

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

**November 17, 2021**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

---

I 9:00 A.M. SDAB-D-21-184

Change the Use from Professional, Financial,  
Office Support Service to Personal Service Shop  
(Body Rub Centre) with accessory Adult Mini  
Theatre

12851 - 56 Street NW  
Project No.: 405883786-002

---

II 1:30 P.M. SDAB-D-21-185

Construct 56 Dwellings of Multi-unit Housing  
(mixed row housing and stacked row housings)

1010 - Millbourne Road East NW  
Project No.: 400185232-002

---

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-184

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANTS:

APPLICATION NO.: 405883786-002

APPLICATION TO: Change the Use from Professional, Financial, Office Support Service to Personal Service Shop (Body Rub Centre) with accessory Adult Mini Theatre

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: September 27, 2021

DATE OF APPEAL(S): October 19, 2021 and October 22, 2021

NOTIFICATION PERIOD: October 5, 2021 through October 26, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12851 - 56 Street NW

LEGAL DESCRIPTION: Plan 4983AM Blk 19 Lots 13-15

ZONE: (IB) Industrial Business Zone

OVERLAY: N/A

STATUTORY PLAN: Kennedale Industrial Area Structure Plan

---

***Grounds for Appeal***

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

**Appellant No. 1 - SBS Land & Building Leasing:**

SBS Land & Building Leasing are appealing the decision to have granted the above-mentioned business into the area.

We are concerned that

1. There will be an increase in vandalism and criminal activity. Our concern is due to
  - a. This type of service has different hours of operation as the other businesses in the area.
  - b. While a great deal of their business will be in the evening hours all the other businesses will be closed for the day
  - c. We are already in a high crime/vandalism rate area and this we feel will only add to it with greater foot and vehicle traffic during times when we are most vulnerable.
  - d. We have security cameras in place but now we feel that it will be harder to spot the criminal as we will have to discern between the customers of the above business and the actual criminal
  - e. During the past year we have already had to spend well over \$20,000 in additional security and repairs to our land and property due to criminal actions.
    - i. This includes security cameras, higher level gate remotes, on call personnel for emergency calls, increase insurance coverage required of us and our renters
    - ii. We cannot afford this additional expense but it had to be done. We perceive our security requirements will only escalate.
    - iii. Additional traffic during the evening hours leaves us more exposed than ever.
2. There is a strong link between the body rub business and the sex trade
  - a. This is reinforced with the inclusion of an adult mini theatre which indicates that it is NOT JUST a body rub business
  - b. This will also add to additional foot and vehicular traffic during the hours when the other businesses are vulnerable.
3. Our taxes will increase due to increased police activity either as a security measure or being called to investigate criminal actions and other legal and security issues
  - a. In general the cost to maintain a business in this area will increase for both the City and the local businesses
4. There is a high number of large/heavy vehicles in the area and additional traffic may cause issues with the truckers.
  - a. We rent facilities to the large semis and trailers and they need to be able to access the streets any time of the day to either pick up or

- park their vehicles. In some areas the turning radius is already quite restrictive.
- b. A lot of other businesses in the area have large equipment/vehicles for their needs to run the course of their business and also need access to the streets
  - c. We anticipate traffic congestion most parts of the day.
  - d. There will be additional threats to the security and safety to the owners of the vehicles entrusted to us for safe keeping while they are parked in our facilities.

We are not aware of any referendum before this approval was given.

We feel that a referendum would have been fair when you consider the diverse nature of the new business compared to the rest of the area.

**Appellant No. 2 - Bilbo Holdings Ltd.**

Reasons for filing an appeal:

- This is a family run business; we have children that frequent our building and we do not feel this is an appropriate business for the neighbourhood.
- This business would devalue our community
- We have concerns with the clientele that this business would attract to the area, which leads to safety concerns for our staff

<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 the decision in accordance with subsection (2.1).

### **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 board hearing the appeal referred to in subsection (1)

...

(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 (a.4) and (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 400.3(23), a **Personal Service Shop** is a **Discretionary Use** in the **(IB) Industrial Business Zone**.

