

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
September 26, 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-19-159

WITHDRAWN

To install a Freestanding Minor Digital Off-premises Sign (single sided 14.6 metres by 4.3 metres facing North), existing without a valid development permit (ICEWERX)

3530 - 91 Street NW
Project No.: 304478275-001

II 10:30 A.M. SDAB-D-19-160

To develop and operate a temporary surface, Non-accessory Parking lot for up to 18 months (117 vehicular parking stalls)

10145 - 106 Street NW, 10123 - 106 Street NW
Project No.: 323710827-001

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-19-159

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 304478275-001

APPLICATION TO: Install a Freestanding Minor Digital Off-premises Sign (single sided 14.6 metres by 4.3 metres facing North), existing without a valid development permit (ICEWERX)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 17, 2019

DATE OF APPEAL: July 29, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3530 - 91 Street NW

LEGAL DESCRIPTION: Plan 7921939 Blk 12 Lot 1

ZONE: (US) Urban Services Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

WITHDRAWN

Grounds for Appeal

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

Previous Development officer approved the variances set forth in the current refusal.

General Matters

Appeal Information:

The Board is advised that the Appellant requested the matter be scheduled on September 26, 2019.

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;

...

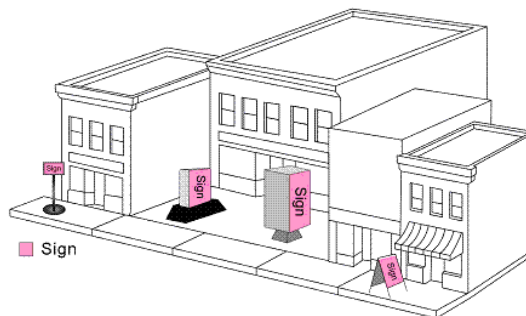
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development 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 510.3(25), **Minor Digital Off-premises Signs** is a **Discretionary Use** in the **(US) Urban Services Zone**.

Under section 7.9(6), **Minor Digital Off-premises Signs** “means a Freestanding or Fascia Sign that contains Digital Copy, is a Permanent Sign, displays Off-premises Advertising, and does not include moving effects, message transition effects, video images, or animation.”

Under section 6.2, **Freestanding Signs** “means a Sign supported independently of a building.”



Under section 6.2, **Off-Premise Sign** means:

any Sign displaying Copy that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or Site where the Sign is displayed.

Section 510.1 states that the **General Purpose** of the **(US) Urban Services Zone** is “to provide for publicly or privately owned facilities of an institutional or community service nature.”

Section 510.4(6) states “Signs shall comply with the regulations found in Schedule 59C.”

Setbacks

Schedule 59C.3(4)(i) states:

Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

...

- i. the proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback

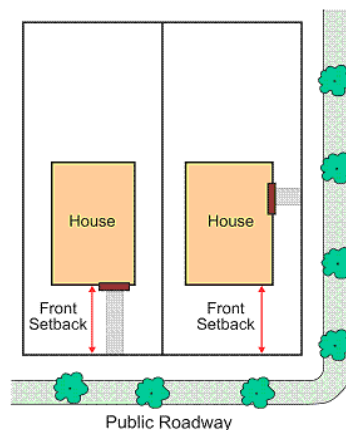
...

Section 510.4(1) states “The minimum Front Setback shall be 6.0 m.”

Section 510.4(3) states “The minimum Side Setback shall be 4.5 m.”

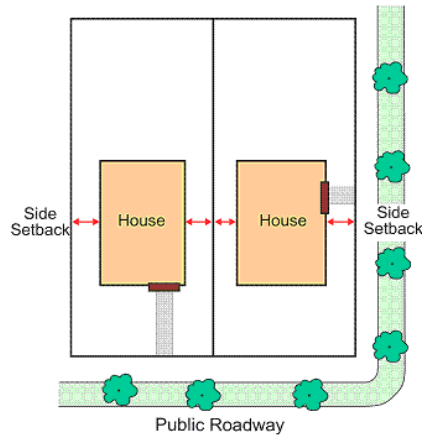
Under section 6.1, **Front Setback** means:

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.



