

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
October 24, 2019**

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

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

I	9:00 A.M.	SDAB-D-19-181	Change the use from General Retail Stores to Cannabis Retail Sales 10803 - Jasper Avenue NW Project No.: 339507277-001
<hr/>			
II	10:30 A.M.	SDAB-D-19-182	Install (1) Fascia Minor Digital On-premises Sign (6.29m x 3.57m facing North) (GARAGE 104) 6528 - 104 Street NW Project No.: 325857215-001
<hr/>			
III	1:30 P.M.	SDAB-D-19-180	Install one (1) Minor Digital On-premises Off-premises Freestanding Sign (PATTISON Elite Real Estate Investments Inc.) 2341 - Maple Road NW Project No.: 312403136-001

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-19-181

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 339507277-001

APPLICATION TO: Change the use from General Retail Stores to Cannabis Retail Sales

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 26, 2019

DATE OF APPEAL: September 30, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10803 - Jasper Avenue NW

LEGAL DESCRIPTION: Plan 1222211 Blk 8 Lot 46A

ZONE: (JAMSC) Jasper Avenue Main Street Commercial Zone

OVERLAY: Downtown Special Area

STATUTORY PLAN: Capital City Downtown Plan

Grounds for Appeal

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

We are solicitors for CC Growth Corp., whose application for a development permit (made through their architects, Planworks Design and Planning Inc.) for a Cannabis Retail Sales Use at the above captioned address was refused by the Development Authority. We hereby appeal the refusal of our client's development permit application on the grounds that:

- Cannabis Retail Sales is a Permitted Use within the Jasper Avenue Main Street Commercial Zone;
- The proposed Cannabis Retail Sales Use is appropriate at the subject location;

- The proposed Cannabis Retail Sales Use will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
- Such further and other grounds as may be presented at the hearing of the within appeal.

<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.

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, [...]

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;

- (a.2) subject to section 638, must comply with any applicable statutory plans;
 - (a.3) subject to clauses (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 910.9(2)(d), **Cannabis Retail Sales** is a **Permitted Use** in the **(JAMSC) Jasper Avenue Main Street Commercial Zone**.

Under section 7.4(9), **Cannabis Retail Sales** means:

development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use may include retail sales of Cannabis accessories. This Use does not include Cannabis Production and Distribution.

Under section 6.1, **Cannabis** means:

a cannabis plant and anything referred to in subsection (a) of this definition but does not include anything referred to in subsection (b) of this definition:

- a. Cannabis includes:
 - i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in subsection (b) of this definition.
 - ii. any substance or mixture of substances that contains or has on it any part of such a plant;
 - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
- b. Notwithstanding subsection (a) of this definition, Cannabis does not include:
 - i. a non-viable seed of a cannabis plant;
 - ii. a mature stalk, without any leaf, flower, seed or branch, of such plant;
 - iii. fibre derived from a stalk referred in subsection (b)(ii) of this definition; and
 - iv. the root or any part of the root of such a plant.

Section 910.9(1) states that the **General Purpose** of the **(JAMSC) Jasper Avenue Main Street Commercial Zone** is:

to provide a Zone that accommodates at ground level, predominantly retail commercial, office and service Uses suitable for Downtown's Main Street, Jasper Avenue and to ensure that infill developments and the retrofitting and preservation of historical and older buildings incorporate human scale design characteristics to enhance revitalized, dynamic Main Street atmosphere.

Section 910.1 states that the **General Purpose** of the **Downtown Special Area Zoning Regulations** is:

to designate the Downtown area as a Special Area and to adopt the following land use regulations to achieve the objectives of the Capital City Downtown Plan.

Section 70 – Cannabis Retail Sales

1. Any Cannabis Retail Sales shall not be located less than 200 m from any other Cannabis Retail Sales. For the purposes of this subsection only:
 - a. the 200 m separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of any other approved Cannabis Retail Sales Use;
 - b. A Development Officer shall not grant a variance to reduce the separation distance by more than 20 m in compliance with Section 11; and
 - c. The issuance of a Development Permit which contains a variance to separation distance as described in 70(1)(b) shall be issued as a Class B Discretionary Development.
2. Any Site containing Cannabis Retail Sales shall not be located less than:
 - a. 200 m from any Site being used for a public library, at the time of the application for the Development Permit for the Cannabis Retail Sales; and
 - b. 100 m from any Site being used for Community Recreation Services Use, a community recreation facility or as public lands at the time of application for the Development Permit for the Cannabis Retail Sales.
3. For the purposes of subsection 2:
 - a. separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
 - b. the term “public library” is limited to the collection of literary, artistic, musical and similar reference materials and learning resources in the form of books, electronic files, computers, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries.
 - c. the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as per the Municipal Government Act; and
 - d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.

4. Subsection 105(3) of the Gaming, Liquor and Cannabis Regulation, is expressly varied by the following:

- a. any Site containing a Cannabis Retail Sales shall not be located less than:

Public or private education

- i. 200 m from a Site being used for public or private education, at the time of the application for the Development Permit for the Cannabis Retail Sales;

Provincial health care facility

- ii. 100 m from a Site being used for a provincial health care facility at the time of the application for the Development Permit for the Cannabis Retail Sales; and

School reserve or municipal and school reserve

- iii. 100 m from a Site designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales.