An **Adult Mini-Theatre** is **neither** a Permitted Use **nor** a Discretionary Use in the **(IB) Industrial Business Zone**, pursuant to sections 400.2 and 400.3 respectively.

Under section 7.4(31), **Personal Service Shops** means:

development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This Use does not include Health Services.

Under Section 6.1, **Body Rub Centre** means:

a Personal Service Shop development where services are provided that involve the physical external manipulation of the soft tissues of the human body that are performed, offered or solicited for a fee in a manner that appeals to or is designed to appeal to erotic or sexual appetites or inclinations. This includes but is not limited to a body rub advertised by any means as “sensual”, “sexy” or by any other word or any depiction having like meaning or implication.

Under Section 7.5(1), **Adult Mini-Theatre** means:

an establishment or any part thereof, where, for any form of consideration, live entertainment, motion pictures, video tapes, video discs, slides or similar electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are shown as a principal Use, or are shown as an Accessory Use to some other business activity which is conducted on the premises, and where individual viewing areas or booths have a seating capacity of 10 persons or less.

Under Section 6.1, **Accessory** means, “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Section 400.1 states that the **General Purpose** of the **(IB) Industrial Business Zone** is:

The purpose of this Zone is to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways.

#### **Development Officer’s Determination**

**The proposed Personal Service Shop Use is a Discretionary Use within the IB zone. Furthermore, the Accessory Adult Mini Theatre complies with the definition of Section 6 - Accessory, which means when used to describe a Use, a Use naturally or normally incidental, subordinate, and devoted to the principal Use, and located on the same lot or Site. The principal Use is the Personal Service Shop as a Body Rub Centre.**

[unedited]




---

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.

---

	Project Number: <b>405883786-002</b> Application Date: AUG 18, 2021 Printed: September 27, 2021 at 5:26 PM Page: 1 of 3		
<h2 style="margin: 0;">Major 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.			
<b>Applicant</b> <div style="background-color: black; width: 100%; height: 60px; margin-top: 5px;"></div>	<b>Property Address(es) and Legal Description(s)</b> 12851 - 56 STREET NW Plan 4983AM Blk 19 Lots 13-15  <b>Specific Address(es)</b> Suite: 200, 12851 - 56 STREET NW Suite: 202, 12851 - 56 STREET NW Entryway: 12851 - 56 STREET NW Building: 12851 - 56 STREET NW		
<b>Scope of Permit</b> To change the use from Professional, Financial, Office Support Service to Personal Service Shop (Body Rub Centre) with accessory Adult Mini Theatre.			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     Class of Permit: Class B                      Gross Floor Area (sq.m.):                      New Sewer Service Required:                      Site Area (sq. m.):                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Contact Person:                      Lot Grading Needed?: N                      NumberOfMainFloorDwellings:                      Stat. Plan Overlay/Annex Area: (none)                 </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Sep 27, 2021 <b>Development Authority:</b> CHOW, STEPHEN  <b>Subject to the Following Conditions</b> Zoning Conditions: 1. The development shall be constructed in accordance with the stamped and approved drawings.  2. No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within the required 6.0m yards. (Reference Section 400.4(4).)			
<b>Subject to the Following Conditions</b> Zoning Conditions: 1. The development shall be constructed in accordance with the stamped and approved drawings.  2. No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within the required 6.0m yards. (Reference Section 400.4(4).)			



Project Number: 405883786-002  
Application Date: AUG 18, 2021  
Printed: September 27, 2021 at 5:26 PM  
Page: 2 of 3

## Major Development Permit

**Subject to the Following Advisements**

Zoning Advisements:

- a. Signs require separate Development Applications.
- b. This Development Permit is NOT a Business Licence. A separate application must be made for a Business Licence. Please contact the 311 Call Centre (780-442-5311) for further information.
- c. 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 (780-442-5311) for further information.
- d. 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.
- e. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)
- f. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.
- g. With future changes of use for this site, Subdivision Planning will require the applicant to provide parking justification and conduct observations on site to establish if parking continues to be sufficient for the site.

