

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Thursday, 9:00 A.M.
October 28, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-176

Change the use of a General Retail Store to a Cannabis Retail Sales, and construct interior alterations (GALEN LOFTS CANNABIS HOUSE)

8409 - 112 Street NW
Project No.: 401176036-002

II 11:00 A.M. SDAB-D-21-177

Construct 4 Dwelling Multi-unit Housing building with Basement development (Unit A - NOT to be used as an additional Dwelling) and to develop 3 Secondary Suites in the Basement (Unit B, C and D)

11711 - 131 Avenue NW
Project No.: 396269492-002

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

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 401176036-002

APPLICATION TO: Change the use of a General Retail Store to a Cannabis Retail Sales, and construct interior alterations (GALEN LOFTS CANNABIS HOUSE)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 9, 2021

DATE OF APPEAL: September 29, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8409 - 112 Street NW

LEGAL DESCRIPTION: Plan I23A Blk 162 Lots 16-17

ZONE: (CO) Commercial Office Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Garneau Area Redevelopment Plan

Grounds for Appeal

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

The site meets the intent of the bylaw. The separation space is met from main door to main door due to the parking lot and the design of the building; the hospital is designed to curve away from 112 Street, providing additional separation and visibility from the site.

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 the decision in accordance with subsection (2.1).

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

The *GAMING, LIQUOR AND CANNABIS REGULATION*, AR 143/1996 states the following:

Restrictions on location of licensed premises

105(1) In this section,

...

- e) “provincial health care facility” means an approved hospital as defined in the *Hospitals Act*;

...

105(3) For the purposes of sections 640(7), 642(5) and 687(3) of the *Municipal Government Act*, a premises described in a cannabis licence may not have any part of an exterior wall that is located within 100 metres of

- a) a provincial health care facility or a boundary of the parcel of land on which the facility is located,
- b) a building containing a school or a boundary of a parcel of land on which the building is located, or
- c) a boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*.

...

105(5) A municipality may, in a land use bylaw, expressly vary the distance set by subsection (3) and set a different distance that is applicable to one or more of the types of properties referred to in subsection (3)(a) to (c), and where a municipality has done so, subsection (3) does not apply to a premises to the extent the variation in the land use bylaw is applicable to it.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 360.2(3), **Cannabis Retail Sales** is a **Permitted Use** in the **(CO) Commercial Office 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.

Under section 6.1, **Site** means “an area of land consisting of one or more abutting Lots.”

Section 360.1 states that the **General Purpose** of the **(CO) Commercial Office Zone** is:

to provide for medium intensity office, commercial and residential development in the inner city, around Light Rail Transit station areas or other locations offering good accessibility by both private automobile and transit.

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton's main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

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

1. Section 70.4.a.ii any Site containing a Cannabis Retail Sales shall not be located less than 100 m from a Site being used for a provincial health care facility.

Proposed: 23m

Required: 100m

Deficient: 77m

[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.

	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: 401176036-002 Application Date: JUN 30, 2021 Printed: October 1, 2021 at 7:42 AM Page: 1 of 1																				
This document is a Development Permit Decision for the development application described below.																						
Applicant <div style="background-color: black; width: 100%; height: 60px; margin-top: 5px;"></div>	Property Address(es) and Legal Description(s) 8409 - 112 STREET NW Plan I23A Blk 162 Lots 16-17 <hr/> Specific Address(es) Entryway: 8409 - 112 STREET NW Building: 8409 - 112 STREET NW																					
Scope of Application To change the use of a General Retail Store to a Cannabis Retail Sales, and construct interior alterations (GALEN LOFTS CANNABIS HOUSE).																						
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): </td> <td style="width: 50%; border: none; vertical-align: top;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>			Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)																		
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Development Application Decision Refused Issue Date: Sep 09, 2021 Development Authority: CHOW, STEPHEN Reason for Refusal 1. Section 70.4.a.ii any Site containing a Cannabis Retail Sales shall not be located less than 100 m from a Site being used for a provincial health care facility. Proposed: 23m Required: 100m Deficient: 77m Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																						
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$5,600.00</td> <td style="text-align: right;">\$5,600.00</td> <td>071520210809000</td> <td>Aug 09, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$5,600.00</td> <td style="text-align: right; border-top: 1px solid black;">\$5,600.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$5,600.00	\$5,600.00	071520210809000	Aug 09, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$5,600.00	\$5,600.00		
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THIS IS NOT A PERMIT																						

ITEM II: 11:00 A.M.

