

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
November 5, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-20-153

To construct Multi-unit Housing (a four Dwelling Row House) with Unenclosed front Porches, side landings and Secondary Suites in the Basements

15803 - 97 Avenue NW
Project No.: 362725232-002

II 1:30 P.M. SDAB-S-20-005

Tentative plan of subdivision to create three (3) bare land condominium units from Lot 48, Block 3, Plan 1640 KS, located north of 95 Avenue NW and east of 80 Street NW; Holyrood

9505 - 80 Street NW
Project No.: 363014454-001

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-20-153

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 362725232-002

APPLICATION TO: Construct Multi-unit Housing (a four Dwelling Row House) with Unenclosed front Porches, side landings and Secondary Suites in the Basements

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: September 30, 2020

DATE OF APPEAL: October 12, 2020

NOTIFICATION PERIOD: October 6, 2020 through October 27, 2020

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15803 - 97 Avenue NW

LEGAL DESCRIPTION: Plan 3081HW Blk 5B Lot 5

ZONE: (RF5) Row Housing Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Jasper Place Area Redevelopment Plan

Grounds for Appeal

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

A rezoning application was brought to the city to rezone a property at 9640 - 158 Street from RF-1 to RF-6. City council refused that zoning and allowed an RF-5. This was approved for a double sized lot located on the northeast corner of the block. Since that approval the developer has changed the address as well as the land which was approved in the first place. It seems that now they wish to continue with the RF-5 style of housing with the RF-6 benefits doubling the density, then they will surprise us with whatever they decide to do on the other half of the property.

As construction is already in progress I am concerned that everything is settled and we are just going through the motions. We had presented a large list of residents who opposed the construction of row housing in the middle of the neighborhood. I strongly oppose the sneaky way that these developers are going about building what they always intended on by rezoning and switching lots. I believe if the property which was rezoned should be what is developed, not split up and using that zoning to build on only half of the property. Once it is split up I would consider it a completely new property and Zoning has to be reapplied for.

<i>General Matters</i>

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 160.2(3), **Multi-unit Housing** is a **Permitted Use** in the **(RF5) Row Housing Zone**.

Under section 160.2(4), a **Secondary Suite** is a **Permitted Use** in the **(RF5) Row Housing Zone**.

Under section 7.2(4), **Multi-unit Housing** means:

development that consists of three or more principal Dwellings arranged in any configuration and in any number of buildings. This Use does not include Blatchford Townhousing or Blatchford Stacked Row Housing.

Under section 7.2(6), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from outside the structure. This Use

Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Section 160.1 states that the **General Purpose** of the **(RF5) Row Housing Zone** is “to provide for ground oriented housing.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

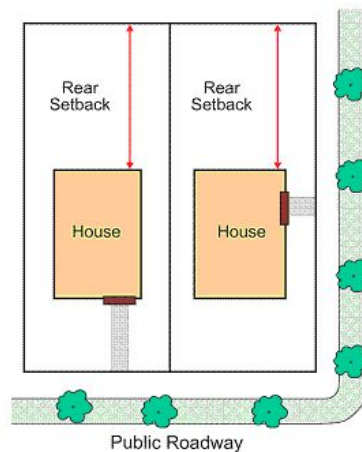
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, except in the RF5 Zone, individual buildings up to 6.5 m in Height shall be permitted with a minimum Rear Setback of 1.2 m.”

Under section 6.1, **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Development Officer’s Determination

Reduced Rear Setback - The distance from the multi-unit house to the rear property line abutting the lane is 14.6m instead of 18.0m. (Section 814.3.4)

[unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.


Section 814.5(2) states:


Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed	814.3(4) - Rear Setback

	Site of the proposed development and the President of each Community League	development	
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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>Minor Development Permit</h2>																															
This document is a record of a Development 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.																															
Applicant	<table border="1"> <tr> <td colspan="2" data-bbox="813 438 1369 527"> Property Address(es) and Legal Description(s) 15803 - 97 AVENUE NW Plan 3081HW Blk 5B Lot 5 </td> </tr> <tr> <td colspan="2" data-bbox="813 527 1369 558"> Specific Address(es) </td> </tr> <tr> <td data-bbox="813 558 878 590">Suite:</td> <td data-bbox="894 558 1369 590">15803 - 97 AVENUE NW</td> </tr> <tr> <td data-bbox="813 590 878 621">Suite:</td> <td data-bbox="894 590 1369 621">15805 - 97 AVENUE NW</td> </tr> <tr> <td data-bbox="813 621 878 653">Suite:</td> <td data-bbox="894 621 1369 653">15807 - 97 AVENUE NW</td> </tr> <tr> <td data-bbox="813 653 878 684">Suite:</td> <td data-bbox="894 653 1369 684">15809 - 97 AVENUE NW</td> </tr> <tr> <td data-bbox="813 684 878 716">Suite:</td> <td data-bbox="894 684 1369 716">BSMT, 15803 - 97 AVENUE NW</td> </tr> <tr> <td data-bbox="813 716 878 747">Suite:</td> <td data-bbox="894 716 1369 747">BSMT, 15805 - 97 AVENUE NW</td> </tr> <tr> <td data-bbox="813 747 878 779">Suite:</td> <td data-bbox="894 747 1369 779">BSMT, 15807 - 97 AVENUE NW</td> </tr> <tr> <td data-bbox="813 779 878 810">Suite:</td> <td data-bbox="894 779 1369 810">BSMT, 15809 - 97 AVENUE NW</td> </tr> <tr> <td data-bbox="813 810 894 842">Entryway:</td> <td data-bbox="894 810 1369 842">15803 - 97 AVENUE NW</td> </tr> <tr> <td data-bbox="813 842 894 873">Entryway:</td> <td data-bbox="894 842 1369 873">15805 - 97 AVENUE NW</td> </tr> <tr> <td data-bbox="813 873 894 905">Entryway:</td> <td data-bbox="894 873 1369 905">15807 - 97 AVENUE NW</td> </tr> <tr> <td data-bbox="813 905 894 936">Entryway:</td> <td data-bbox="894 905 1369 936">15809 - 97 AVENUE NW</td> </tr> <tr> <td data-bbox="813 936 894 961">Building:</td> <td data-bbox="894 936 1369 961">15803 - 97 AVENUE NW</td> </tr> </table>	Property Address(es) and Legal Description(s) 15803 - 97 AVENUE NW Plan 3081HW Blk 5B Lot 5		Specific Address(es)		Suite:	15803 - 97 AVENUE NW	Suite:	15805 - 97 AVENUE NW	Suite:	15807 - 97 AVENUE NW	Suite:	15809 - 97 AVENUE NW	Suite:	BSMT, 15803 - 97 AVENUE NW	Suite:	BSMT, 15805 - 97 AVENUE NW	Suite:	BSMT, 15807 - 97 AVENUE NW	Suite:	BSMT, 15809 - 97 AVENUE NW	Entryway:	15803 - 97 AVENUE NW	Entryway:	15805 - 97 AVENUE NW	Entryway:	15807 - 97 AVENUE NW	Entryway:	15809 - 97 AVENUE NW	Building:	15803 - 97 AVENUE NW
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Development Permit Decision Approved Issue Date: Sep 30, 2020 Development Authority: LAI, ECHO Subject to the Following Conditions Subject to the right of appeal this Development Permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1. This Development Permit authorizes the development of a Multi-unit Housing (4 Dwellings Row House) with Unenclosed front Porches, side landings and Secondary Suites in the Basements. The development shall be constructed in accordance with the stamped and approved drawings																															