**Subject to the Following Advisements**

Zoning Advisements:

- a. Signs require separate Development Applications.
- b. This Development Permit is NOT a Business Licence. A separate application must be made for a Business Licence. Please contact the 311 Call Centre (780-442-5311) for further information.
- c. 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 (780-442-5311) for further information.
- d. 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.
- e. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)
- f. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800 as amended.
- g. With future changes of use for this site, Subdivision Planning will require the applicant to provide parking justification and conduct observations on site to establish if parking continues to be sufficient for the site.



Project Number: **405883786-002**  
 Application Date: AUG 18, 2021  
 Printed: September 27, 2021 at 5:26 PM  
 Page: 3 of 3

## Major Development Permit

**Variations**

1. The proposed Personal Service Shop Use is a Discretionary Use within the IB zone. Furthermore, the Accessory Adult Mini Theatre complies with the definition of Section 6 - Accessory, which means when used to describe a Use, a Use naturally or normally incidental, subordinate, and devoted to the principal Use, and located on the same lot or Site. The principal Use is the Personal Service Shop as a Body Rub Centre.

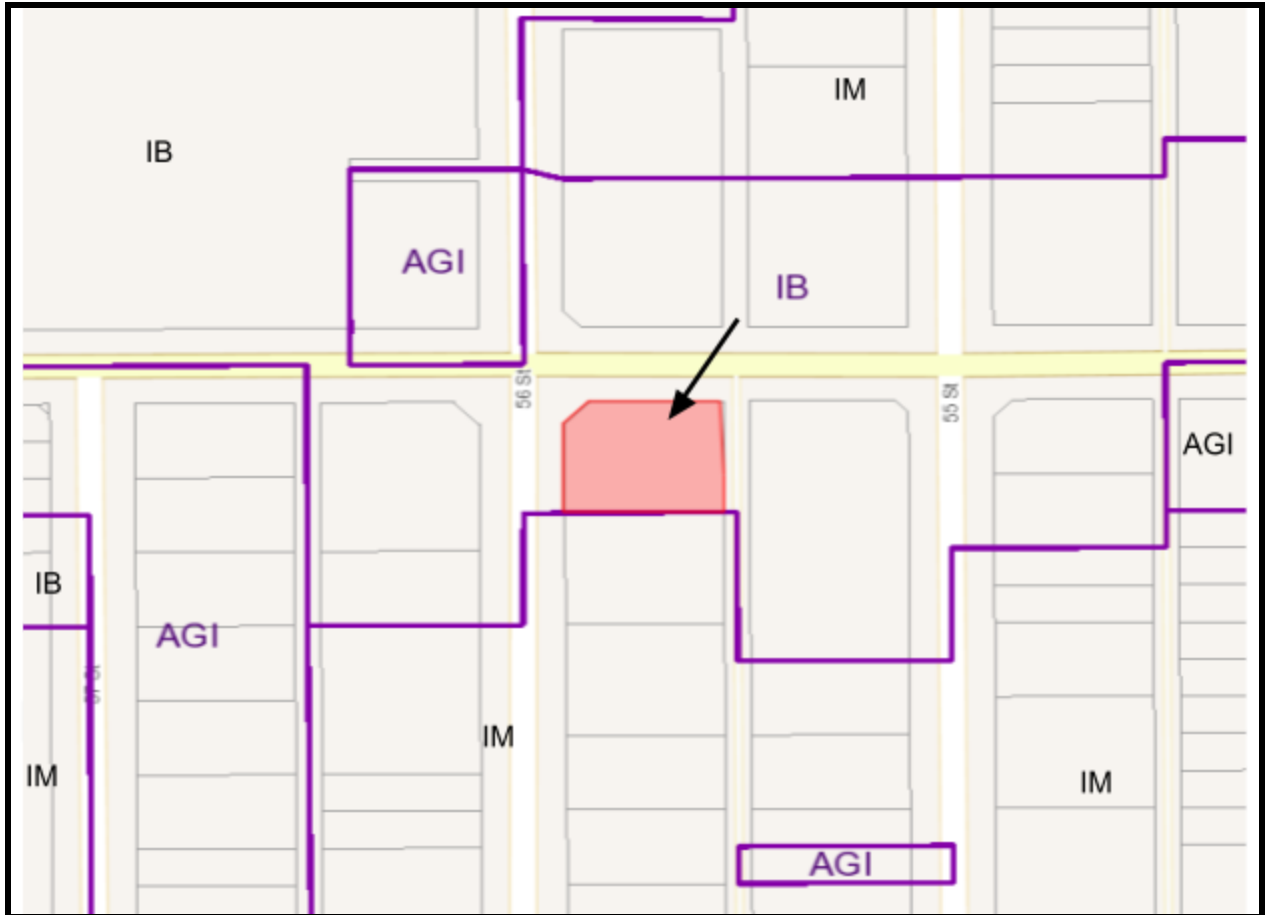
**Rights of Appeal**

This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

**Notice Period Begins:** Oct 05, 2021      **Ends:** Oct 26, 2021

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$528.00	\$528.00		
Total GST Amount:	\$0.00			
Totals for Permit:	\$528.00	\$528.00		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-21-184

▲  
**N**

ITEM II: 1:30 P.M.

FILE: SDAB-D-21-185

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 400185232-002

APPLICATION TO: Construct 56 Dwellings of Multi-unit Housing (mixed row housing and stacked row housings)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: September 24, 2021

DATE OF APPEAL: October 20, 2021

NOTIFICATION PERIOD: September 30, 2021 through October 21, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1010 - Millbourne Road East NW

LEGAL DESCRIPTION: Plan 2021291 Blk 35 Lot 2

ZONE: (CS1) Community Services 1 Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

---

***Grounds for Appeal***

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

