

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
April 5, 2017**

**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-17-061 Place a Temporary Sign for 90 days ending 18-JUN-2017 for EFFECTIVE SIGNS & GRAPHICS (Multi: WESTGATE MALL #2)
17010 - 90 Avenue NW
Project No.: 241646205-001

II 9:00 A.M. SDAB-D-17-062 Place a Temporary Sign for 90 days ending 18-JUN-2017 for EFFECTIVE SIGNS & GRAPHICS (Multi: WESTGATE MALL #1)
17010 - 90 Avenue NW
Project No.: 241645583-001

TO BE RAISED

III 12:30 P.M. SDAB-D-17-051 Change the Use from General Retail Stores Use and to Major Alcohol Sales Building
10020 - Jasper Avenue NW
Project No.: 180369757-011

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

ITEMS I and II: 9:00 A.M.

FILE: SDAB-D-17-061 and 062

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

APPELLANT:

APPLICATION NO.: 241646205-001 (SDAB-D-17-061) and 241645583-001 (SDAB-D-17-062)

APPLICATIONS TO: Place a Temporary Sign for 90 days ending 18-JUN-2017 for EFFECTIVE SIGNS & GRAPHICS (Multi: WESTGATE MALL#2 and #1)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATES: March 3, 2017

DATE OF APPEALS: March 13, 2017

NOTIFICATION PERIOD: Mar 9, 2017 through Mar 23, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17010 - 90 Avenue NW

LEGAL DESCRIPTION: Plan 0928218 Blk 30 Lot 10

ZONE: DC2-Site Specific Development Control Provision (746)

OVERLAY: N/A

STATUTORY PLAN: The Summerlea Neighbourhood Area Structure Plan

Grounds for Appeal

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

Inappropriate use of a temporary sign.

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

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

Designation of direct control districts

641(4) Despite section 685, 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.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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 DC2.746.3.ii, a **Temporary On-premises Sign** is a **listed Use** in the DC2.746 Site Specific Development Control Provision.

Under section 7.9(13), a **Temporary On-premises Sign** means:

any Sign that is relocatable or removable from a Site and used for advertising of a limited duration. The Copy on such a sign identifies or advertises a business, activity, product, service or entertainment located on the premises or Site where the Sign is displayed.

Under section 6.2(27), **Temporary Signs** means any On-premises or Off-premises Sign that is relocatable or removeable from a Site and used for advertising of a limited duration

DC2.746.1 states that the **General Purpose** of the **DC2.746 Site Specific Development Control Provision** is:

To accommodate a shopping center development that may include office and entertainment uses intended to serve a community or regional trade area, to remove the residential and residential related use opportunities that would conflict with the current level of contamination and to establish site development regulations, which will ensure compatibility with surrounding land uses.

DC2.746.4.1 states “Signs shall be developed in accordance with Schedule 59E.”

Section 720.3(3) states all Regulations in the Zoning Bylaw shall apply to development in the Direct Control Provision, unless such Regulations are specifically excluded or modified in a Direct Control Provision.

<i>Schedule 59E Sign Regulations</i>

Schedule 59E.2(4) states Temporary On-premises Signs shall be subject to the following regulations [UNEDITED]:

- a. for a single tenant Site with a Frontage greater than 30.0 m, not more than two Temporary On-premises Signs shall be allowed. The maximum number of Temporary Signs, whether On-premises or Off-premises, shall be two. Where the Site has a Frontage greater than 100.0 m, the Development Officer may use discretion to increase the maximum number of Temporary On-premises Signs allowed per Site;
- b. for a multiple tenant development with a Frontage of greater than 30.0 m, one Temporary On-premises Sign shall be allowed for each 30.0 m of Frontage with a minimum separation space of 30.0 m between each Sign. The maximum number of Temporary On-premises Signs shall be five.

