

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Tuesday, 9:00 A.M.**  
**March 30, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I 9:00 A.M. SDAB-D-21-048

Install a Minor Digital On-premises Off-premises  
Freestanding Sign (single sided 14.6m x 4.3m  
facing N) (ICEWERX CONSULTING INC.)

3530 - 91 Street NW  
Project No.: 379890652-002

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II 11:00 A.M. SDAB-D-21-049

Install a Minor Digital Off-premises Freestanding  
Sign (OUTFRONT | 1779994 Alberta Ltd)

18520 / 18520C - 100 Avenue NW  
Project No.: 348285887-001

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**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-21-048

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 379890652-002

APPLICATION TO: Install a Minor Digital On-premises Off-premises  
Freestanding Sign (single sided 14.6m x 4.3m facing N)  
(ICEWERX CONSULTING INC.)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 16, 2021

DATE OF APPEAL: March 5, 2021

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 3530 - 91 Street NW

LEGAL DESCRIPTION: Plan 7921939 Blk 12 Lot 1

ZONE: (US) Urban Services Zone

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:

1. A Minor Digital Off Premises Sign is a discretionary use;
2. The digital sign located on the above property has existed since 2012 without any known complaints;

3. The required variances do not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land; and
4. Such further and other reasons that may be raised during the hearing.

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

**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*:**

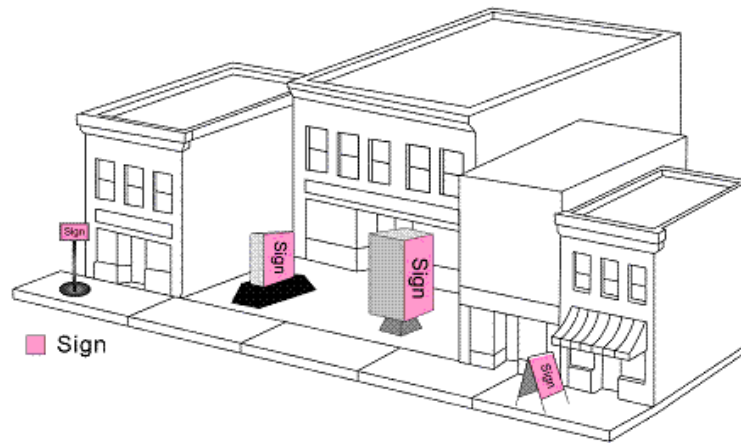
Under section 510.3(24), a **Minor Digital On-premises Off-premises Sign** is a **Discretionary Use** in the (US) Urban Services Zone.

Under section 7.9(7), **Minor Digital On-premises Off-premises Signs** means:

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising and/or Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, **Freestanding Sign** means:

a Sign supported independently of a building.



Under section 6.1, **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

Under section 6.2, **Sign Area** means:

the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.

Under section 6.2, **Width** means “that horizontal distance measured across the face of the Sign perpendicular to the Height of the Sign.”

Under section 6.2, **Copy Area** means “the total area of one or more geometric shapes, which contain all of the Copy on a Sign.”

Under section 6.2, **Copy** means “the letters, graphics or characters that make up the message on the Sign face.”

Section 510.4(6) states “Signs shall comply with the regulations found in Schedule 59C.”

Section 510.1 states that the **General Purpose** of the **(US) Urban Services Zone** is “to provide for publicly and privately owned facilities of an institutional or community service nature.”

<b><i>Setback</i></b>
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Schedule 59C.3(4)(i) states “proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback.”

Section 510.4(1) states “The minimum Front Setback shall be 6.0 m.”

Section 510.4(3) states “The minimum Side Setback shall be 4.5m.”

**Development Officer’s Determination**

**1. Proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback (Section 59C.3(4)(i))**

**The minimum Front Setback shall be 6.0 m (Section 510.4(1)).**

**Proposed: 2.0 m**

**Deficient by: 4.0 m**

[unedited]

**2. Proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback (Section 59C.3(4)(i))**

**The minimum Side Setback shall be 4.5 m (Section 510.4(3)).**

**Propose: 1.5 m**

**Deficient by: 3.0 m**

[unedited]

***Width***

Schedule 59C.3(4)(b) states “the maximum Width shall be 8.0m.”