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

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



Development Officer’s Determination

1) Proposed Signs with an Area greater than 8.0 m² shall not be located within any Setback (Section 59C.3(4)(i))

**The minimum Front Setback shall be 6.0 metres (Section 510.4(1)).
Proposed Front Setback: 2.0 metres
Deficient by: 4.0 metres**

**2) The minimum Side Setback shall be 4.5 metres (Section 510.4(3)).
Proposed Side Setback: 1.5 metres
Deficient by: 3.0 metres
[unedited]**

Sign Width

Schedule 59C.3(4)(b) states:

Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

...

b. the maximum Width shall be 8.0 m;

...

Under section 6.2, **Width** means “that horizontal distance measured across the face of the Sign perpendicular to the Height of the Sign.”

Development Officer’s Determination

3) The maximum sign Width shall be 8.0 m (Section 59C.3(4)(b))

Proposed Width: 14.6 m

Exceeds by: 6.6 m [unedited]

<i>Maximum Area</i>

Schedule 59C.3(4)(c) states:

Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

...

c. the maximum Area shall be:

i. ...

ii. 8.0 m² for proposed Signs that are Freestanding signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 m²;

...

Under section 6.2, **Copy** means “the letters, graphics or characters that make up the message on the Sign face.”

Under section 6.2, **Copy Area** means “the total area of one or more geometric shapes, which contain all of the Copy on a Sign.”

Under section 6.2, **Digital Copy** means:

the portion of a Sign that contains Copy that is remotely changed on or off Site and incorporates a technology or method allowing the Sign to change Copy without having to manually or mechanically replace the Sign face or its components.

Under section 6.2, **Sign Area** means:

the entire area of the Sign on which Copy is intended to be placed. In the case of double-faced or multi-faced Sign, only half of the area of each face of the Sign used to display advertising Copy shall be used in calculating the total Sign Area.

Development Officer’s Determination

**4) The maximum Area shall be 8.0 m2 for proposed Signs that are Freestanding signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 m2 (Section 59C.3(4)(c)(ii))
 Maximum Area of Digital Sign Copy allowed: 8 m2
 Proposed Area of Digital Sign Copy: 62.8 m2
 Exceeds by: 54.8 m2**

**Maximum Area of combined Digital Sign Copy and other Copy: 20m2
 Proposed combined Copy Area: 62.8m2
 Exceeds by 42.8m2 [unedited]**

Advisement by the Development Authority


ADVISEMENT: The sign, existing on site, does not have a valid permit, and does not comply with the previous Development Permit no. 125392244-00 [unedited]


