

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

**Friday, 9:00 A.M.
September 10, 2021**

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-145

To change the Use from a General Retail Store to Cannabis Retail Sales and construct interior alterations

6930 - 109 Street NW
Project No.: 400057348-002

II 10:30 A.M. SDAB-D-21-146

To construct an addition, exterior and interior alterations (converting Single Detached Houses to 2 storeys for units 6-11 and separating the Semi-detached Houses to 2 storey Single Detached Houses for units 4-5 and 18-19) in a Multi-unit Project Development site, and to enhance the landscaping

8050C - Orchards Green SW
Project No.: 398733545-002

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

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 400057348-002

APPLICATION TO: Change the Use from a General Retail Store to Cannabis Retail Sales and construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 6, 2021

DATE OF APPEAL: August 13, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6930 - 109 Street NW

LEGAL DESCRIPTION: Plan 587HW Blk 26 Lots D,E,F

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

Grounds for Appeal

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

Please accept this letter as an expression of our intent to appeal the Development Permit Decision (refusal) for DP 400057348-002. The purpose of this DP application was to change the existing use at 6930 – 109 Street NW from General Retail Store to Cannabis Retail Sales and to construct interior alterations. The property is zoned CB1 – Low Intensity Business Zone, with Cannabis Retail Sales falling under Permitted Uses.

The Development Officer (DO) refused this DP application based on Section 70.2.b of the City of Edmonton's Land Use Bylaw, which stipulates a minimum required setback of 100 m between proposed Cannabis Retail Sales and existing Community Recreation Services uses. From site-to-site, Violet Archer Park (zoned AP) is approximately 21 m to the north-east of the site proposed for Cannabis Retail Sales. As noted by the DO, Section 70.5 of the Zoning Bylaw prohibits the DO from granting a variance to the minimum setback to allow for the proposed use. We believe that there are several factors that should be considered in addition to separation distance alone in determining whether Cannabis Retail Sales should be permitted at this site.

The rationale for this Appeal is as follows:

1. Cannabis Retail Sales is a permitted use within the CBI – Low Intensity Business Zone and the proposed use complies with all other requirements of the Zoning Bylaw save for setback distance from sites used for Community Recreation Services.
 - a. The site is outside the buffer ar*The 109 Street ARP identifies 109 Street NW as a major north-south corridor and establiea* required for both schools and library uses. All other Zoning Bylaw requirements are adhered to.
 - b. There are no Cannabis Retail Sales within 200 m of the proposed use. The closest Cannabis Retail Sales uses can be found approximately 1 km to the north-west at 11044 82 Avenue NW and 960 m to the south-east at 10404 68 Avenue NW.
2. The site falls within both the 109 Street Corridor Area Redevelopment Plan (ARP) and Main Streets Overlay (MSO). These policies encourage the development of commercial uses that are pedestrian- and transit-oriented, as well as strongly interface with public sidewalks. This proposed use and site design advance both ARP goals of commercial development within designated nodes that support walkability and transit use and MSO requirements for such uses to be oriented towards the street/sidewalk.
 - a. The 109 Street ARP identifies 109 Street NW as a major north south corridor and establishes several goals that encourage commercial uses to be developed along the corridor that support walkability, transit use, and provide a range of services to both local and non-local users. Commercial uses should be oriented towards 109 Street NW and parking should be provided in the rear where possible. This proposed use aligns with policy directives and goals established within the ARP.
 - b. The Main Streets Overlay encourages pedestrian-oriented development through a series of development regulations, including requiring commercial uses to have direct external access to adjacent public sidewalks. As illustrated in the proposed site plan, access to the Cannabis Retail Sales use will be from 109 Street NW only. Vehicle parking shall be provided in the lane, but patrons will have to access the use from 109 Street NW.
 - c. Together the ARP and MSO support strong commercial use orientation towards 109 Street NW and to strongly interface with pedestrian and transit networks. The

proposed site design achieves these objectives by having the primary entrance located on 109 Street NW.