**Development Officer’s Determination**

**3. The maximum sign Width shall be 8.0 m (Section 59C.3(4)(b))**

**Proposed Width: 14.6 m**

**Exceeds by: 6.6 m**

[unedited]

***Area***

Schedule 59C.3(4)(c)(ii) states “the maximum Area shall be: 8.0 m<sup>2</sup> for proposed Signs that are Freestanding signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 m<sup>2</sup>.”

**Development Officer’s Determination**

**4. The maximum Area shall be 8.0 m<sup>2</sup> for proposed Signs that are Freestanding signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 m<sup>2</sup> (Section 59C.3(4)(c)(ii))**

**Maximum Area of Digital Sign Copy allowed: 8 m<sup>2</sup>**

**Proposed Area of Digital Sign Copy: 62.8 m<sup>2</sup>**

**Exceeds by: 54.8 m<sup>2</sup>**

**Maximum Area of combined Digital Sign Copy and other Copy: 20m<sup>2</sup>**

**Proposed combined Copy Area: 62.8m<sup>2</sup>**

**Exceeds by 42.8m<sup>2</sup>**

[unedited]

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

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-20-038	Comply with an Order to immediately de-energize the Sign and keep it turned	October 16, 2020; The appeal is <b>DENIED</b> and the Stop Order is <b>UPHELD</b> .




	<p>off 24 hours a day. The Sign must remain de-energized until one of the following options is completed (A or B):</p> <p>A) Acquire a Development Permit to display the Minor Digital Off-premises Freestanding Sign.</p> <p>OR</p> <p>B) Dismantle and remove the Sign from the property. All parts of the Sign, including the support structure must be removed. One of the options A or B must be completed before March 17, 2020.</p>	
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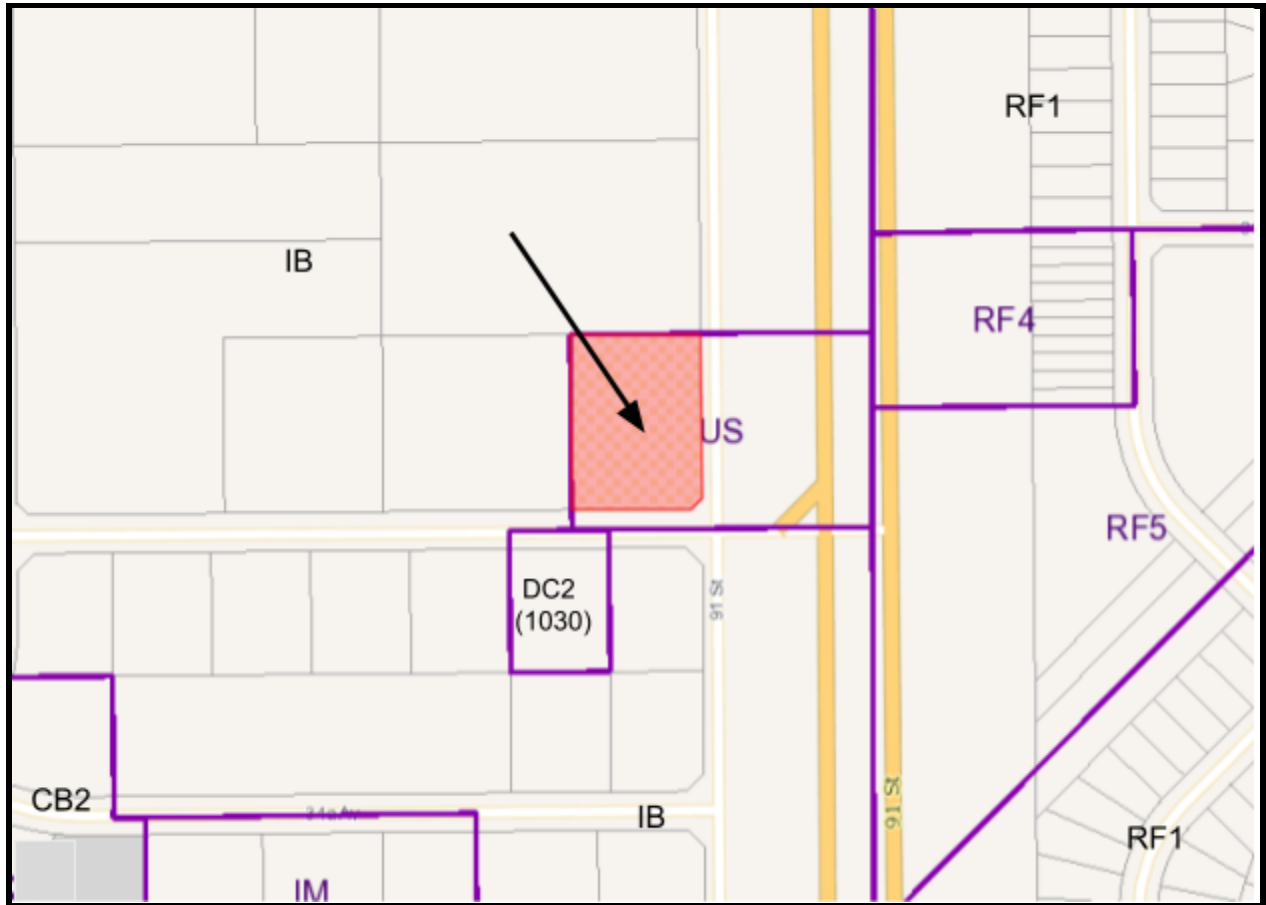
Notice to Applicant/Appellant

