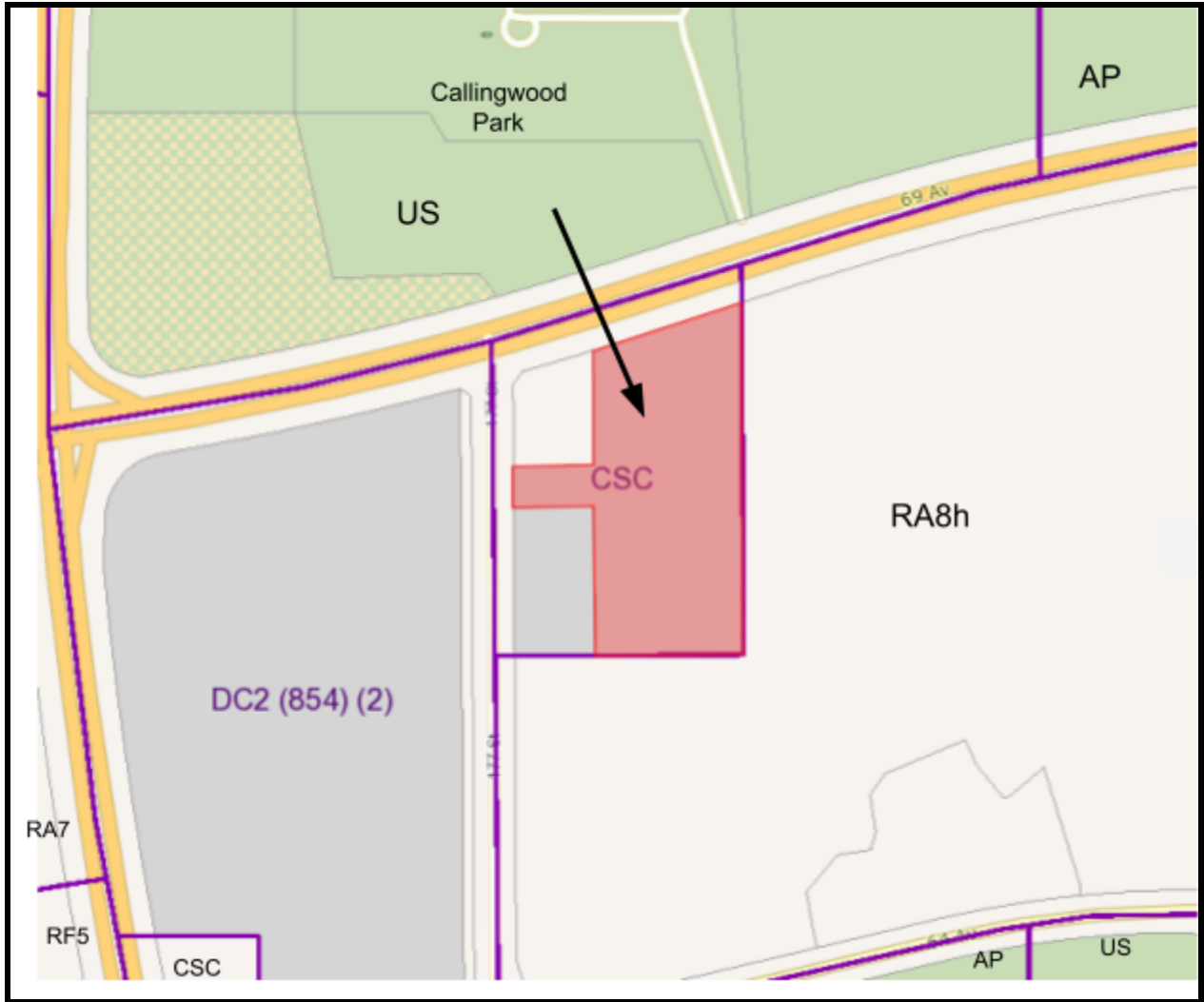
<i>Previous Subdivision and Development Appeal Board Decision</i>
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Application Number	Description	Decision
SDAB-D-12-091	Construct an On-premises Freestanding Sign (Second Cup, McDonalds, Franco's Pizza)	May 3, 2012; that the appeal be ALLOWED and the DEVELOPMENT GRANTED, and the deficiency of 31.93 metres in the minimum required radial separation distance from a Freestanding On-premises Sign to any other Freestanding Sign on the same site be permitted

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.

	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: 381264021-002 Application Date: DEC 17, 2020 Printed: February 16, 2021 at 7:45 AM Page: 1 of 1		
This document is a Development Permit Decision for the development application described below.				
Applicant	Property Address(es) and Legal Description(s) 6627 - 177 STREET NW Plan 8320631 Blk 9 Lot 8 Specific Address(es) Suite: 6813 - 177 STREET NW Entryway: 6813 - 177 STREET NW Building: 6825 - 177 STREET NW			
Scope of Application To change the Use from a Personal Service Shop to a Cannabis Retail Sales use and to construct interior alterations.				
Permit Details				
Class of Permit: 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)			
Development Application Decision Refused Issue Date: Feb 02, 2021 Development Authority: CHOW, STEPHEN Reason for Refusal 1. Section 70.1 The proposed location is 102m from an approved Cannabis Retail Sales location which is deficient by 98m. 30025428-001 Proposed: 102m Required: 200m Deficient: 98m Under Sections 70.1(b) of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store. 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				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$5,600.00	\$5,600.00	00880162	Dec 18, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	\$5,600.00	\$5,600.00		
THIS IS NOT A PERMIT				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-041 **N**