Previous Subdivision and Development Appeal Board Decision

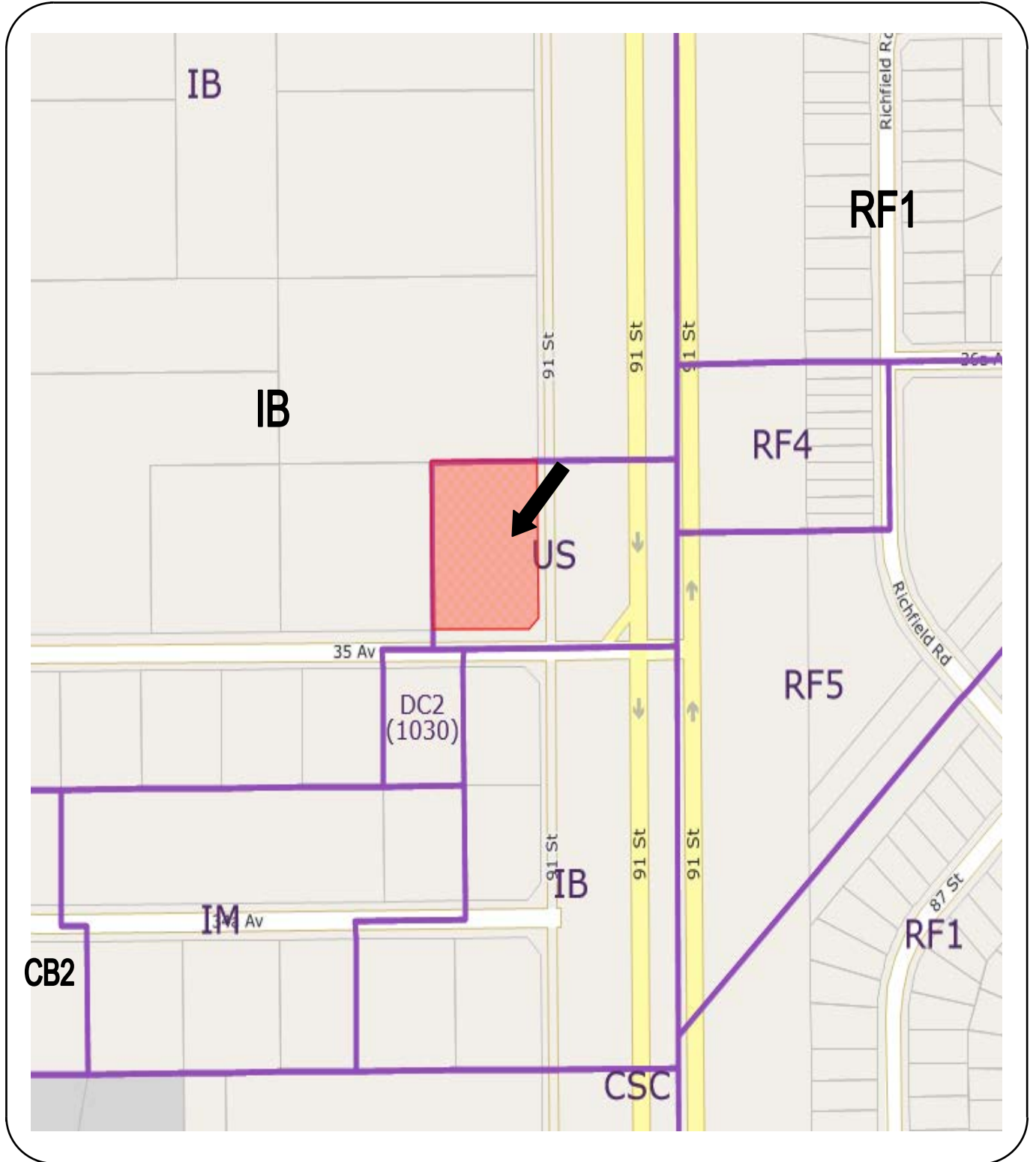
Application Number	Description	Decision
SDAB-D-14-170	To change the Use of an existing Private Education Services building to Accessory storage space to an existing Community Recreation Services / Religious Assembly / Childcare Services Use building	August 14, 2014; The appeal be ALLOWED and the DEVELOPMENT GRANTED and the deficiency of 1.75 metres in the minimum Front Setback, the deficiency of 3.52 metres in the minimum Side Setback, and the deficiency of 8 on-site parking spaces be permitted.

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 Sign Combo Permit</h2>	Project Number: 304478275-001 Application Date: FEB 07, 2019 Printed: July 26, 2019 at 9:43 AM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.		
Applicant	Property Address(es) and Legal Description(s) 3530 - 91 STREET NW Plan 7921939 Blk 12 Lot 1	
Scope of Application To install a Freestanding Minor Digital Off-premises Sign (single sided 14.6m x 4.3m facing N), existing without valid permit (ICEWERX).		
Permit Details		
ASA Sticker No./Name of Engineer: Construction Value: 5000	Class of Permit: Expiry Date:	
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 1 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0	
I/We certify that the above noted details are correct. Applicant signature: _____		
Development Application Decision Refused Issue Date: Jul 17, 2019 Development Authority: NOORMAN, BRENDA		
THIS IS NOT A PERMIT		