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

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	<h2>Application for Sign Permit</h2>		Project Number: <b>379890652-002</b> Application Date: DEC 02, 2020 Printed: February 16, 2021 at 8:37 AM Page: 1 of 2
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> 3530 - 91 STREET NW Plan 7921939 Blk 12 Lot 1		
<b>Scope of Application</b> To install a Minor Digital On-premises Off-premises Freestanding Sign (single sided 14.6m x 4.3m facing N) (ICEWERX CONSULTING INC.).			
<b>Permit Details</b>			
ASA Sticker No./Name of Engineer: Construction Value: 5000	Class of Permit: Class B 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: 0 Minor Digital On/Off-premises Sign: 1	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 Issue Date: Feb 16, 2021 Development Authority: MERCIER, KELSEY			
<b>THIS IS NOT A PERMIT</b>			

	<h2 style="margin: 0;">Application for Sign Permit</h2>	Project Number: <b>379890652-002</b> Application Date: DEC 02, 2020 Printed: February 16, 2021 at 8:37 AM Page: 2 of 2																														
<p><b>Reason for Refusal</b></p> <p>1. Proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback (Section 59C.3(4)(i))</p> <p style="margin-left: 40px;">The minimum Front Setback shall be 6.0 m (Section 510.4(1)).                  Proposed: 2.0 m                  Deficient by: 4.0 m</p> <p>2. Proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback (Section 59C.3(4)(i))</p> <p style="margin-left: 40px;">The minimum Side Setback shall be 4.5 m (Section 510.4(3)).                  Propose: 1.5 m                  Deficient by: 3.0 m</p> <p>3. The maximum sign Width shall be 8.0 m (Section 59C.3(4)(b))</p> <p style="margin-left: 40px;">Proposed Width: 14.6 m                  Exceeds by: 6.6 m</p> <p>4. The maximum Area shall be 8.0 m<sup>2</sup> for proposed Signs that are Freestanding signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 m<sup>2</sup> (Section 59C.3(4)(c)(ii))</p> <p style="margin-left: 40px;">Maximum Area of Digital Sign Copy allowed: 8 m<sup>2</sup>                  Proposed Area of Digital Sign Copy: 62.8 m<sup>2</sup>                  Exceeds by: 54.8 m<sup>2</sup></p> <p style="margin-left: 40px;">Maximum Area of combined Digital Sign Copy and other Copy: 20m<sup>2</sup>                  Proposed combined Copy Area: 62.8m<sup>2</sup>                  Exceeds by 42.8m<sup>2</sup></p> <p><b>Rights of Appeal</b></p> <p style="margin-left: 40px;">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.</p>																																
<p><b>Fees</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Development Application Fee</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">\$287.00</td> <td>0318860018110010</td> <td>Dec 02, 2020</td> </tr> <tr> <td>Sign Development Application Fee - Digital Signs</td> <td style="text-align: right;">\$467.00</td> <td style="text-align: right;">\$467.00</td> <td>0318860018110010</td> <td>Dec 02, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$467.00</td> <td style="text-align: right; border-top: 1px solid black;">\$754.00</td> <td></td> <td></td> </tr> <tr> <td colspan="5" style="font-size: small;">(overpaid by (\$287.00))</td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Development Application Fee	\$0.00	\$287.00	0318860018110010	Dec 02, 2020	Sign Development Application Fee - Digital Signs	\$467.00	\$467.00	0318860018110010	Dec 02, 2020	Total GST Amount:	\$0.00				Totals for Permit:	\$467.00	\$754.00			(overpaid by (\$287.00))				
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**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←