Where multiple tenant Sites have a Frontage greater than 300.0 m, the Development Officer may use discretion to increase the maximum number of Temporary On-premises Signs allowed per Site;

- c. notwithstanding clause (b) above, where a Site with a Frontage of less than 30.0 m exists, an applicant may, by providing to the Development Officer written consent from the owners of adjacent Sites, identify to the Development Officer, a combination of Sites having a total Frontage of 30.0 m or more, in order to allow placement of a Temporary On-premises Sign;
- d. Temporary On-premises Signs shall be located within the property lines of the Site. A Temporary On-premises Sign shall not interfere with access to or from the Site and shall not impair the sight lines for vehicular traffic;
- e. Temporary On-premises Signs may be illuminated but shall not have any flashing or running lights;
- f. Temporary On-premises Freestanding Signs shall have a maximum Height of 3.0 m and a maximum Area of 5 m²; and
- g. Temporary On-premises Signs that are Volumetric Signs shall not exceed the maximum building Height of the Zone and shall not be located within any Setback. For Temporary Roof On-premises Signs that are Volumetric Signs, the combined Height of the Sign and building shall not exceed the Height of the Zone.
- i. Temporary Signs that are inflated shall not exceed the maximum building Height of the Zone and shall not be located within any Setback. When the inflated Sign is located on a building, the combined Height of the Sign and building shall not exceed the Height of the Zone;
- j. all Temporary Signs shall have a permanent tag, label, plate, marking or other means of identifying ownership of the Sign for enforcement purposes. The ownership information shall be located in a visible location on the Sign; and

- k. Temporary Signs shall be removed on or before the date that the permit expires.

<i>Section 59 Sign Regulations</i>

Section 59.2(16) of the *Edmonton Zoning Bylaw* states the maximum duration of display for each **Temporary On-premises Sign** shall be 365 days, unless otherwise specified in the Sign Schedule. Temporary On-premises Signs shall be removed on or before the date that the Development Permit expires.

Section 59.2(17) states the maximum duration of display for each **Temporary Off-premises Sign** shall be 30 days, unless otherwise specified in the Sign Schedule. Temporary Off-premises Signs shall be removed on or before the date that the Development Permit expires.

Development Officer's Determination

Section 2.7 states unless there is an explicit statement to the contrary in a Direct Control District or Provision, any specific 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.

Under the *Edmonton Zoning Bylaw (2009)* Section 59E.1(4)(d) states the maximum duration of display for each Temporary Sign location be a total of 180 days in a calendar year, provided that no Temporary Sign shall remain at a location for more than 90 consecutive days, during which time, unlimited changes to the changeable copy portion of the signs area shall be allowed. Following each removal of a Temporary Sign, the location shall remain free of Temporary signs for a minimum of 30 consecutive days.

Section 11.2(1) states the Development Officer may approve, with or without conditions as a Class B Discretionary Development, an application for development that does not comply with this Bylaw where

- (a) the proposed development would not, in their opinion:
 - i. unduly interfere with the amenities of the neighbourhood; or
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- (b) the proposed development would, in their opinion, conform with the Use prescribed for that land or building in this Bylaw.

Section 11.3(1)(a) states in approving a Development Permit Application pursuant to Section 11.2, the Development Officer shall adhere to the following: a variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same Zone.

Time Between Temporary Signs On Site - There has not been 30 days between Temporary Sign permits at this location. (Section 59E.1(4)(d))

Notice to Applicant/Appellant

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



Project Number: 241646205-001
Application Date: FEB 21, 2017
Printed: March 13, 2017 at 1:58 PM
Page: 1 of 3

Temporary Sign Permit

This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

Applicant

Property Address(es) and Legal Description(s)

17010 - 90 AVENUE NW
Plan 0928218 Blk 30 Lot 10

Scope of Permit

To place a Temporary Sign for 90 days ending 18-JUN-2017 for EFFECTIVE SIGNS & GRAPHICS (Multi: WESTGATE MALL #2)

Permit Details

Business Name (Temp. Sign): Multi: WESTGATE MALL #2
Number of Days (Temp. Sign): 90

Class of Permit: Class B
Start Date (Temp. Sign): 2017-03-20 00:00:00

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision

Approved

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



Project Number: **241646205-001**
 Application Date: FEB 21, 2017
 Printed: March 13, 2017 at 1:58 PM
 Page: 2 of 3

Temporary Sign Permit

Subject to the Following Conditions

The sign is approved starting 20-MAR-2017 and shall be removed on or before 18-JUN-2017. (Reference Section DC2.746.4(I), 59E.1(4)(d) of the April 2009 Edmonton Zoning Bylaw 12800). (Refer to Schedule 59E.)

