

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
September 23, 2015**

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

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

TO BE RAISED

I 9:00 A.M. SDAB-D-15-195 Construct 3 Apartment Housing buildings (184 Dwellings) with underground parkades and an Accessory Building (amenity building)

17904 - 78 Street NW
Project No.: 167396237-002

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

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

FILE: SDAB-D-15-195

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

APPELLANT:

APPLICATION NO.: 167396237-002

APPLICATION TO: Construct 3 Apartment Housing buildings (184 Dwellings) with underground parkades and an Accessory Building (amenity building)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: July 16, 2015

DATE OF APPEAL: July 31, 2015

NOTIFICATION PERIOD: July 23, 2015 through August 5, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17904 - 78 Street NW

LEGAL DESCRIPTION: Plan 1224595 Blk 4 Lot 1

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: N/A

STATUTORY PLAN(S): Edmonton North Area Structure Plan
Crystallina Nera West Neighbourhood Structure Plan

Grounds for Appeal

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

We currently live in Lake View, but almost finished off building a brand new house on the Crystallina Lake - 7647-179 Avenue. This is a beautifully developed part of the city with the lake, forest and walking paths. However, there is no Playground for kids. Most of the families that are moving in into the Crystallina are young families with small kids, and there is no place for them. Plus there are too many Multi Families Dwellings in the area anyway. Please allow this area to be developed for a nice playground, park, ice-ring for the people and their kids to enjoy. [unedited].

General Matters

Appeal Information:

The decision of the Development Authority was appealed by the property at 49, 8315 - 180 Avenue NW.

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

Grounds for Appeal

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

...

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

...

The Board is advised that the decision of approval by the Development Officer is dated July 16, 2015. The Notice of Appeal Period began July 23, 2015 and ended August 5, 2015 and the Notice of Appeal was filed on July 31, 2015.

August 27, 2015 hearing motion:

The Subdivision and Development Appeal Board at a hearing on August 27, 2015, made and passed the following motion:

That the appeal hearing be TABLED to September 23 or 24, 2015 at the verbal request of the Appellant.

General Provisions from the Edmonton Zoning Bylaw:

Under section 210.2(1), **Apartment Housing** is a **Permitted Use** in the RA7 Low Rise Apartment Zone.

Section 7.2(1) defines **Apartment Housing** to mean “development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.”

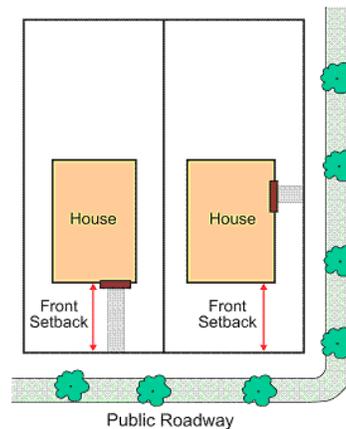
Section 210.1 states the **General Purpose** of the **RA7 Low Rise Apartment Zone** is “To provide a Zone for Low Rise Apartments.”

Front Setback requirement

Section 210.4(6) states “The minimum Front Setback shall be 6.0 m.”

Section 6.1(39) defines **Front Setback** to mean:

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



Development Officer’s Determination:

1) Section 210.4(6) relaxed - the minimum Front Setback abutting 78 Street NW is reduced from 6.0m to 4.0m to the surface parking stalls and to the proposed trash enclosure.

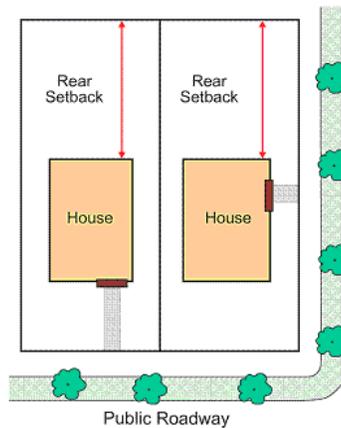
NOTE: The proposed Apartment House buildings meet the Front Setback requirements. [unedited]

Rear Setback requirement

Section 210.4(7) states “The minimum Rear Setback shall be 7.5 m.”

Section 6.1(82) defines **Rear Setback** to mean:

...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:

2) Section 210.4(7) relaxed - the minimum Rear Setback abutting the south property line is reduced from 7.5m to 5.5m to proposed building 'C'. [unedited].

Separation Space

Section 210.4(9) provides the following:

Separation Space shall be provided in accordance with Section 48 of this Bylaw, except that it shall not be required where side walls of abutting buildings face each other and habitable windows are not located directly opposite each other, such that privacy is not impacted and:

- a. in the case of buildings on separate Sites, each development complies with the Setback requirements for the building;
- b. in the case of buildings on the same Site, the separation distance between buildings is at least equal to the total of the minimum Side Setback requirements for both buildings.