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<h2>Minor Development Permit</h2>	
<p>WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6)</p>	
<p>The maximum Height shall not exceed 8.9 m in accordance with Section 52. (Section 814.3.5)</p>	
<p>Frosted or translucent glass treatment shall be used on windows as required on the side elevations to minimize overlook into adjacent properties (Reference Section 814.3.8).</p>	
<p>Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above the finished ground level, excluding any artificial embankment, shall provide Privacy Screening to prevent visual intrusion into Abutting properties. (Section 814.3.9)</p>	
<p>Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue. (Section 814.3.17)</p>	
<p>Any existing front access and/or Parking Area shall be removed. A residential curb fill permit shall be obtained from Transportation Services to remove any existing Driveway access on the Site.</p>	
<p>Existing vegetation should be preserved and protected unless removal is demonstrated to be necessary or desirable to efficiently accommodate the proposed development. (Reference Section 55.6)</p>	
<p>Landscaping shall be installed and maintained in accordance with Section 55. (Reference Section 55)</p>	
<p>Except for the hard surfacing of Driveways and/or Parking Areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw 12800.</p>	
<p>A Secondary Suite shall be developed in such a manner that the exterior of the principal Dwelling containing the Secondary Suite shall appear as a single Dwelling from a public roadway other than a Lane (Reference Section 86.2)</p>	
<p>A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, Child Care Services or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business. (Reference Section 86.4)</p>	
<p>A maximum of one Household shall occupy a Secondary Suite (Reference Section 86.5)</p>	
<p>- Dwelling means a self-contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household. (Reference Section 6.1)</p>	
<p>- Household means: one or more persons related by blood, adoption, foster care, marriage relationship; or a maximum of three unrelated persons; all living together as a single social and economic housekeeping group and using cooking facilities shared in common. For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative (Reference Section 6.1).</p>	
<p>When a Secondary Suite is accessory to a Discretionary Use in a Zone, the development permit for the Secondary Suite is not valid until the development permit for the Discretionary Use is valid. (Section 86.7)</p>	
<p>Locked separation that restricts the nonconsensual movement of persons between each Dwelling unit shall be installed.</p>	
<p>ADVISEMENTS: A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.</p>	

Minor Development Permit

Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.

Unless otherwise stated, all the above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.


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.

LANDSCAPING 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 \$528.00 (this can be paid by phone with a credit card - 780-442-5054).
2. Landscaping shall be in accordance with the approved Landscape 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 installed within 18 months of receiving the Final Occupancy Permit. 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.
5. A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed (www.edmonton.ca/landscapeinspectionrequest).
6. Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.
7. Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.

TRANSPORTATION CONDITIONS:

1. The proposed connector sidewalks are acceptable to Subdivision Planning.
2. There may be utilities within the 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) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removal shall be at the expense of the owner/applicant.
3. 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;

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<h2>Minor Development Permit</h2>	
<ul style="list-style-type: none"> - 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. 	
<p>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/oscam-permit-request.aspx and https://www.edmonton.ca/business_economy/documents/PDF/ConstructionSafety.pdf</p>	
<p>4. Any alley, sidewalk or boulevard 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.</p>	
<p>TRANSPORTATION ADVISEMENTS:</p>	
<p>1. Access is proposed to the alley. A curb crossing is not required for alley access.</p>	
<p>EPCOR CONDITIONS:</p>	
<p>Prior to the release of drawings for Building Permit review (except for Building Permits for demolition, excavation, or shoring), the owner shall enter into a Servicing Agreement with the City to meet the following standard of water supply under the City of Edmonton Design and Construction Standards:</p>	
<p>1. The applicant is required to construct one new hydrant along 97 Avenue NW more or less as shown in the attachment (DP362725232-002_EPCOR Water Enclosure) at their expense. This work can be undertaken either under a Servicing Agreement with the City of Edmonton Development Coordination Branch or under EPCOR Water Services, Inc.'s New Water Distribution Mains capital program. For more information on the EPCOR New Water program, please contact EPCOR New Water at waterdinfrastructure@epcor.com.</p>	
<p>2. Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 17698 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting waterlandadmin@epcor.com.</p>	
<p>EPCOR ADVISEMENTS:</p>	
<p>1. The site is currently serviced by a 20mm copper service located approximately 7.3m north of the south property line of Lot 5 off of a water main located on 158 Street NW. The applicant is to contact customer services at 780-412-4000 a minimum of four weeks prior to commencing any work on the site, including demolition, excavation, or grading for direction on the correct process to follow to have the service isolated and meter removed.</p>	
<p>2. In reference to our Terms of Service, water services cannot extend from one property to another. Any private service lines crossing the existing/proposed property lines must be identified and relocated at the owner's expense.</p>	
<p>3. A new water service may be constructed for this lot directly off EPCOR's water main along 158 Street NW.</p>	
<p>4. The existing service is not of sufficient size for the proposed development. The owner/applicant must review the total on-site water demands and service line capacity with a qualified engineer to determine the size of service required and ensure adequate water supply to the proposed development.</p>	
<p>5. For information on service abandonments and the provisioning of a new water service contact EPCOR Infill Water and Sewer Servicing at wass.drainage@epcor.com or at 780-496-5444.</p>	
<p>6. Prior to the turning on the water service, the applicant must submit bacteriological test results to EPCOR Water Dispatch, and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-6800 for more information on how to provide the test results. Water Dispatch can provide information on the tie-in and commissioning procedure.</p>	

Minor Development Permit

7. There is a deficiency in on-street hydrant spacing (distance between fire hydrants) adjacent to the property. City of Edmonton Standards requires hydrant spacing of 90m for the proposed zoning. Hydrant spacing in the area is approximately 141m (actual spacing) and does not meet the spacing requirement.