Measurement of Separation Distances

- b. For the purposes of this subsection, separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures.

Sites Greater than Two Hectares

- c. For Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, that do not contain a public library at the time of application for the Development Permit for the Cannabis Retail Sales:

- i. Subsection 70(2), and 70(4)(a) shall not apply; and
- ii. the distances referred to in Subsection 105(3) of the *Gaming, Liquor and Cannabis Regulation* shall be expressly varied to 0 m.

- d. For the purposes of subsection 70(4)(a)(i), the term "public or private education" means a school as defined in subsection (1)(y)(i) and (1)(y)(ii) of the *School Act (as amended from time to time)*.

5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2), 70(3)(a) or 70(4).

Design Requirements

6. Cannabis Retail Sales shall include design elements that readily allow for natural surveillance to promote a safe urban environment, where applicable and to the satisfaction of the Development Officer, including the following requirements:
 - a. customer access to the store is limited to a storefront that is visible from the street other than a Lane, or a shopping centre parking lot, or mall access that allows visibility from the interior of the mall into the store;
 - b. the exterior of all stores shall have ample transparency from the street;
 - c. Any outdoor lighting shall be designed to ensure a well-lit environment for pedestrians and illumination of the property; and
 - d. Landscaping shall be low-growing shrubs or deciduous trees with a high canopy at maturity to maintain natural surveillance.

Development Officer's Determination

The proposed Cannabis Retail Sales does not comply with the minimum setback requirement from another Cannabis Retail Sales (DPs 287614739-001 and -007, 10105-109 Street):

**Required Setback: 200 m
Proposed Setback: 31.5 m
Deficient by 168.5 m**

Under Section 70.1 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.

[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: **339507277-001**
 Application Date: AUG 28, 2019
 Printed: September 26, 2019 at 2:36 PM
 Page: 1 of 2

Application for Major Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant	Property Address(es) and Legal Description(s) 10803 - JASPER AVENUE NW Plan 1222211 Blk 8 Lot 46A
	Specific Address(es) Suite: 10835 - JASPER AVENUE NW Entryway: 10835 - JASPER AVENUE NW Building: 10803 - JASPER AVENUE NW

Scope of Application
 To change the use from General Retail Stores to Cannabis Retail Sales.

Permit Details	
Class of Permit: 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: Downtown

I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Application Decision
 Refused

Issue Date: Sep 26, 2019 **Development Authority:** WELCH, IMAI

Reason for Refusal
 The proposed Cannabis Retail Sales does not comply with the minimum setback requirement from another Cannabis Retail Sales (DPs 287614739-001 and -007, 10105-109 Street):

Required Setback: 200 m
 Proposed Setback: 31.5 m
 Deficient by 168.5 m

Under Section 70.1 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.

Rights of Appeal
 The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$5,600.00	\$5,600.00	06134690	Sep 12, 2019

THIS IS NOT A PERMIT



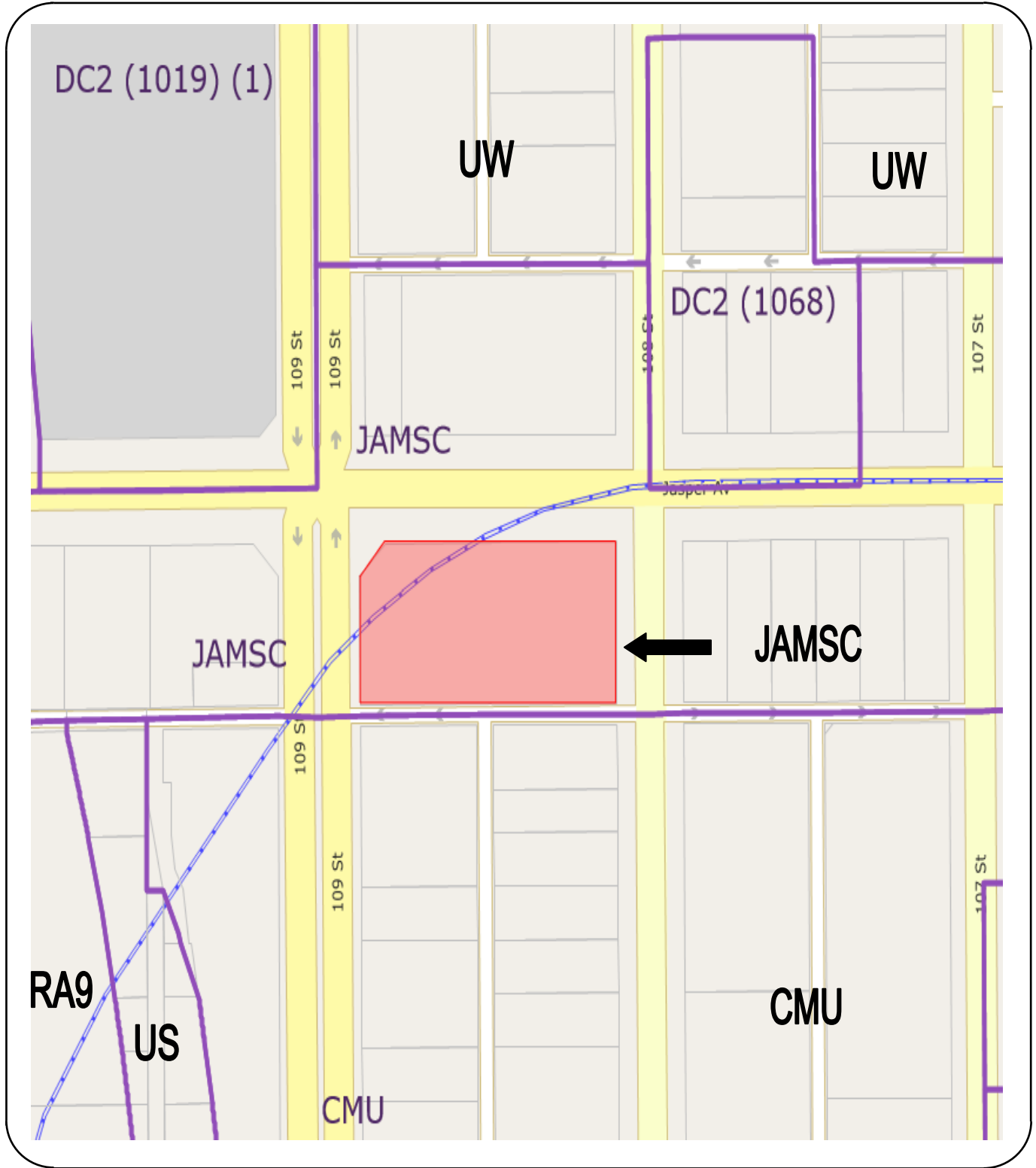
Application for Major Development Permit

