

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
October 6, 2016**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

TO BE RAISED

I 9:00 A.M. SDAB-D-16-205 Continue and intensify the Use of an existing Protective and Emergency Services Use (Fire Station 21 with a 24/7 crew) and to allow interior and exterior alterations
9315 - 101 Street NW
Project No.: 163311037-001

NOTE: *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

TO BE RAISED
ITEM I: 9:00 A.M.

FILE: SDAB-D-16-205

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN
ADJACENT PROPERTY OWNER AND A COMMUNITY LEAGUE

APPELLANT(S):

APPLICATION NO.: 163311037-001

APPLICATION TO: Continue and intensify the Use of an existing Protective and Emergency Services Use (Fire Station 21 with a 24/7 crew) and to allow interior and exterior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: July 20, 2016

NOTIFICATION PERIOD: July 26, 2016 through August 10, 2016

DATE OF APPEAL: August 1, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9315 - 101 Street NW

LEGAL DESCRIPTION: Plan Q Blk 1 Lots 1-19

ZONE: (A) Metropolitan Recreation Zone

OVERLAY(S): (FPO) Flood Plain Protection Overlay / North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN(S): Rossdale Area Redevelopment Plan / North Saskatchewan River Valley Area Redevelopment Plan

Grounds for Appeal

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

Rossdale Community League:

1. The proposed development will
 - (A) unduly interfere with the amenities of the neighbourhood, and
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.- particulars to be provided at hearing.
2. Inadequate consultation- particulars to be provided at hearing.
3. Non-compliance with North Saskatchewan River Valley Bylaw- particulars to be provided at hearing.
4. Such other grounds as are applicable- particulars of which will be provided at the hearing.

G. Shelley:

I have received notice that the Fire Hall in Rossdale (legal description above), has been provided a development permit. I would like to object to this approval for several reasons:

- The public consultation proceeded with several documents from the Chief proposing that the site would be used for river rescues and 200-300 downtown calls. I have attached a number of documents from the Chief specifying this latter pair of numbers. When, after the public consultations and appearances before the Community Services Committee, the matter went to Council, that number had jumped to 600 calls. This is not open and honest communications. People consulted might have felt different about their support with this higher number, but it was kept from them.
- A 2012 email stream (attached) suggests designing for 10 beds. This represents more than is required for a 4-person crew. Clearly the Chief intends to grow at this site, something he has often denied.
- The Chief said that he had evaluated several possible sites before deciding on Rossdale. He hired an engineering firm to do the evaluation, and they reported in 2013. But as early as 2011, in an email that I have attached to this letter, the Chief stated that he wanted the Rossdale site, and needed to have a process to convince people of the logic of this conclusion. Again, this is not open and honest communication.

- The engineering firm was asked to review several sites. As a management consultant for over 35 years, I know a good evaluation study when I see one. This one lacked credibility. It did not use mutually exclusive factors, it did not use weightings on the factors, and it did not look at comparable cities (for example, Calgary uses three river rescue facilities, none of them staffed, but all available by a short drive from a nearby fire station; I have attached information I gathered from a simple Google search. The Chief should have done as much, but said he had not consulted Calgary). I redid the evaluation, I think honestly, and found that Queen Elizabeth Park would be as highly rated, and would be close to an existing fire hall, thereby improving response times to the river without disrupting our community.
- My understanding is that the principal cause of this development is to improve river rescue times. Most of the rescues have to do with people jumping from the High Level Bridge. This has now been ameliorated by the addition of barriers on the bridge. So, why the need to spend all this money on an old building, with the need to remove asbestos, with potential to put toxins in the river during construction, to disrupt life in a quiet community?

The Chief has made a series of bad decisions and now is calling upon public funds to build a facility that is not needed.

I hope this letter and the attachments help to put this issue into perspective. No one is opposed to a needed facility. This just is not one of those.

Thank you for your attention

<i>General Matters</i>

Appeal Information:

On September 19, 2016 City Council signed and passed **Bylaw 17767** to amend **Section 811 North Saskatchewan River Valley and Ravine System Protection Overlay** of the *Edmonton Zoning Bylaw, Bylaw 12800*. The Development Permit Approval was issued July 20, 2016.

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 within 14 days,

(a) in the case of an appeal made by a person referred to in section 685(1), after

(i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

(b) in the case of an appeal made by a person referred to in section 685(2), 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 and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(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.

On February 7, 2008 the Subdivision and Development Appeal Board (the “Board”) heard an appeal of a decision of the Development Authority to approve an application to construct interior alterations and continue to operate Protective and Emergency Services, located at 9315 - 101 Street NW.