8. Fire Rescue Services (FRS), Fire Protection Engineer may be able to perform an Infill Fire Protection Assessment (IFPA) at development permit application to alter or lessen on-street fire protection infrastructure upgrades, assuming certain criteria are met. The applicant may request that the City Planner initiate this review.

9. A new cost share pilot program has started up in 2020 which may assist in offsetting any required infrastructure upgrades for the water system. Information about the new Infill Cost Share Program can be found at www.epcor.com/infill-cost-share.

10. No contractor or private developer may operate any EPCOR valves and only an EPCOR employee or EPCOR authorized agent can remove, operate or maintain EPCOR infrastructure.

11. The advisements and conditions provided in this response are firm and cannot be altered.

12. The owner may wish to submit and request the review of an Infill Fire Protection Assessment (IFPA) report as a potential alternative to meeting the municipal infrastructure standards identified by EPCOR Water Services. The review of an IFPA report is a service provided by the City to determine whether any required infrastructure standards/upgrades may be relaxed, provided certain criteria are met. Any alternatives to the requirements of EPCOR Water Services identified by the IFPA report shall be to the satisfaction of the City Fire Protection Engineer.

APPLICABLE ASSESSMENTS

1. Permanent Area Contribution (PAC)

- Storm and sanitary PACs are not applicable, since the property is not within any active PAC basins.

2. Expansion Assessment (EA)

- Expansion Assessment is not applicable, since the property is outside the current Expansion Assessment area.

3. Arterial Roadway Assessment (ARA)

- Arterial Roadway Assessment is not applicable, since the property is outside the current ARA Catchment Area.

4. Sanitary Sewer Trunk Charge (SSTC)

Based on our records, this property was never assessed for SSTC.

- SSTC is applicable to the property for 4 multi-family dwellings at the rate of \$1,222/dwelling and 4 Secondary Suite at the rate of \$758/suite with credit given for 1 single family dwelling at the rate of \$1,712/dwelling, under the current DP#362725232-002. The property area is obtained from the City's information program called POSSE and the number of dwellings is based on the drawings submitted with this Application for Major Development Permit.

- Payment should be made at the Edmonton Service Centre, 2nd Floor, 10111 – 104 Avenue NW.


- For information purposes, the 2020 rate is \$1,222/dwelling. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment.
Based on our records, this property was never assessed for SSTC.

Additional Notes:

- 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:

	Project Number: 362725232-002 Application Date: MAY 19, 2020 Printed: October 13, 2020 at 10:27 AM Page: 6 of 7																														
<h2 style="margin: 0;">Minor Development Permit</h2>																															
<p>- Permanent Area Contributions https://www.edmonton.ca/city_government/utilities/permanent-area-contributions.aspx</p> <p>- Sanitary Servicing Strategy Expansion Assessment https://www.edmonton.ca/city_government/utilities/expansion-assessment-charge-ea.aspx</p> <p>- Arterial Roadway Assessment https://www.edmonton.ca/projects_plans/roads/design_planning/arterial-roadway-assessments.aspx</p> <p>- Sanitary Sewer Trunk Charge https://www.edmonton.ca/city_government/utilities/sanitary-sewer-trunk-charge-sstc.aspx</p> <p>WASTE MANAGEMENT: This is a residential property and therefore falls under the City of Edmonton bylaw 18590, requiring the waste and recycle services are provided by the City of Edmonton.</p> <p>This site with 4 units would receive approximately 1 cubic yards of garbage service and 0.5 cubic yards of recycle service per week for the residential units.</p> <p>This site with 4 units would receive hand collection as the method of pickup for garbage and recycle. The minimum cart per resident is two which would require a total of 8 carts. Waste Services recommends storing each of the residential carts in waste enclosure and/or garages until collection days. On collection days, the resident and/or property manager will be responsible to move the carts to the lane for service.</p> <p>Other issues to include:</p> <ul style="list-style-type: none"> - snow removal on a daily basis in winter months to prevent snow and ice accumulations that can prevent movement of the bins in winter months. - using a commercial grade asphalt in the drive areas of the waste vehicle to reduce the impact caused by the waste vehicle when servicing a site. A link is provided to the City of Edmonton Complete Streets Design and Construction Standards. <p>Variances Reduced Rear Setback - The distance from the multi-unit house to the rear property line abutting the lane is 14.6m instead of 18.0m. (Section 814.3.4)</p> <p>Rights of Appeal This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.</p> <p>Notice Period Begins: Oct 06, 2020 Ends: Oct 27, 2020</p>																															
<p>Fees</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$472.00</td> <td style="text-align: right;">\$472.00</td> <td>071520200714000</td> <td>Jul 14, 2020</td> </tr> <tr> <td>Sanitary Sewer Trunk Fund (Secondary/Garden Suite)</td> <td style="text-align: right;">\$3,032.00</td> <td style="text-align: right;">\$3,032.00</td> <td>071520200714000</td> <td>Jul 14, 2020</td> </tr> <tr> <td>Sanitary Sewer Trunk Fund</td> <td style="text-align: right;">\$3,176.00</td> <td style="text-align: right;">\$3,176.00</td> <td>071520200714000</td> <td>Jul 14, 2020</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$528.00</td> <td style="text-align: right;">\$528.00</td> <td>071520200714000</td> <td>Jul 14, 2020</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$864.00</td> <td style="text-align: right;">\$864.00</td> <td>071520200714000</td> <td>Jul 14, 2020</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Lot Grading Fee	\$472.00	\$472.00	071520200714000	Jul 14, 2020	Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$3,032.00	\$3,032.00	071520200714000	Jul 14, 2020	Sanitary Sewer Trunk Fund	\$3,176.00	\$3,176.00	071520200714000	Jul 14, 2020	Development Permit Inspection Fee	\$528.00	\$528.00	071520200714000	Jul 14, 2020	Dev. Application Fee	\$864.00	\$864.00	071520200714000	Jul 14, 2020
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Project Number: **362725232-002**
Application Date: MAY 19, 2020
Printed: October 13, 2020 at 10:27 AM
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Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$8,072.00</u>	<u>\$8,072.00</u>		

A large empty rectangular box, likely intended for a signature, stamp, or additional notes.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-153

▲
N

ITEM II: 1:30 P.M.

FILE: SDAB-S-20-005

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 363014454-001

APPLICATION TO: Tentative plan of subdivision to create three (3) bare land condominium units from Lot 48, Block 3, Plan 1640 KS, located north of 95 Avenue NW and east of 80 Street NW; Holyrood

DECISION OF THE SUBDIVISION AUTHORITY: Approved with Conditions

DECISION DATE: October 1, 2020

DATE OF APPEAL: October 6, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9505 - 80 Street NW

LEGAL DESCRIPTION: Plan 1640KS Blk 3 Lot 48

ZONE: (RA7) Low Rise Apartment Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

With respect to the conditional Approval letter dated Oct 1 2020, we are appealing condition #1.

1. That the owner provide money in place of Municipal Reserve (MR), in the amount of \$275,000 representing 0.131 ha pursuant to Section 666 and Section 667 of the Municipal Government Act.

We are appealing this condition as this property had previously been under the City's ownership at the time the neighbourhood was being subdivided. There are plenty of parks in the neighbourhood, a huge community league and Holyrood school with huge fields adjacent to our property containing 2 baseball diamonds, soccer field, playground and ice rink. The necessary land reserves were taken at the time to create these parks and public areas.

The documentation surrounding the title of this property is very convoluted and there is no certainty that the municipal reserves were paid/land provided, however the substantial public areas/parks suggest that the necessary park land was allocated as required, especially considering the property's ownership was under the City's control and it had the opportunity to make the necessary contributions at that time.

<i>General Matters</i>

Appeal Information:

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

Appeals

678(1) The decision of a subdivision authority on an application for subdivision approval may be appealed

- (a) by the applicant for the approval,
- (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
- (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or
- (d) by a school board with respect to
 - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
 - (ii) the location of school reserve allocated to it, or

- (iii) the amount of school reserve or money in place of the reserve.

