

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
October 18, 2017**

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

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

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I 9:00 A.M. SDAB-D-17-187

Retain a vehicular access from 89 Avenue NW  
to the Front Yard of a Single Detached House

6816 - 89 Avenue NW  
Project No.: 246614001-005

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II 10:30 A.M. SDAB-D-17-188

Continue to operate a Restaurant with  
Accessory Minor Amusement Establishment  
(two billiard tables), and to operate a Bar and  
Neighbourhood Pub and a Nightclub with 160  
Seats and 250 square metres of Public Space  
(Vida Bar and Grill)

12225 - 118 Avenue NW  
Project No.: 257819394-001

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III 1:30 P.M. SDAB-D-17-189

Construct two Commercial Use buildings  
(Building 1: Health Services in CRU's 101, 102,  
201 - 203; General Retail in CRU's 103 - 108;  
P.F.O. in CRU's 111 - 115, 204, 205; Restaurant  
(119 square metres of Public Space) in CRU  
109; Specialty Food Service (119 square metres  
of Public Space) in CRU 110; Building 2:  
P.F.O. in CRU 116-0, General Retail in CRU  
117-0, Restaurant (88 square metres of Public  
Space) in CRU 118-0) with an underground  
parkade and demolish an existing building

5120 - 122 Street NW  
Project No.: 246478239-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-187

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 246614001-005

APPLICATION TO: Retain a vehicular access from 89 Avenue NW to the Front Yard of a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 8, 2017

DATE OF APPEAL: September 21, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6816 - 89 Avenue NW

LEGAL DESCRIPTION: Plan 276MC Blk 54 Lot 25

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

To retain approach onto driveway due to lack of any parking on the street in front of my property, safety of the school children by keeping my vehicle clear from the cross walk and preventing any other vehicle from parking close to the side walk.

**General Matters**

**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.

**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

...

**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.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the (RF1) Single Detached Residential Zone.

Under section 6.1(2), **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.”

Under section 6.1(30), **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1(76), **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1(119), **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 110.1 states that the **General Purpose** of the (RF1) **Single Detached Residential Zone** is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

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.

***Mature Neighbourhood Overlay Development Regulations***

Section 814.3(17) states “Regardless of whether a Site has existing vehicular access from a public roadway, other than a Lane, no such access shall be permitted to continue where an Abutting Lane exists.”

**Development Officer’s Determination:**

**The proposal is to retain the existing vehicular access from 89 Avenue NW when there is a rear abutting lane.**

***Off-street Parking and Loading Regulations***

Section 54.1(4) states:

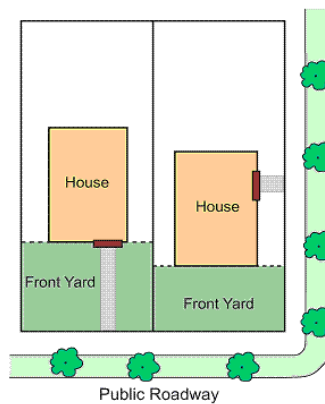
The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;

...

Under section 6.1(45), **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



**Development Officer’s Determination:**

**The proposed Driveway in the Front Yard does not lead to a Garage or Parking Area.**

***Location of Vehicular Parking Facilities***

Section 54.2(2)(e) states:

Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard; and
- ii. ...

**Development Officer's Determination:**

**The proposed Driveway will create 1 parking space in the Front Yard.**

***Community Consultation***

Section 814.5(1) of the Mature Neighbourhood Overlay states the following with respect to **Proposed Variances**:

When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or 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 11.2 and 11.3.

Section 814.5(2) of the Mature Neighbourhood Overlay states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(17) – Driveway Access


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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. 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*.

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	Project Number: <b>246614001-005</b> Application Date: JUL 17, 2017 Printed: September 21, 2017 at 10:38 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Minor Development Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 6816 - 89 AVENUE NW Plan 276MC Blk 54 Lot 25  <b>Specific Address(es)</b> Suite: BSMT, 6816 - 89 AVENUE NW Entryway: 6816 - 89 AVENUE NW Building: 6816 - 89 AVENUE NW
<b>Scope of Application</b> To retain a vehicular access from 89 Avenue NW to the front yard of a Single Detached House	
<b>Permit Details</b>	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
I/We certify that the above noted details are correct.  Applicant signature: _____	
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1. Regardless of whether a Site has existing vehicular access from a public roadway, other than a Lane, no such access shall be permitted to continue where an Abutting Lane exists (Section 814.3.17).  The proposal is to retain the existing vehicular access from 89 Avenue NW when there is a rear abutting lane.  2. The Front Yard of any at Grade Dwelling in any Residential Zone may include a maximum of one Driveway. The Driveway shall lead directly from the roadway to the Garage or Parking Area (Section 54.1.4.a).  The proposed Driveway in the Front Yard does not lead to a Garage or Parking Area.  3. Parking spaces shall not be located within a Front Yard (Section 54.2.e.i).  The proposed Driveway will create 1 parking space in the Front Yard.  <b>Rights of Appeal</b> The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.	
Issue Date: Sep 08, 2017      Development Authority: LIANG, BENNY      Signature: _____	
<b>THIS IS NOT A PERMIT</b>	