▲  
**N**

File: SDAB-D-21-048

ITEM II: 11:00 A.M.

FILE: SDAB-D-21-049

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 348285887-001

APPLICATION TO: Install a Minor Digital Off-premises Freestanding Sign  
(OUTFRONT | 1779994 Alberta Ltd)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: February 4, 2021

DATE OF APPEAL: March 4, 2021

NOTIFICATION PERIOD: February 11, 2021 through March 4, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 18520 / 18520C - 100 Avenue NW

LEGAL DESCRIPTION: Plan 1623295 Unit 2, Condo Common Area (Plan  
1623295)

ZONE: DC2.879 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Place LaRue West Neighbourhood Area Structure Plan

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***Grounds for Appeal***

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

I am appealing the approval of the development for 18520-100 Avenue NW in Edmonton. I live directly south of this property and have lived here

for almost 17 years. My concern is the approval of two 8 meter tall digital lights, the increased light these will add to the already existing lights of the development, and the visual intrusion into the LaPerle neighbourhood, which is south of this development.

A) Most houses on the street I live on in the LaPerle neighbourhood were built in the early 1980's. This was long before any development along 100 Avenue was planned. The initial plans for the development are written in a document called the "Place LaRue West neighbourhood Area Structure Plan". This was written in 2004. This document outlines the location and plans for the area north of 100 Avenue from 170 Street to Anthony Henday Drive and south of Stony Plain Road. It is part of a corridor extends from 149 street west along Stony Plain Road. This plan was required to consider any effects to the residential area to the south i.e. LaPerle neighbourhood, along with other considerations such as traffic etc. The plan was adopted as Bylaw 13377 with some amendments in 2005, 2011, and 2017. This Bylaw is referenced in my appeal.

B) One of the current observations when driving east along 100 Avenue from the Anthony Henday is the brightness of the lights used by hotels from 186 to 184 Streets. The brightness comes from lights and signs on the south side of the buildings. The Candlewood Hotel is four stories tall and the sign with its name on the building is higher than that. The Holiday Inn, which is attached to the Candlewood and together with the Candlewood Hotel make up the Candlewood Suites, is also four stories tall. There were stipulations in Bylaw 13377 about how the lighting on the signage was to be done, but I am not sure if the current lighting follows the Bylaw.

In addition, there are floodlights that shine on the Candlewood Suites that accentuate the brightness. These floodlights surround the building on all four sides. Specifically on the south facing side of the hotel, there are four floodlights in the parking lot with 10 parking spaces between each floodlight. Refer to images "north facing floodlights onto Candlewood Suites", and "Floodlights shining onto south facing side of Candlewood Suites 1 and 2" The brightness can be observed in the LaPerle neighbourhood, particularly in my front yard, and through windows in my house that face north, specifically my living room window and bedroom windows. Refer to images "March 3 lighting and luminance from Candlewood Hotel 1 and 2" that were taken about midnight on March 3, 2021, to see how the lights look from inside my house looking north. Image 1 is looking through my living room window and image 2 is looking through one of my north facing bedroom windows. Refer to image "March 3 2 lighting and luminance from Candlewood Hotel 4" to see the name of the hotel in the centre of the image.