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

For a multiple tenant development (Shopping Centre) with a Frontage of greater than 30.0 m, one Temporary Sign shall be allowed for each 30.0 m of Frontage provided that not more than four Temporary Signs shall be displayed on the same street Frontage with a minimum separation space of 30.0 m between each Temporary Sign; in no case shall there be more than four Temporary Signs per Site; (Reference Section 59E.1(4)(b))

The maximum duration of display for each Temporary Sign location shall be a total of 180 days in a calendar year, provided that no Temporary Sign shall remain at a location for more than 90 consecutive days, during which time, unlimited changes to the Copy of the Signs shall be allowed. (Reference Section 59E.1(4)(d))

Temporary On-premises Signs shall be located within the property lines of the Site. A Temporary On-premises Sign shall not interfere with access to or from the Site and shall not impair the sight lines for vehicular traffic; (Reference Section 59E.1(4)(f)) (NOTE: Portable Signs on road-right-of-way may be seized without warning.)

Temporary On-premises Signs may be illuminated but shall not have any flashing or running lights; (Reference Section 59E.1(4)(g)) (NOTE: Temporary signs shall not include electronic copy or animation.)

Temporary On-premises Freestanding Signs shall have a maximum Height of 3.0 m. and a maximum Area of 5 sq. m.; (Reference Section 59E.1(4)(h)) and

No Sign shall be erected, operated, used or maintained that:

-due to its position, shape, colour, format or illumination obstructs the view of, or shall be confused with, an official traffic Sign, signal or device, as determined by the Development Officer in consultation with the Transportation Services; (Reference Section 59.2(1)(a))

-displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles; (Reference Section 59.2(1)(b)) and

-uses spot or reflector lights directed at on-coming traffic or displays travelling or flashing messages that create a hazard to traffic on a public roadway from which the Sign is visible. (Reference Section 59.2(1)(c))

All Temporary Signs shall have a development permit approval tag issued by the City of Edmonton. (Reference Section 59.2(8))

This Development Permit is NOT valid until the required Notification Period expires and no notice of appeal has been filed, in accordance with Sections 17.1, 20 and 21.1.

NOTE: This permit is for an On-premises Sign for businesses which have valid development approval (or a valid business licence) to operate from the Site. Unless this permit is specifically granted for general advertising, portable signs containing 3rd party (general) advertising may be revoked and subject to fines without warning. (Reference Section 59.2(9))

Any Development Permit issued on the basis of incorrect information contained in the application shall be invalid and may constitute an offence. (Reference Section 13.1(7))

It is an offence for any person to place a Sign on land; for which a Development Permit is required but has not been issued or is not valid under this Bylaw. It is an offence to display a Temporary Sign without a valid Development Permit. It is an offence for a Temporary Sign to not have the Sign ownership displayed in a visible location on the Sign. It is an offence to deface, obscure or otherwise render the ownership identification illegible. It is an offence to display a Temporary Sign without a development permit approval tag issued by the City of Edmonton. It is an offence to have a Sign in an abandoned state. (Reference Section 23.2)

Temporary Signs must have authorization from the landowner or the landowner's agent to place a Temporary On-premises Sign on

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



Project Number: 241646205-001
Application Date: FEB 21, 2017
Printed: March 13, 2017 at 1:58 PM
Page: 3 of 3

Temporary Sign Permit

Temporary Signs must have authorization from the landowner or the landowner's agent to place a Temporary On-premises Sign on the land that is listed as the address for the location of the Temporary On-Premises Sign. (Reference Section 13.4(1)(f) of the Edmonton Zoning Bylaw 12800)

Variance

1. Time Between Temporary Signs On Site - There has not been 30 days between Temporary Sign permits at this location. (Section 59E.1(4)(d))

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

Issue Date: Mar 03, 2017 Development Authority: MERCIER, KELSEY


Signature: _____

Notice Period Begins: Mar 09, 2017 Ends: Mar 23, 2017

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Temporary sign permit fee	\$91.00	\$91.00	161029001001754V	Feb 21, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$91.00	\$91.00		