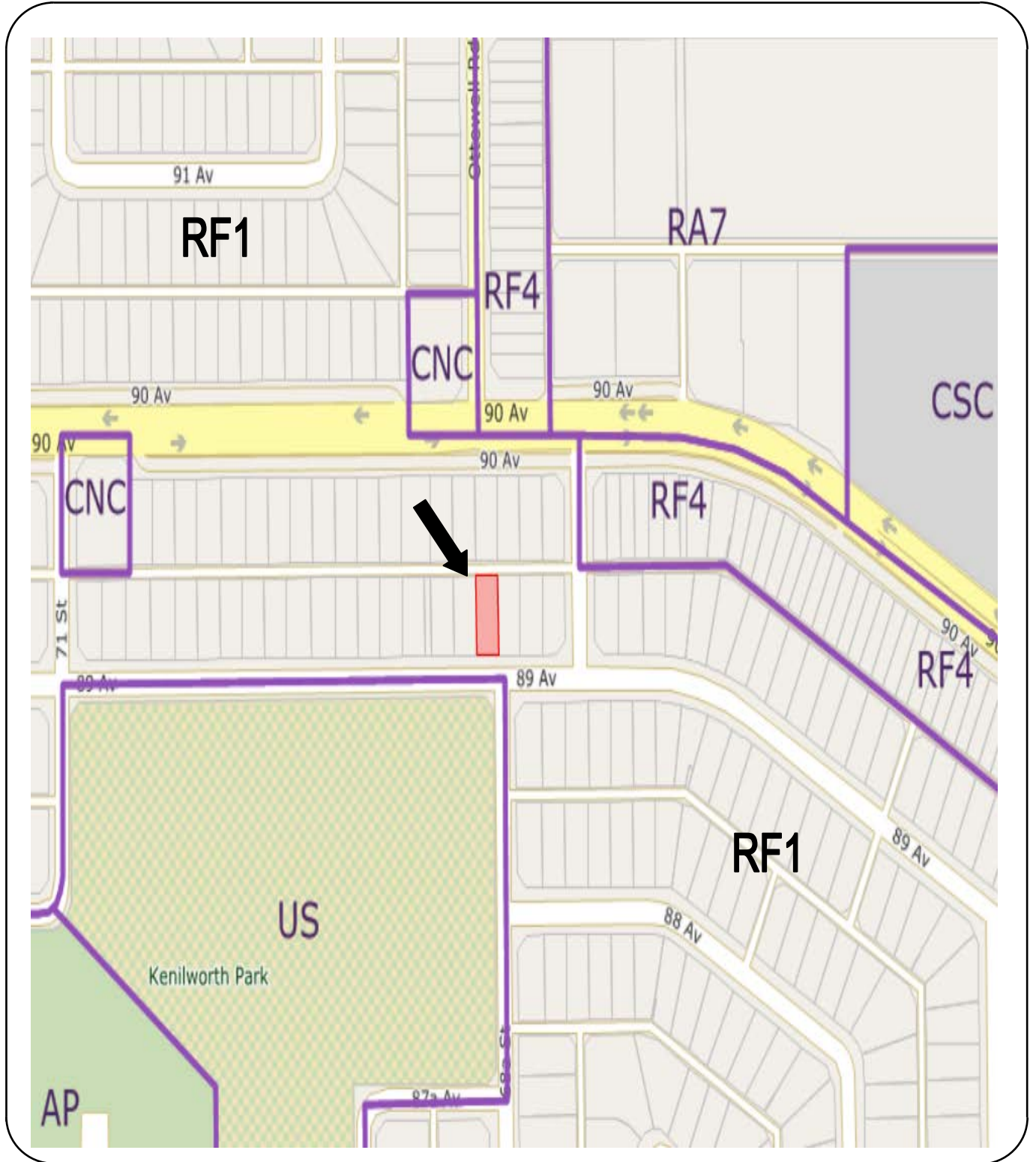
Project Number: **246614001-005**  
Application Date: JUL 17, 2017  
Printed: September 21, 2017 at 10:38 AM  
Page: 2 of 2

## Application for Minor Development Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$166.00	\$166.00	04297801	Jul 17, 2017
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$166.00	\$166.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-187



AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 257819394-001

APPLICATION TO: Continue to operate a Restaurant with Accessory Minor Amusement Establishment (two billiard tables), and to operate a Bar and Neighbourhood Pub and a Nightclub with 160 Seats and 250 square metres of Public Space (Vida Bar and Grill)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 21, 2017

DATE OF APPEAL: September 25, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12225 - 118 Avenue NW

LEGAL DESCRIPTION: Plan 4128HW Blk 38 Lot 12

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: N/A

STATUTORY PLAN: West Ingle Area Redevelopment Plan

***Grounds for Appeal***

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

We believe that the refusal for our application was not fair, based on the reasons they gave. Their main reason for refusal was the fact that the site is across from residential, but we have the neighbours written approval.

I am writing this letter with regards to our recent application to add nightclub usage on Friday & Saturday nights to our business license. I understand that the city has some concerns with approving us with nightclub usage especially with the 1 noise complaint that we have already received, but we can assure you that we have and will continue to