- d. There is also a bus stop located directly adjacent to the site (Bus Stop 2668), supporting transit users, as well as a protected bike lane on 76 Avenue NW (approximately 600 m to the north of the site). Multi-modal options *for accessing the site will support walkability, transit use, and active transportation objectives.*
3. Building orientation and location of active recreation areas within Violet Archer Park create a functional separation distance that exceeds the 100 m setback requirement.
 - a. As discussed, commercial uses must be oriented towards 109 Street NW and strongly interface with public sidewalks (ARP and MSO). The building for the proposed Cannabis Retail Sales use is oriented east towards 109 Street NW. Violet Archer Park (AP) is oriented towards the south onto 70 Avenue NW and north towards a lane.
 - b. The site plan for this proposed use illustrates that the only entrance is located on 109 Street NW. There is no secondary access from the lane. As such, there is no direct line-of-site between the proposed use entry and Violet Archer Park.
 - c. From entrance of the proposed use to the eastern edge of Violet Archer Park is approximately 65 m for pedestrians. However, the closest actively used recreation area/amenity within Violet Archer Park is a small play area located within the central portion of the park. This play area is located approximately 110 m away from the front entry of the proposed Cannabis Retail Sales use.
 4. AGLC regulations and other City of Edmonton Bylaws mitigate potential risk of cannabis exposure or procurement by minors and other users of Violet Archer Park.
 - a. Regulations and rules that have been developed in relation to Cannabis Retail Sales in Alberta and the City of Edmonton are designed to limit exposure of minors to cannabis consumption and procurement, as well as to reduce potential conflict between land users.
 - b. AGLC has strict regulations that prevent minors from entering Cannabis Retail Sales uses and limit the visibility of any products from outside stores. Cannabis Retail Sales uses must also adhere to detailed premises management requirements, including requiring identification for patrons that appear to be under 25 years of age.
 - c. The City of Edmonton's Public Places Bylaw prohibits smoking of all substances in AP zoned areas, including cannabis, tobacco, and vapes. This Public Places Bylaw applies to Violet Archer Park, prohibiting consumption of cannabis, as well as to the adjacent bus stop near the entry of the proposed Cannabis Retail Sales use.

- d. Section 70 of the Zoning Bylaw prescribes additional design requirements for Cannabis Retail Sales that work to promote a safe urban environment with natural surveillance that work to reduce potential safety risks.
 - e. Proximity of uses does not necessarily increase risk of harm or likelihood that use, enjoyment, or value of land will be negatively affected. Furthermore, AGLC regulations and City of Edmonton bylaws further restrict how Cannabis Retail Sales outlets are designed and operated, as well as where cannabis can be consumed in public. These regulations and bylaws ensure that the proposed Cannabis Retail Sales will not interfere with or affect the use and enjoyment of Violet Archer Park such that site-to-site separation distance is just one of several factors that should be considered when determining whether this use is appropriate.
5. Prior to cannabis legalization, the City of Edmonton conducted robust public engagement to identify where the public would prefer to see Cannabis Retail Sales located. Stakeholders expressed support for such uses to be located on main streets with a mixture of commercial uses, along major roadways, and with good transit access.
 - a. The site for the proposed Cannabis Retail Sales use meets the preferred location standards as articulated by the public during City of Edmonton engagement work prior to the legalization of cannabis.
 6. Finally, Cannabis Retail Sales at this location provides an amenity in the form of access to cannabis products for the local community, an employment opportunity, and supports City Plan objectives of commercial development along corridors and mass transit routes.
 - a. As mentioned earlier, the closest Cannabis Retail Sales locations from this proposed site are around 1 km away. This proposed use will add a new amenity to the neighbourhood in the form of access to cannabis products.
 - b. Secondly, Cannabis Retail Sales at this location will provide additional employment opportunities in the immediate vicinity.
 - c. Finally, as the City moves towards the vision for development established within the City Plan, it is important that residents can easily access a range of amenities within walking distance – including Cannabis Retail Sales. Furthermore, the proposed use supports City Plan objectives of directing commercial development towards corridors and mass transit networks, of which 109 Street NW functions as both.

