



**EDMONTON  
TRIBUNALS**

*Subdivision &  
Development  
Appeal Board*

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Date: May 25, 2018  
Project Number: 278798859-001  
File Number: SDAB-D-18-074

**Notice of Decision**

[1] On May 23, 2018, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **May 2, 2018**. The appeal concerned the decision of the Development Authority, issued on April 27, 2018, to refuse the following development:

**To construct a Public Education Services Use building (Larkspur 7-9 School)**

[2] The subject property is on Plan 9022833 Blk 8 Lot 8, located at 2845 - 43A Avenue NW, within the CS3 Community Services 3 Zone. The Larkspur Neighbourhood Structure Plan and the Meadows Area Structure Plan apply to the subject property.

[3] The following documents were received prior to the hearing and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
- The Development Officer’s written submissions; and
- The Appellant’s written submission.

**Preliminary Matters**

[4] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

[5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

[6] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”).

**Summary of Hearing**

- i) *Position of the Appellant, Mr. E. Cancian, representing ACI Architects and Mr. R. Labbe, representing the Edmonton Public School Board:*

- [7] Mr. Labbe, Director of New Structure Planning for the Edmonton Public School Board, provided some background for the proposed development. Bylaw 9579, an Amendment to the Larkspur Neighbourhood Structure Plan that was adopted in October 1990, identified sites for a Public Elementary School, Public Junior High School and Catholic Elementary School.
- [8] The Public Elementary School has been built on this Joint Use Site that includes sports fields and other amenities. The Catholic Elementary School that was originally planned for the site will not be constructed.
- [9] The proposed Thelma Chalifoux Junior High School received Government approval in March 2017.
- [10] The Edmonton Public School Board wants to construct the school with a proper gymnasium in order to provide maximum community benefit and the required height variance will ensure the best value and service to the broader community.
- [11] Mr. Cancian, project Architect, addressed the reasons for the required variance in the maximum building height. The maximum allowable building height in the CS3 Zone is 10 metres measured to the midpoint of the highest parapet on a flat roof. School gymnasiums must be built to achieve regulation game line layouts for multiple sports, including Basketball, Volleyball and Badminton. A number of entities, including FIBA, Basketball Alberta, Canada Games for Basketball, FIVB (Federation Internationale De Volleyball), Volleyball Canada, Volleyball Alberta, and Canada Games for Volleyball, require a minimum vertical clearance over the play area for all provincial tournaments. Historically, School Boards and Alberta Infrastructure have deemed this not to be achievable.
- [12] Volleyball Alberta and Canada Games have previously indicated that the Vertical Clearance Requirement to hold Provincial and Canada Games events is 8 metres clear above the game area for volleyball and badminton.
- [13] An underside roof deck elevation of 10,000 mm at bearing locations has been set to limit the overall building height. This allows a clear height that meets Provincial Volleyball tournament requirements while simultaneously utilizing an effective and efficient structure and reducing material usage.
- [14] Roof insulation must be thicker to achieve efficiency targets which results in a roof thickness from underside of the deck at bearing location to the top of parapet framing to achieve the ARCA (Alberta Roofing Contractors Association) slope and parapet height warranty requirements of 750 mm. As such, a top of parapet framing elevation of 10,750

is being proposed for the Gymnasium. This equates to 10,600 measured to the centre of the parapet at the highest membrane location.

- [15] Attempts have been made to minimize the amount of the variance while maintaining the playability of the gymnasium for the students and other stake holders.
- [16] Mr. Cancian confirmed that the overall proposed building height is 11.6 metres. The requirements for the gymnasium and the mechanical room are the primary reasons for the height variance.
- [17] Mr. Rewniak, Architect, advised that a height variance is required in order to meet the Modelled National Energy Code (a requirement of the Alberta Building Code) and the LEED Silver (A.I. requirement). The air handler serving the building is provided with an enthalpy wheel heat recovery section. This heat wheel requires slow air movement in order to recover and transfer heat from the building return air to the incoming outdoor air. In this case, the wheel is approximately 5.0 metres in height which in turn dictates the height of the mechanical room.
- [18] These requirements apply to all school projects and necessitate a variance to the maximum allowable height requirements.
- [19] Mr. Stefan Luchinger, Landscape Architect, addressed the variances required in the landscaping requirements. It was his opinion that the Development Officer used the property lines for the entire site instead of just the property lines that border the proposed school site to calculate the landscaping requirements. If the Development Officer had used the latter, then just 96 trees and 163 shrubs would be required which is comparable to landscaping in place for most schools in the City of Edmonton.
- [20] He referenced a revised landscaping plan that included 3 or 4 additional trees for a total of 96 trees and 163 shrubs. He confirmed that the original plan that was reviewed and refused by the Development Officer was revised to include 3 or 4 additional trees.
- [21] After some discussion of the differences between the stamped refused plan and the revised plan in the Appellant's written submission, Mr. Cancian asked the Board to limit its consideration to the former plan which included 32 existing trees, 63 new trees for a total of 95 trees and 238 shrubs.
- [22] They concurred with the opinion of the Development Officer that the side and rear setback landscape should not be required due to CPTED concerns because the school site is located adjacent to parkland and sports fields.
- [23] After a short recess provided to allow a review of the recommended conditions provided by the Development Officer, Mr. Cancian advised the Board that there were no objections to the suggested conditions as contained in the Development Officer' written report.