take every precaution to ensure the residents are not effected negatively. The one complaint that we did receive was when we first opened and we have made changes since then to make sure that it doesn't happen again, in preparation for the application we visited the neighbours within a 60m radius and discussed that we have applied for nightclub usage and wanted to know if anyone had any concerns or questions. We explained that the city will be sending out a letter and that they will have the opportunity to object if they feel necessary. We had some very positive feedback and even had some residents sign letters of approval we received these from all residents that were home some we were unable to reach. We received a letter of approval from Loanstar right next door and the owner has even offered that we can use his parking lot on Friday & Saturday nights if we need extra parking. Most neighbours were very open to the idea and had even said that they enjoy visiting Vida Bar & Grill, We had a couple people address that their main concern would be the base of the music, so we agreed that we would lower the base and volume and move all speakers to point towards 118th Avenue away from residential property and explained that if at any time noise was ever disturbing that the issue would be addressed immediately! We have also agreed that Friday & Saturday security will be checking the parking lots and surrounding areas more often to insure there is no issues. Everyone was very happy that we took the time to meet them and that we are willing to work with them should any problems arise. After speaking with the neighbours we did receive 1 complaint about noise coming from the parking lot after hours, there was a car parked in our parking lot with people listening to music loud. We explained that because this was after hours we had no control as to who parks on our property to listen to music and she agreed, we ensured her that had this been during business hours security would have addressed the issue. We want to work with the city and residents of Inglewood and make this a place that residents enjoy having in their community. This is a family run business its run by 5 brothers and our mother and father we all have children so our safety and the safety of our customers is our #1 concern. The Latin culture has a love for food and dance and they enjoy going out for some good food and to dance the night away. They don't come to start trouble they just want a good time and we are just trying to share that Latin culture with everyone, our crowd is full of people of all ages all just there for the love of dance, Our crowd is not what you would expect to see at your typical nightclub our customers age range from 18-86 with the average age of 28-45. One of our most loyal customers is an 86 year old man who says that watching the dancing and listening to the music keeps his heart young!!

<i>General Matters</i>
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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.

### **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

...

### **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.**

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 330.3(4), **Bars and Neighbourhood Pubs, for more than 200 occupants and 240 m<sup>2</sup> of Public Space, provided the Site is not adjacent to or across the Lane from a Site zoned residential**, is a **Discretionary Use** in the (CB1) Low Intensity Business Zone.

Under section 330.2(9), **Minor Amusement Establishments** is a **Discretionary Use** in the (CB1) Low Intensity Business Zone.

Under section 330.3(25), **Nightclubs, but not to exceed 200 occupants and 240 m<sup>2</sup> of Public Space, if the site is adjacent to or across a lane from a Site zoned residential**, is a **Discretionary Use** in the (CB1) Low Intensity Business Zone.

Under section 330.3(33), **Restaurants, for more than 200 occupants and 240 m<sup>2</sup> of Public Space, provided the Site is not adjacent to or across the Lane from a Site zoned residential**, is a **Discretionary Use** in the (CB1) Low Intensity Business Zone.

Under section 7.4(6), **Bars and Neighbourhood Pubs** means:

development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the Site. This Use typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. Typical Uses include neighbourhood pubs, bars, and cocktail lounges. This Use does not include Cannabis Lounges.

Under section 7.4(33), **Minor Amusement Establishments** means:

development providing facilities within any building, room or area having two or less table games or electronic games played by patrons for entertainment. This Use does not include Carnivals, Circuses, Indoor Participant Recreation Services, Adult Mini-Theatres, or Casinos and Other Gaming Establishments.

Under section 7.4(39), **Nightclubs** means:

development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the Site, in a facility where entertainment facilities take up more than 10% of the Floor Area. This Use typically has a limited menu from a partially equipped kitchen/preparation area and prohibits minors from lawfully utilizing the facility. Typical Uses include dance clubs, cabarets, nightclubs, lounges, neighbourhood pubs and bars, beverage rooms, and cocktail lounges. This Use does not include Cannabis Lounges.

Under section 7.4(47), **Restaurants** means:

development where the primary purpose of the facility is the sale of prepared foods and beverages to the public, for consumption within the premises or off the Site. Minors are never prohibited from any portion of the establishment at any time during the hours of operation. This Use typically has a varied menu, with a fully equipped kitchen and preparation area, and includes fast food and family restaurants.

Under section 6.1(2), **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.”

Under section 6.1(39), **Floor Area** means:

the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Under section 6.1(87), **Public Space** means:

space that is part of an establishment, which is open to the public and not restricted to only employees. Public Space includes any private non-sale hospitality area where products manufactured within the premises are provided to private groups for tasting and sampling. This definition does not include kitchens, administration offices, food or drink preparation areas

Section 50.1(1) states:

A Use shall be Accessory to a Permitted or Discretionary Use which is a principal Use on the Site, if such Use complies with the definition of Accessory in this Bylaw. Notwithstanding the foregoing, Accessory parking may be on the same Site as the principal Use or comply with subsection 54.2(2) of this Bylaw.

Section 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.



**Development Officer's Determination**

**1) Section 330.3.4 - Bars and Neighbourhood Pubs, for more than 200 occupants and 240 m2 of Public Space, provided the Site is not adjacent to or across the Lane from a Site zoned residential, is listed as a Discretionary Use.**

**The site is across the Lane from a Site zoned residential, contrary to Section 330.3.4.**

**2) Section 330.3.24 - Nightclubs, but not to exceed 200 occupants and 240 m2 of Public Space, if the site is adjacent to or across a lane from a Site zoned residential, is listed as a Discretionary Use.**

**The site is across the Lane from a Site zoned residential, contrary to Section 330.3.24.**

**3) Section 330.3.32 - Restaurants, for more than 200 occupants and 240 m2 of Public Space, provided the Site is not adjacent to or across the Lane from a Site zoned residential, is listed as a Discretionary Use.**


**The site is across the Lane from a Site zoned residential, contrary to Section 330.3.32. [unedited]**

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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. 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*.