On February 22, 2008, the Board denied the appeal and confirmed the decision of the Development Authority. The development was GRANTED, subject to conditions and variances. This decision was appealed to the Alberta Court of Appeal.

On May 26, 2009 (memorandum filed July 20, 2009), the Alberta Court of Appeal in *Rossdale Community League v Edmonton (Subdivision and Development Appeal Board)*, 2009 ABCA 261, allowed the appeal and set aside the decision of the Board. The matter was remitted to the Board for reconsideration in accordance with that decision. The matter was never reheard by the Board as the Respondent did not proceed with the Development Permit.

The Subdivision and Development Appeal Board at a hearing on August 12, 2016, made and passed the following motion:

“That the hearing for Project No. 163311037-001 be TABLED to September 1, 2016, at the written request of the Appellants and with the consent of the Respondent and the Development Authority.”

The Subdivision and Development Appeal Board at a hearing on September 1, 2016, made and passed the following motion:

“That the hearing for SDAB-D-16-205 be postponed to October 6, 2016, at the written request of Legal Counsel for the Appellant and with the consent from Mr. Shelley, the second Appellant; Legal Counsel for the Respondent; and the Development Authority.”

General Provisions from the *Edmonton Zoning Bylaw*

Under section 540.3(12), **Protective and Emergency Services** is a **Discretionary Use** in the (A) Metropolitan Recreation Zone.

Under section 7.7(8), **Protective and Emergency Services** means:

development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of equipment and vehicles, which is necessary for the local distribution of utility services. Typical Uses include police stations, fire stations and ancillary training facilities.

Section 540.1 states that the **General Purpose** of the **(A) Metropolitan Recreation Zone** is:

...to preserve natural areas and parkland along the river, creeks, ravines and other designated areas for active and passive recreational uses and environment protection in conformance with Plan Edmonton and the North Saskatchewan River Valley Area Redevelopment Plan.

Section 811.1 states that the **General Purpose** of the **North Saskatchewan River Valley and Ravine System Protection Overlay** is:

...to provide a development Setback from the North Saskatchewan River Valley and Ravine System.

Section 812.1 states that the **General Purpose** of the **(FPO) Floodplain Protection Overlay** is:

...to provide for the safe and efficient use of lands which may be within the defined floodplains of the North Saskatchewan River and its tributaries within the City of Edmonton. The Overlay regulates building Height, the location and geodetic elevation of openings into buildings, the Use in portions of buildings, the design Grade of the Site, and Landscaping, to mitigate the potential negative effects of a flood event.

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. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **163311037-001**
 Application Date: OCT 31, 2014
 Printed: August 2, 2016 at 9:45 AM
 Page: 1 of 3

Major Development Permit

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" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Property Address(es) and Legal Description(s)</td> </tr> <tr> <td style="padding: 2px;">9315 - 101 STREET NW Plan Q Blk 1 Lot 9</td> </tr> <tr> <td style="padding: 2px;">9315 - 101 STREET NW Plan Q Blk 1 Lot 19</td> </tr> <tr> <td style="padding: 2px;">9315 - 101 STREET NW Plan Q Blk 1 Lots 1-8,10-18</td> </tr> <tr> <td style="padding: 2px;">Specific Address(es)</td> </tr> <tr> <td style="padding: 2px;">Entryway: 9315 - 101 STREET NW</td> </tr> <tr> <td style="padding: 2px;">Entryway: 9317 - 101 STREET NW</td> </tr> <tr> <td style="padding: 2px;">Building: 9315 - 101 STREET NW</td> </tr> </table>	Property Address(es) and Legal Description(s)	9315 - 101 STREET NW Plan Q Blk 1 Lot 9	9315 - 101 STREET NW Plan Q Blk 1 Lot 19	9315 - 101 STREET NW Plan Q Blk 1 Lots 1-8,10-18	Specific Address(es)	Entryway: 9315 - 101 STREET NW	Entryway: 9317 - 101 STREET NW	Building: 9315 - 101 STREET NW
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Specific Address(es)									
Entryway: 9315 - 101 STREET NW									
Entryway: 9317 - 101 STREET NW									
Building: 9315 - 101 STREET NW									

Scope of Permit
 To continue and intensify the use of an existing Protective and Emergency Services use (Fire Station 21 with a 24/7 crew) and to allow interior and exterior alteration

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): 1846 New Sewer Service Required: N Site Area (sq. m.): 8510	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Rossdale

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision
 Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **163311037-001**
 Application Date: OCT 31, 2014
 Printed: August 2, 2016 at 9:45 AM
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Major Development Permit

Subject to the Following Conditions

1. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1 of the Zoning Bylaw)
2. Landscaping shall be in accordance to the approved landscape, Section 55 and to the satisfaction of the Development Officer.
3. Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51 of the Edmonton Zoning Bylaw 12800.)