*ii) Position of the Development Officer, Ms. C. Li:*

[24] Ms. Li provided the following information in response to questions from the Board:

- a) Ms. Li could not provide any information about the proposed use of the portion of the Joint Use Site designated for the Catholic School that is no longer proceeding.
- b) She confirmed that the development boundary was used to calculate the landscaping requirements and that she supported the required landscaping variances because it would address safety and security issues identified by CPTED.
- c) No feedback from neighbouring property owners was received.
- d) A rezoning application is currently under review. If approved, the site will be rezoned to AG Agricultural Zone or US Urban Services Zone and a Development Officer will have the authority to vary the maximum allowable height requirement.
- e) The proposed excess of 1.6 metres is primarily required for the mechanical room and it was her opinion that granting the required variance will not negatively impact any of the neighbouring property owners. Accordingly, if the site were rezoned, she would support the proposed height variance.

*iii) Rebuttal of the Appellant:*

[25] Mr. Labbe advised that the portion of the Joint Use Site that was initially designated for a Catholic School was declared as surplus by the Edmonton Catholic School Board. As such, the Minister of Education ordered that the site be returned to the City of Edmonton who designated that it be used for first time home owners. This land is located at the opposite end of the site from the proposed school with adequate green space and sports fields located between that area and the proposed development.

**Decision**

[26] The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**. The development is **GRANTED** as applied for to the Development Authority, subject to the **CONDITIONS** as proposed by the Development Officer and agreed to by the Appellant:

**DRAINAGE CONDITIONS:**

1. **PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW**, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$15,724.83. SSTC is applicable for the proposed developing area of 1.9299 ha under the current DP#278798859-001. The total developing area is obtained from the drawings submitted with the application for Major Development Permit.

- The remaining area of 8.3073 ha (i.e. 10.8012 ha – 0.53 ha – 0.034 ha – 1.9299 ha) will be assessed at future application of subdivision, development permit or servicing connection application. The total area is obtained from the City's information computer program called POSSE.
- Payment should be made at the Edmonton Service Centre, 2nd Floor, 10111 – 104 Avenue NW.
- For information purposes, the 2018 rate is \$8,148/ha. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment.

#### DRAINAGE ASSESSMENT:

The above assessment is made based on information currently available to our Department. Should such information change in the future, a new assessment may be made.

- In addition to the above items, the applicant/owner may need to pay for the installation cost of sewer services to the property line. For details, please contact EPCOR Drainage.
- More information about the above charges can be found on the City of Edmonton's website:

#### Permanent Area Contributions

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

#### Sanitary Servicing Strategy Expansion Assessment

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

#### Arterial Roadway Assessment

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

#### Sanitary Sewer Trunk Charge

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

#### SUBDIVISION (TRANSPORTATION) PLANNING CONDITIONS:

1. An agreement has been reached between Alberta Infrastructure and the City of Edmonton to waive the Servicing Agreement and associated Letter of Credit requirement for the offsite improvements to Larkspur Junior High School with the understanding that the design and construction of the roadworks will meet the

City of Edmonton Design and Construction specifications and that the off-site improvements will be subject to the typical warranty period.

Engineering Drawings for off-site (roadway infrastructure) improvements must be submitted to Subdivision Planning for review and approval.

Subdivision Planning will inspect the construction on legal road right-of-way and the City of Edmonton and Alberta Infrastructure will work together to develop a process for construction inspections that meets City requirements, outside of the Agreement process. The applicant must call Clarence Wong (780-944-7900) of Development Inspections a minimum of 48 hours prior to construction of the offsite improvements.