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	Project Number: <b>257819394-001</b> Application Date: JUL 20, 2017 Printed: September 21, 2017 at 3:49 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 12225 - 118 AVENUE NW Plan 4128HW Blk 38 Lot 12  <b>Specific Address(es)</b> Suite: 12225 - 118 AVENUE NW Entryway: 12225 - 118 AVENUE NW Building: 12225 - 118 AVENUE NW		
<b>Scope of Application</b> To continue to operate a Restaurant with Accessory Minor Amusement Establishment (2 billiard tables), and to operate a Bar and Neighbourhood Pub and a Nightclub with 160 Seats and 250m2 of Public Space (Vida Bar and Grill)			
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                             Class of Permit: Class B                              Gross Floor Area (sq.m.):                              New Sewer Service Required: N                              Site Area (sq. m.):                         </td> <td style="width: 50%; border: none;">                             Contact Person:                              Lot Grading Needed?: N                              NumberOfMainFloorDwellings:                              Stat. Plan Overlay/Annex Area: West Ingle ARP                         </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: West Ingle ARP
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: West Ingle ARP		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1) Section 330.3.4 - Bars and Neighbourhood Pubs, for more than 200 occupants and 240 m2 of Public Space, provided the Site is not adjacent to or across the Lane from a Site zoned residential, is listed as a Discretionary Use.  The site is across the Lane from a Site zoned residential, contrary to Section 330.3.4.  2) Section 330.3.24 - Nightclubs, but not to exceed 200 occupants and 240 m2 of Public Space, if the site is adjacent to or across a lane from a Site zoned residential, is listed as a Discretionary Use.  The site is across the Lane from a Site zoned residential, contrary to Section 330.3.24.  3) Section 330.3.32 - Restaurants, for more than 200 occupants and 240 m2 of Public Space, provided the Site is not adjacent to or across the Lane from a Site zoned residential, is listed as a Discretionary Use.  The site is across the Lane from a Site zoned residential, contrary to Section 330.3.32.  <b>Rights of Appeal</b> The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.			
Issue Date: Sep 21, 2017    Development Authority: BUCCINO, SAMANTHA    Signature: _____			
<b>THIS IS NOT A PERMIT</b>			



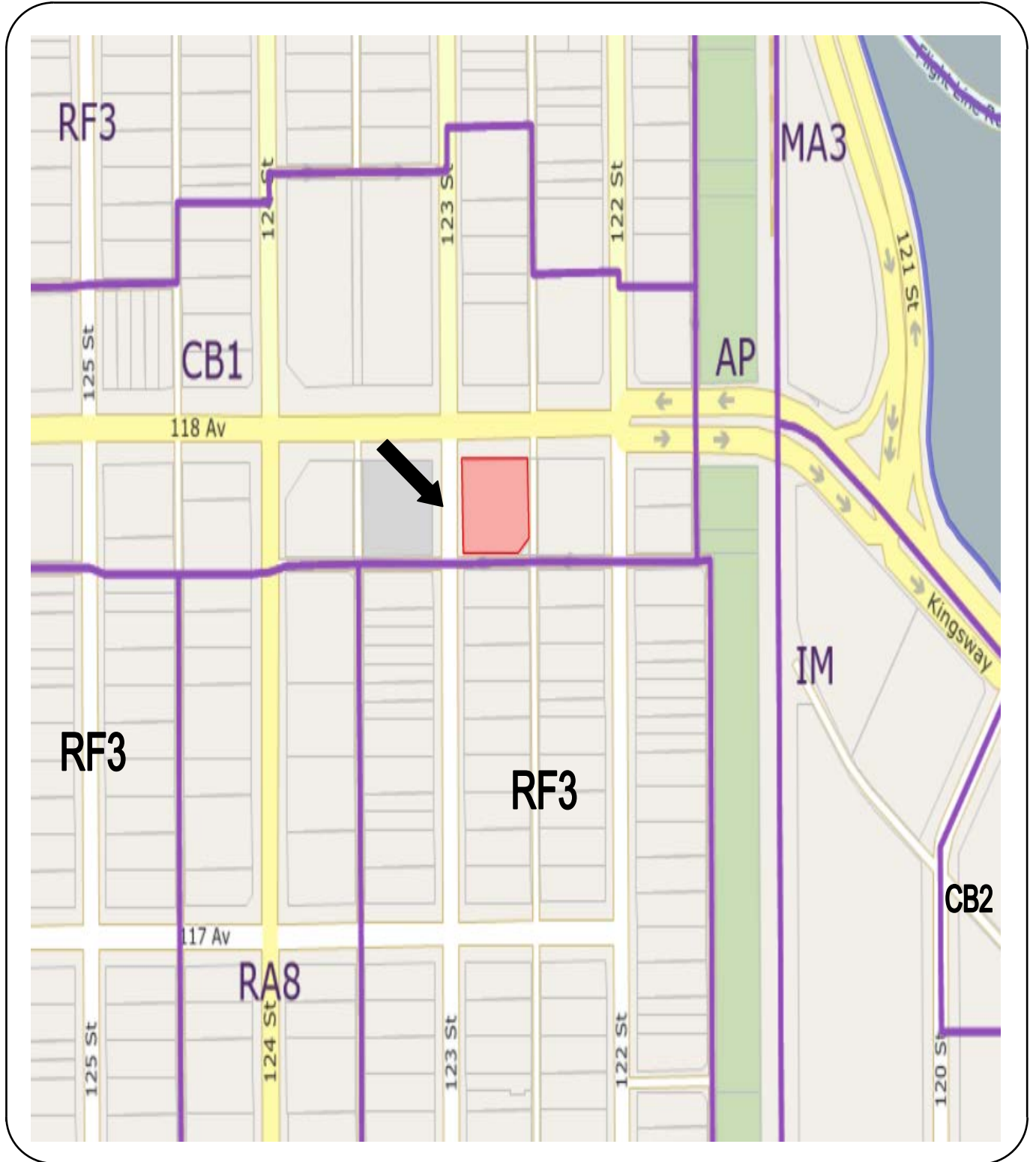
Project Number: **257819394-001**  
Application Date: JUL 20, 2017  
Printed: September 21, 2017 at 3:49 PM  
Page: 2 of 2