C) The second observation when driving is the luminance or reflection of the light from the Candlewood Suites. The luminance can also be seen in my front yard, in my neighbour's front yards, and the houses across the

street whose backyards face north. One of the reasons for the luminance is that the Candlewood Hotel is white. So the floodlights that shine on it make the hotel seem exceptionally bright due to both the visible light and the reflected light from the hotel. Specifically, it reflects light into the sky and into the LaPerle neighbourhood. As the floodlights shine onto all four sides of the hotel, the reflected light into the sky is a result of more than just the lights on the south facing side.

Refer to images “March 3 lighting and luminance from Candlewood Hotel 1 and 2” again, and also “March 3 lighting and luminance from Candlewood Hotel 3” taken at the same time. In image 3, you can see on the right side, the sky appears a lighter shade of blue than the left side. The right side is the reflection from the Candlewood Hotel. The digital sign, if allowed, will only increase both the brightness and luminance (reflection) of the existing lights.

D) The development has been approved for a digital sign. Digital signs are typically either LED or LCD lights both of which are brighter than incandescent bulbs. As there are no other digital signs facing south onto 100 Avenue between the Anthony Henday and 170 Street, this will be a distraction for drivers.

E) The light seen by those living in the houses and the reflection of the lights also seen in the houses, is a visual intrusion into the neighbourhood. It can feel like my house is being invaded and it feels exposed when the windows of the hotel are seen. Refer to image “March 3 lighting and luminance from Candlewood Hotel 3” to note the windows of the hotel clearly visible through the bedroom window.

This visual intrusion was mentioned in the “Place LaRue West neighbourhood Area Structure Plan”, a concern identified in the 2004 report (page 11). Page 15 item 3.3 identified that “Site design, signage, and types of use will be more specifically regulated on all sites abutting 100 Avenue.” On page 26 in item 5.2, it states, “All exterior lighting is to be designed so that illumination is indirect from all angles when viewed off-site and not intrude into neighbouring sites to the south.” Page 26 states in item 5.3, “Animated and bright perimeter signage is to be designed to minimize light pollution and visual intrusion into residential properties south of 100 Avenue.”

Refer to images “March 3 lighting and luminance from Candlewood Hotel 1, 2 and 3”, and notice the light pollution and visual intrusion that already exists. Any additional signs with lighting will only increase the light pollution. 3

F) There is a berm that was identified in the Structure Plan of 2004 item 6.2. It notes that one aim of the berm is to reduce the potential for light penetration from commercial uses through additional screening. From the

images already referenced, it is obvious that the berm has made no difference. One might argue that the trees that have been planted will eventually grow large enough to block the light, however, the luminance will not be blocked and the trees are planted 3 meters apart which also does not block the light.

I would also refer to images “looking out of living room window when standing” and “Looking out of living room window when sitting”. These images indicate that the berm is ineffective and the light intrusion impacts my ability to walk through my living room without being assaulted by the light, but even when I’m sitting. If I have company, if I entertain, the buildings are seen and the light is intrusive.

G) Item 6.3 in the Structure Plan also references the purpose of an urban design study along the corridor is to establish a distinctive and attractive image. I do not know what has happened to that study. I am proposing that as there are no other digital signs currently along 100 Avenue between the Anthony Henday and 170 Street, that such a sign will not match the current aesthetic of the corridor. The current design includes no other 8 metre signs with digital lights. Refer to a series of images taken like a panorama from 100 Avenue at 185 Street. These are “View east on 100 Avenue at 185 Street” number 1 to 4. Number 1 illustrates that the street lighting is adequate for driving. No hotel lights on the left where the Candlewood Suites exist can be seen. As one moves to look at numbers 2 and 3, the streetlights and some of the floodlights can be seen. Image 4 (“view from 100 Avenue at 185 Street 4”) show the white hotel with the floodlights shining directly onto it.