Project Number: **339507277-001**
Application Date: AUG 28, 2019
Printed: September 26, 2019 at 2:36 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$5,600.00	\$5,600.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-181



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-182

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 325857215-001

APPLICATION TO: Install (1) Fascia Minor Digital On-premises Sign (6.29m x 3.57m facing North) (GARAGE 104)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 5, 2019

DATE OF APPEAL: September 20, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6528 - 104 Street NW

LEGAL DESCRIPTION: Plan 3553P Blk 32 Lots 1-4

ZONE: DC1 Direct Development Control Provision (Charter Bylaw 18636)

OVERLAY: N/A

STATUTORY PLAN: Strathcona Junction Area Redevelopment Plan

Grounds for Appeal

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

Sign has been up for 6+years. We have agreed to physical compliances. Sign is used for ON PREMISE advertising only.

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,

- (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, [...]

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from DC1 Direct Development Control Provision CPR West (Charter Bylaw 18636) ("DC1"):

Under section 3.00, **Minor Digital On-premises Signs** is a **listed Use** in the **DC1**.

Section 7.1 states "Signs shall be provided with the intent to complement a pedestrian-oriented environment. Signs shall comply with the regulations found in Schedule 59 E, [...]"

Section 1 states the **Purpose** of the **DC1 Provision** is:

to provide transition for the area to become a pedestrian-oriented, urban style commercial mixed use area, while respecting the character of 104 Street and Gateway Boulevard.

This Provision enhances the pedestrian environment by incorporating pedestrian scaled architecture, amenities and landscaping. It allows for industrial, commercial and limited residential uses.

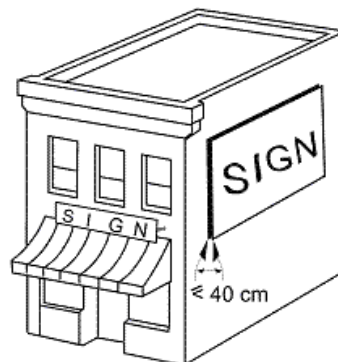
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 7.9(8), **Minor Digital On-premises Signs** means:

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, **Fascia Signs** means:

a Sign that is painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. Fascia Signs do not extend more than 40 cm out from the building wall or structure. Fascia Signs include banners or any other two dimensional medium.



Under section 6.2, **On-premises Signs Advertising** means “Copy that only directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed.”

Under section 6.2, **Sign Area** means:

the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.

Schedule 59E

Schedule 59E.3(4) states the following with respect to Minor Digital On-premises Signs:

- a. the maximum Height shall be 8.0 m;
- b. the maximum Width shall be 8.0 m;
- c. **the maximum Area shall be:**
 - i. **10.0 m², to a maximum of 25% wall coverage for proposed Signs that are Fascia Signs;** or
 - ii. 10.0 m² for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20.0 m²;
- d. proposed Sign locations shall be separated from Signs with Digital Copy greater than 8.0 m² or Off-premises Signs as follows:

Proposed Sign Area	Minimum separation distance from Signs with Digital Copy greater than 8.0 m ² or Off-premises Signs
Greater than <u>8.0 m²</u> to less than <u>20 m²</u>	<u>100 m</u>
<u>20 m²</u> to <u>40 m²</u>	<u>200 m</u>
Greater than <u>40 m²</u>	<u>300 m</u>

The separation shall be applied from the location of the larger Off-premises Sign or Sign with Digital Copy.