Section 48.3 provides the following with respect to **Habitable Room Window**:

...

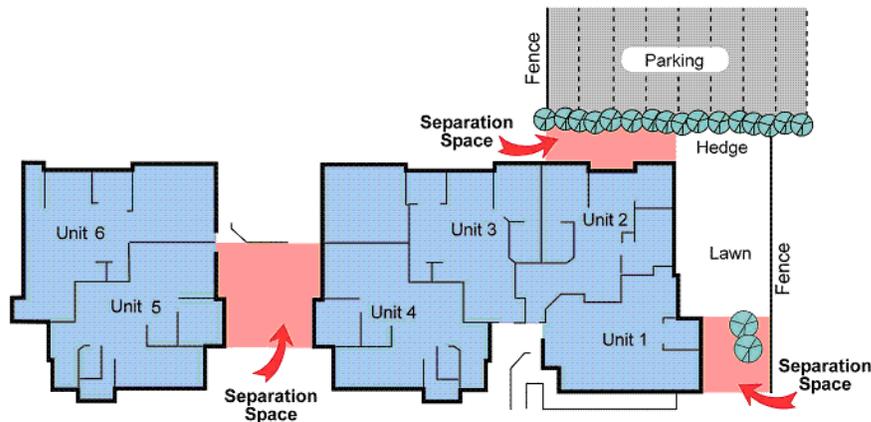
3. The following facilities or activity areas may be located within a required Separation Space adjacent to a Habitable Room Window where a Privacy Zone of at least 4.5 m is provided between the window and facility/activity area:
 - a. local public roadway including a Lane;
 - b. walkway;
 - c. on-site roadway;
 - d. on-site parking area;
 - e. on-site Amenity Area; and
 - f. Accessory buildings.

This Privacy Zone shall be measured from the window to the nearest edge of the specified activity area. For local public roadways, the Privacy Zone shall be measured from the Window to the edge of the sidewalk or to the space reserved for a future sidewalk.

...

Section 6.1(87) defines **Separation Space** to mean:

...open space around Dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy. Separation Space is not a Yard;



Section 6.1(77) defines **Privacy Zone** to mean “an area within the minimum Separation Space which shall be free of buildings, public roadways, walkways, on-site roadways, communal parking areas and communal Amenity Areas.”

Development Officer’s Determination:

- 3) Section 48.3(3) relaxed - there are onsite walkways within the required 4.5m Privacy Zones in front of the Habitable Room windows of 3 main floor Dwellings. [unedited].

<i>Required Off-street Vehicular Accessory Parking</i>

Section 54.2(4) provides the following with respect to **Vehicular Parking Dimensions and Configuration:**

- a. All required parking spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions, and shall conform to the following minimum dimensions:

...

- iv. where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width from face to face of the obstructions shall be 3.0 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.3 m.
- v. where the use of a parking space is limited to one side by a wall or a column, the unobstructed width of the parking space shall be 2.7 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.0 m.
- vi. aisles shall be a minimum of 7.0 m wide for 90° parking, 5.5 m wide for 60° parking, and 3.6 m wide for 45° parking and parallel parking.

...

Development Officer’s Determination:

- 4) Section 54.2.4.a(vi and v) relaxed - the minimum widths of the underground parking stalls where the stalls are obstructed on one side by a wall or column is reduced from 2.7m to 2.6m. Where the stalls are obstructed on both sides by a wall or column, the minimum required width is reduced from 3.0m to 2.8m. [unedited].
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NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 167396237-002 Application Date: APR 22, 2015 Printed: August 5, 2015 at 2:59 PM Page: 1 of 4		
Major Development Permit			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
Applicant HIGHSTREET CRYSTALLINA APARTMENTS LTD. 	Property Address(es) and Legal Description(s) 17904 - 78 STREET NW Plan 1224595 Blk 4 Lot 1 Specific Address(es) Entryway: 17904 - 78 STREET NW Entryway: 17908 - 78 STREET NW Entryway: 17912 - 78 STREET NW Entryway: 17916 - 78 STREET NW Building: 17904 - 78 STREET NW Building: 17908 - 78 STREET NW Building: 17912 - 78 STREET NW Building: 17916 - 78 STREET NW		
Scope of Permit To construct 3 Apartment Housing buildings (184 Dwellings) with underground parkades and an Accessory Building (amenity building).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 17335 New Sewer Service Required: Y Site Area (sq. m.): 15400 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 46 Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 17335 New Sewer Service Required: Y Site Area (sq. m.): 15400	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 46 Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): 17335 New Sewer Service Required: Y Site Area (sq. m.): 15400	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 46 Stat. Plan Overlay/Annex Area: (none)		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Permit Decision Approved			
The permit holder is advised to read the reverse for important information concerning this decision.			