1. The Michaels Park neighborhood is already saturated with medium and high density residential housing, so traffic density, especially during rush hour is already causing unacceptable congestion for residents of the neighborhood. Specifically the 41 Avenue and 38 Avenue exits from the neighborhood have been, and will continue to be severely negatively impacted by the installation of the South leg of the Valley Line LRT, which were already unacceptably delayed and dangerous for residents to exit the neighborhood via motor vehicles. Addition of new even higher density stacked row housing into an area that is not zoned for stacked row housing, with with provisions for 98 new parking spaces for 56 dwellings (1.7 spaces per dwelling) will add more traffic to this already congested and restricted-access area. We believe that City planners are violating their obligation to design safe neighborhoods by not adequately considering the negative impacts on traffic safety in this neighborhood that will result if this development proceeds.
2. The Minutes of the Community Engagement Meetings held on February 19, 2020 depicted two optional site layouts for Site B, Option 1 with 46 dwellings and 96 parking stalls, and Option 2 with 50 Dwellings and 100 parking stalls. The March 5, 2020 Community engagement meeting depicted 50 dwellings with 100 parking stalls. The elevations presented were for two-story and 3-story Row Houses, and did not include any Stacked Row Housing as defined by Zoning Bylaw 12800, Section 7.2(9). The Development Permit Notice dated September 27, 2021 announces approval of 56 dwellings of Multi-unit Housing (Mixed Row Housing and Stacked Row Housing) with 104 parking spaces. This represents a 12% increase in the number of proposed dwellings and a 4% increase in the number of parking stalls from what was disclosed publicly in the community engagement meetings. These increases represent a substantive change in the plan discussed with the Community.
3. The Development Permit Notice issued September 27, 2021 announces approval of a mixture of Row Housing and Stacked Row Housing. This represents a substantive change to the plans publicly declared at the above referenced Community Engagement Meetings. The addition of Stacked Row Housing increases the dwelling density to a level that has not previously been approved in Michaels Park. We appeal this approval because it changes the long established character of the Michaels's Park Neighborhood.
4. The Development Permit Notice issued on September 27, 2021 announced approval of a variance for 104 parking spaces for 56 units, which equals 1.85 parking spaces per unit. Zoning Bylaw 12800, Section 54.2.2.a.i stipulates a maximum of 1.75 parking spaces. We appeal the approval of this variance on the grounds that it will contribute to the already unacceptable traffic congestion in Michaels Park. The purpose of the Section 54.2.2.a.i is specifically to encourage the use of

public transit Multi-unit housing within the specified radius of an LRT Station. Approving a number of parking spaces that exceeds the maximum guideline in an area that already has unacceptable traffic congestion is irresponsible and undermines the purpose of the City transportation plan.