- e. **the top of proposed Signs that are Fascia Signs shall not extend more than 30 cm above the building roof or parapet wall;**
- f. proposed Signs that are Fascia Signs shall have structural elements concealed from view;
- g. **proposed Signs that are Fascia Signs shall not extend more than 40 cm out from the wall or structure and shall not extend beyond the horizontal limits of the wall;**
- h. proposed Signs that are Fascia Signs extending over a public right-of-way or passageway intended for pedestrian travel shall maintain a minimum clearance of 2.4 m; and
- i. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises

Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four.

Development Officer's Determination

The existing sign, as-built, is not in accordance with the Subdivision and Development Appeal Board (SDAB) decision of December 19, 2012, SDAB file no. SDAB-D-13-019 (129905784-001/002).

1) The maximum Area shall be 10.0 m², to a maximum of 25% wall coverage, for proposed Signs that are Fascia Signs (Reference Section 59E.3(4)(c)).

Proposed: 6.29 m x 3.57 m = 22.4 m²
Exceeds by: 12.4 m²

Note: The SDAB stamped drawings dated Feb 21, 2013, had approved the sign dimensions at 8' x 10' (2.4m x 3m = 7.2 m²).

2) The top of proposed Signs that are Fascia Signs shall not extend more than 30 cm above the building roof or parapet wall; (Reference Section 59E.3(4)(e)).

Proposed: Sign extends 60 cm (24") above the roof/parapet
Exceeds by: 30 cm

Note: The SDAB stamped drawings dated Feb 21, 2013, had approved the sign at 30 cm above the parapet.

3) Proposed Signs that are Fascia Signs shall not extend more than 40 cm out from the wall or structure and shall not extend beyond the horizontal limits of the wall; (Reference Section 59E.3(4)(g)).

Proposed: 46 cm
Exceeds by: 6 cm

<i>Strathcona Junction Area Redevelopment Plan</i>
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Development Officer's Determination

4) Section 3.1.10, Strathcona Junction Area Redevelopment Plan (ARP) (pg. 19): Signs will respect the character of an urban area. Billboards will not be allowed.

"Billboard" is not a defined term in the Strathcona Junction ARP or the Zoning Bylaw, and the Development Officer must apply the ordinary meaning to this word: Zoning Bylaw, Section 3.5(2). The application submitted shows a large outdoor board intended to

display advertisements. This would commonly be described and characterized as a billboard.

The direction in the Strathcona Junction ARP uses mandatory language, and serves to prohibit "billboard" signage at the proposed location - it does not provide an exception for billboards that are digital.

Giving effect to an ARP will usually be achieved in an incremental fashion; each development permit application serves as an opportunity to direct development toward the aims of the statutory plan. The Development Officer is of the opinion that this development will detract from the direction of City Council found in the Strathcona Junction ARP.

Previous Subdivision and Development Appeal Board Decisions


Application Number	Description	Decision
SDAB-D-19-126	<p>Job Number: 129905784-003</p> <p>To comply with an Order to immediately deenergize the Sign and keep it turned off 24 hours a day until the Sign is moved back to the approved location or acquire a Development Permit to allow the Sign to remain in its current location on the building, cease any display of Off-premises advertising or dismantle and remove the Sign from the property. One of these options must be completed by January 31, 2020, located at 6528 - 104 Street NW.</p>	<p>The Subdivision and Development Appeal Board made and passed the following motion on October 2, 2019:</p> <p>"That SDAB-D-19-126 be postponed until November 14, 2019 with the consent of the Appellant and with the consent of Legal Counsel for the City of Edmonton."</p>
SDAB-D-13-019	<p>Job Number: 129905784-001</p> <p>Install an On-premises Fascia Minor Digital Sign (Ziebart)</p>	<p>February 21, 2013; that the appeal be ALLOWED and the DEVELOPMENT GRANTED subject to the following conditions:</p> <p>1.that the frequency of change in the static digital display</p>

		<p>cannot be less than 6 seconds with a 2 second transition (hold time);</p> <p>2.that each static digital display shall contain a single advertising copy and that split screen advertising is not permitted;</p> <p>3.due to its position, shape, colour, format or illumination, the proposed Fascia On-premises Minor Digital Sign shall not obstruct the view of, or be confused with an official traffic sign, signal or device, as determined by the Development Officer in consultation with the City Engineer;</p> <p>4.the proposed Fascia On-premises Minor Digital Sign shall not display lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;</p> <p>5.the proposed Fascia On-premises Minor Digital Sign shall not operate or employ any stereo option or motion picture projection, or use holography;</p> <p>6.the brightness of the proposed Fascia On-premises Minor Digital Sign shall be adjustable and controlled relative to ambient light, to the satisfaction of Transportation Services;</p> <p>7.that should at any time, Transportation Services determine that the sign face contributes to safety concerns,</p>
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		<p>the owner/applicant must immediately address the safety concerns identified by removing the sign, de-energizing the sign, changing the message conveyed on the sign, and/or addressing the concern in another manner acceptable to Transportation Services;</p> <p>8.that the owner/applicant must provide a written statement of the actions taken to mitigate a safety concern identified by Transportation Services within 30 days of the notification of the concern. Failure to provide corrective action will result in the requirement to immediately remove or de-energize the sign;</p> <p>9.that underground power be supplied to the proposed Fascia On-premises Minor Digital Sign;</p>
<p>SDAB-D-12-200</p>	<p>Job Number: 125392715-001</p> <p>Install an Off-premises Minor Digital Sign (3.0 metres by 6.0 metres Double sided facing North/South)</p>	<p>October 6, 2012; that the appeal be DENIED and the decision of refusal by the Development Authority CONFIRMED.</p>

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.