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 Application Date: APR 22, 2015
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Major Development Permit

Subject to the Following Conditions

This approval authorizes the construction of 3 Apartment House buildings (total of 184 Dwellings) with underground parkades and an Accessory Amenity building.

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(1). Reference Section 17(1).

The applicant shall submit exterior cladding details for any portion of the underground parkades that project above grade to the satisfaction of the Development Officer. Exterior cladding of any exposed portions of the underground parkades shall be compatible with rest of the building to the satisfaction of the Development Officer.

The 3 Habitable Room windows with the Privacy Zone deficiencies located beside the main entrances of the 3 buildings shall have opaque / non-transparent glazing to the satisfaction of the Development Officer.

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

- 1) The proposed 9.14m commercial crossing access to 78 Street located approximately 69m north of the south property line is acceptable to Transportation Services and must be constructed as a commercial crossing access.
- 2) The owner must enter into a Municipal Improvement Agreement with the City for the following improvements:
 - a) Construction of a 9.14m commercial crossing access to 78 Street located approximately 69m north of the south property line. Engineering Drawings are not required for this Agreement. However, construction must meet the City of Edmonton Design and Construction Standards. The Municipal Improvement Agreement must be signed PRIOR to the release of the drawings for Building Permit review. The Agreement must be signed by the property owner and returned to Transportation Services to the attention of Loli Fernandez (780-944-7683) including an irrevocable Letter of Credit in the amount of \$10,000 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature.
- 3) A 'Private Road' sign is to be located on private property at the site entrance.
- 4) Parallel parking is NOT permitted on the internal road system. The road must be signed 'No Parking' in order to allow emergency vehicle access and sufficient maneuvering for this development.
- 5) The connector sidewalks from the property to 78 Street and Crystallina Nera Way are acceptable. An access gate is required to Crystallina Nera Way given that there is an existing fence. This gate must open into the property and should be signed as private entry only into the site.
- 6) Any boulevard, sidewalk and shared use path damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The boulevard, sidewalk and shared use path will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

Transportation Department Advisements:

- 1) There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
- 2) Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or within the hoarded area.
- 3) In order to reduce potential for vehicle conflict in the parking lot near the parkade entrance/exits, the applicant is encouraged to implement traffic control measures, such as signage to ensure vehicles can enter and exit the parkade safely.
- 4) There is an existing bus stop on 78 Street.
- 5) Arterial Roadway Assessments were previously paid for this site, and therefore are not owed under this development application.

Landscaping shall be in accordance to the approved landscape plan, Section 55 and to the satisfaction of the Development Officer.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

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



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Major Development Permit

- a) cash to a value equal to 100% of the established landscaping costs;
or
- b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.

Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. Reference Section 55(6).

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$2,750.00.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$187,864.00 (based on 2015 rate of \$1,021.00 / Dwelling). 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 Notification Fee of \$100.00.

The proposed short parking stalls shall be clearly signed as such to the satisfaction of the Development Officer. Reference Section 54.2.4.a(iii).

Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.

The developer shall provide a minimum of 27 visitor parking spaces readily available to an entrance of the building to be served, and clearly identified as visitor parking to the satisfaction of the Development Officer. Reference Section 54.2, Schedule 1A(1).

The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54(6).

All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).

NOTES:

- 1) Signs require separate Development Applications.
- 2) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 3) This approval does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

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



Project Number: **167396237-002**
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Major Development Permit

Variations

NOTE: A variance was granted for this Development Permit pursuant to Sections 11(3) and 11(4). Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21(1) and 17(1).

1) Section 210.4(6) relaxed - the minimum Front Setback abutting 78 Street NW is reduced from 6.0m to 4.0m to the surface parking stalls and to the proposed trash enclosure.

NOTE: The proposed Apartment House buildings meet the Front Setback requirements.

2) Section 210.4(7) relaxed - the minimum Rear Setback abutting the south property line is reduced from 7.5m to 5.5m to proposed building 'C'.

3) Section 48.3(3) relaxed - there are onsite walkways within the required 4.5m Privacy Zones in front of the Habitable Room windows of 3 main floor Dwellings.

4) Section 54.2.4.a(vi and v) relaxed - the minimum widths of the underground parking stalls where the stalls are obstructed on one side by a wall or column is reduced from 2.7m to 2.6m. Where the stalls are obstructed on both sides by a wall or column, the minimum required width is reduced from 3.0m to 2.8m.

