

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 10:30 A.M.  
October 3, 2019**

**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-19-168	To construct an Unenclosed Front Porch, exterior alterations (new windows and facade improvements), interior alterations (Basement development, NOT to be used as an additional Dwelling), a rear addition (rear attached garage, 6.09 metres by 12.18 metres), and a front driveway (existing without permits, 8.85metres by 32.42 metres) to a Single Detached House
<b>TABLED to October 16 or 17, 2019</b>			12942 - Sherbrooke Avenue NW Project No.: 309470115-001
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II	10:30 A.M.	SDAB-D-19-169	To construct a Single Detached House with Unenclosed Front Porch, rear uncovered deck (4.27 metres by 4.27 metres), rear balcony, electric fireplace, installation of a Renewable Energy Device (20 Solar-electric (PV) panels on the roof), and to demolish a Single Detached House and Accessory building (detached Garage)
			11606 - 89 Avenue NW Project No.: 325477001-001
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III	10:30 A.M.	SDAB-D-19-170	To construct a two-Storey Garden Suite (main floor Garage 6.40 metres by 9.14 metres, second floor Garden Suite 5.37 metres by 9.21 metres) and to install a Renewable Energy Device (30 Solar-electric (PV) panels on the roof)
			11606 - 89 Avenue NW Project No.: 325634453-001
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**TO BE RAISED**

IV 1:30 P.M. SDAB-D-19-149 To change the use from General Retail Stores to Cannabis Retail Sales

2341 - Maple Road NW  
Project No.: 316044404-001

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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-19-168

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 309470115-001

APPLICATION TO: Construct an Unenclosed Front Porch, exterior alterations (new windows and facade improvements), interior alterations (Basement development, NOT to be used as an additional Dwelling), a rear addition (rear attached garage, 6.09 metres by 12.18 mrytrd), and a front driveway (existing without permit 8.85 metres by 32.42 metres) to a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 22, 2019

DATE OF APPEAL: September 4, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12942 - Sherbrooke Avenue NW

LEGAL DESCRIPTION: Plan 5596KS Blk 8 Lot 28

ZONE:

OVERLAY:

STATUTORY PLAN:

**TABLED to October 16 or 17, 2019**



ITEM II / III: 10:30 A.M.

FILE: SDAB-D-19-169 / 170

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 325477001-001 / 325634453-001

APPLICATION TO: Construct a Single Detached House with Unenclosed Front Porch, rear uncovered deck (4.27 metres by 4.27 metres), rear balcony, electric fireplace, installation of a Renewable Energy Device (20 Solar-electric (PV) panels on the roof), and to demolish a Single Detached House and Accessory building (detached Garage)

Construct a two-Storey Garden Suite (main floor Garage 6.40 metres by 9.14 metres, second floor Garden Suite 5.37 metres by 9.21 metres) and to install a Renewable Energy Device (30 Solar-electric (PV) panels on the roof)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 5, 2019

DATE OF APPEAL: September 6, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11606 - 89 Avenue NW

LEGAL DESCRIPTION: Plan 1252AH Blk 27 Lot 1

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:

We are seeking a height variance

<i>General Matters</i>
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**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 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 110.2(2), **Garden Suites** are a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(8), **Single Detached Housing** means “development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.”

Under section 7.2(2), **Garden Suite** means:

an Accessory building containing a Dwelling, which is located separate from the principal Use which is Single Detached Housing, and which may contain a Parking Area. A Garden Suite has cooking facilities, food

preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. This Use Class does not include Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

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

Under section 6.1, **Dwelling** means:

a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

Under section 6.1, **Garage** means “an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.”

Under section 6.1, **Height** means “a vertical distance between two points.”

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, Garden Suites, Semi-detached Housing and Duplex 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.

<b><i>Height – Single Detached Housing</i></b>
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Under section 814.3(5) the maximum Height shall not exceed 8.9 metres.

Under section 52.2 in determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:

- c. Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.