	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	<p>Project Number: 325857215-001 Application Date: JUL 19, 2019 Printed: September 20, 2019 at 11:42 AM Page: 1 of 3</p>		
<p>This document is a Development Permit Decision for the development application described below.</p>				
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 6528 - 104 STREET NW Plan 3553P Blk 32 Lots 1-4</p> <p>Location(s) of Work Suite: 6528 - 104 STREET NW Entryway: 6528 - 104 STREET NW Building: 6528 - 104 STREET NW</p>			
<p>Scope of Application To install (1) Fascia Minor Digital On-premises Sign (6.29m x 3.57m facing North) (GARAGE 104).</p>				
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> ASA Sticker No./Name of Engineer: Construction Value: 25000 </td> <td style="width: 50%; border: none;"> Class of Permit: Expiry Date: </td> </tr> </table>			ASA Sticker No./Name of Engineer: Construction Value: 25000	Class of Permit: Expiry Date:
ASA Sticker No./Name of Engineer: Construction Value: 25000	Class of Permit: Expiry Date:			
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 1 </td> <td style="width: 50%; border: none;"> Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0 </td> </tr> </table>			Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 1	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
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<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>				
<p>Development Application Decision Refused</p> <p>Issue Date: Sep 05, 2019 Development Authority: NOORMAN, BRENDA</p>				
<p>THIS IS NOT A PERMIT</p>				



Project Number: **325857215-001**
 Application Date: JUL 19, 2019
 Printed: September 20, 2019 at 11:42 AM
 Page: 2 of 3

Application for Sign Combo Permit

Reason for Refusal

The existing sign, as-built, is not in accordance with the Subdivision and Development Appeal Board (SDAB) decision of December 19, 2012, SDAB file no. SDAB-D-13-019 (129905784-001/002).

1) The maximum Area shall be 10.0 m², to a maximum of 25% wall coverage, for proposed Signs that are Fascia Signs (Reference Section 59E.3(4)(c)).

Proposed: 6.29 m x 3.57 m = 22.4 m²
 Exceeds by: 12.4 m²

Note: The SDAB stamped drawings dated Feb 21, 2013, had approved the sign dimensions at 8' x 10' (2.4m x 3m = 7.2 m²).

2) The top of proposed Signs that are Fascia Signs shall not extend more than 30 cm above the building roof or parapet wall; (Reference Section 59E.3(4)(e)).

Proposed: Sign extends 60 cm (24") above the roof/parapet
 Exceeds by: 30 cm

Note: The SDAB stamped drawings dated Feb 21, 2013, had approved the sign at 30 cm above the parapet.

3) Proposed Signs that are Fascia Signs shall not extend more than 40 cm out from the wall or structure and shall not extend beyond the horizontal limits of the wall; (Reference Section 59E.3(4)(g)).

Proposed: 46 cm
 Exceeds by: 6 cm

4) Section 3.1.10, Strathcona Junction Area Redevelopment Plan (ARP) (pg. 19): Signs will respect the character of an urban area. Billboards will not be allowed.

"Billboard" is not a defined term in the Strathcona Junction ARP or the Zoning Bylaw, and the Development Officer must apply the ordinary meaning to this word: Zoning Bylaw, Section 3.5(2). The application submitted shows a large outdoor board intended to display advertisements. This would commonly be described and characterized as a billboard.

The direction in the Strathcona Junction ARP uses mandatory language, and serves to prohibit "billboard" signage at the proposed location - it does not provide an exception for billboards that are digital.

Giving effect to an ARP will usually be achieved in an incremental fashion; each development permit application serves as an opportunity to direct development toward the aims of the statutory plan. The Development Officer is of the opinion that this development will detract from the direction of City Council found in the Strathcona Junction ARP.

Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Building Permit Fee	\$264.25	\$264.25	06075757	Aug 19, 2019
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	06075757	Aug 19, 2019
Safety Codes Fee	\$10.57	\$10.57	06075757	Aug 19, 2019