The cost of the Engineering Drawings, construction of the off-site (roadway infrastructure) improvements, and warranty of off-site improvements is the responsibility of the Edmonton Public School Board.

2. The Edmonton Public School Board is responsible for the costs of the following off-site (roadway infrastructure) improvements to accommodate the proposed school including:
  - a) construction of one inbound and one outbound commercial crossing accesses to 43A Avenue;
  - b) removal of two (2) curb ramps and reconstruction of curb and gutter with restoration of the boulevard on 43A Avenue;
  - c) installation of a zebra marked crosswalk with pedestrian signage on 43A Avenue east of 27 Street;
  - d) requirement of luminaire upgrades to two (2) existing street lights in the vicinity of the required zebra marked crosswalk on 43A Avenue;
  - e) removal of three (3) existing boulevard trees along 43A Avenue;
  - f) removal of an existing Edmonton Transit bus stop pad and reconstruction of the bus stop pad on 43A Avenue;
  - g) construction of a school bus stop pad on 43A Avenue;
  - h) removal and relocation of an existing Canada Post mailbox on 43A Avenue;
  - i) modification to an existing catch basin on 43A Avenue;

- j) installation of on-street 'no stopping' signage and parking restriction signage on 43A Avenue;
  - k) relocation of an existing street light on 43A Avenue east of the proposed 8 m access if required clearance cannot be met; and
  - l) relocation of any above or underground utilities impacted by the proposed school construction.
3. The proposed 6 m access to 43A Avenue shall align with the outbound lane of 28 Street and must be constructed as a commercial crossing access to City of Edmonton Standards, as shown on Enclosures I and II. This proposed access must maintain 1 m minimum separation from the existing curb ramp and operate as a one-way inbound only access.
  4. The proposed 8 m access to 43A Avenue located approximately 3.6 m from the east property line, is acceptable to Subdivision Planning and must be constructed as a commercial crossing access to City of Edmonton Standards, as shown on Enclosures I and II. This proposed access must operate as a one-way outbound only access.
  5. The existing curb ramps located on the southeast intersection of 28 Street and 43A Avenue, and southwest intersection of 27 Street and 43A Avenue must be removed as shown on Enclosure I. Curb and gutter must be constructed and the boulevard must be restored.
  6. The installation of a zebra marked crosswalk with signage is required on 43A Avenue on the east side of 27 Street. All zebra marked crosswalks with signage shall be completed with the development of the school, as shown on Enclosure I. The installation must coincide with the opening of the school to facilitate the increased pedestrian traffic. Please contact Alex Mawanay (780-496-2667) of Traffic Safety and Brad Vander Hoek (780-496-3080) of City Operations to initiate the installation. Further upgrade details regarding the crosswalk will be reviewed at the engineering drawing stage.
  7. A street lighting assessment has been completed at the location of the required zebra marked crosswalk on 43A Avenue to review whether the street lighting meets TAC Guidelines. The assessment identified that luminaire upgrades are required to two (2) existing street lights in the vicinity of the crosswalk on 43A Avenue at 27 Street with development of the school, as shown on Enclosure I. Please contact Shawn Jacobs (780-496-3527) of City Operations for further information.
  8. There are three (3) boulevard trees located along 43A Avenue that will require removal, as shown on Enclosure I. All costs associated with removal, compensation value for the tree and a replacement tree will be borne by the

owner/applicant. Prior to construction of the accesses, the owner/applicant must contact Bonnie Fermanuik at City Operations, Parks and Roads Services (780-496-4960).

Any boulevard tree removal(s) must follow the live tree removal guidelines as follows at [https://www.edmonton.ca/programs\\_services/landscaping\\_gardening/live-tree-removal-guidelines.aspx](https://www.edmonton.ca/programs_services/landscaping_gardening/live-tree-removal-guidelines.aspx)