	<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	Project Number: 304478275-001 Application Date: FEB 07, 2019 Printed: July 26, 2019 at 9:43 AM Page: 2 of 2																																								
<p>Reason for Refusal</p> <p>1) Proposed Signs with an Area greater than 8.0 m2 shall not be located within any Setback (Section 59C.3(4)(i))</p> <p>The minimum Front Setback shall be 6.0 m (Section 510.4(1)). Proposed Front Setback: 2.0 m Deficient by: 4.0 m</p> <p>2) The minimum Side Setback shall be 4.5 m (Section 510.4(3)). Proposed Side Setback: 1.5 m Deficient by: 3.0 m</p> <p>3) The maximum sign Width shall be 8.0 m (Section 59C.3(4)(b)) Proposed Width: 14.6 m Exceeds by: 6.6 m</p> <p>4) The maximum Area shall be 8.0 m2 for proposed Signs that are Freestanding signs. The maximum combined Area of Digital Sign Copy and any other type of Copy included on the same Sign face shall not exceed 20 m2 (Section 59C.3(4)(c)(ii)) Maximum Area of Digital Sign Copy allowed: 8 m2 Proposed Area of Digital Sign Copy: 62.8 m2 Exceeds by: 54.8 m2</p> <p>Maximum Area of combined Digital Sign Copy and other Copy: 20m2 Proposed combined Copy Area: 62.8m2 Exceeds by 42.8m2</p> <p>ADVISEMENT: The sign, existing on site, does not have a valid permit, and does not comply with the previous Development Permit no. 125392244-001.</p> <p>Rights of Appeal</p> <p>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>Fees</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%;">Fee Amount</th> <th style="width: 10%;">Amount Paid</th> <th style="width: 10%;">Receipt #</th> <th style="width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sign Building Permit Fee</td> <td>\$158.00</td> <td>\$158.00</td> <td>05828698</td> <td>May 06, 2019</td> </tr> <tr> <td>Existing Without Dev Permit Penalty Fee</td> <td>\$458.00</td> <td>\$458.00</td> <td>05905861</td> <td>Jun 07, 2019</td> </tr> <tr> <td>Existing Without Building Permit Penalty Fee</td> <td>\$158.00</td> <td>\$158.00</td> <td>05905861</td> <td>Jun 07, 2019</td> </tr> <tr> <td>Sign Dev Appl Fee - Digital Signs</td> <td>\$458.00</td> <td>\$458.00</td> <td>05828698</td> <td>May 06, 2019</td> </tr> <tr> <td>Safety Codes Fee</td> <td>\$6.32</td> <td>\$6.32</td> <td>05828698</td> <td>May 06, 2019</td> </tr> <tr> <td>Total GST Amount:</td> <td>\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td>\$1,238.32</td> <td>\$1,238.32</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Sign Building Permit Fee	\$158.00	\$158.00	05828698	May 06, 2019	Existing Without Dev Permit Penalty Fee	\$458.00	\$458.00	05905861	Jun 07, 2019	Existing Without Building Permit Penalty Fee	\$158.00	\$158.00	05905861	Jun 07, 2019	Sign Dev Appl Fee - Digital Signs	\$458.00	\$458.00	05828698	May 06, 2019	Safety Codes Fee	\$6.32	\$6.32	05828698	May 06, 2019	Total GST Amount:	\$0.00				Totals for Permit:	\$1,238.32	\$1,238.32		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-159



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-160

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 323710827-001

APPLICATION TO: Develop and operate a temporary surface, Non-accessory Parking lot for up to 18 months (117 vehicular parking stalls)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 16, 2019

DATE OF APPEAL: August 23, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10145 - 106 Street NW, 10123 - 106 Street NW

LEGAL DESCRIPTION: Plan B2 Blk 5 Lots 134-137, Plan B2 Blk 5 Lot 133

ZONE: (UW) Urban Warehouse Zone

OVERLAY: Downtown Special Area

STATUTORY PLAN: Capital City Downtown Plan

Grounds for Appeal

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

We are the solicitors for Arc Studio, the Applicant in the above noted matter, and for the property owner. Our clients' Development Permit Application has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. The proposed development is, by definition, Accessory Parking. It is being provided for a single user, Alberta Health Services. The proposed development does require a variance of section 54.2(2)(b), but the entirety of section 54 is comprised of regulations and is, therefore, amenable to the Board's variance powers.