One can imagine how any additional signage, but particularly digital signage, will brighten 100 Avenue, detract from the current overall aesthetic, and detract from the current attractive image one sees when approaching the city from the west.

H) Item 6.0 in the Structure Plan makes reference to a separation of residential and commercial use areas. I am dismayed that the current situation with the lighting and height of the buildings does not separate these two areas. A separation should include a distinct difference in the lighting, and the lighting from one area should not affect the lighting in the other.

I) It is important to consider the purpose of a sign. The definition of a sign in the Merriam Webster dictionary states it is a “display (such as a lettered board or a configuration of neon tubing) used to identify or advertise a place of business or a product”. The website “signs.com” states that signs help others know your business is there and help drivers/customer get to a business. The website 4 “advanced multi-sign.com” says that signs help to inform, help with wayfinding, with marketing, and with identification.



The current four signs allotted, the signage on the buildings, and the floodlights lighting up the buildings can be easily seen on 100 Avenue. (Refer to the submitted images.) Drivers will not drive by the hotels without seeing them. Drivers can see the signs to help them way find to the hotels, drivers will see the signs/lights and know that the hotels are there and they can identify them. The signage makes it clear that these are not the Hyatt or Marriott Hotels.

Thus, additional signage is not required to locate or identify these hotels.

To conclude, additional signage approved for the development with a height of 8 meters and using digital lights will:

- increase the brightness of the lighting,
- increase the luminance,
- increase the visual intrusion into the LaPerle neighbourhood,
- increase the distractions for drivers,
- decrease the current aesthetic of the corridor, and
- increase the lack of separation between the residential and commercial uses of the land.

Furthermore, existing signage is providing the necessary wayfinding and identification of the development. I therefore am requesting that the development approval be revoked.

<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.

**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.

**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.

**General Provisions from the DC2.879 Site Specific Development Control Provision (“DC2”):**

Under section DC2.879.3.1 (Area A), a **Minor Digital Off-premises Sign** is a **Listed Use** in the **DC2**.

Section DC2.897.4.n states “A comprehensive sign design plan shall be submitted and signs shall be allowed in this Provision as provided for in Section 59F of the Edmonton Zoning Bylaw 12800.”

Section DC2.897.1 states that the **Rationale** of the **DC2** is:

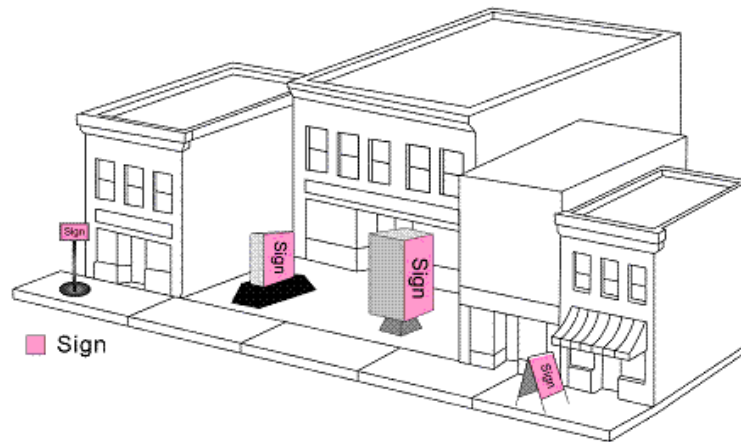
To establish a Site Specific Development Control Provision for highway commercial uses along 100 Avenue such that they do not adversely affect the La Perle residential area to the south.

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

Under section 7.9(6), **Minor Digital Off-premises Signs** means “a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.”

Under section 6.2, **Freestanding Sign** means:

a Sign supported independently of a building.



***Sign Regulations***

Schedule 59F.3(6)(k) states:

the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four.