FILE: SDAB-D-21-177

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 396269492-002

APPLICATION TO: Construct 4 Dwelling Multi-unit Housing building with Basement development (Unit A - NOT to be used as an additional Dwelling) and to develop 3 Secondary Suites in the Basement (Unit B, C and D)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: September 3, 2021

DATE OF APPEAL: October 5, 2021

NOTIFICATION PERIOD: September 14, 2021 through October 5, 2021

RESPONDENT: Ndura Developments Ltd.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11711 - 131 Avenue NW

LEGAL DESCRIPTION: Plan 3333KS Blk 9 Lot 6

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

1. Was approved for a 4-plex. Now developer wants to add additional 3 suites, 1 main and 3 up and down units.
2. The school traffic during pick up and drop off times is very heavy to the point that the city has already changed 118 Street to a 1-way and put no parking on east side of 117 Street.
3. By lowering back alley clearance from 17.4 metres to 14.6 metres there will be greatly reduced site lines for safety.
4. The fire hydrant right in front at the proposed building takes away parking spots.
5. Where are they going to put 14 garbage cans (7 black-7 green).

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

...

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

Appeals

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- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

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

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

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

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 140.2(5), **Multi-unit Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

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

that consists of:

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

or

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

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing.”

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

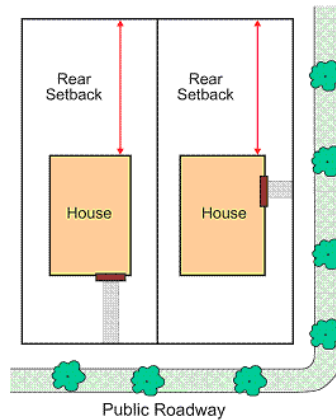
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the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

Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

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

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



Development Officer’s Determination

1. Reduced Rear Setback - The distance from the Row House to the rear property line (abutting the alley) is 14.6m (34%) instead of 17.4 m (40%) (Section 814.3.4).

[unedited]

Interior elevation articulation

Section 140.4(21) states:

On Corner Sites, where Multi-unit Housing faces the flanking Side Lot Line, the Façade of the principal building facing the interior Side Lot Line shall include design techniques including, but not limited to, the use of varied rooflines, variations in building Setbacks and articulation of building Façades, in order to minimize the perception of massing, eliminate large uninterrupted expanses of wall and provide visual interest when the structure is viewed from an adjacent Lot.

Development Officer’s Determination

2. Interior elevation articulation - The project proposed minimal architectural interest on the facade facing 11711 - 131 Avenue (section 140.4.21)

[unedited]

Community Consultation

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

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

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



Section 814.5(2) states:

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

	Site of the proposed development and the President of each Community League	development	
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Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	Project Number: 396269492-002 Application Date: MAY 17, 2021 Printed: September 3, 2021 at 3:40 PM Page: 1 of 5		
<h2>Minor Development Permit</h2>			
<p>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.</p>			
<p>Applicant</p> 	<p>Property Address(es) and Legal Description(s) 11711 - 131 AVENUE NW Plan 3333KS Blk 9 Lot 6</p> <hr/> <p>Specific Address(es)</p> Suite: 11711 - 131 AVENUE NW Suite: 11713 - 131 AVENUE NW Suite: 11715 - 131 AVENUE NW Suite: 11717 - 131 AVENUE NW Suite: BSMT, 11713 - 131 AVENUE NW Suite: BSMT, 11715 - 131 AVENUE NW Suite: BSMT, 11717 - 131 AVENUE NW Entryway: 11711 - 131 AVENUE NW Entryway: 11713 - 131 AVENUE NW Entryway: 11715 - 131 AVENUE NW Entryway: 11717 - 131 AVENUE NW Building: 11711 - 131 AVENUE NW		
<p>Scope of Permit</p> <p>To construct 4 Dwelling Multi-unit Housing building with Basement development (Unit A - NOT to be used as an additional Dwelling) and to develop 3 Secondary Suites in the Basement (Unit B, C and D).</p>			
<p>Permit Details</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 6 # of Secondary Suite Dwelling Units To Construct: 3 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: Y </td> <td style="width: 50%; vertical-align: top;"> # of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 6 # of Secondary Suite Dwelling Units To Construct: 3 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: Y	# of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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<p>Development Permit Decision</p> <p>Approved</p> <p>Issue Date: Sep 03, 2021 Development Authority: BAUER, KERRY</p> <p>Subject to the Following Conditions</p> <p>This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1).</p> <p>This Development Permit authorizes the development of a 4 Dwelling Multi-unit Housing building with Basement development (Unit A - NOT to be used as an additional Dwelling) and to develop 3 Secondary Suites in the Basement (Unit B, C and D).</p> <p>The development shall be constructed in accordance with the stamped and approved drawings.</p> <p>WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6).</p>			

Minor Development Permit

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$5,557.00 (based on 2021 rates). All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$480.00.

All access locations and curb crossings shall have the approval of Subdivision Planning (Transportation) prior to the start of construction. Reference Section 53(1).