2. An application has been made to rezone the subject property to a Direct Control designation to support apartment housing, and the proposed parking development is intended to be temporary in nature. Whereas previous Development Permit applications for surface parking on the subject site have been promoted as being “temporary”, in this case, the rezoning of the site for apartment tower purposes is well under way and is expected to be heard by City Council within the next four months.
3. Amongst other things, the Capital City Downtown Plan promotes the redevelopment of sites which have been used historically for surface parking. In reality, such redevelopment requires an extensive approval and design process, and the underlying land remains subject to the combined burden of property taxes and other holding costs while that process plays itself out. The developers took title to the subject lands at the end of 017, and the planning work for the rezoning was commenced shortly thereafter. Approving the proposed development will directly support the goals of the Plan by off-setting the costs of the rezoning process. This is not simply a matter of financial benefit to the owner – it is a real and fundamental aspect of the land use planning process, and is timed to coincide with planned development in the immediate vicinity of the site.
4. Given the history of the site, extending the surface parking use for an additional 18 months will not and cannot **unduly** interfere with the amenities of the neighbourhood or **materially** interfere with or affect the use, enjoyment or value of neighbouring parcels of land. Any perceived impact has already been visited upon the area, and leaving the property vacant and unattended will not improve the quality of the neighbourhood. At the same time, the properties to the immediate north of the subject site have been rezoned for apartment housing purposes as at June 6, 2019, and the streetscape will definitely be disturbed to a far greater extent by the construction of that project than it might be by continuing the proposed private parking lot for the duration of the requested Permit.
5. Moreover, the City is in the process of expropriating several parcels of land to the west of the site for purposes of creating a Warehouse Campus Neighbourhood park, construction of which is expected to commence in 2022. Until that park construction is undertaken, the lands west of the site are expected to remain in their current, undeveloped condition. The temporary use of the subject site for private parking cannot and will not affect those lands in the interim.
6. As indicated, land use planning is an evolutionary process, not an immediate one. To the extent interim uses such as the one proposed here do not impede the goals of the process and do not add new, undesirable elements to the area, there would appear to be no harm in allowing them to proceed in tandem with the overall redevelopment envisioned in the Plan.

7. Alberta Health Services (with whom arrangements have been made for exclusive use of the facility) have an immediate need for additional parking. While approving the proposed development will provide only temporary relief for AHS, it will give AHS some additional time to seek a more permanent solution.
8. Such further and other reasons as may be presented at the hearing of this appeal.

<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,
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- (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,
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 - (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 910.11(3)(s), **Non-accessory Parking** is a **Discretionary Use** in the **(UW) Urban Warehouse Zone**.

Under section 7.4(40), **Non-accessory Parking** means:

development providing vehicular parking which is not primarily intended for the Use of residents, employees or clients of a particular development. Typical Uses include surface parking lots and parking structures located above or below ground level.

Section 910.11(1) states that the **General Purpose** of the **(UW) Urban Warehouse Zone** is:

to develop a unique mixed-use business commercial, educational and residential neighbourhood, accommodating a diversity of Uses, including residential, commercial, institutional, light manufacturing and assembly in a safe, walkable, human-scaled built environment that builds on the existing land use pattern and respects the architectural characteristics and functions of the area.

Section 910.1 states that the **General Purpose** of the **Downtown Special Area** is:

To designate the Downtown area as a Special Area and to adopt the following land use regulations to achieve the objectives of the Capital City Downtown Plan.

Section 900.1 states that the **General Purpose** of the **Special Areas General Provisions** is:

to provide a means to regulate the Use, design and extent of development within specific geographic areas of the City in order to achieve the planning objectives of an Area Structure Plan or Area Redevelopment Plan for those areas with special or unique attributes, which cannot be satisfactorily addressed through conventional land Use zoning.

<i>Downtown Wide Regulations</i>

Section 910.4(1)(f) states:

The following Zoning Regulations are common to all the Downtown Special Area Zones. Further regulation may be described under individual zones.

1. Vehicular Parking

f. Surface Parking Lots:

- i. No surface parking shall be allowed, other than accessory parking that is located at the rear of a building and is accessed from the abutting alley;
- ii. A minimum 4m landscaped setback shall be provided from any property line abutting a Public Roadway, other than a lane, for any surface parking area;
- iii. The storage of materials inclusive of accumulated snow on non-accessory parking surface lots shall be in a location away from the public roadway to improve safety and visibility; and
- iv. ...