**Development Officer’s Determination**

**Height - The house shall not exceed a Height of 8.9m (Section 814.3.5).**

**Maximum: 8.9m**

**Proposed: 9.9m**

**Exceeds by: 1.0m**

**Height - The house roof ridge line shall not extend more than 1.5m above the permitted building Height of 8.9m (Section 52.2.c).**

**Maximum ridge height: 10.4m (8.9m + 1.5m)**

**Proposed ridge height: 10.6m**

**Exceeds by: 0.2m**

***Community Consultation – Single Detached Housing (Height)***

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:

<b>Tier #</b>	<b>Recipient Parties</b>	<b>Affected Parties</b>	<b>Regulation of this Overlay to be Varied</b>
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 metres of the Site of the	The assessed owners of the land wholly or partially located within a distance of 60.0 metres of the Site of the proposed	814.3(5) – Height

	proposed development and the President of each Community League	development and the President of each Community League	
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***Height – Garden Suite***

Under section 87.2(b) the maximum height shall be 6.2 metres where the Garden Suite has a roof slope of less than 4/12 (18.4°).where the Garden Suite has a roof slope of less than 4/12 (18.4°).

Under section 52.2 in determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:

- c. Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

**Development Officer’s Determination**

**Height - The garden suite shall not exceed a Height of 6.2m where the roof slope is less than 4/12 (18.4°) (Section 87.2.b).**

**Maximum: 6.2m  
Proposed: 7.0m  
Exceeds by: 0.8m**

**Height - The garden suite roof ridge line shall not extend more than 1.5m above the permitted building Height of 6.2m (Section 52.2.c).**


**Maximum ridge height: 7.7m (6.2m + 1.5m)  
Proposed ridge height: 8.0m  
Exceeds by: 0.3m**

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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.

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	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: <b>325477001-001</b> Application Date: JUL 15, 2019 Printed: September 5, 2019 at 4:07 PM Page: 1 of 2		
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> 11606 - 89 AVENUE NW Plan 1252AH Blk 27 Lot 1			
	<b>Specific Address(es)</b> Entryway: 11606 - 89 AVENUE NW Building: 11606 - 89 AVENUE NW			
<b>Scope of Application</b> To construct a Single Detached House with Unenclosed Front Porch, rear uncovered deck (4.27m x 4.27m), rear balcony, electric fireplace, installation of a Renewable Energy Device (20 Solar-electric (PV) panels on the roof), and to demolish a Single Detached House and Accessory building (detached Garage).				
<b>Permit Details</b>				
# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y 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>Issue Date:</b> Sep 05, 2019 <b>Development Authority:</b> ZHOU, ROWLEY  <b>Reason for Refusal</b> Height - The house shall not exceed a Height of 8.9m (Section 814.3.5). Maximum: 8.9m Proposed: 9.9m Exceeds by: 1.0m  Height - The house roof ridge line shall not extend more than 1.5m above the permitted building Height of 8.9m (Section 52.2.c). Maximum ridge height: 10.4m (8.9m + 1.5m) Proposed ridge height: 10.6m Exceeds by: 0.2m  <b>Rights of Appeal</b> 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.				
<b>Fees</b>				
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
<b>THIS IS NOT A PERMIT</b>				




Project Number: **325477001-001**  
Application Date: JUL 15, 2019  
Printed: September 5, 2019 at 4:07 PM  
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>
Development Permit Inspection Fee	\$207.00	\$207.00	857659471579001	Jul 17, 2019
Dev. Application Fee	\$493.00	\$493.00	857659471579001	Jul 17, 2019
Sanitary Sewer Trunk Fund	\$1,662.00	\$1,662.00	857659471579001	Jul 17, 2019
Lot Grading Fee	\$145.00	\$145.00	857659471579001	Jul 17, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,507.00</u>	<u>\$2,507.00</u>		

