

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
September 11, 2019**

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

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

I 9:00 A.M. SDAB-D-19-145

To construct an Accessory Building with second storey [art studio] (detached Garage (6.4 metres by 7.32 metres at 6.3 metres in Height)

10911 - 131 Street NW
Project No.: 325142456-001

II 10:30 A.M. SDAB-D-19-146

To construct an addition (4.6 square meters) created by the exterior alteration to an existing Apartment House building (a balcony enclosure on the 15th floor) (Carlisle)

11826 - 100 Avenue NW
Project No.: 325100871-001

III 1:30 P.M. SDAB-D-19-147

To construct a three storey addition to an existing Minor Impact Utility Services Use building (Street Railway Substation No. 600), and to change the Use to a mixed Use Commercial building to the basement floor - Specialty Food Services; main floor - one Restaurant and one General Retail Store; second floor - General Retail Stores; third floor - one Bar and Neighbourhood Pub with 54.1 square metres of Public Space and two Professional, Financial and Office Support Services Uses); and to construct exterior alterations on the Site (upgrading the concrete paving, adding benches and seating)

10643 - 124 Street NW
Project No.: 309196698-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-19-145

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 325142456-001

APPLICATION TO: Construct an Accessory Building with second storey [art studio] (detached Garage (6.4 metres by 7.32 metres at 6.3 metres in Height)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 25, 2019

DATE OF APPEAL: August 15, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10911 - 131 Street NW

LEGAL DESCRIPTION: Plan 6303ET Blk 1 Lot 13

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

Application and Permit Chronology

In planning for the new house and garage, it was my intention to build a house with a suite in the basement and a garage with an art studio / workshop for personal use, above the garage.

- On May 9, 2019 my builder (Fankhanel Development Inc) submitted applications to build a new house with a Developed Basement and a Detached Garage with a Garden Suite.
- On June 20, 2019: I received City email notification explaining that the City viewed the Developed Basement drawings as a Secondary Suite and that a Secondary Suite and Garden Suite may not coexist.

Hence, I submitted a 'Cancellation and/or Refund Request Form' to cancel the Garden Suite Application.

- On June 26, 2019 the City accepted my request to cancel the Garden Suite application.
- On July 11, 2019 I submitted an application to build a Detached Garage with an Art Studio/Workshop for private use.
- On July 16, 2019 the City approved a Development Permit for the house including a Secondary Suite in the basement.
- On July 25, 2019 the City declined my application for a Detached Garage with a second floor private Art Studio / Workshop due to height restrictions. The design exceeds the 4.3m height restriction. All other criteria were met.

Private Art Studio / Workshop Design and Purpose

I'm requesting a review by the SDAB to seek support for building a Detached Garage with an Art Studio with a height in excess of the 4.3 m restriction set forth in the Zoning Bylaw.

The Art Studio would be constructed as a 2nd floor on a Detached Garage with the following features:

- The Studio is designed as an open space workshop for my personal use as an artist. The design meets all City standards except for the height. The structural design specifications have been reviewed and approved by a professional engineer (MR Engineering Ltd, Edmonton).
- The space will take in most of its natural light from skylights on the South side of the roof as well as two windows on the West side (facing inside the yard) and the East side (facing the back alley).
- The studio will have a small bathroom and a utility sink, but will not have a kitchen.
- The studio will only have private access from my backyard.
- There will be no traffic or parking impact beyond the normal use of my own vehicle.
- The studio space will not be used as a showroom or gallery for guests or clients. Please note that in the past, I've had my work on display at art galleries in Edmonton and other galleries throughout Canada, as well as in private showings in England, the U.S.A., the Netherlands and Japan.
- The studio does not view into neighbouring yards or homes; the windows on the North side will be obscured. The studio windows on the East side look out onto a high garage and trees. The horizontal piano windows on the South side of the art studio / workshop are at the upper end of the South wall.
 - The North side neighbour built a new garage 3 years ago. It is close to or equal to the 4.3m standard.
 - The East side neighbour built a new garage approximately 10 years ago. It is close to the 4.3m standard
 - The neighbour South of my lot has an older garage with a full size driveway, obscured by mature trees.

***Attachments included in the SDAB-D-19-145 file.**

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

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 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, **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 7.2(3), **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, **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, **Height** means “a vertical distance between two points.”

Section 110.1 states that the **General Purpose** of **(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.