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

	Project Number: 241645583-001 Application Date: FEB 21, 2017 Printed: March 13, 2017 at 1:18 PM Page: 1 of 3		
Temporary Sign Permit			
This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit			
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Scope of Permit To place a Temporary Sign for 90 days ending 18-JUN-2017 for EFFECTIVE SIGNS & GRAPHICS (Multi: WESTGATE MALL #1)			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Business Name (Temp. Sign): Multi: WESTGATE MALL #1 Number of Days (Temp. Sign): 90 </td> <td style="width: 50%; border: none;"> Class of Permit: Class B Start Date (Temp. Sign): 2017-03-20 00:00:00 </td> </tr> </table>		Business Name (Temp. Sign): Multi: WESTGATE MALL #1 Number of Days (Temp. Sign): 90	Class of Permit: Class B Start Date (Temp. Sign): 2017-03-20 00:00:00
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I/We certify that the above noted details are correct. Applicant signature: _____			
Development Permit Decision Approved			
The permit holder is advised to read the reverse for important information concerning this decision.			



Project Number: **241645583-001**
 Application Date: FEB 21, 2017
 Printed: March 13, 2017 at 1:18 PM
 Page: 2 of 3

Temporary Sign Permit

Subject to the Following Conditions

The sign is approved starting 20-MAR-2017 and shall be removed on or before 18-JUN-2017. (Reference Section DC2.746.4(1), 59E.1(4)(d) of the April 2009 Edmonton Zoning Bylaw 12800). (Refer to Schedule 59E.)

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

For a multiple tenant development (Shopping Centre) with a Frontage of greater than 30.0 m, one Temporary Sign shall be allowed for each 30.0 m of Frontage provided that not more than four Temporary Signs shall be displayed on the same street Frontage with a minimum separation space of 30.0 m between each Temporary Sign; in no case shall there be more than four Temporary Signs per Site; (Reference Section 59E.1(4)(b))

The maximum duration of display for each Temporary Sign location shall be a total of 180 days in a calendar year, provided that no Temporary Sign shall remain at a location for more than 90 consecutive days, during which time, unlimited changes to the Copy of the Signs shall be allowed. (Reference Section 59E.1(4)(d))

Temporary On-premises Signs shall be located within the property lines of the Site. A Temporary On-premises Sign shall not interfere with access to or from the Site and shall not impair the sight lines for vehicular traffic; (Reference Section 59E.1(4)(f)) (NOTE: Portable Signs on road-right-of-way may be seized without warning.)

Temporary On-premises Signs may be illuminated but shall not have any flashing or running lights; (Reference Section 59E.1(4)(g)) (NOTE: Temporary signs shall not include electronic copy or animation.)

Temporary On-premises Freestanding Signs shall have a maximum Height of 3.0 m. and a maximum Area of 5 sq. m.; (Reference Section 59E.1(4)(h)) and

No Sign shall be erected, operated, used or maintained that:

-due to its position, shape, colour, format or illumination obstructs the view of, or shall be confused with, an official traffic Sign, signal or device, as determined by the Development Officer in consultation with the Transportation Services; (Reference Section 59.2(1)(a))

-displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles; (Reference Section 59.2(1)(b)) and

-uses spot or reflector lights directed at on-coming traffic or displays travelling or flashing messages that create a hazard to traffic on a public roadway from which the Sign is visible. (Reference Section 59.2(1)(c))

All Temporary Signs shall have a development permit approval tag issued by the City of Edmonton. (Reference Section 59.2(8))

This Development Permit is NOT valid until the required Notification Period expires and no notice of appeal has been filed, in accordance with Sections 17.1, 20 and 21.1.


NOTE: This permit is for an On-premises Sign for businesses which have valid development approval (or a valid business licence) to operate from the Site. Unless this permit is specifically granted for general advertising, portable signs containing 3rd party (general) advertising may be revoked and subject to fines without warning. (Reference Section 59.2(9))