Rights of Appeal

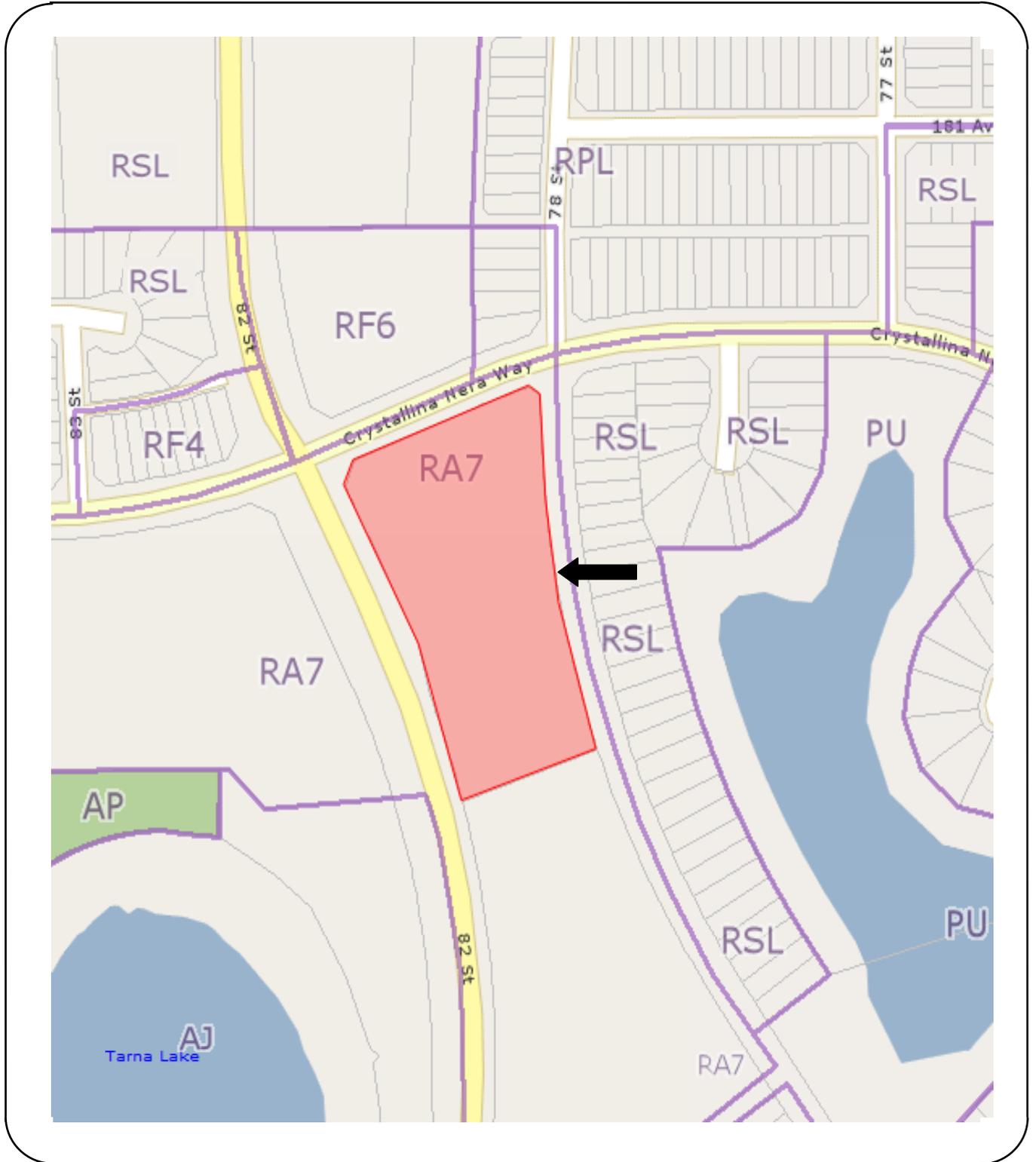
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jul 16, 2015 Development Authority: BACON, KIRK Signature: _____
 Notice Period Begins: Jul 23, 2015 Ends: Aug 05, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$770.00	\$770.00	02369926	Apr 22, 2015
Dev. Application Fee # of dwelling units	\$12,240.00	\$12,240.00	02369926	Apr 22, 2015
Lot Grading Fee	\$2,750.00			
DP Notification Fee	\$100.00			
Sanitary Sewer Trunk Fund 2012+	\$187,864.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$203,724.00	\$13,010.00		
(\$190,714.00 outstanding)				

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



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-15-195