1. The existing approximate 5.86 m wide private driveway access to 131 Avenue located approximately 1.23 m from the west property line, must be removed with reconstruction of the curb, gutter, sidewalk and restoration of the grassed boulevard within the road right-of-way, as shown on the Enclosure to the City of Edmonton Complete Streets Design and Construction Standards. The owner/applicant must obtain a Permit to construct the proposed access, available from Development Services, developmentpermits@edmonton.ca.

2. There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

3. Any alley, boulevard or sidewalk 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 applicant is responsible for contacting Annie Duong of Development Inspections at 780-442-0251 for inspection 72 hours prior to and following construction of the access. All expenses incurred for repair are to be borne by the owner.

4. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:
 the start/finish date of the project;
 accommodation of pedestrians and vehicles during construction;
 confirmation of lay down area within legal road right of way if required;
 and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.
 It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:
https://www.edmonton.ca/business_economy/oscam-permit-request.aspx and
<https://www.edmonton.ca/documents/PDF/ConstructionSafety.pdf>

FILL IN PERMIT CONDITIONS:

1. The existing approximate 5.86 m wide private driveway access to 131 Avenue located approximately 1.23 m from the west property line, must be removed with reconstruction of the curb, gutter, sidewalk and restoration of the grassed boulevard within the road right-of-way, as shown on the Enclosure to the City of Edmonton Complete Streets Design and Construction Standards.

2. The existing private walkway access to 131 Avenue must be removed from the back of the existing curb with restoration of the grassed boulevard to the north property line within the road right-of-way, as shown on the Enclosure to the City of Edmonton Complete Streets Design and Construction Standards.
 There may be utilities within the road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

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3. Any alley, boulevard or sidewalk 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 applicant is responsible for contacting Annie Duong of Development Inspections at 780-442-0251 for inspection 72 hours prior to and following construction of the access. All expenses incurred for repair are to be borne by the owner.

4. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:
 the start/finish date of the project;
 accommodation of pedestrians and vehicles during construction;
 confirmation of lay down area within legal road right of way if required;
 and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.
 It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:
https://www.edmonton.ca/business_economy/oscam-permit-request.aspx

Any party proposing construction involving ground disturbance to a depth exceeding 2m within 5m of the boundary of lands or rights-of-way (ROW) containing EPCOR Water facilities is required to enter into a Facility Proximity Agreement with EWSI, prior to performing the ground disturbance. Additional information and requirements can be found in the City of Edmonton Bylaw 17698 (EPCOR Water Services and Wastewater Treatment). The process can take up to 4 weeks. More information can be requested by contacting waterlandadmin@epcor.com.

1. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$528.00 (this can be paid by phone with a credit card - 780-442-5054).

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

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

4. Landscaping shall be installed within 18 months of receiving the Final Occupancy Permit. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.

5. A Landscape Security shall be provided to the City of Edmonton at the time of initial Landscape Inspection, to the satisfaction of the Development Officer. The initial Landscape Inspection shall be requested within 14 days of the Landscape installation being completed (www.edmonton.ca/landscapeinspectionrequest).

6. Upon determination that landscaping has been installed in compliance with the approved Landscape Plan, 20% of the full Landscape Security value as determined by the Development Officer shall be collected. The Landscape Security shall be retained for a period of 24 months from the date of the initial Landscape Inspection.

7. Sites that are not completed or are not compliant with approved Landscape Plans at the initial Landscape Inspection shall, in addition, be required to submit a Security for incomplete work; up to the full value of the Landscape Security, as determined by the Development Officer.

ADVISEMENTS:

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

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



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

An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Section 5.2).

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

Epcor advisement

1. The site is currently serviced by a 20mm copper service located at 6.6m north of the south property line of Lot 6. If this service will not be utilized for the planned development, it must be abandoned back to the water main prior to any on-site excavation. The applicant is to contact EPCOR's Water Meter Inspector at 780-412-4000 a minimum of four weeks prior to commencing any work on the site including demolition, excavation or grading for direction on the correct process to follow to have the service isolated and meter removed.

2. The existing service is not of sufficient size for the proposed development. The owner/applicant must review the total on-site water demands and service line capacity with a qualified engineer to determine the size of service required and ensure adequate water supply to the proposed development.

3. A new water service may be constructed for this site directly off of one of EPCOR's 200mm water mains along either 131 Avenue NW or 117 Street NW adjacent to the subject site.

4. For information on service abandonments and the provisioning of a new water service contact EPCOR Infill Water and Sewer Servicing (IWASS) at wass.drainage@epcor.com or at 780-496-5444.

5. The applicant must submit bacteriological test results to EPCOR Water Dispatch and must have a water serviceman turn on the valve. Contact EPCOR Water Dispatch at 780-412-4500 for more information on how to provide the test results. EPCOR Water Dispatch can provide information on the tie-in and commissioning procedure.