**THIS IS NOT A PERMIT**

	Project Number: <b>325634453-001</b> Application Date: JUL 17, 2019 Printed: September 6, 2019 at 9:49 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> 11606 - 89 AVENUE NW Plan 1252AH Blk 27 Lot 1  <b>Specific Address(es)</b> Suite: 11606G - 89 AVENUE NW Entryway: 11606G - 89 AVENUE NW Building: 11606G - 89 AVENUE NW		
<b>Scope of Application</b> To construct a two-Storey Garden Suite (main floor Garage 6.40m x 9.14m, second floor Garden Suite 5.37m x 9.21m) and to install a Renewable Energy Device (30 Solar-electric (PV) panels on the roof).			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     # of Dwelling Units Add/Remove: 1                      # of Secondary Suite Dwelling Units To Construct: 1                      Client File Reference Number:                      Minor Dev. Application Fee: Garden Suite                      Secondary Suite Included?: N                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     # of Primary Dwelling Units To Construct:                      Class of Permit: Class B                      Lot Grading Needed?:                      New Sewer Service Required: Y                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: 1 Client File Reference Number: Minor Dev. Application Fee: Garden Suite Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Application Decision</b> Refused  <b>Issue Date:</b> Sep 05, 2019 <b>Development Authority:</b> ZHOU, ROWLEY  <b>Reason for Refusal</b> Height - The garden suite shall not exceed a Height of 6.2m where the roof slope is less than 4/12 (18.4°) (Section 87.2.b). Maximum: 6.2m Proposed: 7.0m Exceeds by: 0.8m  Height - The garden suite roof ridge line shall not extend more than 1.5m above the permitted building Height of 6.2m (Section 52.2.c). Maximum ridge height: 7.7m (6.2m + 1.5m) Proposed ridge height: 8.0m Exceeds by: 0.3m  <b>Rights of Appeal</b> 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.			
<b>THIS IS NOT A PERMIT</b>			



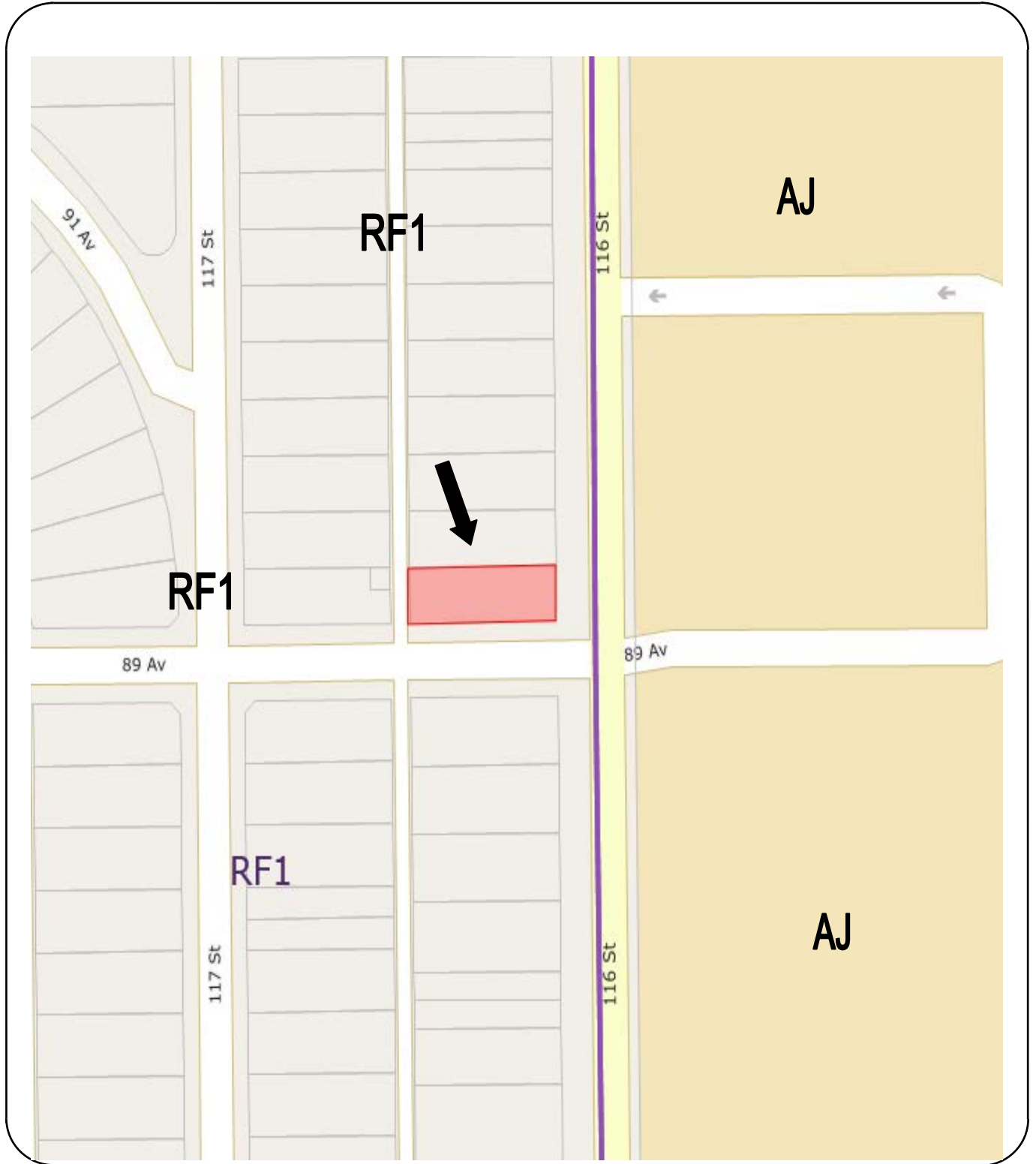
## Application for Minor Development Permit