Previous Subdivision and Development Appeal Board decisions concerning separation distance requirements between proposed uses and sensitive land uses such as Community Recreation Services sites indicate that separation distance alone is not the only factor that should be considered in determining whether a proposed uses are appropriate. While

SDAB is not bound by precedent, we feel that the context of this proposed use is similar to other SDAB decisions that have examined multiple site elements.

We believe that this proposed Cannabis Retail Sales use will not interfere with existing amenities in the neighbourhood nor interfere with or affect the use, enjoyment, or value of neighbouring parcels of land in the neighbourhood.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

...

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

Appeals

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

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

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

or

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

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

Hearing and Decision

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

...

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

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 330.2(3), **Cannabis Retail Sales** is a **Permitted Use** in the **(CB1) Low Intensity Business Zone**.

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

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

Under section 6.1, **Cannabis** means:

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

- a. Cannabis includes:
 - i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in subsection (b) of this definition.
 - ii. any substance or mixture of substances that contains or has on it any part of such a plant;
 - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
- b. Notwithstanding subsection (a) of this definition, Cannabis does not include:

- i. a non-viable seed of a cannabis plant;
- ii. a mature stalk, without any leaf, flower, seed or branch, of such plant;
- iii. fibre derived from a stalk referred in subsection (b)(ii) of this definition; and
- iv. the root or any part of the root of such a plant.

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

Section 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses, and limited Residential-related Uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

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

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

Section 70 – Cannabis Retail Sales

1. Any Cannabis Retail Sales shall not be located less than 200 m from any other Cannabis Retail Sales. For the purposes of this subsection only:
 - a. the 200 m separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of any other approved Cannabis Retail Sales Use;
 - b. A Development Officer shall not grant a variance to reduce the separation distance by more than 20 m in compliance with Section 11; and
 - c. The issuance of a Development Permit which contains a variance to separation distance as described in 70(1)(b) shall be issued as a Class B Discretionary Development.

2. Any Site containing Cannabis Retail Sales shall not be located less than:

- a. 200 m from any Site being used for a public library, at the time of the application for the Development Permit for the Cannabis Retail Sales; and
- b. **100 m from any Site being used for Community Recreation Services Use, a community recreation facility or as public lands at the time of application for the Development Permit for the Cannabis Retail Sales.**

3. For the purposes of subsection 2:

- a. separation distances shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
- b. the term “public library” is limited to the collection of literary, artistic, musical and similar reference materials and learning resources in the form of books, electronic files, computers, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries.
- c. the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as per the Municipal Government Act; and
- d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.

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

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

Public or private education

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

Provincial health care facility

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

School reserve or municipal and school reserve

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

Measurement of Separation Distances

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

Sites Greater than Two Hectares

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

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

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

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

Design Requirements

6. Cannabis Retail Sales shall include design elements that readily allow for natural surveillance to promote a safe urban environment, where applicable and to the satisfaction of the Development Officer, including the following requirements:

- a. customer access to the store is limited to a storefront that is visible from the street other than a Lane, or a shopping centre parking lot, or mall access that allows visibility from the interior of the mall into the store;
- b. the exterior of all stores shall have ample transparency from the street;
- c. Any outdoor lighting shall be designed to ensure a well-lit environment for pedestrians and illumination of the property; and
- d. Landscaping shall be low-growing shrubs or deciduous trees with a high canopy at maturity to maintain natural surveillance.