<i>General Matters</i>
------------------------

**Appeal Information:**

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

**Non-application of this Part**

**618(4) The Lieutenant Governor in Council may, by regulation, exempt an action, person or thing from the application of all of or any provision of this Part or of the regulations or bylaws under this Part.**

The *Planning Exemption Regulation*, AR 223/2000 states the following:

**Application re subdivision**

**4.4(1) Divisions 9 and 10 and section 692 of Part 17 of the Act and the regulations do not apply to a development of lands within the areas described in Schedule 4 if the development is effected for the purpose of residential uses.**

**(2) Despite subsection (1), before the commencement of any development on a parcel of land specified in Schedule 4, the City of Edmonton must afford an opportunity to the public to provide comments on the specifics of the planned development on the parcel.**

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 the decision in accordance with subsection (2.1).

### 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 board hearing the appeal referred to in subsection (1)

...

(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 (a.4) and (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 570.2.4(6), **Multi-unit Housing**, provided that each building contain not more than four Dwellings, with each Dwelling having Habitable Rooms in the lowest Storey of the building in which the Dwelling is located and individual access to ground level, is a Discretionary Use in the (CS1) Community Services 1 Zone.

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

that consists of:

- a. three or more principal Dwellings arranged in any configuration and in any number of buildings;

or

- b. any number of Dwellings developed in conjunction with a Commercial Use where allowed in the Zone.

Section 570.1 states that the **General Purpose** of the **(CS1) Community Services 1 Zone** is:

to provide for publicly and privately owned facilities of an institutional or community service nature, and to provide for relatively low to medium density housing generally referred to as row housing on lands that have become surplus to public education needs.

***Notices***

Section 570.4.1(12) states:

Notwithstanding Section 20 of this Bylaw, the Development Officer shall not issue any notices of a Development Permit for a Row House Use, even if it is a Class B Development.

***Use***

**Development Officer's Determination**

**Discretionary Use- Multi-unit Housing is a Discretionary Use.  
(Section 570.2.4.6)**

[unedited]

***Parking Spaces***

Section 54.2.2.a.i states:

Maximum Number of Vehicle Parking spaces to be provided on a Site, within the defined radius of a Transit Centre or LRT station; or within the boundary of the Main Streets Overlay shall comply with the following:

- a. Residential and Residential-Related Uses
  - i. Multi-unit Housing:
    - A. Maximum 1 Vehicle Parking spaces per Studio Dwelling;
    - B. Maximum 1 Vehicle Parking spaces per 1 Bedroom Dwelling or Residential-related unit;

- C. Maximum 1.5 Vehicle Parking spaces per 2 Bedroom Dwelling; and
- D. Maximum 1.75 Vehicle Parking spaces per 3 or more Bedroom Dwelling or Multi-Unit Housing in the form of Row Housing.

**Development Officer's Determination**

**Parking reduction- Vehicle parking provided is 104 spaces instead of the maximum required 98 spaces. (Section 54.2.2.a.i)**



[unedited]

---

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.