Urban Transportation has the following conditions:

1. The proposed 8 m access to 94 Avenue NW and 101 Street NW located at the west property line is acceptable to Urban Transportation and must be constructed as a curb return access.
2. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant sign an agreement to construct a curb return access, located at 94 Avenue NW and 101 Street NW. The Agreement will be forwarded to Citizen Services for signature. Once signed, the Agreement must be returned to Transportation Planning and Engineering to the attention of Loli Fernandez (780-944-7683) and a Civil Engineer must submit stamped engineering drawings, for approval by Transportation Planning and Engineering.
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) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
4. All existing boulevard trees adjacent to the site that must be retained and protected during construction. Prior to construction, the owner/applicant must contact to arrange the hoarding and/or root cutting. All costs shall be borne by the owner/applicant. Please contact Bonnie Fermanuik at Urban Forestry (780-496-4960).
5. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx
6. Any boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Urban Transportation, as per Section 15.5(f) of the Zoning Bylaw. The boulevard will be inspected by Urban Transportation prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

Urban Transportation has the following advisements:

The City of Edmonton has prepared drawings for improvements to a linear park south of 94 Avenue and east of 100 Street in the immediate vicinity of the Vehicular entrance to Fire Station 21 which includes plantings and construction of walkways. The applicant should contact Robert Janzen (780-496-4843) of Facility and Landscape Infrastructure to coordinate construction in the vicinity of the access to Fire Station 21.

Fire Rescue Services has the following conditions:

1. Partial Occupancy Conditions as per AFC 5.6.1.12. For additional information please see:
 Occupancy of Buildings Under Construction STANDATA
<http://www.municipalaffairs.alberta.ca/documents/ss/STANDATA/building/bcb/06BCB002.pdf>

Reference: 5.6.1.12. Fire Separations in Partly Occupied Buildings

When a permit for building construction is issued, the required cost shall be separated from the permit fee and placed in a separate account.

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **163311037-001**
 Application Date: OCT 31, 2014
 Printed: August 2, 2016 at 9:45 AM
 Page: 3 of 3

Major Development Permit

1) Where part of a building continues to be occupied, the occupied part shall be separated from the part being demolished or constructed by a fire separation having a fire-resistance rating of not less than 1 h.

2. Ensure that the fire alarm and sprinkler system are integrated with existing systems, if any.
3. Ensure that a Fire Safety Plan is prepared for this project, in accordance with the EFRS Construction Site Fire Safety Plan Template (attached). A formal submission of your Fire Safety Plan will be required for a Building Permit to be issued (please do not forward your Fire Safety Plan at this time). If you have any questions at this time, please contact Captain Bruce Taylor at cmsfpts@edmonton.ca.

Reference: 5.6.1.3, Fire Safety Plan

1) Except as required in Sentence (2), prior to the commencement of construction, alteration or demolition operations, a fire safety plan, accepted in writing by the fire department and the authority having jurisdiction, shall be prepared for the site and shall include...

NOTES:

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.

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.

All activities or operations of the proposed development shall comply to the standards prescribed by the Province of Alberta pursuant to the Environmental Protection and Enhancement Act and the regulations pertaining thereto.

Signs require separate Development Applications.