## Application for Major Development Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$500.00	\$500.00	04307543	Jul 20, 2017
Development Permit Inspection Fee	(\$500.00)			
Total GST Amount:	\$0.00			
Totals for Permit:	\$0.00	\$500.00		
(overpaid by \$500.00)				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-188



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-189

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 246478239-001

APPLICATION TO: Construct two Commercial Use buildings (Building 1: Health Services in CRU's 101, 102, 201 - 203; General Retail in CRU's 103 - 108; P.F.O. in CRU's 111 - 115, 204, 205; Restaurant (119 square metres of Public Space) in CRU 109; Specialty Food Service (119 square metres of Public Space) in CRU 110; Building 2: P.F.O. in CRU 116-0, General Retail in CRU 117-0, Restaurant (88 square metres of Public Space) in CRU 118-0) with an underground parkade and demolish an existing building

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: September 12, 2017

NOTIFICATION PERIOD: September 19, 2017 through October 3, 2017

DATE OF APPEAL: September 26, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5120 - 122 Street NW

LEGAL DESCRIPTION: Plan 1800NY Blk 30 Lots 48, OT

ZONE: (CNC) Neighbourhood Convenience Commercial Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

We are the solicitors for Alldritt Development Limited, the owners of the land adjacent to those described above. On behalf of our clients, we hereby appeal the approval issued herein on the following grounds:

1. The proposed development does not provide sufficient parking.
2. The proposed development is an over-development of the site.
3. Such further and other reasons as may be presented at the hearing of this appeal.

***General Matters***

**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 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.

### **General Provisions from the *Edmonton Zoning Bylaw*:**

**It should be noted that on September 11, 2017 City Council passed Bylaw 18171, to be effective September 11, 2017. This Bylaw amended the regulations pertaining to parking.**

Under section 310.3(9), **General Retail Stores** is a **Discretionary Use** in the (CNC) Neighbourhood Convenience Commercial Zone.

Under section 310.2(2), **Health Services** is a **Permitted Use** in the (CNC) Neighbourhood Convenience Commercial Zone.

Under section 310.2(4), **Professional, Financial and Office Support Services** is a **Permitted Use** in the (CNC) Neighbourhood Convenience Commercial Zone.

Under section 310.3(21), **Restaurants, for less than 100 occupants and 120 m<sup>2</sup> of Public Space**, is a **Discretionary Use** in the (CNC) Neighbourhood Convenience Commercial Zone.

Under section 310.2(5), **Specialty Food Services, for less than 100 occupants and 120 m<sup>2</sup> of Public Space**, is a **Permitted Use** in the (CNC) Neighbourhood Convenience Commercial Zone.

Under section 7.4(24), **General Retail Stores** means:

means development used for the retail or consignment sale of new goods or merchandise within an enclosed building, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold wholesale. Accessory Uses may include the assembly or repair of products sold on Site, or minor public services such as postal services or pharmacies. This Use does not include Aircraft Sales/Rentals, Automotive and Minor Recreation Vehicle Sales/Rentals, Cannabis Retail Sales, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Garden Centres, Pawn Stores, Major Alcohol Sales, Minor Alcohol Sales, Major Service Stations, Minor Service Stations, Secondhand Stores, and Warehouse Sales.

Under section 7.4(26), **Health Services** means:

development used for the provision of physical and mental Health Services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical Uses include medical and dental offices, health clinics and counseling services, and medical Cannabis clinics and counseling services.

Under section 7.4(44), **Professional, Financial and Office Support Services** means:

development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical Uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial Uses.



Under section 7.4(47), **Restaurants** means:

development where the primary purpose of the facility is the sale of prepared foods and beverages to the public, for consumption within the premises or off the Site. Minors are never prohibited from any portion of the establishment at any time during the hours of operation. This Use typically has a varied menu, with a fully equipped kitchen and preparation area, and includes fast food and family restaurants.

Under section 7.4(49), **Specialty Food Services** means:

development where limited types of prepared foods and beverages, excluding alcoholic beverages, are offered for sale to the public, for consumption within the premises or off the Site. This Use typically relies primarily on walk-in clientele, and includes coffee, donut, bagel or sandwich shops, ice cream parlours, and dessert shops.

Under section 6.1(39), **Floor Area** means:

the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Under section 6.1(87), **Public Space** means:

space that is part of an establishment, which is open to the public and not restricted to only employees. Public Space includes any private non-sale hospitality area where products manufactured within the premises are provided to private groups for tasting and sampling. This definition does not include kitchens, administration offices, food or drink preparation areas

Section 310.1 states that the **General Purpose** of the **(CNC) Neighbourhood Convenience Commercial Zone** is:

to provide for convenience commercial and personal service uses, which are intended to serve the day-to-day needs of residents within residential neighbourhoods.

<b><i>Vehicular Parking</i></b>
---------------------------------

Section 54.2, Schedule 1(A)(12) states:

Any development within a Commercial Use not listed separately in this table, with a Floor Area of:

**Minimum Number of Parking Spaces Required:**

a. less than <u>4 500 m<sup>2</sup></u>	1 parking space per <u>40.0 m<sup>2</sup></u> of Floor Area
b. <u>4 500m<sup>2</sup></u> - <u>9 000m<sup>2</sup></u>	1 parking space per <u>33.3 m<sup>2</sup></u> of Floor Area
c. ...	...
d. ...	...