Project Number: **325634453-001**  
Application Date: JUL 17, 2019  
Printed: September 6, 2019 at 9:49 AM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$735.00	\$735.00	05997006	Jul 17, 2019
Dev. Application Fee	\$288.00	\$288.00	05997006	Jul 17, 2019
Development Permit Inspection Fee	\$207.00	\$207.00	05997006	Jul 17, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,230.00</u>	<u>\$1,230.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-169



**TO BE RAISED**

ITEM IV: 1:30 P.M.

FILE: SDAB-D-19-149

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 316044404-001

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

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 26, 2019

DATE OF APPEAL: July 12, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2341 – Maple Road NW

LEGAL DESCRIPTION: Plan 1420502 Blk 13 Lot 3

ZONE: DC1 Direct Development Control Provision (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 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 "Pedestrian Friendly Commercial Node" of the Tamarack DC1 District;
- 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.

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<i>General Matters</i>
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**Appeal Information:**

**In response to a written request received from the Appellant, this hearing was scheduled on September 12, 2019.**

**The Subdivision and Development Appeal Board made and passed the following motion on September 12, 2019:**

**“That the appeal hearing be scheduled for October 2 or 3, 2019 at the written request of the City of Edmonton Law Branch and in agreement from Legal Counsel for the Appellant.”**

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,

- (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.

**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 DCI (Bylaw 18989 – Area B) Direct Development Control Provision (“DCI”):**

Under Section 3 **Uses:**

3.2 Area B – Pedestrian Friendly Commercial Nodes

d. Cannabis Retail Sales

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.

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

The purpose of this (DC1) Direct Development Control Provision 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.

<b><i>Section 70 – Cannabis Retail Sales</i></b>
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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 an approved General Retail Store (Section 70.1):**

**Required Setback: 200 m  
Proposed Setback: 128 m  
Deficient by 72 m**


**Under Sections 70.1(b) 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.**

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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.

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	Project Number: <b>316044404-001</b> Application Date: JUN 07, 2019 Printed: July 12, 2019 at 2:15 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> 2341 - MAPLE ROAD NW Plan 1420502 Blk 13 Lot 3  <b>Specific Address(es)</b> Suite: 2423 - MAPLE ROAD NW Entryway: 2423 - MAPLE ROAD NW Building: 2419 - MAPLE ROAD NW			
<b>Scope of Application</b> To change the use from General Retail Stores to Cannabis Retail Sales.				
<b>Permit Details</b>				
Class of Permit: 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: (none)			
I/We certify that the above noted details are correct.  Applicant signature: _____				
<b>Development Application Decision</b> Refused  <b>Issue Date:</b> Jun 26, 2019 <b>Development Authority:</b> WELCH, IMAI  <b>Reason for Refusal</b> The proposed Cannabis Retail Sales does not comply with the minimum setback requirement from an approved General Retail Store (Section 70.1):  Required Setback: 200 m Proposed Setback: 128 m Deficient by 72 m  Under Sections 70.1(b) 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.  <b>Rights of Appeal</b> 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.				
<b>Fees</b>				
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$5,600.00	\$5,600.00	05906706	Jun 07, 2019
<b>THIS IS NOT A PERMIT</b>				