Accessory Buildings in Residential Zones - Height

Section 50.3(3) states “an Accessory building or structure shall not exceed 4.3 m [...]”

Development Officer’s Determination

Height (Midpoint) - The Accessory Building (Garage) shall not exceed a Height of 4.3 m (Section 50.3.3).

Maximum: 4.3 m

Proposed: 6.3 m

Exceeds by: 2.0 m [unedited]

Height and Grade

Section 52.2(c) states:

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 m 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 (Ridge) - The Accessory Building (Garage) roof ridge line shall not extend more than 1.5 m above the permitted building Height of 4.3 m (Section 52.2.c).


Maximum ridge height: 5.8 m (4.3 m + 1.5 m)

Proposed ridge height: 6.88 m

Exceeds by: 1.08 m [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 Accessory Building Permit</h2>	<p>Project Number: 325142456-001 Application Date: JUL 10, 2019 Printed: July 25, 2019 at 11:37 AM Page: 1 of 2</p>										
<p>This document is a Development Permit Decision for the development application described below.</p>												
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 10911 - 131 STREET NW Plan 6303ET Blk 1 Lot 13</p> <hr/> <p>Location(s) of Work Suite: 10911 - 131 STREET NW Entryway: 10911 - 131 STREET NW Building: 10911 - 131 STREET NW</p>											
<p>Scope of Application To construct an Accessory Building with second storey [art studio] (detached Garage (6.4m x 7.32m @ 6.3m in Height)).</p>												
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="border: none; width: 50%;"> Class Of Permit: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="border: none; width: 50%;"> Site Area (sq. m.): 649.97 </td> </tr> </table>			Class Of Permit: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 649.97								
Class Of Permit: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 649.97											
<p>I/We certify that the above noted details are correct. Applicant signature: _____</p>												
<p>Development Application Decision Refused</p> <p>Issue Date: Jul 25, 2019 Development Authority: WATTS, STACY</p> <p>Reason for Refusal</p> <p>Height (Midpoint) - The Accessory Building (Garage) shall not exceed a Height of 4.3 m (Section 50.3.3). Maximum: 4.3 m Proposed: 6.3 m Exceeds by: 2.0 m</p> <p>Height (Ridge) - The Accessory Building (Garage) roof ridge line shall not extend more than 1.5 m above the permitted building Height of 4.3 m (Section 52.2.c). Maximum ridge height: 5.8 m (4.3 m + 1.5 m) Proposed ridge height: 6.88 m Exceeds by: 1.08 m</p> <p>Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.</p>												
<p>Building Permit Decision Refused</p>												
<p>Fees</p> <table style="width: 100%; border: none;"> <thead> <tr> <th style="border: none;"></th> <th style="border: none; text-align: center;">Fee Amount</th> <th style="border: none; text-align: center;">Amount Paid</th> <th style="border: none; text-align: center;">Receipt #</th> <th style="border: none; text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td style="border: none;">Safety Codes Fee</td> <td style="border: none; text-align: center;">\$4.50</td> <td style="border: none; text-align: center;">\$4.50</td> <td style="border: none; text-align: center;">05982401</td> <td style="border: none; text-align: center;">Jul 10, 2019</td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$4.50	\$4.50	05982401	Jul 10, 2019
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Safety Codes Fee	\$4.50	\$4.50	05982401	Jul 10, 2019								
<p>THIS IS NOT A PERMIT</p>												



Application for Accessory Building Permit

Project Number: **325142456-001**
Application Date: JUL 10, 2019
Printed: July 25, 2019 at 11:37 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$118.00	\$118.00	05982401	Jul 10, 2019
Building Permit Fee (Accessory Building)	\$110.00	\$110.00	05982401	Jul 10, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$232.50</u>	<u>\$232.50</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-145



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-146

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 325100871-001

APPLICATION TO: Construct an addition (4.6 square meters) created by the exterior alteration to an existing Apartment House building (balcony enclosure on the 15th floor) (Carlisle)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 9, 2019

DATE OF APPEAL: August 13, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11826 - 100 Avenue NW

LEGAL DESCRIPTION: Condo Common Area (Plan 8222325)

ZONE: DC1 Direct Development Control Provision (Area 7 of the Oliver Area Redevelopment Plan)

OVERLAY: N/A

STATUTORY PLAN: Oliver Area Redevelopment Plan

Grounds for Appeal

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

The application is to enclose a balcony on the 15th floor of the 19 storey Carlisle residential tower. The building was built in the 1980's prior to the establishment of a maximum FAR of 3.0, Area 7, Section 2. No area is being added to the building, however, by definition, enclosing the balcony increases the FAR. We note that there are numerous enclosed balconies on various floors throughout the building and, enclosing the balcony has no negative impact.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

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

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

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

2.4 Subject only to the provisions in the *Municipal Government Act* respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions

of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

...