Section 54.2, Schedule 1(A)(20):

**Minimum Number of Parking Spaces Required:**

Health Services	1 parking space per <u>22.2 m<sup>2</sup></u> of Floor Area
-----------------	-------------------------------------------------------------

Section 54.2, Schedule 1(A)(23):

**Minimum Number of Parking Spaces Required:**

Professional, Financial and Office Support Services	1 parking space per <u>29.4 m<sup>2</sup></u> of Floor Area
-----------------------------------------------------	-------------------------------------------------------------

Section 54.2, Schedule 1(A)(24):

**Minimum Number of Parking Spaces Required:**

Restaurants, Specialty Food Services	1 parking space per <u>9.6 m<sup>2</sup></u> of Public Space.
--------------------------------------	---------------------------------------------------------------

Section 54.1(2)(h) states:

In the case of the multiple Use of a Site, the Development Officer shall calculate the vehicular parking, Bicycle Parking and total off-street loading requirement for each individual Use and the total shall be deemed to be the required vehicular parking, Bicycle Parking or off-street loading for the Site, unless the applicant can demonstrate that there is complementary use of the parking or loading facilities which would warrant a reduction in the requirements. Where such reduction is made, this shall be considered a variance and the Development Officer shall state the reduction and the reasons for it on the Development Permit.

**Development Officer’s Determination:**

**Parking - The Site has 216 parking spaces, instead of 228. (Section 54.2, Schedule 1) [unedited]**

***Landscaping***

Section 55.3(1)(c) provides the following with respect to General Planting Requirements:

c. new trees and shrubs shall be provided on the following basis:

...

iii. approximately 75% of required coniferous trees shall be a minimum of 2.5 m in Height and approximately 25% shall be a minimum of 3.5 m in Height; and

...

**Development Officer's Determination:**


**Landscaping - 100% of required coniferous trees are 2.5 high, instead 75% being 2.5 m high and 25% being 3.5 m high (Section 55.3.1.c.iii) [unedited]**

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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. 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*.

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	Project Number: <b>246478239-001</b> Application Date: APR 27, 2017 Printed: September 12, 2017 at 4:20 PM Page: 1 of 5																			
<b>Major Development Permit</b>																				
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>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Property Address(es) and Legal Description(s)</b></td> </tr> <tr> <td style="text-align: center;">5120 - 122 STREET NW Plan 1800NY Blk 30 Lots 48,OT</td> </tr> <tr> <td style="text-align: center;"><b>Specific Address(es)</b></td> </tr> <tr> <td>Entryway: 101, 5116 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 101, 5120 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 102, 5116 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 102, 5120 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 103, 5116 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 103, 5120 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 104, 5120 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 105, 5120 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 106, 5120 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 107, 5120 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 108, 5120 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 109, 5120 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 110, 5120 - 122 STREET NW</td> </tr> <tr> <td>Entryway: 5120 - 122 STREET NW</td> </tr> <tr> <td>Building: 101, 5116 - 122 STREET NW</td> </tr> <tr> <td>Building: 101, 5120 - 122 STREET NW</td> </tr> </table>	<b>Property Address(es) and Legal Description(s)</b>	5120 - 122 STREET NW Plan 1800NY Blk 30 Lots 48,OT	<b>Specific Address(es)</b>	Entryway: 101, 5116 - 122 STREET NW	Entryway: 101, 5120 - 122 STREET NW	Entryway: 102, 5116 - 122 STREET NW	Entryway: 102, 5120 - 122 STREET NW	Entryway: 103, 5116 - 122 STREET NW	Entryway: 103, 5120 - 122 STREET NW	Entryway: 104, 5120 - 122 STREET NW	Entryway: 105, 5120 - 122 STREET NW	Entryway: 106, 5120 - 122 STREET NW	Entryway: 107, 5120 - 122 STREET NW	Entryway: 108, 5120 - 122 STREET NW	Entryway: 109, 5120 - 122 STREET NW	Entryway: 110, 5120 - 122 STREET NW	Entryway: 5120 - 122 STREET NW	Building: 101, 5116 - 122 STREET NW	Building: 101, 5120 - 122 STREET NW
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<b>Scope of Permit</b>																				
To construct two Commercial Use buildings (Building 1: Health Services in CRU's 101, 102, 201 - 203; General Retail in CRU's 103 - 108; P.F.O. in CRU's 111 - 115, 204, 205; Restaurant (119 sq.m. of Public Space) in CRU 109; Specialty Food Service (119 sq.m. of Public Space) in CRU 110; Building 2: P.F.O. in CRU 116-0, General Retail in CRU 117-0, Restaurant (88 sq.m. of Public Space) in CRU 118-0) with an underground parkade and demolish an existing building.																				
<b>Permit Details</b>																				
Class of Permit: Class B Gross Floor Area (sq.m.): 6020.5 New Sewer Service Required: Y Site Area (sq. m.): 9661.05	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)																			
I/We certify that the above noted details are correct. Applicant signature: _____																				
<b>Development Permit Decision</b>																				
Approved																				
<b>The permit holder is advised to read the reverse for important information concerning this decision.</b>																				



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## Major Development Permit

### Subject to the Following Conditions

1) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$227.00.

2) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$500.00.

3) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$7,566.50.

Based on records, this property was never assessed for SSTC. SSTC is applicable to the entire property of 0.9661 ha at rate of \$7,832/ha under the current DP#246478239001.

The Property area is obtained from the City's information program called POSSE. For information purposes, the year 2017 rate is \$7,832/ha. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 2nd Floor cashiers, Edmonton Service Center, 10111 - 104 Avenue NW.