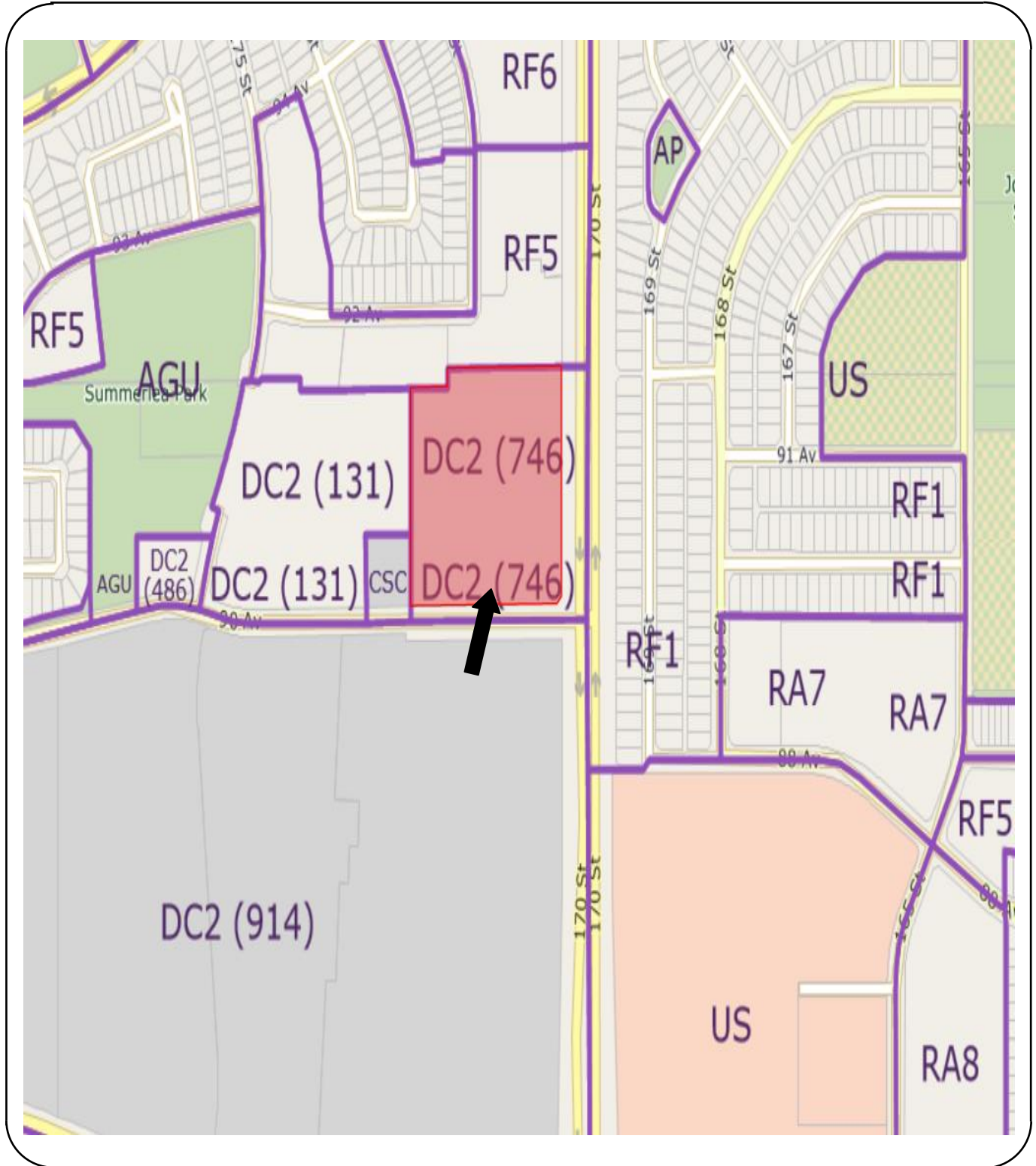
Any Development Permit issued on the basis of incorrect information contained in the application shall be invalid and may constitute an offence. (Reference Section 13.1(7))

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Temporary Signs must have notification Sign at the beginning of the Notification Period and a Temporary On-premises Sign at

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

	Project Number: 241645583-001 Application Date: FEB 21, 2017 Printed: March 13, 2017 at 1:18 PM Page: 3 of 3																				
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Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 15%; text-align: right;">Fee Amount</th> <th style="width: 15%; 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>Temporary sign permit fee</td> <td style="text-align: right;">\$91.00</td> <td style="text-align: right;">\$91.00</td> <td style="text-align: right;">J70480001001752V</td> <td style="text-align: right;">Feb 21, 2017</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$91.00</td> <td style="text-align: right;">\$91.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Temporary sign permit fee	\$91.00	\$91.00	J70480001001752V	Feb 21, 2017	Total GST Amount:	\$0.00				Totals for Permit:	\$91.00	\$91.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17- 061 and 062



TO BE RAISED
ITEM III: 12:30 P.M.