9. There is an existing Edmonton Transit bus stop along 43A Avenue in the vicinity of the proposed 6 m access. This bus stop must be removed and reconstructed as a 9 m x 3.5 m bus stop pad located 25 m east of the proposed 6 m access is required, as shown on Enclosure I.
10. A school bus stop pad must be located a minimum of 10 m west of the proposed easterly access, as shown on Enclosure I. The construction of a 5 m x 3.5 m bus pad is required along 43A Avenue to provide connectivity from the school bus to the public sidewalk.
11. There is an existing Canada Post mailbox along 43A Avenue that must be relocated from its existing location to east of the shared use path outside of the 'no stopping' zone to avoid vehicles from illegally stopping along 43A Avenue. The Edmonton Public School Board must contact Chad Courchene with Canada Post at 780-944-4444 (Ext. 43084) to coordinate the relocation.
12. There is a catch basin in the vicinity of the proposed 6 m access to this property that will require modifications, as shown on Enclosure I. The applicant must contact Kimberly Cochrane with Drainage Planning at 780-496-4292 to coordinate the modification of the catch basin. Further details will be reviewed at the engineering drawing stage.
13. A 'no stopping' zone is required along the north and south side of 43A Avenue, as shown on Enclosures I and II, between 28A Street and the existing shared use path located east of the school site. Signage is required to be "no stopping" during school hours from 7:00 – 16:00. Outside of the 'no stopping' hours, no parking is permitted within 10 m of an access, the school bus stop, the Edmonton Transit bus stop and marked crosswalks. Appropriate signage for these areas must be completed at the applicant's expense as part of the school development.
14. There is an existing street light in the vicinity of the proposed 8 m access to 43A Avenue, as shown on Enclosure I. The access must maintain a minimum clearance of 1.5 m from the street light. Should relocation of the streetlight pole be required, all costs associated with relocation must be borne by the owner/applicant. The applicant should contact Jesse Cummings at 780-412-7780 of EPCOR Technology & Meter Services if relocation is required.



15. The proposed one-way directional accesses must be properly signed on private property indicating the operation of the access, as shown on Enclosure I.
16. The onsite one-way directional drive aisles, including the on-site operation of the staff parking lots entry/exit access from the one-way drive aisle, and the onsite drop off stalls must be properly signed, as shown Enclosure I.
17. The proposed sidewalk connections provided from the public sidewalk to the school building including the marked crosswalks along the internal roadways, as shown on Enclosure I, are acceptable to Subdivision Planning. Additional onsite curb ramps and pedestrian signage must be provided to accommodate these pedestrian connections.
18. A 1.2 m ornamental fence must be installed on private property along 43A Avenue to mitigate any possible conflict between pedestrian and vehicle movement. The proposed fence, as shown on Enclosure I, is acceptable to Subdivision Planning.
19. Permanent objects must NOT encroach into or over/under road right-of-way. All required landscaping for the development must be provided on site.
20. Any sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.
21. There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; [www.digshaw.ca](http://www.digshaw.ca)) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
22. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:
  - the start/finish date of project;
  - accommodation of pedestrians and vehicles during construction;
  - confirmation of lay down area within legal road right of way if required;
  - and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

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

[https://www.edmonton.ca/business\\_economy/licences\\_permits/oscam-permit-request.aspx](https://www.edmonton.ca/business_economy/licences_permits/oscam-permit-request.aspx) and,

<https://www.edmonton.ca/documents/ConstructionSafety.pdf>

#### SUBDIVISION (TRANSPORTATION) PLANNING ADVISEMENT:

1. Subdivision Planning strongly advises the Edmonton Public School Board to provide a communication plan to educate the parents and students to access the school in a safe manner.

#### OPEN SPACE PLANNING AND DESIGN CONDITIONS:

1. The project activity and haul route must not interfere with the use of adjacent park amenities, features, sports fields or infrastructure. Wherever possible, hard surfaced haul routes should be used. All damage to parkland and/or any existing infrastructure (including furniture and fixtures) must be restored to City of Edmonton Construction Standards and Parks and Roads Services satisfaction.
2. All project activity, including haul route and construction activity, must remain outside the six meter safety zone around all sports fields and diamonds on site. If the project activity or haul route impacts the use of sports fields (are within the six meter safety zone), Facility Bookings & Rentals, Citizen Services Department, and user groups must be notified well in advance to arrange alternate fields.
3. It appears that tree conflicts may exist with this project. If tree conflicts (work within 5m of a tree) are anticipated, or arise during construction, or a tree is within 3m of the haul route a site meeting with City of Edmonton Urban Forestry will be required. Please be advised that all costs associated with the removal, replacement or transplanting of trees shall be covered by the applicant as per the Corporate Tree Management Policy (C456A). City of Edmonton Urban Forestry will schedule and carry out all required tree work involved with this project. Please contact Urban Forestry, City Operations, to arrange a meeting.
4. Any lay down/staging area must be fenced, with no vehicular or project activity outside of the fenced area. Use of this area must be managed carefully to prevent any spills or release of contaminants. Signage must be posted indicating a project contact person and phone number for inquiry.
5. Site drainage must not be affected by this project.
6. Please work with Chase Gingles, the Neighbourhood Resource Coordinator, 780-944-5406, to ensure that appropriate community notification occurs.