- 2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.
- 2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

At the time of the creation of the subject Direct Control Site, the *City of Edmonton Land Use Bylaw 5996* was in effect. An Alberta Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control Bylaw passed before 2001 to a provision of the old *Land Use Bylaw*. In the absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning Bylaw*.

General Provisions from the DC1 (Area 7 of the Oliver Area Redevelopment Plan) Direct Development Control Provision (“DC1 Direct Development Control Provision”):

Under section 15.8.3(i), **Apartment Housing** is a **listed Use** in the **DC1 Direct Development Control Provision**.

Section 15.8.2 states the following with respect to the **Rationale** of the **DC1 Direct Development Control Provision**:

To provide an area for high rise residential uses with design requirements to ensure that the siting and design of buildings does not unduly interfere with adjacent properties’ views of the River Valley; and to provide opportunity for the conversion of existing low density residences to small scale, low impact commercial uses.

Section 15.8.4(a) states “The maximum Floor Area Ratio shall be 3.0”

Development Officer's Determination

The maximum Floor Area Ratio (FAR) is 3.0 (Reference:- Oliver ARP, Area 7, Section 2).

Proposed: 4.93

Exceeds by: 1.93 [unedited]

General Provisions from the *Edmonton Land Use Bylaw 5996*:

Under section 10.1(1), **Apartment Housing** means:

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.

Under section 9.1(21), **Gross Floor Area** means:

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

Under section 9.1(23), **Floor Area Ratio** means:

the numerical value of the gross floor area of the building or structure located upon a lot or building site, excluding: (a) basement areas used exclusively for storage or service to the building, (b) parking areas below grade, (c) walkways required by the Development Officer, and (d) floor areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the site.

General Provisions from the *Edmonton Zoning Bylaw 12800*:

Under section 7.2(1), **Apartment Housing** means:

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.

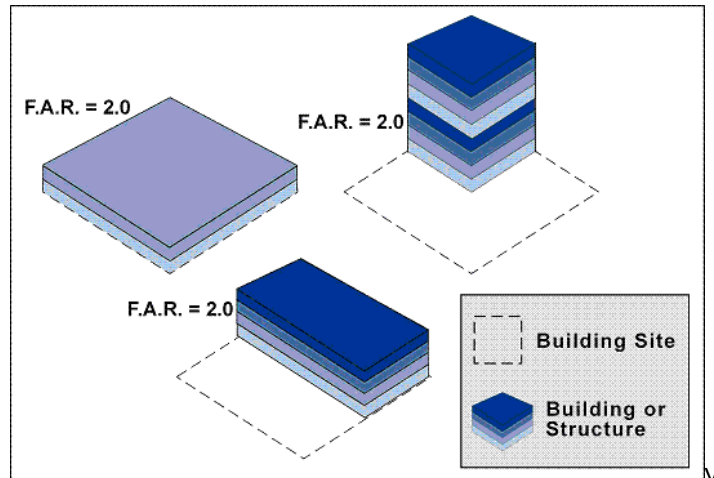
Under section 6.1, **Floor Area** means:

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

Under section 6.1, **Floor Area Ratio** means:


the numerical value of the Floor Area of the building or structure relative to the Site upon which it is located, excluding:

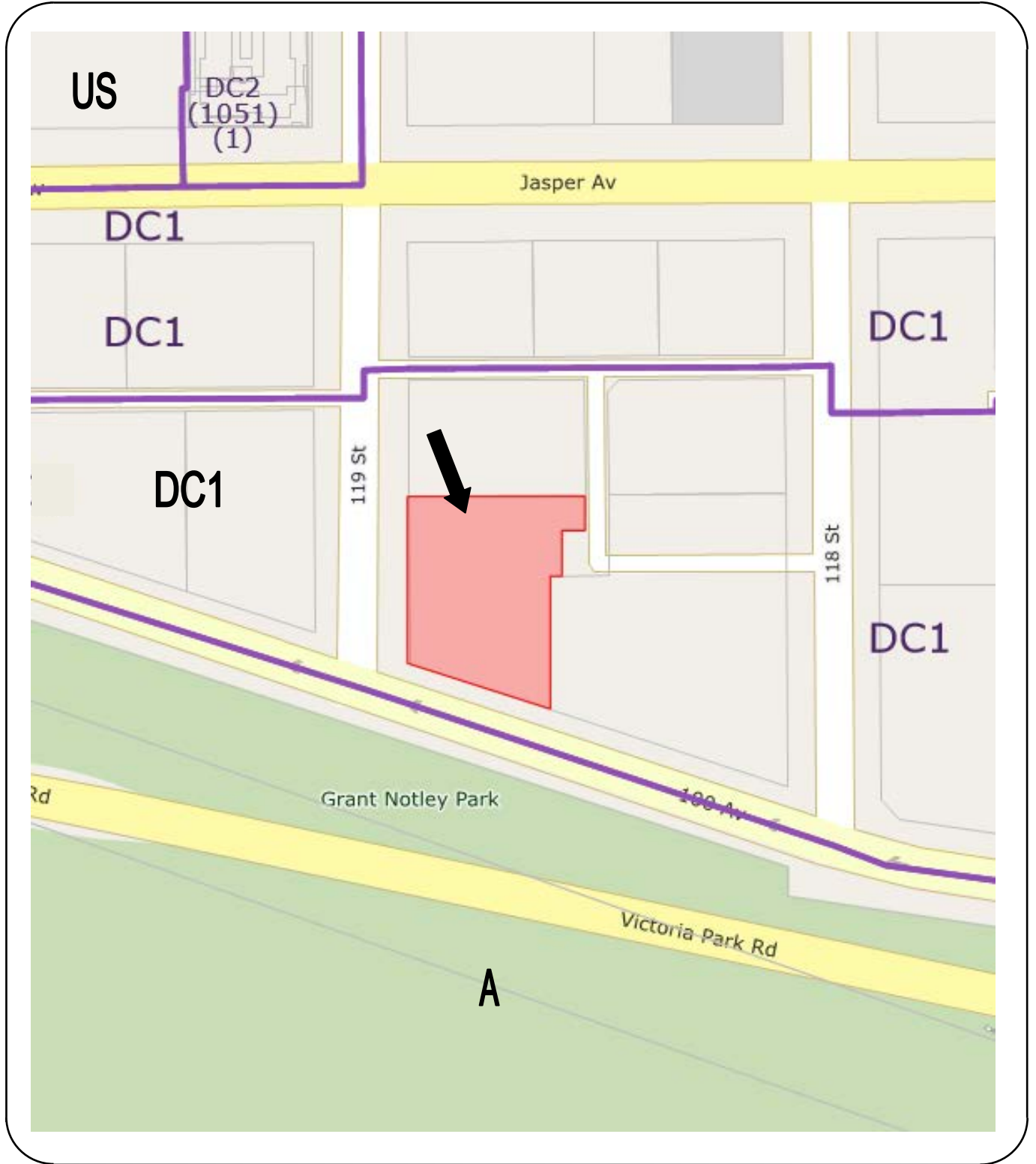
- a. Basement areas used exclusively for storage or service to the building, or as a Secondary Suite;
- b. Parking Areas below ground level;
- c. Walkways required by the Development Officer;
- d. Floor Areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the Site; and
- e. indoor Common Amenity Area, divided by the area of the Site.



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: 325100871-001 Application Date: JUL 10, 2019 Printed: August 13, 2019 at 3:19 PM Page: 1 of 1		
This document is a Development Permit Decision for the development application described below.				
Applicant	Property Address(es) and Legal Description(s) 11826 - 100 AVENUE NW Condo Common Area (Plan 8222325)			
	Specific Address(es) Suite: 1501, 11826 - 100 AVENUE NW Suite: 1502, 11826 - 100 AVENUE NW Building: 11826 - 100 AVENUE NW			
Scope of Application To construct an addition (4.6 square meters) created by the exterior alteration to an existing Apartment House building (balcony enclosure on 15th floor). (Carlisle)				
Permit Details				
Class of Permit: Gross Floor Area (sq.m.): 4.6 New Sewer Service Required: Site Area (sq. m.): 1961.13	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: _____				
Development Application Decision Refused Issue Date: Aug 09, 2019 Development Authority: ANGELES, JOSELITO Reason for Refusal The maximum Floor Area Ratio (FAR) is 3.0 (Reference:- Oliver ARP, Area 7, Section 2). Proposed: 4.93 Exceeds by: 1.93 Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$963.00	\$963.00	05981227	Jul 10, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$963.00	\$963.00		
THIS IS NOT A PERMIT				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-146



ITEM III: 1:30 P.M.