FILE: SDAB-D-17-051

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180369757-011

APPLICATION TO: Change the Use from a General Retail Store Use to a Major Alcohol Sales Building

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 1, 2017

DATE OF APPEAL: February 8, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10020 - Jasper Avenue NW

LEGAL DESCRIPTION: Condo Common Area (Plan 0425913, 1123267, 1621940)

ZONE: CCA-Core Commercial Arts Zone

OVERLAY: Special Area Downtown Overlay

STATUTORY PLAN: Capital City Downtown Plan

Grounds for Appeal

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

Our Development Permit to change the Use from General Retail Stores to Major Alcohol Sales Use has been refused. We would like to appeal the refusal on the following grounds:

- 1) The proposed development conforms with the use prescribed for CCA Core Commercial Arts Zone.
- 2) The proposed development will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

3) The proposed development is sufficiently separated from the nearest similar development.

4) Distance measurements between sites are inaccurate. Instead of (208m, 245m, 469m) should be (262m, 328m and 516m) based on Google Map.

5) The proposed development supports City's visions. Jasper Avenue is Edmonton's Main Street. City wants downtown to be Transit Oriented, to be the Primary Destination for Visitors and to be the Senior Friendly Downtown environment. Population has grown from 5,130 people in 1996 to 11,000 people in 2009 and forecast to be 24,000 people by 2030.

6) Downtown as a Transit Oriented community, we will expect more walking than driving. Walking distance measurements are (400m, 550m, 550m) and may be a better measurement.

7) Existing liquor stores are specialty Wines and Spirits stores with limited business hours. The proposed development will be a conventional liquor store serving Wines, Spirits and Cold Beer and with regular liquor store hours of Monday to Saturday 10 am - 12 am and Sunday 11 am to 10 pm.

8) Existing liquor stores are not serving the south-east part of the City as well as nearby hotel visitors. The proposed development will fill the gap of the demand; or customers will need to drive to other parts of city which negate the City's effort for Downtown and for Jasper Avenue.

<i>General Matters</i>

Appeal Information:

On March 9, 2017, the Subdivision and Development Appeal Board made and passed the following motion:

File SDAB-D-17-051 is tabled until April 5/6, 2017 in order for the Development Officer to provide an updated locational map showing **all** Alcohol Sales Uses within 500 metres of the proposed development. This includes UnWined located in Edmonton City Center Mall (10205 – 101 Street) and the distance of the proposed development to the Alcohol Sales Use with Project #00838734-001. The Development Officer should confirm the 500 metres separation distance is measured from the closest point of the Alcohol Sales Use to the closest point of any other approved Alcohol Sales Use, as opposed to distances between Site boundaries. The Development Officer is to provide this information to the Board and Appellant no later than March 29, 2017.

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (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 910.5(2)(s), **Major Alcohol Sales** is a **Permitted Use** in the **CCA Core Commercial Arts Zone**.

Under section 7.4(28), **Major Alcohol Sales** means development used for the retail sales of any and all types of alcoholic beverages to the public where the Floor Area for the individual business premises is greater than 275 square metres. This Use may include retail sales of related products such as soft drinks and snack foods.

Section 910.5(1) states that the **General Purpose** of the **CCA Core Commercial Arts Zone** is to provide a Zone for a variety of high density and quality development that accommodates office, retail, service, institutional, residential, arts and entertainment Uses and meet the Use objectives for the Commercial Cultural Core. The intent is to further strengthen the Downtown's central area by providing continuous retail at Grade, enhancing arts and entertainment activities, accommodating Residential Uses and making the Core more pedestrian friendly.

Location

Section 85(1) states any Major Alcohol Sales or Minor Alcohol Sales shall not be located less than 500 metres from any other Major Alcohol Sales or Minor Alcohol Sales.

