

Edmonton Subdivision and Development Appeal Board

Churchill Building
10019 - 103 Avenue NW
Edmonton, AB T5J 0G9
Phone: 780-496-6079 Fax: 780-577-3537
Email: sdab@edmonton.ca
Web: www.edmontonsdab.ca

Date: June 11, 2015
Project Number: 166819302-001
File Number: SDAB-D-15-100

Notice of Decision

This appeal dated April 30, 2015, from the decision of the Development Authority for permission to:

Construct a Health Services Use building with an Accessory Public Education Services Use (CASA Centre)

on Plan 0623343 Blk 24 Lot 10, located at 10645 - 63 Avenue NW, was heard by the Subdivision and Development Appeal Board at its hearing held on May 27, 2015. The decision of the Board was as follows:

Summary of Hearing:

At the outset of the appeal hearing, the Chairman confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to approve an application to construct a Health Services Use building with an Accessory Public Education Services Use (CASA Centre), with variances granted to reduce the required number of vehicular parking spaces, the number of required on-site passenger drop-off parking spaces, restrictions were relaxed to allow parking and paving within a required Setback, and the landscaping requirements were relaxed to reduce the required number of trees and shrubs, subject to conditions, located at 10645 – 63 Avenue NW. The approved development permit application was appealed by an adjacent property owner. The subject site is zoned US Urban Services Zone.

Prior to the hearing the following information was provided to the Board, copies of which are on file:

- A written submission received from Sustainable Development on May 15, 2015; and
- An on-line response in opposition to the proposed development.

The Board heard from Mr. Aytenfisu, the Appellant, who made the following points:

1. He has been a resident in this area for the last five years.
2. He attended a number of consultations with CASA, CASA Foundation, and the neighbourhood.
3. He is in support of the CASA Centre and the proposed development, but has concerns with some of the variances.
4. He no longer has a concern with the proposed number of on-site parking spaces.
5. He no longer has a concern with the proposed number of drop-off parking spaces, if it is properly designated, as there is sufficient on-site parking.
6. He is currently working on a resolution for this variance with the developer.
7. With regard to parking in the required Setback, he has a safety concern with vehicles driving through the parking lot to the rear lane. He stated that the developer indicated that they would install concrete barriers to eliminate drive through activity and if this is implemented he no longer has a concern.
8. He has had discussions with the CASA Centre regarding the proposed number of trees, shrubs, and landscaping.
9. He is willing to work with the CASA Centre and the City to increase the number of trees on the subject Site.

The Board then heard from Mr. Rutherford, representing the City of Edmonton, Sustainable Development, who made the following points:

1. He consulted with Transportation Services and the City's Landscape Architectural Technologist when reviewing the proposed plans.
2. The proposed development meets the regulations for the US Urban Services Zone.
3. After reviewing the Bunt & Associates Parking Assessment, he determined that there was adequate parking with 73 parking spaces, which is supported by Transportation Services.
4. With regard to the number of drop-off parking spaces, he stated that the Bunt & Associates Parking Assessment provided for one on-site drop-off parking space and four on-street parking spaces. He stated that this is a technicality which was addressed in the Bunt & Associates Parking Assessment and is supported by Transportation Services.
5. The Development Authority relies on the City's Landscape Architectural Technologist to address landscaping issues.
6. Due to the parking on the west Setback, the number of required trees and shrubs could not be met.
7. The City's Landscape Architectural Technologist agreed that providing parking in this area is more important than meeting the minimum number of trees and shrubs.

In response to questions by the Board, Mr. Rutherford provided the following information:

1. Additional parking is located on the west Setback.
2. Transportation Services did not comment on the parking in the west Setback.
3. In his opinion, 73 parking spaces are sufficient for the proposed development.

The Board then heard from Ms. Milne, representing CASA & CASA Foundation, the property owner, who made the following points:

1. She provided the Board with an overview of the CASA Centre, marked "Exhibit A".
2. The previous school on the subject Site was in need of repair and was demolished.
3. CASA provides services at other sites and communities; however, these areas are on short term leases and need to be maintained.
4. They have worked closely with the Allendale Community League.
5. They have worked extensively with the Community and their City Councillor in order to develop this project.