THIS IS NOT A PERMIT



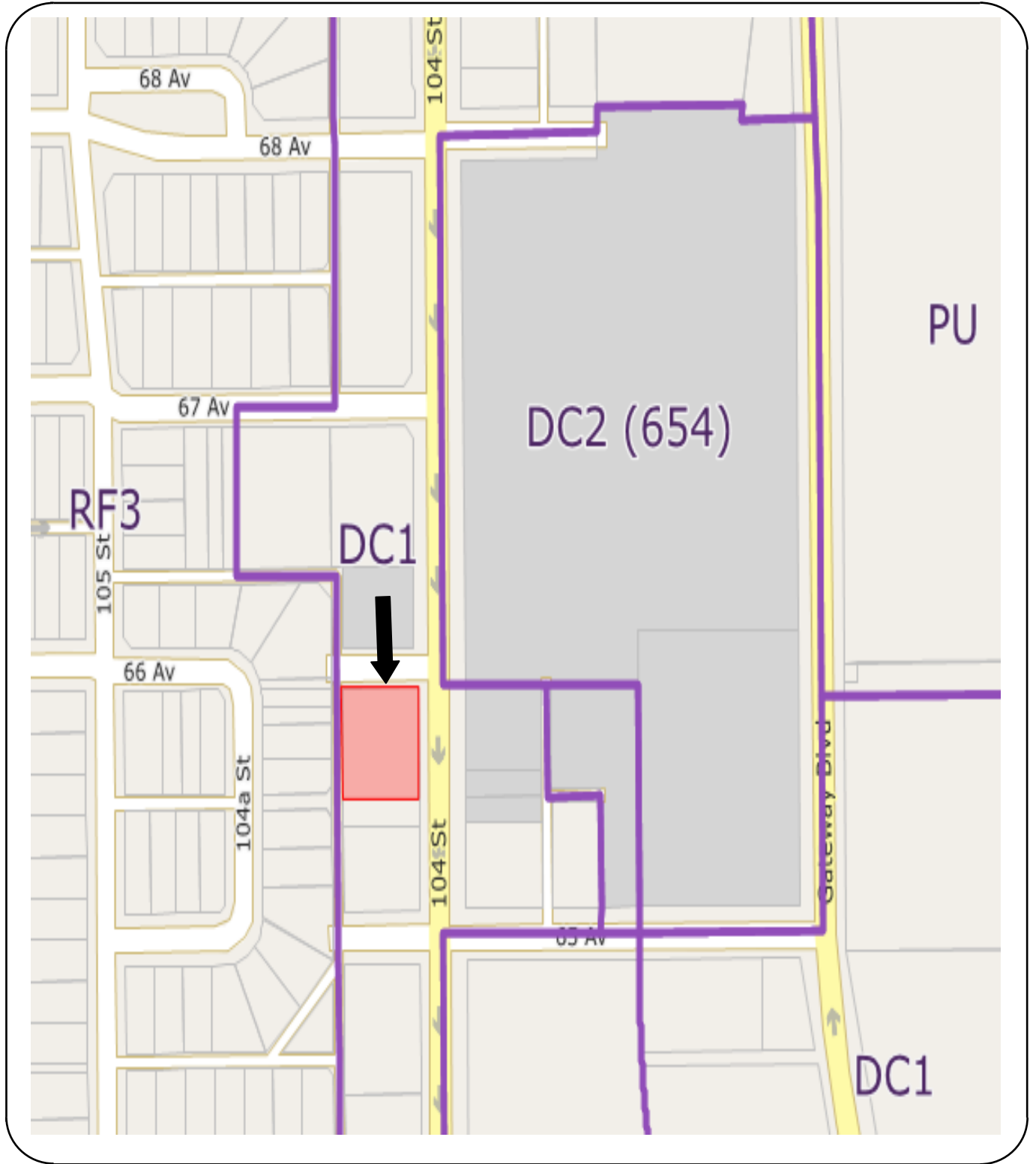
Application for Sign Combo Permit

Project Number: **325857215-001**
Application Date: JUL 19, 2019
Printed: September 20, 2019 at 11:42 AM
Page: 3 of 3

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$732.82	\$732.82		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-182



ITEM III: 1:30 P.M.

FILE: SDAB-D-19-180

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 312403136-001

APPLICATION TO: Install one (1) Minor Digital On-premises
Off-premises Freestanding Sign
(PATTISON | Elite Real Estate
Investments Inc.)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 11, 2019

DATE OF APPEAL: September 30, 2019

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 2341 - Maple Road NW

LEGAL DESCRIPTION: Plan 1420502 Blk 13 Lot 3

ZONE: DC1 Direct Development Control
Provision (Charter Bylaw 18989)

OVERLAY: N/A

STATUTORY PLAN(S): Tamarack Neighbourhood Structure Plan
The Meadows Area Structure Plan

Grounds for Appeal

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

We are solicitors for Pattison Outdoor Advertising, the Applicant in the above noted matter. On behalf of our clients, we hereby appeal the subject refusal on the following grounds:

1. The Development Officer failed to follow the directions of Council, *inter alia*, in determining that the proposed Minor Digital Off-premises Sign is contrary to Section 4.1 of the applicable DC1 Bylaw. The use is specifically provided for in that Bylaw.

2. The proposed Sign was redesigned and re-sited in accordance with ongoing discussions between the Appellants and the Department. Allowing the proposed Sign as now located will not offend the provisions of the Zone and will not, in any appreciable manner, impact on the use, enjoyment or value of neighbouring properties nor on the amenities of the neighbourhood within the context of the zoning.
3. The Appellants are amenable to further relocating the proposed Sign on the site as the Board may direct.
4. Such further and other reasons as may be presented at the hearing of this appeal.

<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.

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, [...]

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...

- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the DC1 (Charter Bylaw 18989 – Area B) Direct Development Control Provision passed August 26, 2019 (“DC1”):

Under Section 3 **Uses**:

3.2 Area B – Pedestrian Friendly Commercial Node

bb. Minor Digital On-premises Off-premises Signs

Section 4.4(l) states Signs shall comply with the regulations in Schedule 59E, as amended.

The **General Purpose** of the DC1 is:

to facilitate the development of a pedestrian oriented and transit-supportive mixed use area that may accommodate a range of commercial, residential, and office uses.

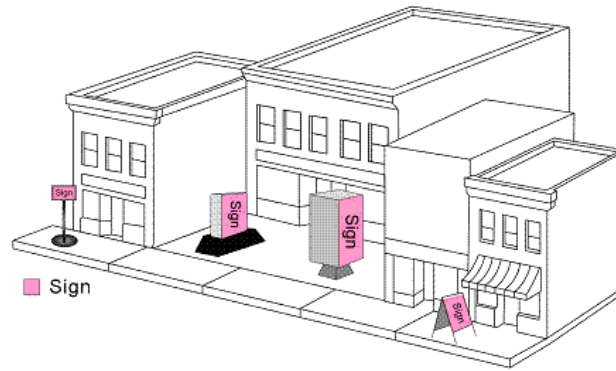
General Provisions from the Edmonton Zoning Bylaw:

Under section 7.9(7), **Minor Digital On-premises Off-premises Signs** means:

a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays On-premises Advertising and/or Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.

Under section 6.2, **Freestanding Signs** means:

a Sign supported independently of a building.



Under section 6.2, **Off-Premise Signs** means:

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Under section 6.2, **On-Premises Advertising** means “On-Premises Advertising means Copy that only directs attention to a business, activity, product, service, or entertainment produced, offered for sale, or obtainable on the Site where the Sign is displayed.”

Radial Separation Distance

Section 59.2(21) states:

Any Sign Use that is a Freestanding Sign shall have a minimum 45.0 metres radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site. This separation distance does not apply to different Sign Uses that are co-located on the same Freestanding Sign structure.

Development Officer’s Determination

1. The Proposed Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site (Reference Section 59.2(21)).

Required Separation Distance: 45.0 m

Proposed Separation Distance: 36.5 m

Deficient by: 8.5 m

[unedited]

Site Planning and Building Design Objectives and Landscaping Amenities - DC1 (Charter Bylaw 18989)

Section 4.1 states:

- a. On-site development shall:
 - i. function as a walkable commercial centre with a pedestrian-friendly commercial node, creating a sense of place for users;
 - ii. relate to adjacent built forms, roadways, uses, functions and activities, with particular attention to adjacent public transit facilities;
 - iii. include outdoor nodes of character such as wayfinding signage, art work, bike racks, play, seating, landscaped, and hard surfaced areas; and
 - iv. be phased to accommodate opportunities for future intensification as market conditions change.

Section 4.11(g) states:

Amenity Area / Plaza areas are intended to provide a visual terminus and enhance the pedestrian realm along Tamarack Way. Design features within these amenity areas shall include hard and soft landscaping elements, seating areas and / or a visual landmark such as a hardscaped plaza, clock tower, water feature or other identifiable feature to facilitate social interaction amongst users and create a "sense of place".

Development Officer's Determination

2. Development on the site should function as a walkable commercial centre with a pedestrian-friendly commercial node, creating a sense of place for users. As well as relate to adjacent built forms, roadways, uses, functions and activities, with particular attention to adjacent public transit facilities; include outdoor nodes of character such as wayfinding signage, art work, bike racks, play, seating, landscaped, and hard surfaced areas. Design features within amenity areas shall include hard and soft landscaping elements, seating areas and / or a visual landmark such as a hardscaped plaza, clock tower, water feature or other identifiable feature to facilitate social interaction amongst users and create a sense of place (Reference Bylaw 18820 April 29, 2019, Section 4.1(a)).

The proposed Minor Digital On-premises Off-premises Sign is contrary to Section 4.1 of the DC1 TAMARACK.


[unedited]

<i>Previous Subdivision and Development Appeal Board Decision</i>

Application Number	Description	Decision
SDAB-D-19-126	Job Number: 316044404-001 To change the use from General Retail Stores to Cannabis Retail Sales.	Hearing scheduled October 3, 2019.

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.

	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	Project Number: 312403136-001 Application Date: MAY 01, 2019 Printed: September 30, 2019 at 12:11 PM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.		
Applicant	Property Address(es) and Legal Description(s) 2341 - MAPLE ROAD NW Plan 1420502 Blk 13 Lot 3	
Scope of Application To install (1) Minor Digital On-premises Off-premises Freestanding Sign (PATTISON Elite Real Estate Investments Inc.)		
Permit Details		
ASA Sticker No./Name of Engineer: Construction Value: 100000	Class of Permit: Expiry Date:	
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 1	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0	
I/We certify that the above noted details are correct. Applicant signature: _____		
Development Application Decision Refused Issue Date: Sep 11, 2019 Development Authority: MERCIER, KELSEY		
THIS IS NOT A PERMIT		



Project Number: **312403136-001**
 Application Date: MAY 01, 2019
 Printed: September 30, 2019 at 12:11 PM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

1. The Proposed Sign shall have a minimum 45.0 m radial separation distance from any other Sign Use that is a Freestanding Sign on the same Site (Reference Section 59.2(21)).