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

(a) with the Municipal Government Board

- (i) if the land that is the subject of the application is within the Green Area as classified by the Minister responsible for the Public Lands Act,
- (ii) if the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site, or
- (iii) in any other circumstances described in the regulations under section 694(1)(h.2),

or

(b) in all other cases, with the subdivision and development appeal board.

(2.1) Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

(3) For the purpose of subsection (2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed.

(4) A notice of appeal under this section must contain

- (a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and
- (b) the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

(5) If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate

board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

Hearing and decision

680(1) The board hearing an appeal under section 678 is not required to hear from any person or entity other than

- (a) a person or entity that was notified pursuant to section 679(1), and
- (b) each owner of adjacent land to the land that is the subject of the appeal,

or a person acting on any of those persons' behalf.

(1.1) For the purposes of subsection (1), “adjacent land” and “owner” have the same meanings as in section 653.

(2) In determining an appeal, the board hearing the appeal

- (a) must act in accordance with any applicable ALSA regional plan;
- (a.1) must have regard to any statutory plan;
- (b) must conform with the uses of land referred to in a land use bylaw;
- (c) must be consistent with the land use policies;
- (d) must have regard to but is not bound by the subdivision and development regulations;
- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;
- (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

Approval of application

654(1) A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(1.1) Repealed 2018 c11 s13.

(1.2) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

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.



Subdivision Authority

7th Floor, Edmonton Tower
10111 – 104 Avenue NW
Edmonton, Alberta T5J 0J4

October 1, 2020

File No. LDA20-0177

RE: Tentative plan of subdivision to create three (3) bare land condominium units from Lot 48, Block 3, Plan 1640 KS, located north of 95 Avenue NW and east of 80 Street NW; **HOLYROOD**

The Subdivision by Bare Land Condominium is APPROVED on October 1, 2020, subject to the following conditions:

1. that the owner provide money in place of Municipal Reserve (MR) , in the amount of \$275,000.00 representing 0.131 ha pursuant to Section 666 and Section 667 of the Municipal Government Act; and
2. that the owner pay all outstanding property taxes prior to the endorsement of the plan of survey.

Enclosure I is an attachment of the major advisements that have been identified throughout the subdivision process. Enclosure II is a copy of the applicant's tentative plan.

MR for Lot 48, Block 3, Plan 1640 KS is being provided by money in place with this subdivision.

Please be advised that the approval is valid for one (1) year from the date on which the subdivision approval is given to the application. An extension beyond that time may be granted by the City of Edmonton. Be advised that an appeal may be lodged in accordance to Section 678 of the Municipal Government Act with the Subdivision and Development Appeal Board, 10019 – 103 Avenue NW, Edmonton, Alberta, T5J 0G9, within 14 days from the date of the receipt of this decision. The date of receipt of the decision is deemed to be seven (7) days from the date the decision is mailed.

If you have further questions, please contact subdivisions@edmonton.ca.

Regards,

Blair McDowell
Subdivision Authority

BM/mb/Posse #363014454-001

Enclosures

Enclosure I

Please be advised of the following:

Next Steps for Subdivision Approval

- The next step in the subdivision process is to have a legal instrument prepared (ie. Plan of Survey) in order to register the approved subdivision. The legal instrument is then forwarded to the City for endorsement along with the endorsement fee (\$6,062.00 - 2020 Fees Schedule) and subsequently released to the applicant for registration at the Land Titles Office.