The Board then heard from Mr. Kraatz, representing the Respondent, IBI Group, who made the following points:

1. He has been involved with the project for two years.
2. The project has balanced the proposed development with parking issues in the neighbourhood.
3. The Bunt & Associates Parking Assessment indicated that on-street parking after office hours are from residents of the community.
4. He addressed the four variances and stated that the parking variance was addressed in the Bunt & Associates Parking Assessment.
5. With regard to the drop-off parking spaces, he stated that modifications were made to meet the minimum parking dimensions of the *Edmonton Zoning Bylaw*.
6. With regard to landscaping, he stated that the area is heavily treed in all areas except for the parking area.
7. He referenced the Appellant's suggestion to plant additional trees on the boulevard but indicated it was up to the City and not the developer.
8. They have added more shrubs along the side of the building and one tree close to the drop-off parking space.
9. With regard to the parking lot adjacent to the rear lane, he stated that by installing barriers along the side, vehicular access will only be through the two entrances.

In response to questions by the Board, Mr. Kraatz provided the following information:

1. With regard to the on-street parking study, he stated that vehicle counts have been done along 62 Avenue and 63 Avenue at peak operating times and found that 20 to 38 percent of on-street parking spaces were occupied.
2. The new building size has increased by 48 percent which will increase the number of on-site parking spaces that are used.
3. The proposed plans illustrate that traffic will be entering through the rear lane to a private parking lot which will be more convenient than parking on the street.
4. Several of the on-site parking spaces will have power.
5. The proposed landscaping complies with the regulations of the *Edmonton Zoning Bylaw* except for the parking lot area.

6. In his opinion, this is in line with the parking requirements as parking is more important than landscaping in the area.

In rebuttal, Mr. Aytenfisu made the following points:

1. He referred to the four variances and stated that he had no issue with the reduced number of parking spaces.
2. With regard to the proposed drop-off parking space, he stated that there is a need to provide one additional on-site drop-off parking space as outlined in the Bunt & Associates Parking Assessment which is needed for safety concerns. Proper signage needs to be installed for the one drop-off parking space.
3. With regard to parking in the required Setback, he stated this has been resolved as the developer has agreed to install barriers in the parking lot.
4. He is satisfied that the CASA Centre and the developer will plant the required number of trees as proposed.

Decision:

The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is GRANTED, subject to the following four conditions:

- 1) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$220.00.
- 2) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$4,535.80. All assessments are based upon information currently available to the City. The SSTC charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.
- 3) Landscaping shall be in accordance to the approved landscape plan, Section 55 and to the satisfaction of the Development Officer. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:
 - a) cash to a value equal to 100% of the established landscaping costs; or
 - b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.

Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. Reference Section 55.6.

- 4) The owner must enter into a Municipal Improvement Agreement with the City for the following improvements:
 - a) construction of the 7.5 m curb return access; located 26 m from the east property line;
 - b) construction of 28 m drop-off/ layby east of the access to 62 Avenue, including the reconstruction of the 1.5 m concrete sidewalk adjacent to the layby; and
 - c) hard surfacing of the area between the parking area and the alley driving surface.

The Municipal Improvement Agreement must be signed PRIOR to the release of the drawings for Building Permit review. The Agreement must be signed by the property owner and returned to Transportation Services to the attention of Mohammed Bashar including an irrevocable Letter of Credit in the amount of \$75,000 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature. Once signed, the owner is required to have a Civil Engineer submit stamped engineering drawings for approval by the Transportation Services.

NOTES:

- 1) 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.
- 2) 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).
- 3) Signs require separate Development Applications.
- 4) 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.

5) 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.

6) This Development Permit is not a Business License. A separate application must be made for a Business License.

In granting the development the following variances to the *Edmonton Zoning Bylaw* are allowed:

Section 54.2, Schedule 1 and relaxed - To reduce the number of required vehicular and drop-off parking spaces from 109 to 73 spaces.

Section 54.5, Schedule 4 and relaxed - To reduce the number of required on-site passenger drop-off parking spaces from 5 to 1 space.