Development Officer's Determination

1. Section 910.4(1)(f)(i) states: "No surface parking shall be allowed, other than accessory parking that is located at the rear of a building and is accessed from the abutting alley." This is not accessory parking and is not located at the rear of a building; as there is no building on the Site. The surface parking lot is separated from all surrounding buildings by public roadways.
2. Section 910.4(1)(f)(ii) states: "A minimum 4m landscaped setback shall be provided from any property line abutting a Public Roadway, other than a lane, for any surface parking area." The proposed has a maximum of 1.8 m landscaped setback between the parking area and 106 Street NW. The 1.8 m setback, primarily consists of low shrubs, and does not meet the intent of screening the surface parking lot from an abutting Public Roadway.
3. Section 910.4(1)(f)(iii) states: "The storage of materials inclusive of accumulated snow on non-accessory parking surface lots shall be in a location away from the public roadway to improve safety and visibility." The proposed has two snow pile locations, however, one of the locations is visible and in near proximity to 106 Street.
[unedited]

Capital City Downtown Plan

Development Officer's Determination

4. Non-accessory Parking is a Discretionary Use within the (UW) Urban Warehouse Zone. The Capital City Downtown Plan and Transit Oriented Development Guidelines offer direction to the Development Officer in considering the approval of a Discretionary Use at the proposed location. The site straddles the Jasper Avenue and Warehouse Campus Neighbourhoods of the Capital City Downtown Plan, and is 80 m from a future Valley Line LRT station and 130 m from the existing Corona LRT station. The Development Officer notes the following direction from these Council approved documents:

- "Within the central portion of the Warehouse Campus Neighbourhood, a large number of vacant properties and surface parking lots together represent a tremendous potential for development." (Chapter 1, Land Use Context Section). Allowing a Non-accessory surface parking lot does not contribute to realizing this potential.

- "Despite very high-density zoning, or perhaps because of this favourable zoning, surface parking lots are the dominant presence in large portions of the Warehouse Campus Neighbourhood. The

abundance of these lots breaks up the urban fabric and seriously detracts from the vibrancy of this western portion of the Downtown." (Chapter 2, Challenges Section). In order to improve upon these current conditions and increase the vibrancy of the area, surface Non-accessory Parking lots should not be developed.

- "Certain areas of the Downtown, such as the Warehouse Campus Neighbourhood has an overabundance of long-term surface parking lots." (Chapter 4, Parking Downtown Section). This overabundance should not be continued through approval of this surface Non-accessory Parking lot.

- "Acquire land and develop a major new park in the Central Warehouse Area – a central community gathering place and catalyst for residential development in the Area." (Land Use and Development Policy 1.3 of the Warehouse Campus Neighbourhood). The exact target location of this proposed park space has been recently decided and it is immediately across 106 Street NW from the proposed Site. A surface Non-accessory Parking lot that is in close proximity to the future park will decrease the potential enjoyment of the park, and of it being a catalyst for residential development. The proposed Site is a prime location for said residential development.

- Around downtown stations, the Transit Oriented Development Guidelines strive to maintain and strengthen existing transit supportive uses. A surface Non-accessory Parking lot is not a Use that supports transit, and is not transit oriented development.

[unedited]


Previous Subdivision and Development Appeal Board Decisions

Application Number	Description	Decision
SDAB-D-17-080	Develop a temporary surface Non-accessory Parking lot for 10 years (previous permit expired).	May 17, 2017; The appeal is DENIED and the decision of the Development Authority is CONFIRMED . The development is REFUSED .
SDAB-D-16-294	To comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with	February 2, 2017: The appeal is ALLOWED IN PART and the decision of the Development Authority is VARIED as follows: Stop Order 000413016-003 as issued by the Development

	<p>on or before September 28, 2016.</p>	<p>Authority is UPHeld subject to the following changes:</p> <p>CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before March 15, 2017. [emphasis added]</p>
<p>SDAB-D-16-295</p>	<p>To comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This order is to be complied with on or before September 28, 2016</p>	<p>February 2, 2017:</p> <p>The appeal is ALLOWED IN PART and the decision of the Development Authority is VARIED as follows:</p> <p>Stop Order 000413016-004 as issued by the Development Authority is UPHeld subject to the following changes:</p> <p>CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before March 15, 2017. [emphasis added]</p>