---

	Project Number: <b>400185232-002</b> Application Date: JUN 21, 2021 Printed: September 24, 2021 at 11:42 AM Page: 1 of 6		
<h2 style="margin: 0;">Major 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.			
<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 1010 - MILLBOURNE ROAD EAST NW Plan 2021291 Blk 35 Lot 2		
<b>Scope of Permit</b> To construct 56 Dwellings of Multi-unit Housing (mixed row housing and stacked row housings).			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     Class of Permit: Class B                      Gross Floor Area (sq. m.):                      New Sewer Service Required: Y                      Site Area (sq. m.):                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Contact Person:                      Lot Grading Needed?: Y                      NumberOfMainFloorDwellings: 56                      Stat. Plan Overlay/Annex Area: (none)                 </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq. m.): New Sewer Service Required: Y Site Area (sq. m.):	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 56 Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq. m.): New Sewer Service Required: Y Site Area (sq. m.):	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 56 Stat. Plan Overlay/Annex Area: (none)		
<b>Development Permit Decision</b> Approved <b>Issue Date:</b> Sep 24, 2021 <b>Development Authority:</b> ANGELES, JOSELITO  <b>Subject to the Following Conditions</b> This Development Permit authorizes the proposed development of 56 Dwellings of Multi-unit Housing (mixed row housing and stacked row housings).  The Site shall be developed in accordance with the stamped, signed, and conditionally approved drawings.  This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21. (Reference Section 17.1)  Where outdoor lights are provided, the light fixtures shall be arranged, installed, and maintained to deflect, shade, and focus light away from Abutting Sites or adjacent land Uses in order not to cause a nuisance. Outdoor lights shall not interfere with the effectiveness of any traffic control device (Reference Section 51).  A minimum of one development permit notification sign on Site must be posted by the applicant in accordance with Section 20.2 of this Bylaw. (Reference Section 15.9).  WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6)  PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$69,776.00 (2021 rate is \$1,246.00/Dwelling). All assessments are based upon information currently available to the City. The SSTF 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.  PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$3,600.00.  Landscaping shall be in accordance with the approved Landscape Plan, and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.			

## Major Development Permit

Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.

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.

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](http://www.edmonton.ca/landscapeinspectionrequest)).

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.

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.

### TRANSPORTION CONDITIONS:

1. The owner must enter into an Agreement with the City for the following improvements:

a. Construction of a 9 m commercial crossing access to Millbourne Road East located approximately 2 m from the south property line;

b. Relocation of the existing catch basin located within the proposed 9 m commercial crossing access to Millbourne Road East. The relocated catch basin must be located to provide a minimum clearance of 1 m from the access flare to the nearest edge of the catch basin, to the satisfaction of EPCOR.

The Agreement must be signed PRIOR to the release of the drawings for Building Permit review. Please email [development.coordination@edmonton.ca](mailto:development.coordination@edmonton.ca) to initiate the required Agreement. Following this, any further questions regarding this Agreement may be directed to Adil Virani (780-496-6037) of the Development Servicing Agreements Unit.

- Engineering Drawings are required for the Agreement. The owner is required to have a Civil Engineer submit stamped engineering drawings for approval by the City of Edmonton.

- This Agreement will require a deposit to act as security on this Agreement.

- The applicant must contact Trevor Singbeil of Development Inspections at 780-496-7019 72 hours prior to removal or construction within City road right-of-way.

2. The existing catch basin located within the proposed 9 m commercial crossing access to Millbourne Road East must be relocated. The relocated catch basin must be located to provide a minimum clearance of 1 m from the access flare to the nearest edge of the catch basin, to the satisfaction of EPCOR. The applicant has advised that the relocation of the catch basin will be completed by EPCOR. Should the owner/applicant enter into an Agreement to relocate the catch basin with EPCOR, then Condition 1 b. above will be considered fulfilled.

3. 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 removal shall be at the expense of the owner/applicant.

## Major Development Permit

4. 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/oscaml-permit-request.aspx](https://www.edmonton.ca/business_economy/oscaml-permit-request.aspx)

5. 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. The applicant is responsible to contact Trevor Singbeil of Development Inspections at 780-496-7019 for an onsite inspection 72 hours prior to and following construction of the access.

### EPCOR WATER CONDITIONS:

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:

1. To meet the requirements of City of Edmonton Design and Construction Standards Volume 4 (Water), the applicant/owner is required to construct one (1) new municipal hydrant on Millbourne Road East NW more or less as shown in the attachment (DP400185232-002\_EPCOR Water Enclosure) at their expense. This work can be undertaken either under a City of Edmonton Servicing Agreement (Development.Coordination@edmonton.ca) or under EPCOR Water Services Inc.'s New Water Distribution Mains capital program (WaterDTInfrastructure@epcor.com).

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](mailto:waterlandadmin@epcor.com).

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.