Section 55.4(1) relaxed - To relax the restrictions prohibiting parking and paving within a required setback in order to accommodate the proposed parking lot adjacent to the existing lane way.

Section 55.4(7 a and b) relaxed - To reduce the minimum number of required trees and shrubs within the required setbacks from 77 trees and 132 shrubs to 46 trees and 101 shrubs (Difference of 31 trees and 31 shrubs).

Reasons for Decision:

The Board finds the following:

1. The proposed development involves two Uses of the subject site. It is both a Health Services Use, as well as a Public Education Services Use. Health Services is a Discretionary Use and Public Education Services is a Permitted Use in the US Urban Services Zone.
2. The Appellant was not opposed to the suitability of the proposed development.
3. The four variances granted by the Development Authority are confirmed for the following reasons:
 - a. With regard to the number of required on-site parking spaces:
 - i. The Respondent provided a Parking Impact Assessment from Bunt & Associates that demonstrated that the actual parking needs of the development will be approximately 49 parking spaces. The proposed development provides 73 parking spaces. Therefore, even though the number of parking stalls is less than that required by the *Edmonton Zoning Bylaw*, it is significantly in excess of the needs of this particular development.
 - ii. There is ample off-site parking in this area as outlined in the Bunt & Associates Parking Impact Assessment, and the Board accepts this evidence.

- b. With regard to the variance to reduce the number of on-site drop-off parking spaces, the Board notes that condition No. 4 of the approved permit will require the developer to construct a 28 metre drop-off space east of the 62 Avenue access which will provide four drop-off spaces in addition to the one provided on-site. Accordingly, the number of required drop-off parking spaces will meet the requirements of the *Edmonton Zoning Bylaw*, if you include the number of drop-off spaces that the developer will be required to create on 62 Avenue.
4. The variances allowing parking in the required Setback, and the reduction of trees and shrubs in the Setback are granted for the following reasons:
 - a. The Setback along the lane will be turned into a Parking Area to allow the maximization of the on-site parking which will minimize the on-street parking in the area.
 - b. If the Development Authority was to have required adherence to Sections 55.4(1) and 55.4(7)(a)(b) of the *Edmonton Zoning Bylaw* this would reduce the on-site parking.
 - c. The view of the Parking Area on the subject Site from 62 Avenue and 63 Avenue will be screened by trees and shrubs.
 - d. The removal of the trees along the rear lane will not significantly affect the visibility of the area from the main roadways.
5. The developer has compiled extensive Community Consultation and has the support of the Allendale Community League.
6. Based on the above, it is the opinion of the Board, that the proposed development with the requested variances, will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Important Information for Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.
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*, R.S.A. 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 the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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.

Mr. I. Wachowicz, Chairman
Subdivision and Development Appeal Board

c.c.

Edmonton Subdivision and Development Appeal Board

Churchill Building
10019 - 103 Avenue NW
Edmonton, AB T5J 0G9
Phone: 780-496-6079 Fax: 780-577-3537
Email: sdab@edmonton.ca
Web: www.edmontonsdab.ca

Date: June 11, 2015
Project Number: 165627221-002
File Number: SDAB-D-15-101

Notice of Decision

This appeal dated May 4, 2015, from the decision of the Development Authority for permission to:

Construct a two Storey Accessory building (Garage Suite on the second floor, Garage on the main floor)

on Plan 1424449 Blk 50 Lot 21, located at 10551 - 127 Street NW, was heard by the Subdivision and Development Appeal Board at its hearing held on May 27, 2015. The decision of the Board was as follows:

Summary of Hearing:

At the outset of the appeal hearing, the Chairman, confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to approve an application to construct a two Storey Accessory building (Garage Suite on the second floor, Garage on the main floor), with variances granted for the minimum required Site Area for an above Grade Garage Suite, the minimum required Side Setbacks and the minimum required number of parking spaces, subject to conditions, located at 10551 – 127 Street NW. The subject Site is zoned RF3 Small Scale Infill Development Zone and is within the Mature Neighbourhood Overlay. The approved development permit application was appealed by an adjacent property owner.

Prior to the hearing the following information was provided to the Board, copies of which are on file:

- A written submission received from Sustainable Development on May 22, 2015;
- Additional information from the Appellant on May 22, 2015; and
- An on-line response in opposition to the proposed development.