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

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

Should you require any additional information, please contact Myra Cruz at MCruz@epcor.com.

Variations

1. Reduced Rear Setback - The distance from the Row House to the rear property line (abutting the alley) is 14.6m (34%) instead of 17.4 m (40%) (Section 814.3.4).

2. Interior elevation articulation - The project proposed minimal architectural interest on the facade facing 11711 - 131 Avenue (section 140.4.21)

Rights of Appeal

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

Notice Period Begins: Sep 14, 2021

Ends: Oct 05, 2021

Fees

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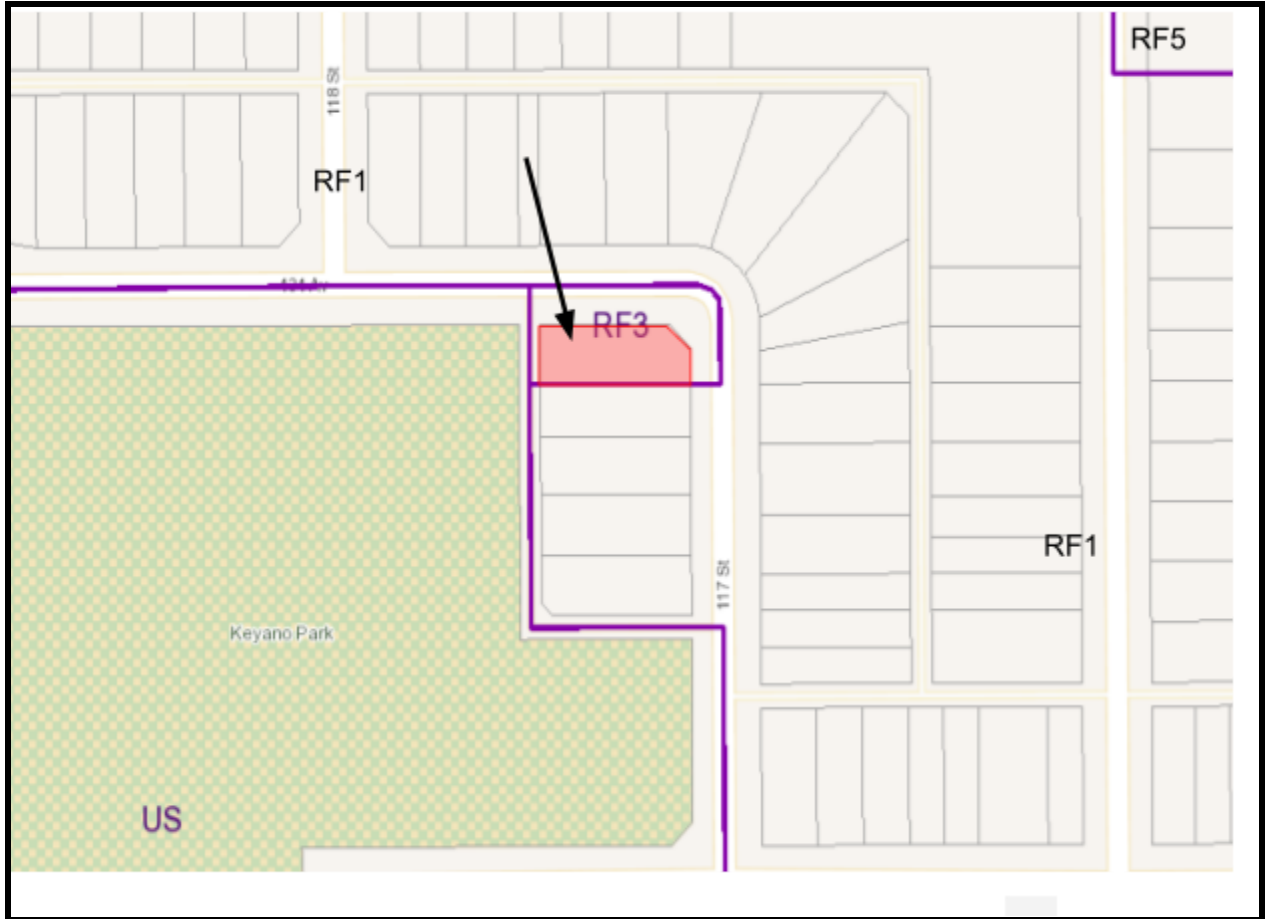


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Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$3,238.00	\$3,238.00	07074698	Jun 08, 2021
Dev. Application Fee	\$864.00	\$864.00	07074698	Jun 08, 2021
Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$2,319.00	\$2,319.00	07074698	Jun 08, 2021
Development Permit Inspection Fee	\$528.00	\$528.00	07074698	Jun 08, 2021
Lot Grading Fee	\$480.00	\$480.00	07074698	Jun 08, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$7,429.00</u>	<u>\$7,429.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-177