Development Officer's Determination

1. Section 70.2.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.

Proposed: 21 m

Required: 100 m

Deficient: 79 m

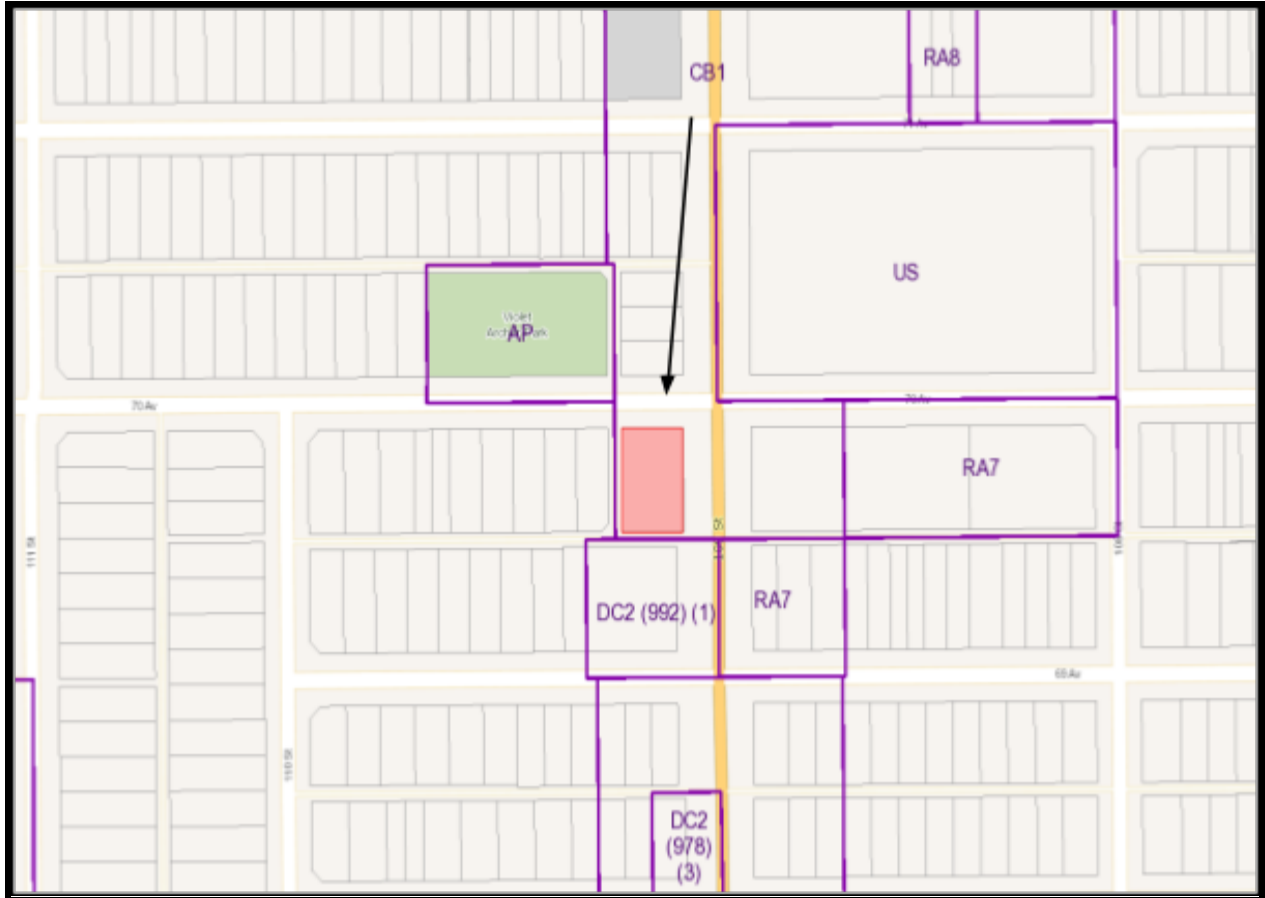
Under Section 70.5 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store.