The Board heard from Mr. Evans, the Appellant, who made the following points:

1. He provided the Board with a revised submission, marked "Exhibit A".
2. He provided the Board with a background of the Westmount neighbourhood.
3. Westmount is a special neighbourhood and a street friendly area.
4. The area is attractive and in close proximity to downtown and the 124 Street Corridor.
5. His understanding of the Mature Neighbourhood Overlay was to enhance the RF3 Small Scale Infill Development Zone and the General Purpose of the Mature Neighbourhood Overlay.
6. He is aware that the City is allowing more density and housing types and affordable options for infill housing.
7. He understands that the changes in the narrow lot width, the locational criteria for Garage Suites, and reduction in the Site Area from 460 square metres to 400 square metres for Garage Suites was approved.
8. In his opinion, the reason for the lot size of 400 square metres was intentional and this specific Site Area is 323.68 square metres which is 20 percent smaller than required.
9. In his opinion, variances should only be granted in certain circumstances.
10. He is frustrated that some proposed developments are required to provide community consultation and some are not required.
11. He is concerned with the lack of details, drawings, and supporting documents that are not sent out to neighbouring property owners.
12. In his opinion, the deficiencies were not outlined correctly on the notices that were sent to neighboring property owners.
13. If the proposed development is approved with the required variances, it will create a precedent and all similar proposed developments will require the same variances.
14. He provided the Board with an updated Community Consultation from neighboring property owners in opposition to the proposed development.
15. He provided the Board with a letter from the Westmount Community League that encourages the Board to uphold the new Bylaw for Garage Suites.
16. No Community Consultation was done by the Respondent and no attempts were made to contact him or the neighbours to discuss the proposed development.

The Board then heard from Mr. Sifat, representing the City of Edmonton, Sustainable Development, who made the following points:

1. He acknowledged that the variance required for the flanking Side Setback is 0.61 metres with a deficiency in the interior Side Setback of 0.3 metres.
2. The deficiency in the maximum allowable Site Area was relaxed by 19 percent.
3. The deficiencies will have a negative impact regarding massing and the intent of the *Edmonton Zoning Bylaw* amendment is not for two Storey developments on narrow lots.
4. The combined deficiencies will have a negative impact on value, use, and enjoyment on neighbouring properties.

In response to questions by the Board, Mr. Sifat provided the following information:

1. Although he considered the 2.5 metre wide boulevard, he found that there would still be a massing effect on neighbouring property owners.
2. He acknowledged that the Site Area for a Garage Suite was not met.
3. He re-reviewed the design and found that the proposed plans did not mitigate the massing impact as the building will be too close to the adjacent property lines.
4. With regard to Municipal Development Plan, *The Way We Grow* and *The Way We Live*, the policy goals will be overwhelmed by the massing effect on this lot.
5. He acknowledged that the principal dwelling has no Height variance and a Garage without a Suite with a steep roof line could match the Height of the proposed development. However, the massing effect of a detached Garage could not be equal to a full second Storey Garage Suite.

The Board then heard from Mr. Mackie, representing the City of Edmonton, Sustainable Development, who made the following points:

1. It was not the intent of City Council to accommodate Garage Suites on narrow lots.
2. The 400 square metre minimum lot requirement is a contemplation of 33 feet by 130 feet lots or 36 feet by 120 feet lots.

In response to questions by the Board, Mr. Mackie provided the following information:

1. The subject Site is on a corner lot and the 400 square metres Site Area is considered the limit.
2. The Development Authority considered the boulevard on the corner lot when reviewing the proposed development.
3. He is recommending that the Board refuse the proposed development.

The Board then heard from Mr. Engelman, representing the Respondent, Engelman Construction who made the following points:

1. The development permit application was submitted prior to the *Edmonton Zoning Bylaw* amendments.
2. The builder provides Community Consultation when it is requested by Sustainable Development.
3. It was not his intent to create a variance as the Garage Suite is the same size as the Garage on the adjacent property.
4. Transom windows will be installed to mitigate the negative impact on the adjacent property and alleviate any privacy concerns.
5. With regard to the variances, he stated that Engelman Construction built six houses in the Westmount area last year and only the proposed development required variances.
6. There is a lot across the Avenue that is the same size as the proposed development that has a three unit Row House development with 45 percent Site Coverage with only three parking spaces.