7. All costs associated with the project is the responsibility of the Edmonton Public Schools.
8. Contact Alberta One-Call (1-800-242-3447) to have all utility lines located at least 48 hours prior to excavation.
9. Upon project completion of this project, please submit as-built drawing (in CAD or MicroStation format) to parksgis@edmonton.ca.

#### LANDSCAPE CONDITIONS:

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$510.00 (This can be paid by phone with a credit card - 780-442-5054)
2. Landscaping shall be in accordance with the approved landscaping plan and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.
3. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.
4. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer

#### DEVELOPMENT CONDITIONS:

1. Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.
2. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind. (Reference Section 54.1(1.c))
3. Parking spaces for the disabled shall be provided in accordance with the Alberta Building Code in effect at the time of the Development Permit application, for which no discretion exists and be identified as parking spaces for the disabled through the use of appropriate signage, in accordance with Provincial standards. (Reference Section 54.1(3))

4. All access locations and curb crossings shall require the approval of Transportation Services. (Reference Section 53(1))

#### ENVIRONMENTAL ADVISEMENT:

1. According to Alberta Health Services comments (dated on April 26, 2018), more environmental information shall be provided for further review prior to construction. If there are any questions, please contact Environmental Planner Jacqueline Davis (780-944-0104 or jacqueline.davis@edmonton.ca)
2. Further information must be provided for the high voltage power lines to estimate an adequate buffer between the school building and outdoor play space along the east boundary. This may include metering /assessment and distance to planned use space.
3. Further information must be provided for the pipelines, their potential contents and potential risks posed, especially for the high vapour pressure line.

#### NOTES:

1. The Development Permit shall NOT be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).
2. This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
3. Signs require separate Development Applications.
4. A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
5. The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
6. An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not

remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

[27] In granting the development, the following variances to the *Edmonton Zoning Bylaw* are allowed:

1. The maximum allowable Height of 10.0 metres per Section 572.3(1)(5) is varied to allow an excess of 1.6 metres, thereby increasing the maximum allowed to 11.6 metres.
2. The minimum required number of trees and shrubs, 176 trees and 294 shrubs as per Section 55.3(1)(b) and 54.2(3) is varied to allow a deficiency of 81 trees and 56 shrubs, thereby decreasing the required number of trees to 95 and shrubs to 238 as shown on the Landscaping Plan submitted with the Development Permit application and approved by the Board.

### **Reasons for Decision**

[28] The proposed development is a Public Education Services Use building.

[29] Section 572.2 of the *Edmonton Zoning Bylaw* states that the Uses listed under Sections 572.2.1 and 572.2.2 are only applicable to those lands owned by either the City of Edmonton or by a School Authority.

[30] Section 572.2.2(8), Public Education Services, states that where the Site is designated as a school/park site by the Neighbourhood Structure Plan, Public Education Services are a Discretionary Use in the CS3 Community Services 3 Zone.

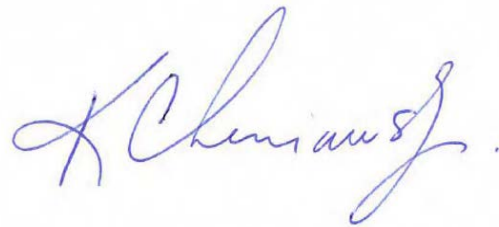
[31] Since the early 1990s, the subject Site has been identified for a school in the applicable Statutory Plans (the Larkspur Neighbourhood Structure Plan and the Meadows Area Structure Plan).

[32] Accordingly, the Board finds that the proposed development is an appropriate and compatible Discretionary Use at this location.

[33] The Board grants the required variance in the maximum allowable Height for the following reasons:

- a) Based on the Appellant's evidence, the extra Height is required to concurrently satisfy Provincial and Federal Sports Association regulations, Federal and Provincial energy efficiency targets as well as the applicable building standards.