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: 323710827-001 Application Date: JUN 25, 2019 Printed: August 19, 2019 at 8:40 AM Page: 1 of 3		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant	Property Address(es) and Legal Description(s) 10145 - 106 STREET NW Plan B2 Blk 5 Lot 135 10123 - 106 STREET NW Plan B2 Blk 5 Lot 133 10145 - 106 STREET NW Plan B2 Blk 5 Lot 136 10145 - 106 STREET NW Plan B2 Blk 5 Lot 134 10145 - 106 STREET NW Plan B2 Blk 5 Lot 137		
Scope of Application To develop and operate a temporary surface, Non-accessory Parking lot for up to 18 months (117 vehicular parking stalls).			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): 3479.59 </td> <td style="width: 50%; vertical-align: top;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Downtown </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): 3479.59	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Downtown
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.): 3479.59	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Downtown		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Issue Date: Aug 16, 2019 Development Authority: LOUIE, CINDY			
THIS IS NOT A PERMIT			



Project Number: **323710827-001**
 Application Date: JUN 25, 2019
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Application for Major Development Permit

Reason for Refusal

1. Section 910.4(1)(f)(i) states: "No surface parking shall be allowed, other than accessory parking that is located at the rear of a building and is accessed from the abutting alley." This is not accessory parking and is not located at the rear of a building; as there is no building on the Site. The surface parking lot is separated from all surrounding buildings by public roadways.
2. Section 910.4(1)(f)(ii) states: "A minimum 4m landscaped setback shall be provided from any property line abutting a Public Roadway, other than a lane, for any surface parking area." The proposed has a maximum of 1.8 m landscaped setback between the parking area and 106 Street NW. The 1.8 m setback, primarily consists of low shrubs, and does not meet the intent of screening the surface parking lot from an abutting Public Roadway.
3. Section 910.4(1)(f)(iii) states: "The storage of materials inclusive of accumulated snow on non-accessory parking surface lots shall be in a location away from the public roadway to improve safety and visibility." The proposed has two snow pile locations, however, one of the locations is visible and in near proximity to 106 Street.
4. Non-accessory Parking is a Discretionary Use within the (UW) Urban Warehouse Zone. The Capital City Downtown Plan and Transit Oriented Development Guidelines offer direction to the Development Officer in considering the approval of a Discretionary Use at the proposed location. The site straddles the Jasper Avenue and Warehouse Campus Neighbourhoods of the Capital City Downtown Plan, and is 80 m from a future Valley Line LRT station and 130 m from the existing Corona LRT station. The Development Officer notes the following direction from these Council approved documents:
 - "Within the central portion of the Warehouse Campus Neighbourhood, a large number of vacant properties and surface parking lots together represent a tremendous potential for development." (Chapter 1, Land Use Context Section). Allowing a Non-accessory surface parking lot does not contribute to realizing this potential.
 - "Despite very high-density zoning, or perhaps because of this favourable zoning, surface parking lots are the dominant presence in large portions of the Warehouse Campus Neighbourhood. The abundance of these lots breaks up the urban fabric and seriously detracts from the vibrancy of this western portion of the Downtown." (Chapter 2, Challenges Section). In order to improve upon these current conditions and increase the vibrancy of the area, surface Non-accessory Parking lots should not be developed.
 - "Certain areas of the Downtown, such as the Warehouse Campus Neighbourhood has an overabundance of long-term surface parking lots." (Chapter 4, Parking Downtown Section). This overabundance should not be continued through approval of this surface Non-accessory Parking lot.
 - "Acquire land and develop a major new park in the Central Warehouse Area – a central community gathering place and catalyst for residential development in the Area." (Land Use and Development Policy 1.3 of the Warehouse Campus Neighbourhood). The exact target location of this proposed park space has been recently decided and it is immediately across 106 Street NW from the proposed Site. A surface Non-accessory Parking lot that is in close proximity to the future park will decrease the potential enjoyment of the park, and of it being a catalyst for residential development. The proposed Site is a prime location for said residential development.
 - Around downtown stations, the Transit Oriented Development Guidelines strive to maintain and strengthen existing transit supportive uses. A surface Non-accessory Parking lot is not a Use that supports transit, and is not transit oriented development.

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.