FILE: SDAB-D-19-147

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

APPELLANT:

APPLICATION NO.: 309196698-001

APPLICATION TO: Construct a three storey addition to an existing Minor Impact Utility Services Use building (Street Railway Substation No. 600), and to change the Use to a mixed Use Commercial building to the basement floor - Specialty Food Services; main floor - one Restaurant and one General Retail Store; second floor - General Retail Stores; third floor - one Bar and Neighbourhood Pub with 54.1 square metres of Public Space and two Professional, Financial and Office Support Services Uses); and to construct exterior alterations on the Site (upgrading the concrete paving, adding benches and seating).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: July 19, 2019

DATE OF APPEAL: August 14, 2019

NOTIFICATION PERIOD: July 25, 2019 through August 15, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10643 - 124 Street NW

LEGAL DESCRIPTION: Plan RN22 Blk 24 Lot 2

ZONE: DC1 Direct Development Control Provision (Charter Bylaw 18885)

OVERLAY: N/A

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

The development's effect on my property regarding the potential for increased snow loading on the roof of my property.

And please consider Item 12 under Development Permit "Advisement".

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

- (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 DC1 Direct Development Control Provision (Charter Bylaw 18885):

Under section 3.a, **Bars and Neighbourhood Pubs** is a **listed Use** in the **DC1 Direct Development Control Provision**.

Under section 3.i, **General Retail Stores** is a **listed Use** in the **DC1 Direct Development Control Provision**.

Under section 3.s, **Professional, Financial and Office Support Services** is a **listed Use** in the **DC1 Direct Development Control Provision**.

Under section 3.t, **Restaurants** is a **listed Use** in the **DC1 Direct Development Control Provision**.

Under section 3.u, **Specialty Food Services** is a **listed Use** in the **DC1 Direct Development Control Provision**.

Section 1 states that the **General Purpose** of the **DC1 Direct Development Control Provision** is "To accommodate the retention and adaptive reuse of the historic Street Railway Substation No. 600 building and the development of a new low-rise building with a limited range of commercial uses."

General Provisions from the *Edmonton Zoning Bylaw*:

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

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

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

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

Under section 7.4(43), **Professional, Financial and Office Support Services** means:

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

Under section 7.4(46), **Restaurants** means:

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

Under section 7.4(48), **Specialty Food Services** means:

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

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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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	<p>Property Address(es) and Legal Description(s) 10643 - 124 STREET NW Plan RN22 Blk 24 Lot 2</p> <p>Specific Address(es)</p> <p>Suite: 100, 10643 - 124 STREET NW Suite: 10641 - 124 STREET NW Suite: 10645 - 124 STREET NW Suite: 10647 - 124 STREET NW Suite: 201, 10643 - 124 STREET NW Suite: 202, 10643 - 124 STREET NW Suite: 203, 10643 - 124 STREET NW Suite: 301, 10643 - 124 STREET NW Suite: 302, 10643 - 124 STREET NW Suite: 303, 10643 - 124 STREET NW Entryway: 10641 - 124 STREET NW Entryway: 10643 - 124 STREET NW Entryway: 10645 - 124 STREET NW Entryway: 10647 - 124 STREET NW Building: 10643 - 124 STREET NW</p>
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Scope of Permit
 To construct a three storey addition to an existing Minor Impact Utility Services Use building (Street Railway Substation No. 600), and to change the Use to a mixed Use Commercial building to the basement floor - Specialty Food Services; main floor - one Restaurant and one General Retail Store; second floor - General Retail Stores; third floor - one Bar and Neighbourhood Pub with 54.1 m2 of Public Space and two Professional, Financial and Office Support Services Uses); and to construct exterior alterations on the Site (upgrading the concrete paving, adding benches and seating).