Required Separation Distance: 45.0 m
 Proposed Separation Distance: 36.5 m
 Deficient by: 8.5 m

2. Development on the site should function as a walkable commercial centre with a pedestrian-friendly commercial node, creating a sense of place for users. As well as relate to adjacent built forms, roadways, uses, functions and activities, with particular attention to adjacent public transit facilities; include outdoor nodes of character such as wayfinding signage, art work, bike racks, play, seating, landscaped, and hard surfaced areas. Design features within amenity areas shall include hard and soft landscaping elements, seating areas and / or a visual landmark such as a hardscaped plaza, clock tower, water feature or other identifiable feature to facilitate social interaction amongst users and create a sense of place (Reference Bylaw 18820 April 29, 2019, Section 4.1(a)).

The proposed Minor Digital On-premises Off-premises Sign is contrary to Section 4.1 of the DC1 TAMARACK.

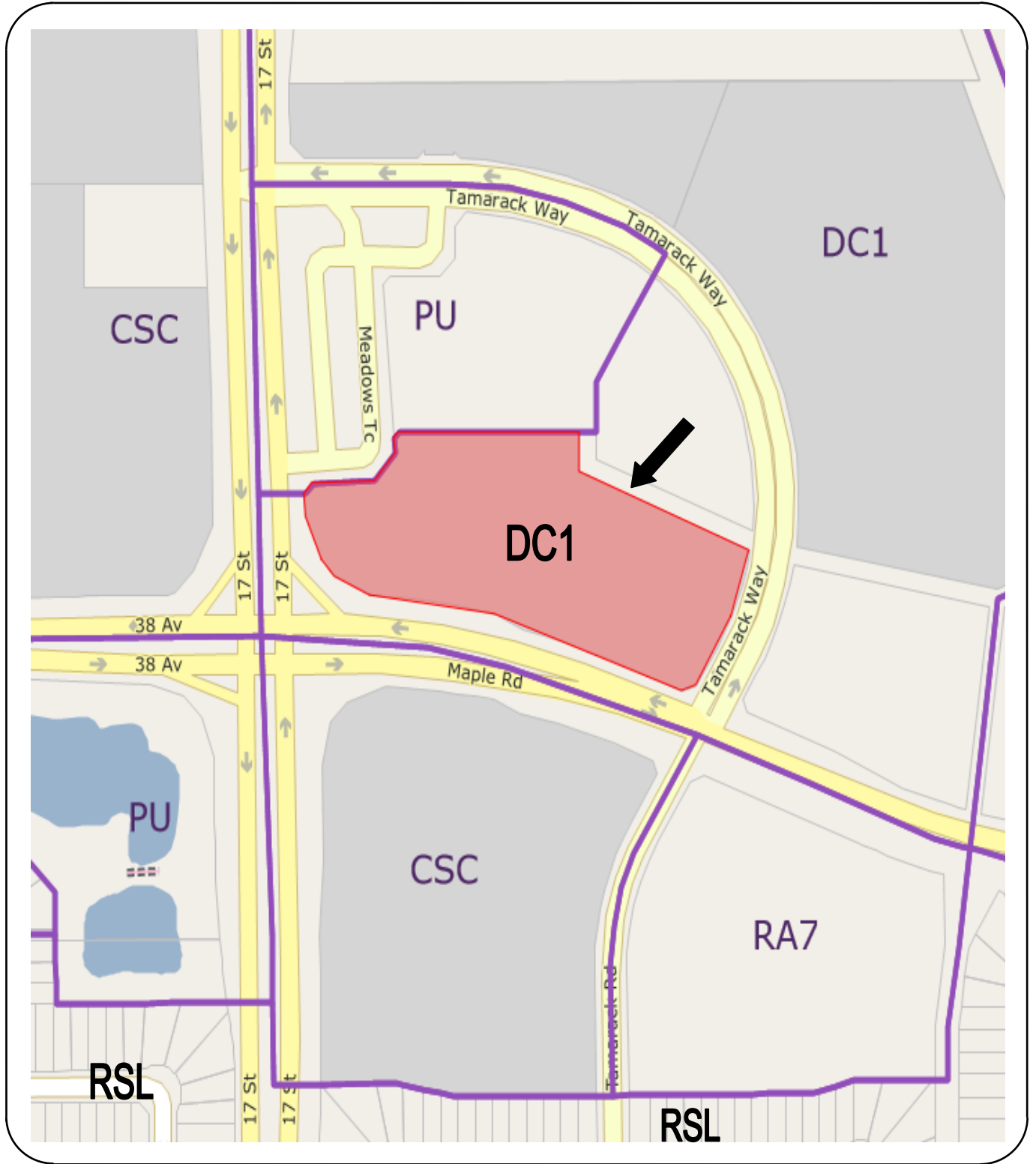
Rights of Appeal

The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sign Building Permit Fee	\$1,057.00	\$1,057.00	05818665	May 01, 2019
Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	05818665	May 01, 2019
Safety Codes Fee	\$42.28	\$42.28	05818665	May 01, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,557.28	\$1,557.28		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-180