[unedited]

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: 400057348-002 Application Date: JUN 19, 2021 Printed: August 6, 2021 at 2:47 PM Page: 1 of 1																				
This document is a Development Permit Decision for the development application described below.																						
Applicant <div style="background-color: black; width: 100%; height: 40px; margin-top: 5px;"></div>	Property Address(es) and Legal Description(s) 6930 - 109 STREET NW Plan 587HW Blk 26 Lots D,E,F																					
	Specific Address(es) Suite: 6930 - 109 STREET NW Entryway: 6930 - 109 STREET NW Building: 6950 - 109 STREET NW																					
Scope of Application To change the Use from a General Retail Store to Cannabis Retail Sales and construct interior alterations.																						
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): 1090.31 </td> <td style="width: 50%; border: none; vertical-align: top;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Main Street Overlay </td> </tr> </table>			Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): 1090.31	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Main Street Overlay																		
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Development Application Decision Refused Issue Date: Aug 06, 2021 Development Authority: CHOW, STEPHEN Reason for Refusal 1. Section 70.2.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. Proposed: 21 m Required: 100 m Deficient: 79 m Under Section 70.5 of the Zoning Bylaw, the Development Officer is prohibited from granting a variance to the minimum setback to allow for the proposed Cannabis Retail Store. Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																						
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: right;">Fee Amount</th> <th style="width: 10%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: right;">Receipt #</th> <th style="width: 10%; text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$5,600.00</td> <td style="text-align: right;">\$5,600.00</td> <td style="text-align: right;">07123674</td> <td style="text-align: right;">Jul 06, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$5,600.00</td> <td style="text-align: right; border-top: 1px solid black;">\$5,600.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$5,600.00	\$5,600.00	07123674	Jul 06, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$5,600.00	\$5,600.00		
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THIS IS NOT A PERMIT																						



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-145

ITEM II: 10:30 A.M.

FILE: SDAB-D-21-146

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 398733545-002

APPLICATION TO: Construct an addition, exterior and interior alterations (converting Single Detached Houses to 2 storeys for units 6-11 and separating the Semi-detached Houses to 2 storey Single Detached Houses for units 4-5 and 18-19) in a Multi-unit Project Development site, and to enhance the landscaping

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: July 23, 2021

DATE OF APPEAL: August 13, 2021

NOTIFICATION PERIOD: July 29, 2021 through August 19, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8050C - Orchards Green SW

LEGAL DESCRIPTION: Condo Common Area (Plan 1920537)

ZONE: (RF5) Row Housing Zone

OVERLAY: N/A

STATUTORY PLAN(S): Ellerslie Area Structure Plan
The Orchards at Ellerslie Neighbourhood Structure Plan

Grounds for Appeal

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

We took possession of our home in June, 2019. Rohit Developments was marketing 8050 Orchards Green as 20 walkout bungalow units, half semi-detached and half detached. My wife and I are in our 70's and we thought we were moving to a more senior friendly bungalow community primarily for older residents similar to other projects developed by Rohit.

In 2021, we were given notice of Rohit's plans to re-develop the project and build 10 two-storey units. We advised Rohit that we opposed to this plan. It will change the nature of this project and mean more people, more traffic and more disruption. The new plan is not appropriate for a condominium project with limited yard space, no fences and almost no guest parking. We also believe that it will negatively affect our ability to sell our unit in the future.

All of the seven Residents that currently reside in this project are opposed to the redevelopment. Rohit met with the Residents on Friday, Aug 13 and we expressed our concerns. Rohit re- confirmed that that they will still be proceeding with the two-storey units.

Please note that although this is a very low density project, much lower than most of the single family areas nearby, I have been required to pay \$72 rather than the usual \$37 for low density residential project. I was told that there is no way to appeal the fee.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

Appeals

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

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

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

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

or

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

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

Hearing and Decision

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

...

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

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

- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
 - (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
 - ...
 - (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 160.2(3), a **Multi-unit Housing** is a **Permitted Use** in the **(RF5) Row Housing Zone**.

Under section 160.3(9), **Single Detached Housing** is a **Discretionary Use** in the **(RF5) Row Housing Zone**.