### DRAINAGE ASSESSEMENT CONTITIONS: 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.



## Major Development Permit

- SSTC is applicable to the property for 56 multi-family dwellings at the rate of \$1,246/dwelling, under the current DP#400185232-002. 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 2021 rate is \$1,246/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:
  - oPermanent Area Contributions  
[https://www.edmonton.ca/city\\_government/utilities/permanent-area-contributions.aspx](https://www.edmonton.ca/city_government/utilities/permanent-area-contributions.aspx)
  - oSanitary 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)
  - oArterial 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)
  - oSanitary 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)

### Subject to the Following Advisements

Unless otherwise stated, all 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 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.

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.

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.

Signs require separate Development Applications.

NOTE: 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.

### TRANSPORTATION ADVISEMENT:

1. The proposed connector sidewalks from the east property line of the subject site to tie into the existing sidewalk on Millbourne Road East are acceptable to Subdivision Planning.



## Major Development Permit

### EPCOR WATER ADVISEMENT:

1. The site is currently not serviced with water. A new water service may be constructed for this site directly off of EPCOR's 300mm water main along Millbourne Road East NW adjacent to the subject site.
2. For information on service abandonments and the provisioning of a new water service contact EPCOR Infill Water and Sewer Servicing (IWASS) at [wass.drainage@epcor.com](mailto:wass.drainage@epcor.com) or at 780-496-5444.
3. 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 780-412-4500 for more information on how to provide the test results. EPCOR Water Dispatch can provide information on the tie-in and commissioning procedure.
4. In reference to City of Edmonton Bylaw 17698 (EPCOR Water Services and Wastewater Treatment Bylaw), a private service line must not cross from one separately titled property to another separately titled property even if these properties are owned by the same person.
5. EPCOR Water Services Inc. does not review on-site servicing. It is the applicant's responsibility to obtain the services of a professional to complete on-site water distribution design.
6. There is a deficiency in hydrant spacing (distance between municipal fire hydrants) adjacent to the property. According to City of Edmonton Design and Construction Standards Volume 4 (Water), the maximum allowable spacing between fire hydrants is 90m for the zoning. The hydrant spacing adjacent to the site on Millbourne Road East NW is approximately 115m (actual spacing) which does not meet the municipal hydrant spacing requirement.
7. EPCOR water must review and accept all proposed water infrastructure upgrade designs.
8. Edmonton Fire Rescue Services' (EFRS), Fire Protection Engineer may be able to perform an Infill Fire Protection Assessment (IFPA) at development permit application to potentially alter or lessen on-street fire protection infrastructure upgrades assuming certain criteria are met. The applicant may request that the Development Officer initiate this review.
9. In 2020, the Infill Cost Share Pilot project was initiated to fund hydrants and water mains required for fire protection in infill development areas. The final application deadline for the 2021 construction season ended on October 31. Although funding for 2022 and onward has not been determined, EPCOR Water Services Inc. (EWSI) encourages interested applicants to go to the Infill Cost Share website at [www.epcor.com/infill-cost-share](http://www.epcor.com/infill-cost-share) for more information regarding this program and for program updates.
10. The depth of the site means that municipal fire protection will be unable to provide coverage over the complete site area. The applicant is advised to contact Fire Rescue Services for additional on-site fire protection requirements.
11. 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.
12. The advisements and conditions provided in this response are firm and cannot be altered.

Should you require any additional information, please contact Myra Cruz at [MCruz@epcor.com](mailto:MCruz@epcor.com).

### Variiances

Discretionary Use- Multi-unit Housing is a Discretionary Use. (Section 570.2.4.6)

Parking reduction- Vehicle parking provided is 104 spaces instead of the maximum required 98 spaces. (Section 54.2.2.a.i)

### Rights of Appeal

This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.