- b) Without the requested variance, the proposed structure cannot meet the internal over space requirements necessary to develop a gymnasium that will provide maximum community benefit and value as well as increased amenities for the neighbourhood.
  - c) Given the size of the subject Site and its location adjacent to a designated park area, the Board finds there will be no adverse impacts to neighbouring properties by allowing the variance to accommodate the highest portions of the roof for the gymnasium and mechanical areas.
  - d) The Board also took notice of the Development Officer comments regarding her limited authority to grant the necessary Height variance. She indicated that the Site is subject to a concurrent application to be rezoned to AG Agricultural Zone or US Urban Services Zone. The Development Officer advised that if the rezoning were to occur, then she would have the authority to vary the maximum allowable Height requirement and that she would grant the variance because of the construction constraints and the valuable amenities that the proposed school will bring to the neighbourhood.
- [34] The Board permits a deficiency in the minimum landscaping requirements based on the evidence of the Development Officer that the calculations were based on the development boundary rather than the property lines and that it was her opinion that side and rear setback landscaping should not be required to address CPTED concerns based on the location of the school site adjacent to parkland and sports fields.
- [35] For the reasons above, the Board finds that the proposed development with the required variances will not materially interfere with the amenities of the neighbourhood, nor adversely impact the use, enjoyment or value of neighbouring parcels of land.



Ms. K. Cherniawsky, Presiding Officer  
Subdivision and Development Appeal Board

Enclosures I and II

Board members in attendance: Mr. R. Hachigian, Ms. D. Kronewitt-Martin, Ms. S. LaPerle, Mr. W. Tuttle

**Important Information for the Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from Development & Zoning Services, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
  - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - b) the requirements of the *Alberta Safety Codes Act*,
  - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - d) the requirements of any other appropriate federal, provincial or municipal legislation,
  - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by Development & Zoning Services, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.*





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 Fax: 780.442.2101  
 Website: www.number10.ca

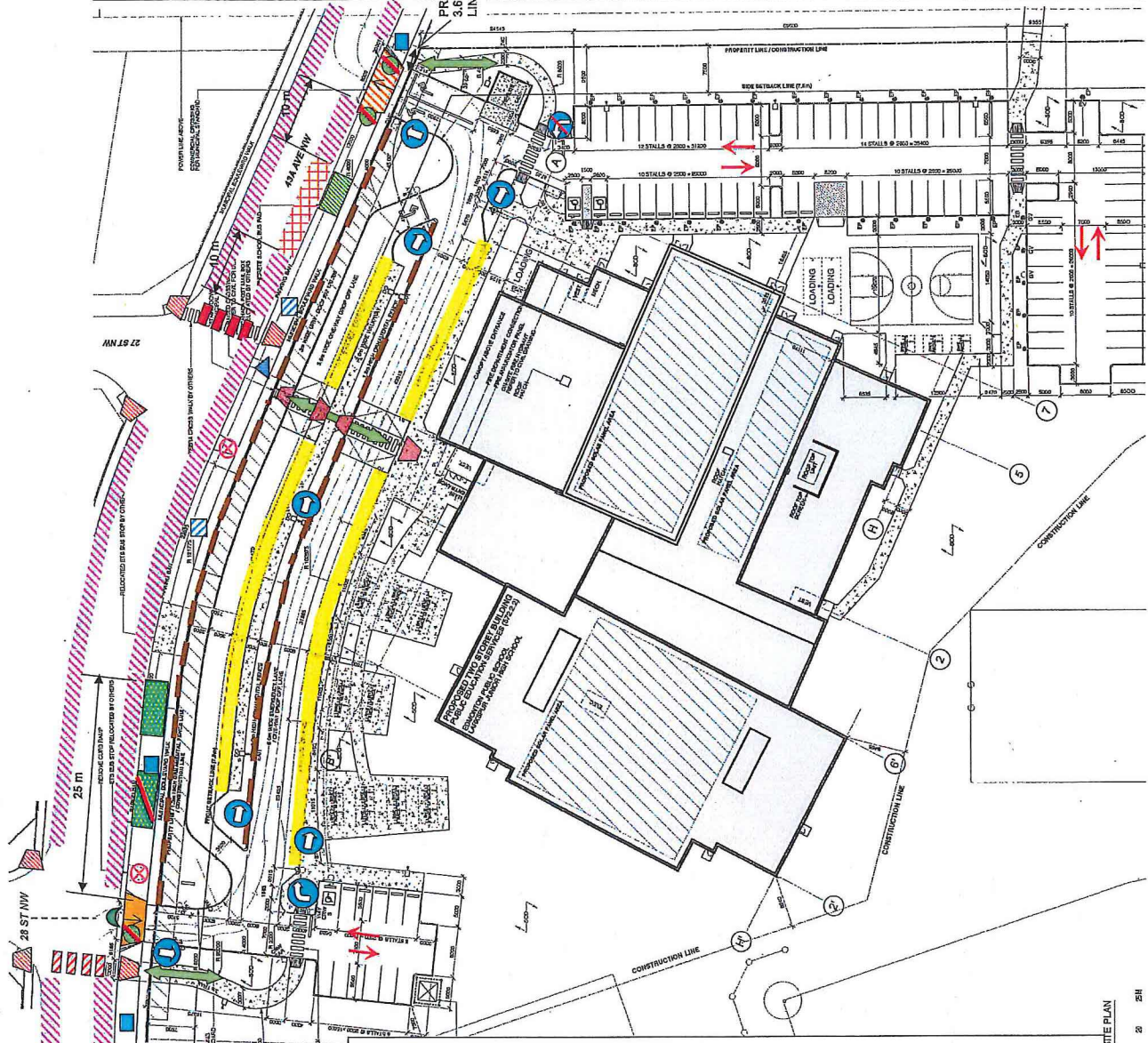
• Street name marking  
 • All street names are to be marked in accordance with the City of Edmonton  
 • All street names are to be marked in accordance with the City of Edmonton  
 • All street names are to be marked in accordance with the City of Edmonton