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

that consists of:

- a. three or more principal Dwellings arranged in any configuration and in any number of buildings;
- or
- b. any number of Dwellings developed in conjunction with a Commercial Use where allowed in the Zone.

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.”

Section 160.1 states that the **General Purpose** of the **(RF5) Row Housing Zone** is “to provide for ground oriented housing.”

Development Officer’s Determination

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Notice to Applicant/Appellant

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

	Project Number: 398733545-002 Application Date: JUN 07, 2021 Printed: July 23, 2021 at 2:24 PM Page: 1 of 3		
<h2>Major Development Permit</h2>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
<p>Applicant</p> 	<p>Property Address(es) and Legal Description(s) 8050C - ORCHARDS GREEN SW Condo Common Area (Plan 1920537)</p> <p>Specific Address(es)</p> <p>Entryway: 10, 8050 - ORCHARDS GREEN SW Entryway: 11, 8050 - ORCHARDS GREEN SW Entryway: 18, 8050 - ORCHARDS GREEN SW Entryway: 19, 8050 - ORCHARDS GREEN SW Entryway: 4, 8050 - ORCHARDS GREEN SW Entryway: 5, 8050 - ORCHARDS GREEN SW Entryway: 6, 8050 - ORCHARDS GREEN SW Entryway: 7, 8050 - ORCHARDS GREEN SW Entryway: 8, 8050 - ORCHARDS GREEN SW Entryway: 9, 8050 - ORCHARDS GREEN SW Building: 10, 8050 - ORCHARDS GREEN SW Building: 11, 8050 - ORCHARDS GREEN SW Building: 18, 8050 - ORCHARDS GREEN SW Building: 4, 8050 - ORCHARDS GREEN SW Building: 6, 8050 - ORCHARDS GREEN SW Building: 7, 8050 - ORCHARDS GREEN SW Building: 8, 8050 - ORCHARDS GREEN SW Building: 9, 8050 - ORCHARDS GREEN SW</p>		
<p>Scope of Permit</p> <p>To construct an addition, exterior and interior alterations (converting Single Detached Houses to 2 storeys for units 6-11 and separating the Semi-detached Houses to 2 storey Single Detached Houses for units 4-5 and 18-19) in a Multi-unit Project Development site, and to enhance the landscaping.</p>			
<p>Permit Details</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): </td> <td style="width: 50%;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
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<p>Development Permit Decision</p> <p>Approved</p> <p>Issue Date: Jul 23, 2021 Development Authority: ANGELES, JOSELITO</p>			



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Major Development Permit

Subject to the Following Conditions

This Development Permit authorizes the proposed development to construct an addition, exterior and interior alterations (converting Single Detached Houses to 2 storeys for units 6-11 and separating the Semi-detached Houses to 2 storey Single Detached Houses for units 4-5 and 18-19) in a Multi-unit Project Development site, and to enhance the landscaping.

The Site shall be developed in accordance with the stamped, signed, and conditionally approved drawings.

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21. (Reference Section 17.1)

Where outdoor lights are provided, the light fixtures shall be arranged, installed, and maintained to deflect, shade, and focus light away from Abutting Sites or adjacent land Uses in order not to cause a nuisance. Outdoor lights shall not interfere with the effectiveness of any traffic control device (Reference Section 51).

THE LANDSCAPING CONDITIONS OF DP 273097389-001 APPLIES TO THIS DEVELOPMENT PERMIT.

Subject to the Following Advisements

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

An approved Development Permit means that the proposed development has been reviewed 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.

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

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.

Signs require separate Development Applications.

NOTE: 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.