**Notice Period Begins:** Sep 30, 2021

**Ends:** Oct 21, 2021

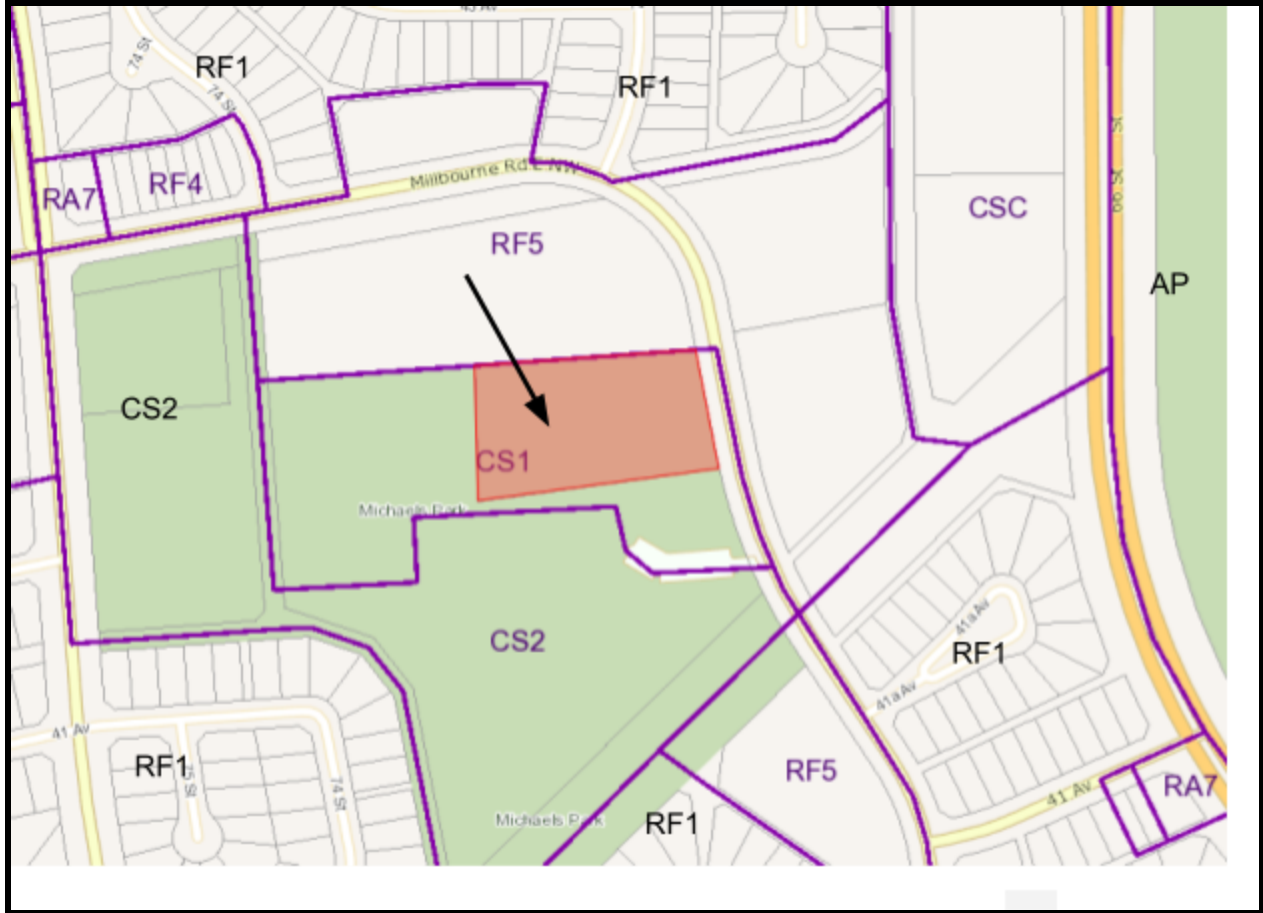


Project Number: **400185232-002**  
Application Date: JUN 21, 2021  
Printed: September 24, 2021 at 11:42 AM  
Page: 6 of 6

## Major Development Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$864.00	\$864.00	071520210712000	Jul 12, 2021
Dev. Application Fee # of dwelling units	\$4,004.00	\$4,004.00	071520210712000	Jul 12, 2021
Development Permit Inspection Fee	\$528.00	\$528.00	071520210712000	Jul 12, 2021
Sanitary Sewer Trunk Fund 2012+	\$69,776.00			
Lot Grading Fee	\$3,600.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$78,772.00</u>	<u>\$5,396.00</u>		
(\$73,376.00 outstanding)				



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

▲  
**N**

File: SDAB-D-21-185