**Development Officer's Determination**

**Number of Signs – To increase the number of Freestanding On-premises Signs and Minor Digital Off-premises Signs on Site total allowed from 4 to 6. (Reference Section 59F.3(6)(k)).**


[unedited]


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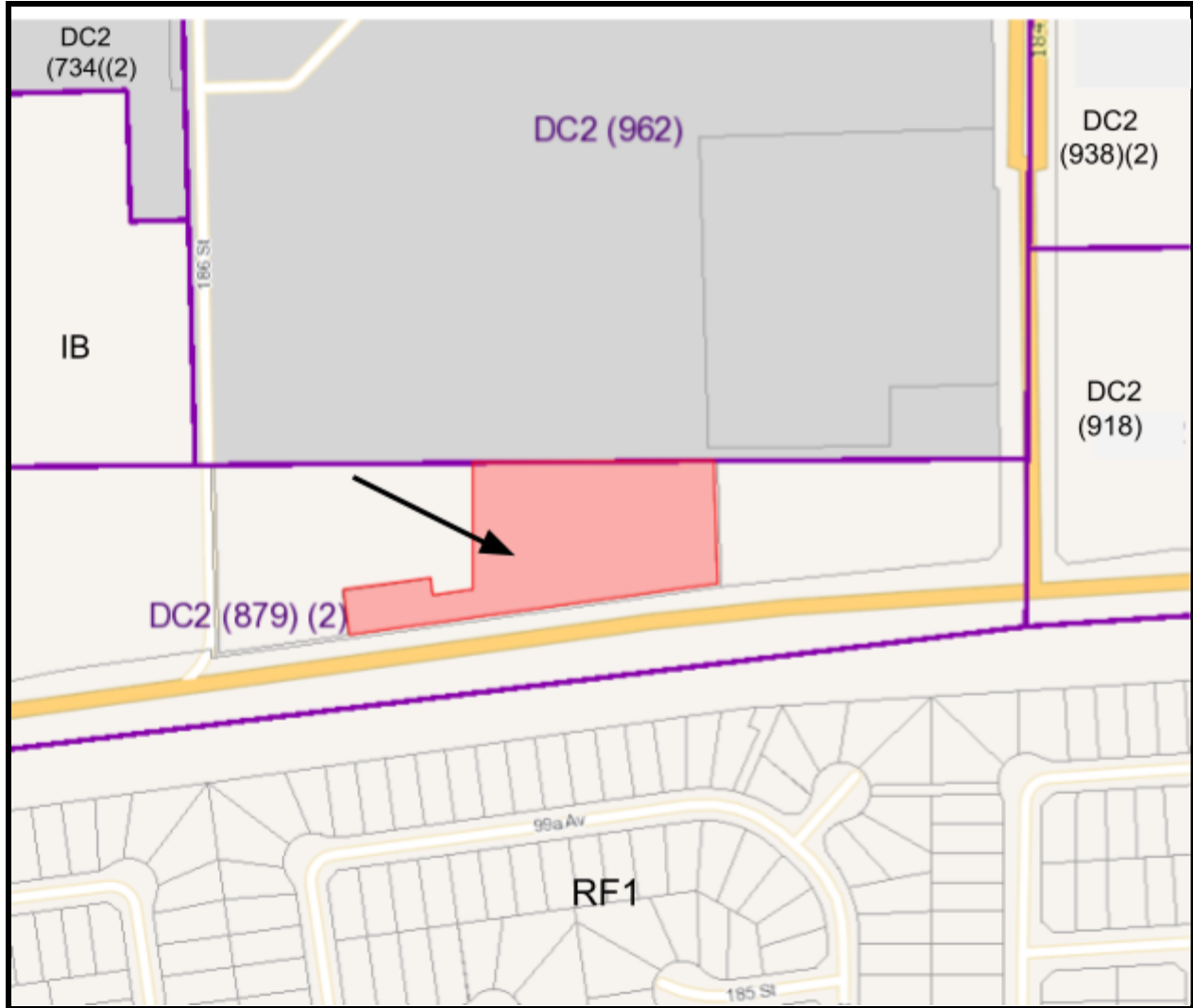
Notice to Applicant/Appellant