Variances

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Rights of Appeal

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

Notice Period Begins: Jul 29, 2021 **Ends:** Aug 19, 2021

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$864.00	\$864.00	114521063306001	Jun 18, 2021
Development Permit Inspection Fee	(\$528.00)			

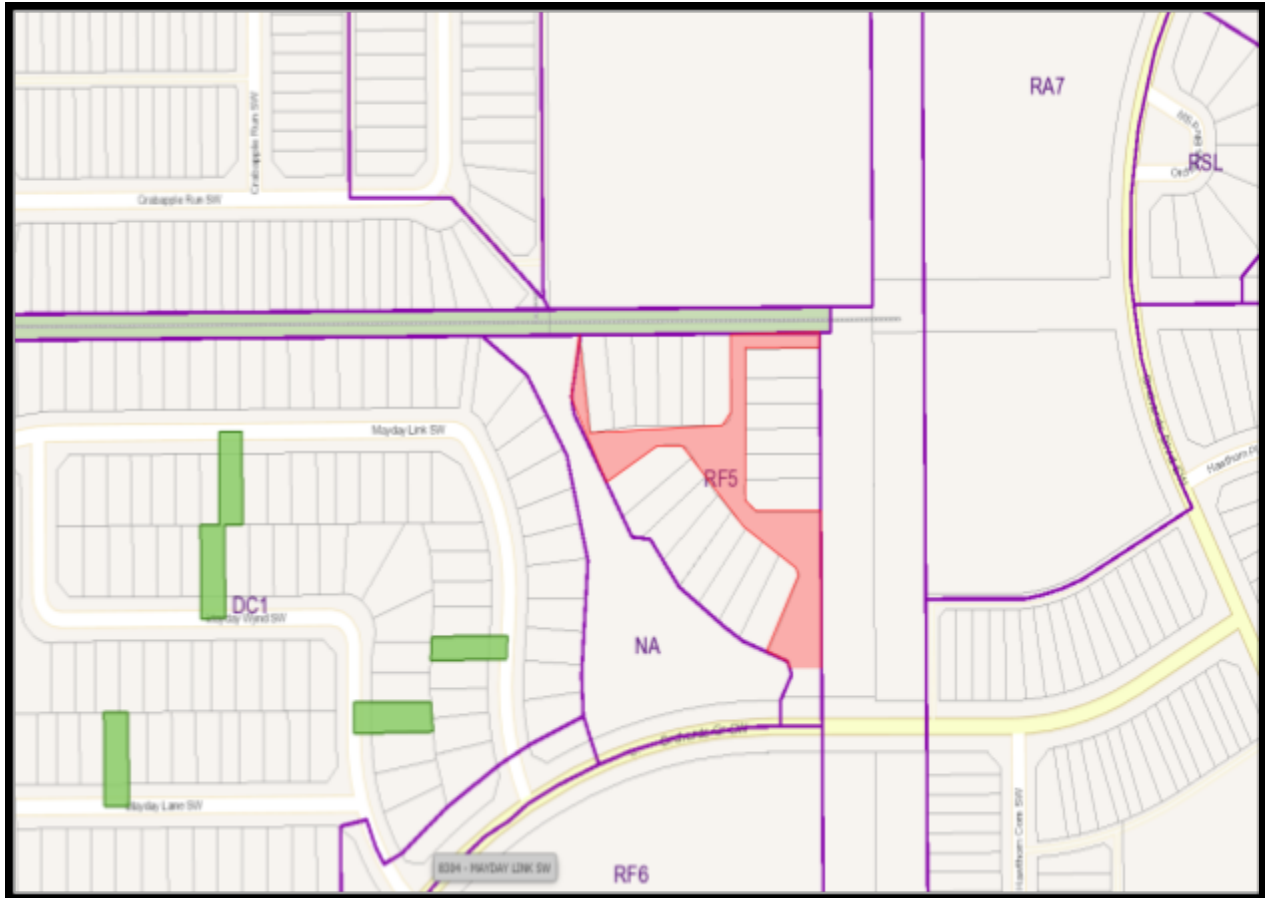


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Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$336.00</u>	<u>\$864.00</u>		
(overpaid by (\$528.00))				



SURROUNDING LAND USE DISTRICTS


N

Site Location 

File: SDAB-D-21-146