Building / Site

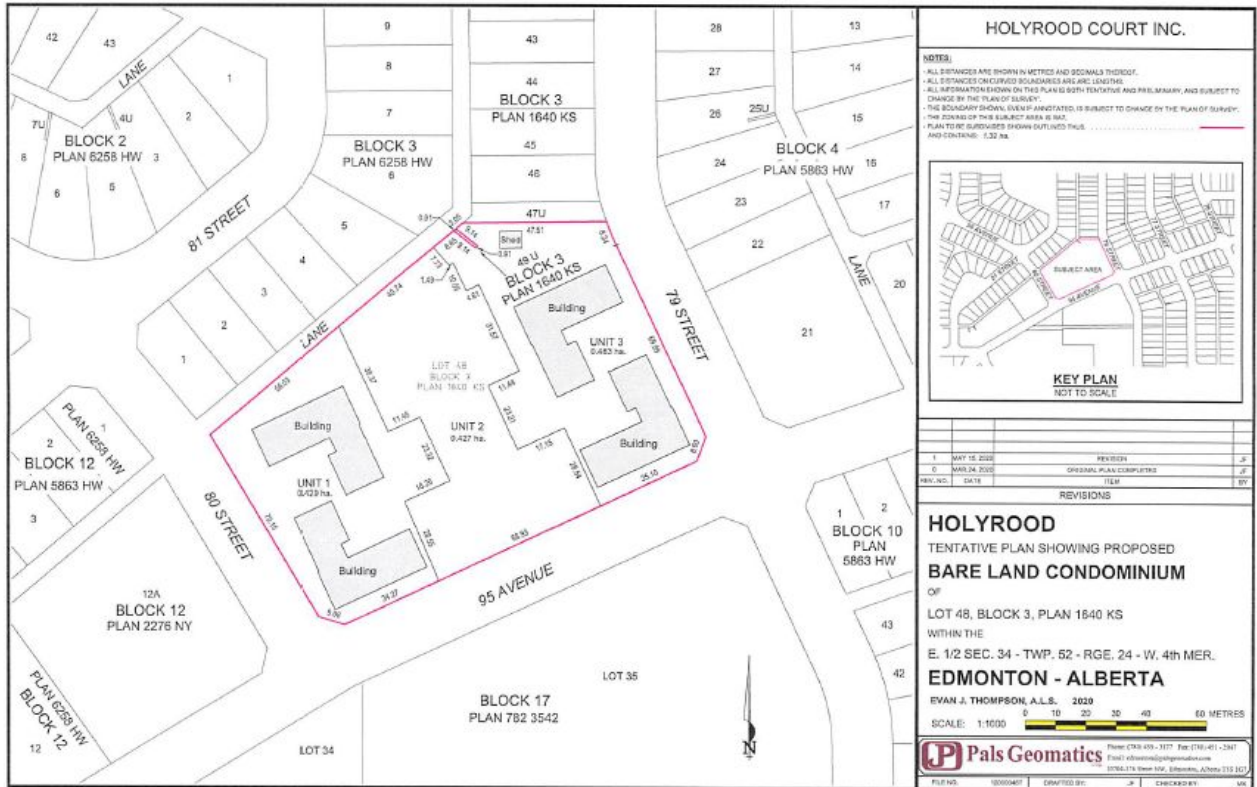
- The owner shall ensure the bare land condominium adheres to the conditions and design layout approved in the Development and Building Permits, any changes or revisions may require new or revised development and building permit applications. For further information regarding development and building permits please contact 311 for more information.