<p>Permit Details</p> <p>Class of Permit: Class B Gross Floor Area (sq.m.): 902 New Sewer Service Required: Y Site Area (sq. m.): 673</p>	<p>Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Main Street Overlay</p>
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I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Permit Decision
 Approved
Issue Date: Jul 19, 2019 **Development Authority:** LOUIE, CINDY
Subject to the Following Conditions
 PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall:



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1. Pay a Sanitary Sewer Trunk Fund fee of \$560.16. 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.
2. Pay a Development Permit Inspection fee of \$518.00.
3. Pay a Lot Grading Fee of \$236.00.
4. Crime Prevention Through Environmental Design (CPTED) principles shall be incorporated with the development of the Site to provide a safe environment in accordance with the guidelines and principles established in the Design Guide for the Safer City. The applicant shall submit a CPTED assessment.
5. The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6
6. 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.
7. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51 of the Edmonton Zoning Bylaw 12800.)
8. Landscaping shall be in accordance to the approved landscape plan , Section 55 and to the satisfaction of the Development Officer.
9. Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.
10. Bicycle Parking facilities shall be located in a safe, secure, and easily accessible manner. (Section: DC1, Westmount (Charter Bylaw 18885), Section (5)(c))
11. The Restaurant shall not prohibit minors from any portion of the establishment at any time during the hours of operation. (Reference Section 7.4(46))
12. All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).
13. A minimum of 70% of the at-grade linear frontage towards the pedestrian oriented connection to shall consist of transparent glazing. (Section: DC1, Westmount (Charter Bylaw 18885), Section (7)(b)(ii))
14. Building materials must be durable, high quality and appropriate for the development. (Section: DC1, Westmount (Charter Bylaw 18885), Section (7)(d))
15. All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building, to the satisfaction of the Development Officer. (Section: DC1, Westmount (Charter Bylaw 18885), Section (7)(e))
16. Subdivision Planning provide the following conditions:
 - a. 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



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Major Development Permit

at the expense of the owner/applicant.

b. There is an existing boulevard tree adjacent to the site that must be protected during construction, as shown on the Enclosure. Prior to construction, the owner/applicant must contact to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant. Please contact Bonnie Fermanuik at City Operations, Parks and Roads Services (780-496-4960).

c. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

- the start/finish date of project;
- accommodation of pedestrians and vehicles during construction;
- confirmation of lay down area within legal road right of way if required;
- and 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/licences_permits/oscam-permit-request.aspx and,
<https://www.edmonton.ca/documents/ConstructionSafety.pdf>

d. Any alley, sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner.

e. The proposed sign shall be constructed entirely within private property. No portion of the sign shall encroach over/into road right-of-way, as shown on Enclosure.



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Subject to the Following Advisements

Subdivision Planning provide the following advisements:

1. The proposed access from the site to the alley is acceptable to Subdivision Planning.
2. A minimum of 3 off-street parking stalls have been provided, as included in the DC1, Bylaw 18611.
3. The pedestrian connection between 124 Street to the adjacent north-south alley, as shown on the Enclosure, is acceptable to Subdivision planning.
4. The location of the screened waste enclosure, as shown on the Enclosure, is acceptable to Subdivision Planning.

NOTES:

5. 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.
6. This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.
7. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
8. An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.
9. A Comprehensive Sign Design Plan was submitted. Signs require separate Development Applications.
10. The applicant/owner is responsible for ensuring that the proposed development does not encroach on or impair the operation of any existing hydrants and/or valves that are located either in the boulevard, sidewalk, or the street. If a conflict exists then it will be responsibility of the applicant/owner to rectify the problem by:
 - 1) redesign of the proposed development followed by a resubmission for approval to the City or,
 - 2) relocation of the utility which is to be done by the City staff at the sole expense of the applicant/owner.
 For further information, please contact the Drainage Branch of the Asset Management and Public Works Department at 780-496-5460.
11. The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this Development Permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.
12. Council relayed a concern from the property owner to the immediate north that all Safety Codes approvals recognize the impact of possible snow loads, if the development under Bylaw 18885 ever occurs. Contact Safety Codes to discuss and provide plans of how to mitigate snow loads at Building Permit application stage.

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.