PROPOSED ACCESS  
 3.6 m TO PROPERTY  
 LINE

No.	Description	Date	By
0	ISSUED FOR DEVELOPMENT PERMIT	APR 18, 2018	ACI
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

CLIENT: EDMONTON PUBLIC SCHOOLS  
 PROJECT: EDMONTON PUBLIC SCHOOLS LARKSPUR 7-9 SCHOOL  
 SHEET: 1001  
 DATE: APRIL 2018  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

ENCLOSURE I  
 DA 278798859-001  
 April 18, 2018



**GENERAL NOTES**  
 1. ALL DIMENSIONS TO BE SHOWN ON SITE.  
 2. UTILITIES AND ALL UTILITIES SHALL BE SHOWN ON SITE.  
 3. ALL UTILITIES SHALL BE SHOWN ON SITE.  
 4. ALL UTILITIES SHALL BE SHOWN ON SITE.  
 5. ALL UTILITIES SHALL BE SHOWN ON SITE.  
 6. ALL UTILITIES SHALL BE SHOWN ON SITE.  
 7. ALL UTILITIES SHALL BE SHOWN ON SITE.

**SYMBOL LEGEND**  
 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

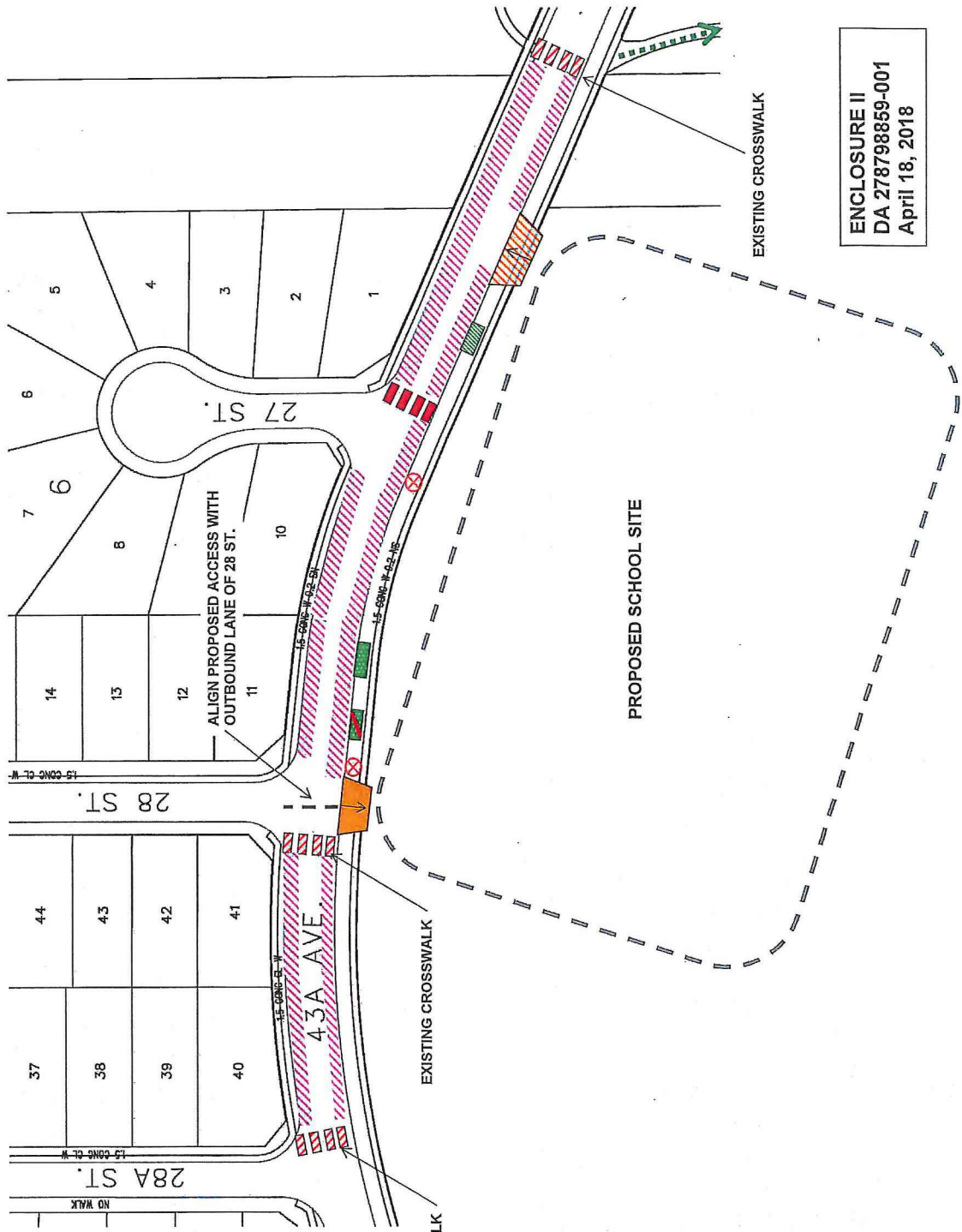
- CONSTRUCT 6 m ONE-WAY INBOUND COMMERCIAL CROSSING ACCESS
- CONSTRUCT 8 m ONE-WAY OUTBOUND COMMERCIAL CROSSING ACCESS
- REMOVE CURB RAMP CONSTRUCT CURB, GUTTER AND RESTORE BOULEVARD
- INSTALL ZEBRA MARKED CROSSWALK WITH SIGNAGE
- EXISTING ZEBRA MARKED CROSSWALK WITH SIGNAGE
- REMOVE EXISTING BUS STOP PAD
- CONSTRUCT 9 m x 3.5 m BUS STOP PAD
- CONSTRUCT 5 m x 3.5 m SCHOOL BUS PAD
- REMOVE EXISTING BOULEVARD TREE
- EXISTING STREET LIGHT