THIS IS NOT A PERMIT



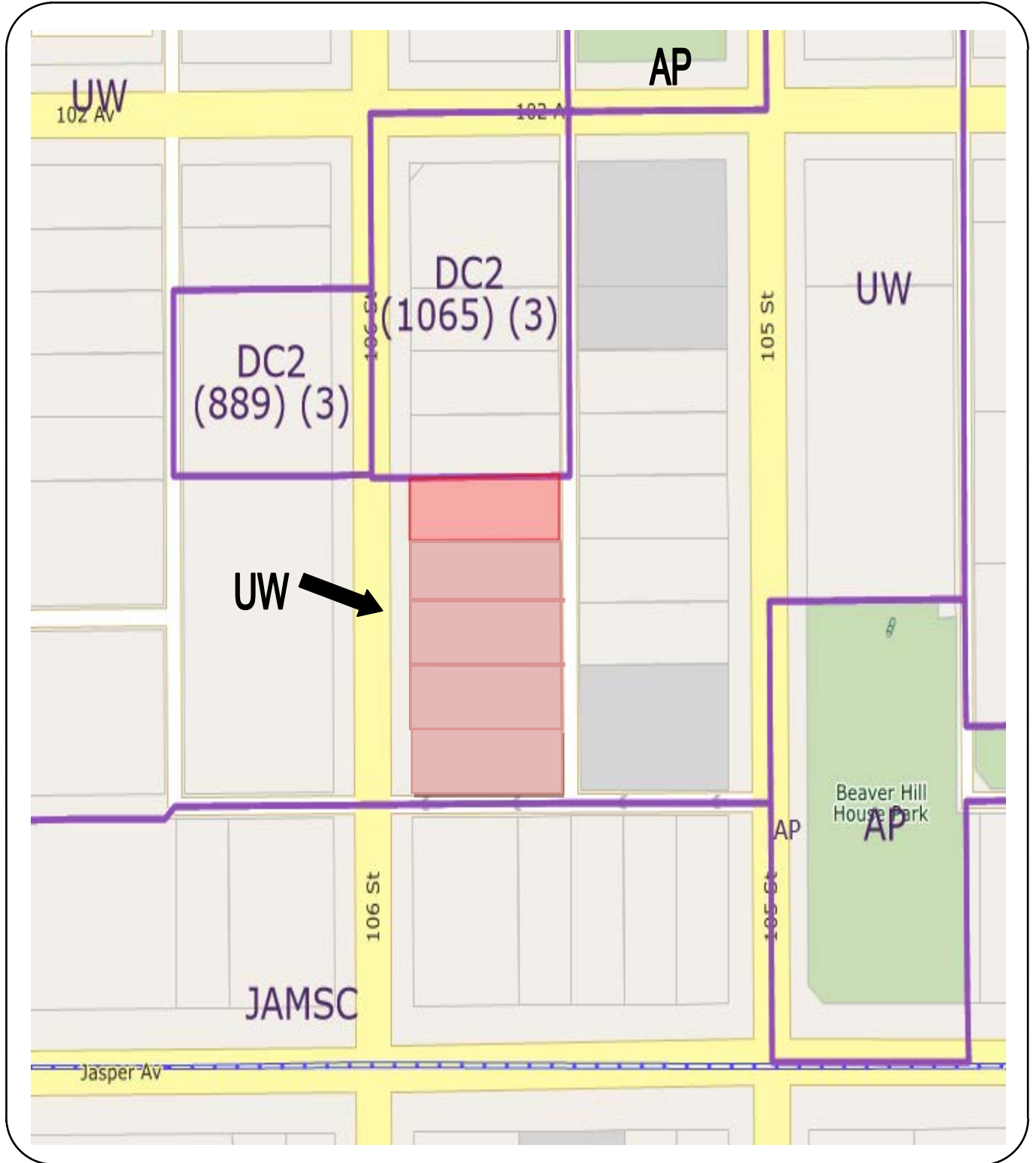
Application for Major Development Permit

Project Number: **323710827-001**
Application Date: JUN 25, 2019
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Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$518.00	\$518.00	05942796	Jun 25, 2019
Development Permit Inspection Fee	\$518.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,036.00</u>	<u>\$518.00</u>		
(\$518.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-160