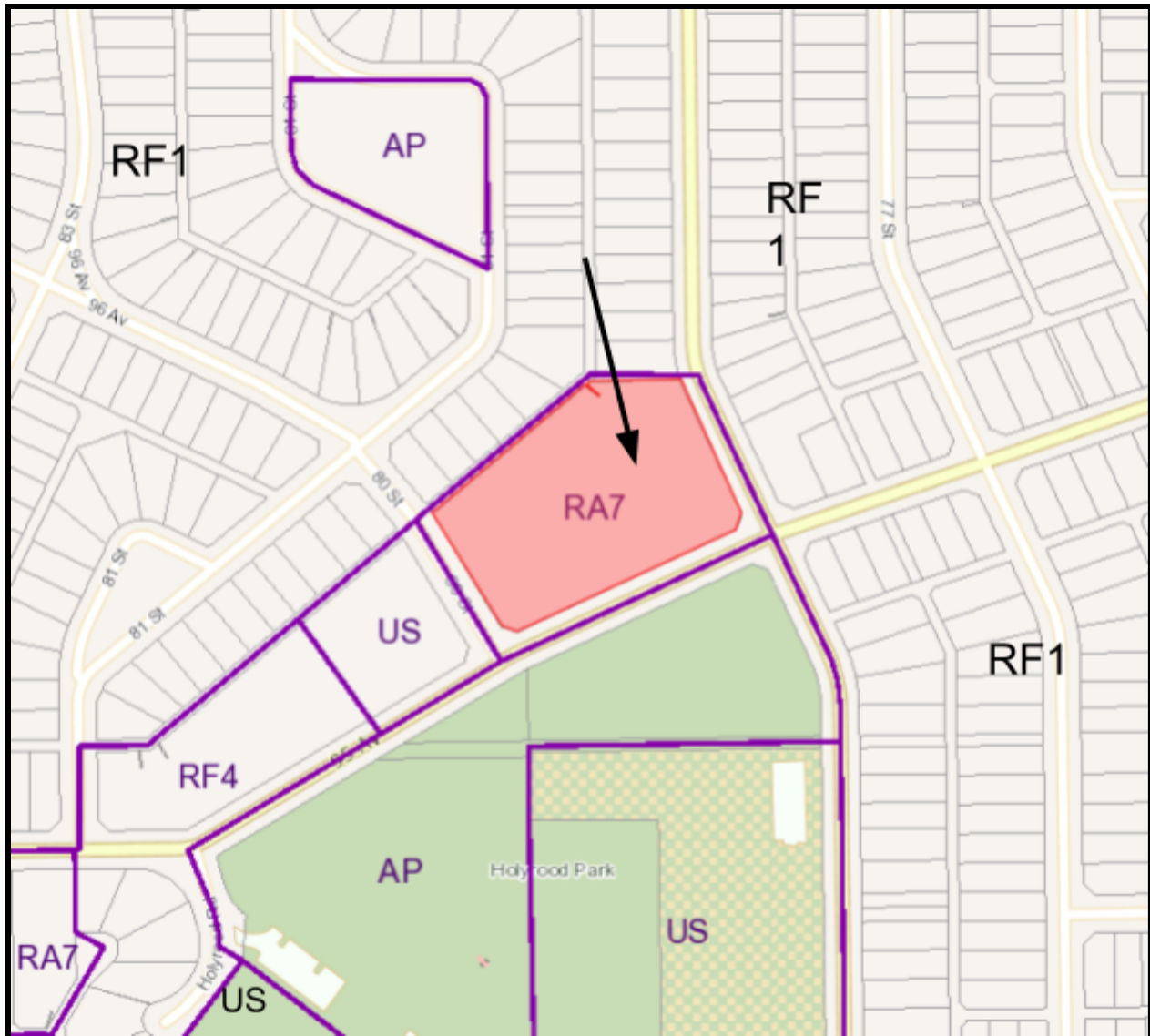
Transportation

- There are existing boulevard trees adjacent to the site on 79 & 80 Street NW and 95 Avenue NW that must be protected during construction. For information about tree protection please refer to the City of Edmonton's website (Trees and Construction).
- There is an existing access to 95 Avenue NW. Upon redevelopment of proposed Unit 2, the existing residential access to 95 Avenue NW may require removal. The owner/applicant will be required to obtain a Permit to remove the access, available from Development and Zoning Services, 2nd Floor, 10111 - 104 Avenue NW, Edmonton.
- There is an existing power pole in the alley. Site access must maintain a minimum clearance of 1 m from the closest edge of the power pole to the closest edge of the proposed driveway.

Servicing

- The owner must comply with the Fire and Rescue Services requirements for on-site and off-site hydrant installations, to ensure adequate fire protection (contact EPCOR Water at 780-412-3955).
- Due to the size and configuration of the proposed lot, on-street fire protection is limited to portions of this site directly fronting 79 & 80 Street NW and 95 Avenue NW. Additional/alternate methods of supplementing or meeting on-site fire protection requirements must be addressed at the Development Permit stage.
- All municipal services must enter the site through Common Property.
- There is a water main located within a laneway/utility right-of-way adjacent to the north property line of the subject Lot. Any party proposing construction involving ground disturbance to a depth exceeding 2.0 m within 5.0 m of the boundary of lands or Right-of-Way (ROW) containing EPCOR Water facilities, is required to enter into a Facility Proximity Agreement with EPCOR Water, prior to performing the ground disturbance. Please contact waterlandadmin@epcor.com with your request or for more information.
- If power service crosses the proposed property line the owner may be required to provide a blanket easement in favour of EPCOR Distribution & Transmission Inc. If required, said easement shall be registered prior to or concurrent with the final plan of survey (contact EPCOR Land Administration Group at 780-412-3252).





SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-S-20-005 ▲
N