The above assessment is made based on information currently available to our Department. Should such information changes in the future, a new assessment will have to be made. In addition to the above items, if required, the applicant/owner shall pay for the installation cost of sewer services to property line. For details, please send inquiries to [wass.drainage@edmonton.ca](mailto:wass.drainage@edmonton.ca). More information about PAC, EA, and SSTC assessments can be found on the City of Edmonton's website: [www.edmonton.ca](http://www.edmonton.ca)

4) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the owner must enter into a Municipal Improvement Agreement with the City for the following improvements:

- construction of the proposed 8.3 m commercial crossing access to 51 Avenue located approximately 7.15 m from the west property line;
- removal of the existing access to 51 Avenue located approximately 47 m from the west property line and reconstruction to a 9 m commercial crossing access;
- construction of the proposed 9 m commercial crossing access to 122 Street located approximately 25 m from the south property line;
- installation of bollards to protect the existing fire hydrant adjacent to the proposed 9 m access to 122 Street;
- removal of the existing 6 m wide access to 122 Street located at the north property line, with the curb, gutter and sidewalk constructed and the boulevard restored to grass;
- removal of the existing 6 m wide access to 122 Street located at the south property line, with the curb, gutter and sidewalk constructed and the boulevard restored to grass;
- removal of the existing 5.1 m wide portion of the access to 51 Avenue, located approximately 2 m from the west property line, with the curb, gutter and sidewalk constructed and the boulevard restored to grass;
- modification of the existing concrete islands within 51 Avenue in order to accommodate all turning maneuvers for the proposed 8.3 m and 9 m accesses to 51 Avenue; and
- removal of the existing bus stop #2924 on 51 Avenue and reconstruction to a 9 m x 4 m concrete bus stop amenities pad located 22 m east of the curb face of 123 Street;

The Agreement will be forwarded directly to the owner for signature and must be signed PRIOR to the release of the drawings for Building Permit review. The Agreement must be signed by the property owner and returned to Subdivision Planning to the attention of Trevor Singbeil (780-496-1799) including an irrevocable Letter of Credit in the amount of \$125,000.00 to cover 100% of construction costs. Once signed, the owner is required to have a Civil Engineer submit stamped engineering drawings for approval by Development Engineering and Drawing Review. The applicant must contact Trevor Singbeil (780-496-1799) 48 hours prior to removal or construction within city road right-of-way. For any changes of ownership that must be updated on the Municipal Improvement Agreement, contact Esther Anderson (780-944-7773) to revise the document.

5) All access locations and curb crossings shall have the approval of the City Transportation and Streets Department prior to the start of construction. Reference Section 53(1).

6) The proposed 8.3 m access to 51 Avenue, located approximately 7.15 m from the west property line, as shown on Enclosure I, is acceptable to Subdivision Planning. The proposed access must be constructed as a commercial crossing access as per the City of Edmonton Design and Construction Standards. The underground driveway ramp must not exceed a slope of 6% for a minimum distance of 4.5 m inside the property line and the ramp must be at grade at the property line. The proposed ramp slope submitted by the applicant, as shown on Enclosure III, is acceptable to Subdivision Planning.

7) The proposed widening to a 9 m access of the existing access to 51 Avenue, located approximately 47 m from the west property line,

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



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## Major Development Permit

7) The proposed widening to a 9 m access of the existing access to 51 Avenue, located approximately 4 m from the west property line as shown on Enclosure I, is acceptable to Subdivision Planning. The existing access must be removed and new access must be constructed as a commercial crossing access as per the City of Edmonton Design and Construction Standards.

8) The proposed 9 m access to 122 Street, located approximately 25 m from the south property line as shown on Enclosure I, is acceptable to Subdivision Planning. The proposed access must be constructed as a commercial crossing access as per the City of Edmonton Design and Construction Standards.

9) There is an existing fire hydrant in the vicinity of the proposed 9 m access to 122 Street, as shown on Enclosure I. The owner/applicant must install bollards, as per detail 2513-02 of the City of Edmonton Design and Construction Standards, Volume 4, to protect the hydrant as the separation distance from the fire hydrant to the access is less than 1.8 m. The owner/applicant may contact Amanda Kuzek of EPCOR Water Services (780-412-3955) for more details.

10) The existing 6 m wide access to 122 Street, located at the north property line as shown on Enclosure I, must be removed and filled in with the curb, gutter and sidewalk constructed as per City of Edmonton Design and Construction Standards and the boulevard restored to grass.

11) The existing 6 m wide access to 122 Street, located at the south property line as shown on Enclosure I, must be removed and filled in with the curb, gutter and sidewalk constructed as per City of Edmonton Design and Construction Standards and the boulevard restored to grass.

12) The 5.1 m wide portion of the existing access to 51 Avenue, located approximately 2 m from the west property line as shown on Enclosure I, must be removed and filled in with the curb, gutter and sidewalk constructed as per City of Edmonton Design and Construction Standards and the boulevard restored to grass.

13) The existing concrete islands within 51 Avenue must be modified in order to accommodate all turning maneuvers for the proposed 8.3 m and 9 m accesses to 51 Avenue, as shown on Enclosure I.

14) The existing bus stop #2924 must be removed and relocated to 22 m east of the curb face of 123 Street and reconstructed to a 4 m x 9 m concrete bus stop amenities pad, as shown on Enclosure II. The owner/applicant must contact Ed Chan of Edmonton Transit (780-496-8919) to arrange for the closure and relocation of the existing bus stop.

15) 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.

16) 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
  - confirmation 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: [http://www.edmonton.ca/transportation/on\\_your\\_streets/on-street-construction-maintenance-permit.aspx](http://www.edmonton.ca/transportation/on_your_streets/on-street-construction-maintenance-permit.aspx)

17) Any alley, 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. The alley, sidewalks and boulevard will be inspected by Development Inspections prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

18) Landscaping shall be in accordance with the approved Landscape Plan, Section 55 of the Zoning Bylaw and to the satisfaction of the Development Officer.