Notice Period Begins: Jul 25, 2019

Ends: Aug 15, 2019

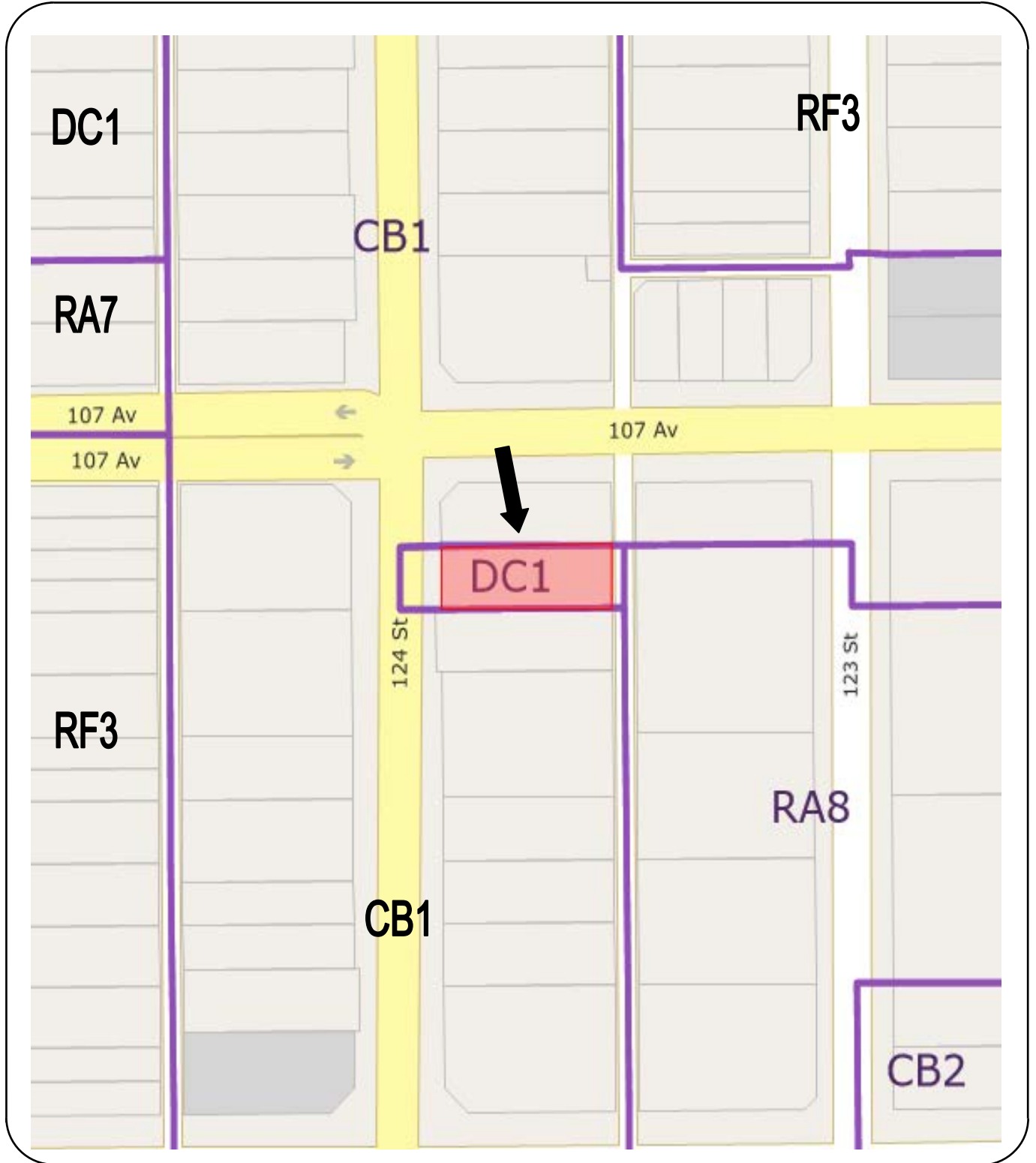


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Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee for GFA	\$490.00	\$392.00	05736076	Mar 25, 2019
Major Dev. Application Fee	\$963.00	\$963.00	05736076	Mar 25, 2019
Development Permit Inspection Fee	\$518.00			
Sanitary Sewer Trunk Fund 2012+	\$560.16			
Lot Grading Fee	\$236.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,767.16</u>	<u>\$1,355.00</u>		
(\$1,412.16 outstanding)				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-147