7. With regard to the parking variance, the proposed development is in a transit oriented neighbourhood.
8. Windows will face the rear lane preventing any shadowing effect on neighbouring properties.
9. A Garage with a 12/12 roof pitch could be built on the subject Site with no variances.

In response to questions by the Board, Mr. Engelman provided the following information:

1. The Development Authority suggested that they could construct a drive-thru garage with a parking space in the rear yard.
2. If tandem parking was allowed, this could be included in the number of required parking spaces.
3. He was not aware that neighbouring property owners were in opposition to the proposed development.
4. The property owners want to build a Garage Suite to offset their costs of the purchase of the property.

In rebuttal, Mr. Evans made the following point:

1. He confirmed that the tri-plex north of 106 Avenue has tandem parking.

Decision:

that the appeal is ALLOWED and the decision of the Development Authority is REVOKED.
The development is REFUSED.

Reasons for Decision:

The Board finds the following:

1. The proposed development is a Discretionary Use in the RF3 Small Scale Infill Development Zone.
2. The Board does not grant the requested variances which are required for the proposed development for the following reasons:
 - a. The requested variances allowing the Garage Suite to be within the required Setbacks will negatively impact the property immediately south of the subject Site.
 - b. The south elevation for the Garage Suite is a large rectangular wall with no articulation in the design which creates a negative massing effect that is detrimental to the lot immediately to the south of the subject Site.

- c. That massing effect will be exacerbated by the variance requested to the interior Side Setback which will place the large, cubic massive and unarticulated two Storey Garage very close to the back yard of the subject site, which will negatively impact the enjoyment of the neighboring lot's amenity area.
 - d. Not only does the Garage Suite encroach onto the Side Setback, it is also closer to the north property line than the Principal Dwelling. This increases the massing effect created by the two Storey flat roof structure as viewed from the public street to the north of the subject lot.
 - e. With regard to the variance in the Site Area, granting the variance would significantly increase the intensity of the Site, by allowing two residences on the same lot which is not characteristic of the neighbourhood.
3. This intensity of Use is not in keeping with Section 814.1 of the General Purpose of the Mature Neighbourhood Overlay that states that the purpose of this Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.
4. By allowing the two separate building Dwellings on this narrow lot, the proposed development is an intensification that is out of scale to the other residential developments on the block, and will negatively impact the privacy and sunlight on adjacent properties.
5. The Board recognized that there is an existing three unit Row Housing development across 106 Avenue, but notes that it is located on a significantly larger lot than the subject Site.
6. The requested parking variance does not form part of the Board's decision as the denial of the other three variances are enough to refuse the proposed development.
7. 18 of the 23 neighbouring property owners in the 60 metre notification radius indicated their opposition to the proposed development, including the Westmount Community League.
8. Based on the above, it is the finding of the Board that the proposed development will unduly interfere with the amenities of the neighbourhood and materially interfere with and affect the use, enjoyment or value of neighbouring parcels of land. As a result, the test set out in s. 687(3)(d) of the *Municipal Government Act* has not been met, and therefore, the requested variances are denied. As set out by the Court of Appeal in *Newcastle Centre GP Ltd v Edmonton (City)*, 2014 ABCA 295, that is the test that this Board must follow. In the *Newcastle* decision the Court of Appeal made it clear that this Board is not to consider development regulations to be "absolute" (see paragraph 4 of the *Newcastle* decision) but that in all cases this Board, when it receives a request for a variance to a development regulation in the *Zoning Bylaw*, must make its decision based upon the test set out in s. 687(3)(d) (see paragraph 7 of the *Newcastle* decision). The Board has done that in this case, and has found that the test has not been met, and therefore, allows the appeal.

Important Information for Applicant/Appellant

1. 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*, R.S.A. 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.
2. 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 the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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.

Mr. I. Wachowicz, Chairman
Subdivision and Development Appeal Board

c.c.