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



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## Major Development Permit

- 19) Any changes to an approved Landscape Plan requires the approval of the Development Officer prior to the Landscaping being installed.
- 20) 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.
- 21) A Guaranteed Landscaping Security in the amount of \$52,939.88 shall be provided to the City of Edmonton at the time of Development Permit Inspection, to the satisfaction of the Development Officer.
- 22) Bicycle parking (a minimum of 10 spaces, 5 per building) shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.
- 23) The applicant/owner shall provide parking for People with Disabilities (a minimum of 6 spaces) in accordance to Section 54.1(3) and to the satisfaction of the Development Officer.
- 24) 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.
- 25) The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6.
- 26) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.
- 27) This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

**Notes:**

- i) 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.
- ii) 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.
- iii) Signs require separate Development Applications.

**Variations**

- Parking - The Site has 216 parking spaces, instead of 228. (Section 54.2, Schedule 1)
- Landscaping - 100% of required coniferous trees are 2.5 high, instead 75% being 2.5 m high and 25% being 3.5 m high (Section 55..3.1.c.iii)

**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:** Sep 12, 2017    **Development Authority:** KOWAL, PAUL    **Signature:** \_\_\_\_\_  
**Notice Period Begins:** Sep 19, 2017    **Ends:** Oct 03, 2017

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



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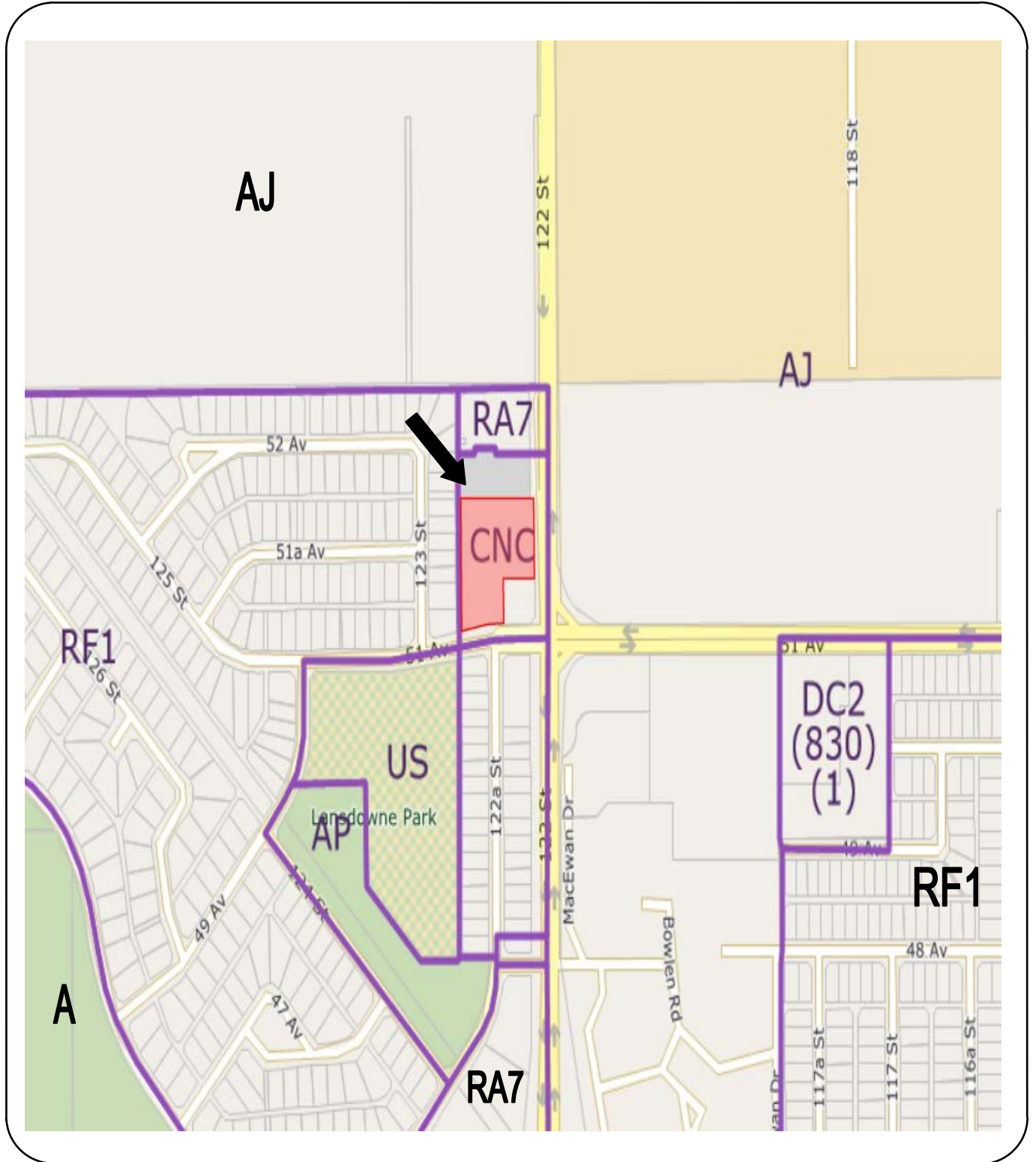
## Major Development Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee for GFA	\$5,264.00	\$5,264.00	04083344	Apr 28, 2017
Major Dev. Application Fee	\$929.00	\$929.00	04083344	Apr 28, 2017
Lot Grading Fee	\$227.00			
Sanitary Sewer Trunk Fund 2012+	\$7,566.50			
Total GST Amount:	\$0.00			
Totals for Permit:	\$13,986.50	\$6,193.00		
(\$7,793.50 outstanding)				

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





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-189