Rights of Appeal

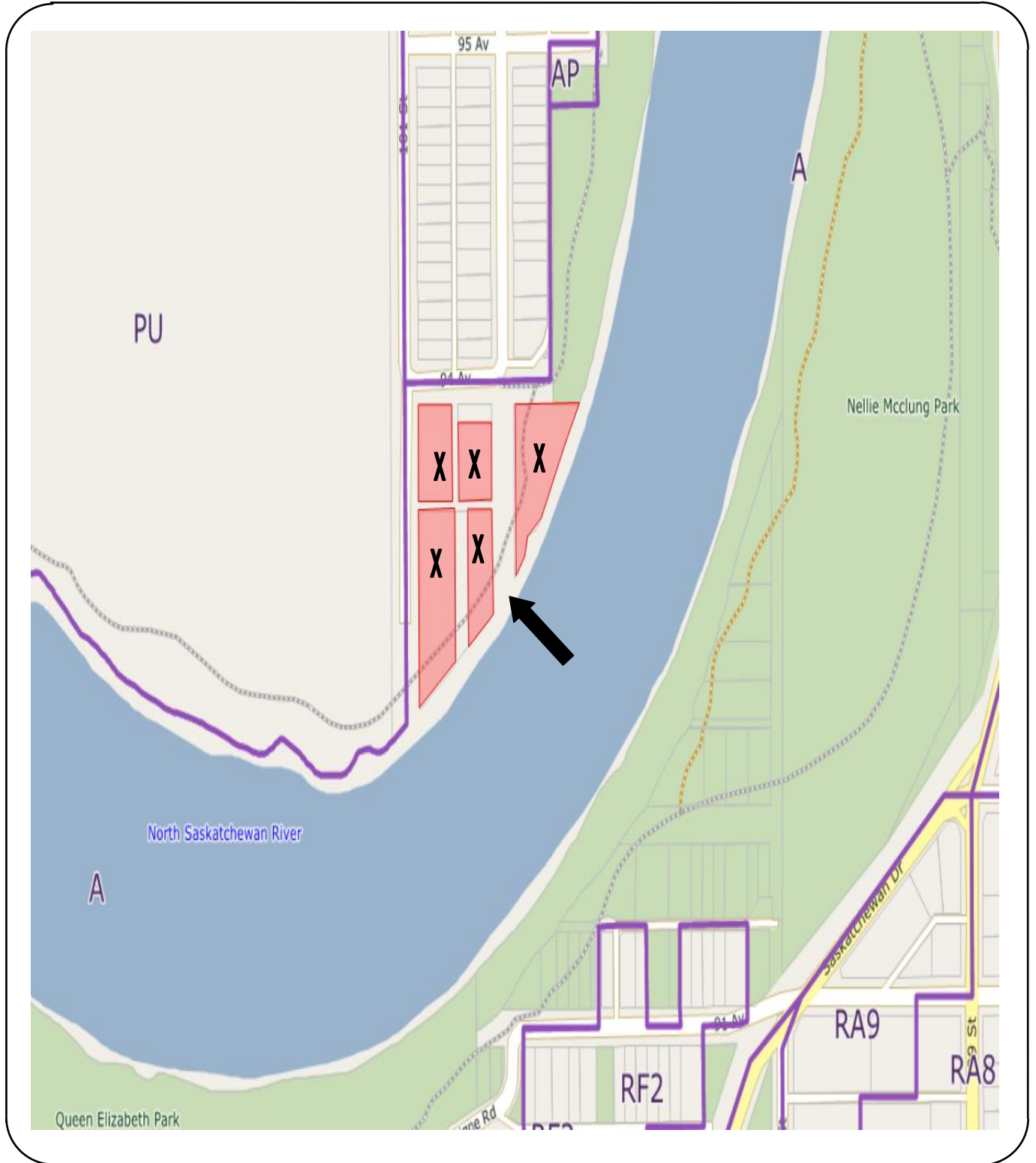
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jul 20, 2016 **Development Authority:** YEUNG, CARMAN **Signature:** _____
Notice Period Begins: Jul 26, 2016 **Ends:** Aug 10, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$100.00	\$100.00	by MCA#919608054	Jul 21, 2016
Major Dev. Application Fee	\$254.00	\$254.00	by MCA#919608054	Jul 21, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$354.00	\$354.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location X ←

File: SDAB-D-16-205



BUSINESS LAID OVER

SDAB-D-16-225	An appeal by <u>Zhan (Jake) Chang (The Little Gym)</u> to change the use of a portion of a Professional, Financial and Office Support Service to an Indoor Participant Recreation Service <i>October 12 or 13, 2016</i>
SDAB-S-14-001	An appeal by <u>Stantec Consulting Ltd.</u> to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <i>October 31, 2016</i>
SDAB-D-16-237	An appeal by <u>Pattison Outdoor Advertising</u> to install (1) Freestanding Minor Digital Off-premises Sign (6.1 m x 3 m facing E/W) <i>November 3, 2016</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

188282372-001	An appeal by <u>Kennedy Agrios</u> to change the use from general Retail to a Bar and Neighbourhood Pub (maximum of 400 occupants and 691 square metres of Public Space) <i>November 2 or 3, 2016</i>
188283359-001	An appeal by <u>Kennedy Agrios</u> to change the use from a Flea Market Use to a Night Club and Major Amusement Establishment (1757 square metres of Public space) <i>November 23 or 24, 2016</i>