## Application for Major Development Permit

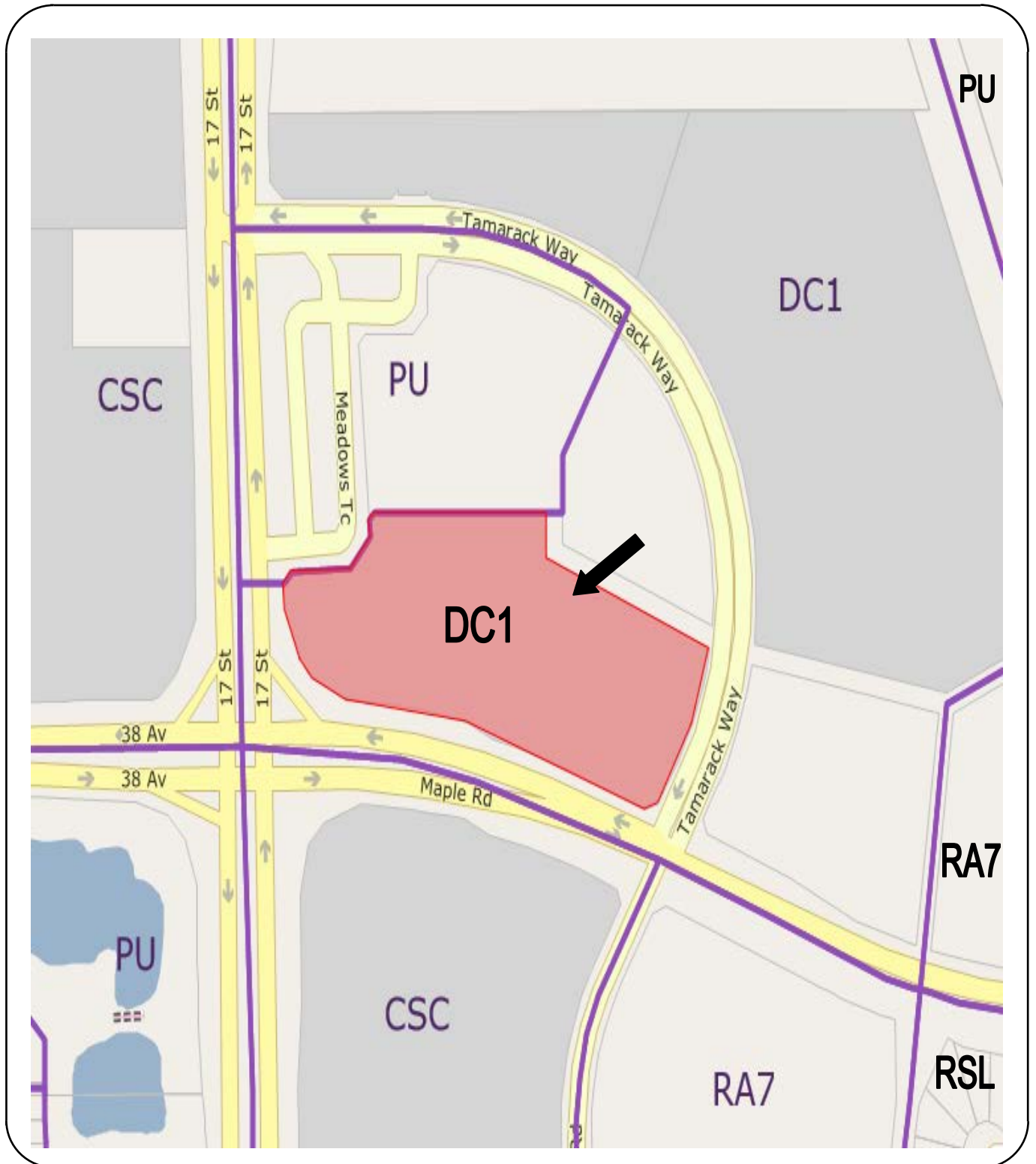
Project Number: **316044404-001**  
Application Date: JUN 07, 2019  
Printed: July 12, 2019 at 2:15 PM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
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-19-149