- REQUIRED UPGRADE TO EXISTING STREET LIGHT POST MAILBOX
- MODIFICATION TO EXISTING CATCH BASIN
- INSTALL DROP-OFF STALL SIGNAGE
- INSTALL ONE-WAY DIRECTIONAL SIGNAGE
- NO-LEFT-TURN SIGNAGE
- FORCED RIGHT-TURN SIGNAGE
- SIDEWALK/PEDESTRIAN CONNECTION
- EXISTING CURB RAMPS
- INSTALL ON-SITE CURB RAMPS AND SIGNAGE
- INSTALL SIGNAGE FOR 'NO STOPPING' SCHOOL HOURS 7:00-16:00
- INSTALL 1.2 m ORNAMENTAL FENCE
- SCHOOL BUS DROP OFF ZONE

ENCLOSED SITE PLAN  
 1001  
 1:250 SCALE  
 DATE 10/18/18





| LEGEND |  |
|--------|--|
|        | CONSTRUCT 5 m ONE-WAY INBOUND COMMERCIAL CROSSING ACCESS       |
|        | CONSTRUCT 8 m ONE-WAY OUTBOUND COMMERCIAL CROSSING ACCESS      |
|        | INSTALL ZEBRA MARKED CROSSWALK WITH SIGNAGE                    |
|        | EXISTING ZEBRA MARKED CROSSWALK WITH SIGNAGE                   |
|        | REMOVE CURB RAMP, CONSTRUCT CURB, GUTTER AND RESTORE BOULEVARD |
|        | REMOVE EXISTING EDMONTON TRANSIT BUS STOP PAD                  |
|        | CONSTRUCT 9 m x 3.5 m EDMONTON TRANSIT BUS STOP PAD            |
|        | CONSTRUCT 5 m x 3.5 m SCHOOL BUS PAD                           |
|        | INSTALL 'NO STOPPING' SIGNAGE FOR SCHOOL HOURS 7:00-16:00      |
|        | EXISTING SHARED USE PATH                                       |



ENCLOSURE II  
 DA 278798859-001  
 April 18, 2018