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

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	<h2>Application for Sign Permit</h2>	<p>Project Number: <b>348285887-001</b>          Application Date: NOV 27, 2019          Printed: February 4, 2021 at 11:46 AM          Page: 1 of 3</p>
<p>This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>		
<p><b>Applicant</b></p>	<p><b>Property Address(es) and Legal Description(s)</b>          18520 - 100 AVENUE NW          Plan 1623295 Unit 2          18520C - 100 AVENUE NW          Condo Common Area (Plan 1623295)</p>	
<p><b>Scope of Application</b>          To install a Minor Digital Off-premises Freestanding Sign (OUTFRONT   1779994 Alberta Ltd).</p>		
<p><b>Permit Details</b></p>		
<p>ASA Sticker No./Name of Engineer:          Construction Value: 100000</p>	<p>Class of Permit: Class B          Expiry Date: 2026-02-04 00:00:00</p>	
<p>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</p>	<p>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</p>	
<p><b>Development Permit Decision</b>          Approved  <b>Issue Date:</b> Feb 04, 2021 <b>Development Authority:</b> MERCIER, KELSEY</p>		
<p><b>THIS IS NOT A PERMIT</b></p>		

	<h2>Application for Sign Permit</h2>	<p>Project Number: <b>348285887-001</b>          Application Date: NOV 27, 2019          Printed: February 4, 2021 at 11:46 AM          Page: 2 of 3</p>
<p><b>Subject to the Following Conditions</b></p> <ol style="list-style-type: none"> <li>1. The permit will expire on February 4, 2026.</li> <li>2. The proposed Minor Digital Off-premises Sign shall comply in accordance with the approved plans submitted.</li> <li>3. Ambient light monitors shall automatically adjust the brightness level of the Copy Area based on ambient light conditions. Brightness levels shall not exceed 0.3 footcandles above ambient light conditions when measured from the Sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/ Sunset calculator from the National Research Council of Canada; (Reference Section 59.2(5)(a))</li> <li>4. Brightness level of the Sign shall not exceed 400 nits when measured from the sign face at its maximum brightness, between sunset and sunrise, at those times determined by the Sunrise/Sunset calculator from the national research Council of Canada; (Reference Section 59.2(5)(b))</li> <li>5. Minor Digital Off-premises Sign shall have a Message Duration of no less than 6 seconds. (Reference Section 59.2(18)).</li> <li>6. All Freestanding Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital Off-premises Signs, and Minor Digital On-premises Off-premises Signs shall be located so that all portions of the Sign and its support structure are completely located within the property and no part of the Sign may project beyond the property lines unless otherwise specified in a Sign Schedule. (Reference Section 59.2(12))</li> <li>7. The following conditions, in consultation with the Transportation department (Subdivision Planning), shall apply to the proposed Minor Digital Off-premises Sign, in accordance to Section 59.2.11:             <ol style="list-style-type: none"> <li>a. That, should at any time, City Operations determine that the sign face contributes to safety concerns, the owner/applicant must immediately address the safety concerns identified by removing the sign, de-energizing the sign, changing the message conveyed on the sign, and or address the concern in another manner acceptable to City Operations.</li> <li>b. That the owner/applicant must provide a written statement of the actions taken to mitigate concerns identified by City Operations within 30 days of the notification of the safety concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign.</li> <li>c. The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/into road right-of-way.</li> </ol> </li> <li>8. Prior to release for building permit review, the owners of the Sign shall enter into an Encroachment Agreement (348285887-002) for the Sign, for more information on this process please contact <a href="mailto:encroachmentagreements@edmonton.ca">encroachmentagreements@edmonton.ca</a></li> </ol> <p><b>ADVISEMENT:</b>          Should the owner/applicant wish to display video or any form of moving images on the sign, a new Development Application for a Major Digital Sign will be required. At that time, Subdivision Planning will require a safety review of the sign prior to responding to the application.</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><b>Variances</b></p> <p>Number of Signs – To increase the number of Freestanding On-premises Signs and Minor Digital Off-premises Signs on Site total allowed from 4 to 6. (Reference Section 59F.3(6)(k)).</p>		
<p><b>THIS IS NOT A PERMIT</b></p>		



**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←                      **File: SDAB-D-21-049**                      ▲  
**N**