Section 85(2) states notwithstanding subsection 85(1), a Major Alcohol Sales or Minor Alcohol Sales may be located less than 500 metres from any other Major Alcohol Sales or Minor Alcohol Sales if all the following regulations are met:

- a. the Major Alcohol Sales or Minor Alcohol Sales are located on separate Sites;
- b. the Major Alcohol Sales or Minor Alcohol Sales are located outside the boundary shown in Appendix 1 to Section 85; and
- c. at least one of the Major Alcohol Sales or Minor Alcohol Sales is located on a Site greater than 2.5 ha in size that is zoned CSCa, UVCa, GVC, TC-C, DC1, DC2, CSC, CB1, CB2, CHY, CO or CB3.

Section 85(3) states for the purposes of Section 85, the 500 metres separation distance shall be measured from the closest point of the Major Alcohol Sales or Minor Alcohol Sales Use to the closest point of any other approved Major Alcohol Sales or Minor Alcohol Sales Use.

Section 85(6) states notwithstanding Section 11 of this Bylaw, a Development Officer shall only grant a variance to subsection 85(1) or subsection 85(2) as outlined in subsections 85(7), 85(8) and 85(9).

Section 85(7) states when the Development Officer receives an application for a Development Permit that is for the purpose of accommodating the temporary relocation of an approved Major Alcohol Sales or Minor Alcohol Sales within 500 metres of its original location, a variance to subsection 85(1) or subsection 85(2) may be granted where:

- a. the application for the Development Permit is for a Temporary Development, in order to limit the introduction of an additional Major Alcohol Sales or Minor Alcohol Sales within 500 metres of the original approved Development Permit;
- b. the temporary location for any Major Alcohol Sales or Minor Alcohol Sales is not within 500 metres of any legally conforming Major Alcohol Sales or Minor Alcohol Sales;
- c. the application for a Development Permit will not result in a total Floor Area for a Major Alcohol Sales or Minor Alcohol Sales that is 10.0 percent greater than the Floor Area of the existing approved Major Alcohol Sales or Minor Alcohol Sales, to a maximum increase of 50 square metres; and
- d. the application for a Development Permit will not result in a change of Use from Minor Alcohol Sales to Major Alcohol Sales.

Section 85(8) states when a Development Officer receives an application for a Development Permit that is for the purpose of accommodating the reversion of an existing approved Major Alcohol Sales or Minor Alcohol Sales back to its original location on a Site, a variance of subsection 85(1) or subsection 85(2) may only be granted where the application for the reversion is submitted to the Development Officer within 5 years of the date of vacating the original location and the application will not result in a total Floor Area that is greater than the original approved Major Alcohol Sales or Minor Alcohol Sales.


Section 85(9) states the issuance of a Development Permit which contains a variance pursuant to subsection 85(7) shall be issued as a Temporary Development for a duration of up to 5 years or less, to be determined by the Development Officer.

Development Officer's Determination:

Justification for Refusal: The proposed liquor store is less than 500 metres from a number of existing Major/Minor Alcohol Sales Use developments (208 metres, 245 metres, 469 metres). The proposed liquor store does not meet any of the exclusion requirements in order to grant a variance, therefore there is clear direction one shall not be granted.

Notice to Applicant/Appellant

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

	Project Number: 180369757-011 Application Date: DEC 15, 2016 Printed: February 9, 2017 at 8:55 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Major Development Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant <div style="border: 1px solid black; width: 250px; height: 50px; margin: 10px auto;"></div>	Property Address(es) and Legal Description(s) 10020 - JASPER AVENUE NW Condo Common Area (Plan 0425913,1123267,1621940)
	Specific Address(es) Suite: 1C, 10020 - JASPER AVENUE NW Entryway: 10020 - JASPER AVENUE NW Building: 10024 - JASPER AVENUE NW
Scope of Application To change the Use from General Retail Stores Use and to Major Alcohol Sales Building.	
Permit Details	
Class of Permit: Gross Floor Area (sq.m.): 287.72 New Sewer Service Required: N Site Area (sq. m.): 1398.64	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: Downtown
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused Reason for Refusal 1) Any Major Alcohol Sales or Minor Alcohol Sales shall not be located less than 500 m from any other Major Alcohol Sales or Minor Alcohol Sales (Reference Section 85(1)). 2) Notwithstanding Section 11 of this Bylaw, a Development Officer shall only grant a variance to subsection 85(1) or subsection 85(2) as outlined in subsections 85(7), 85(8) and 85(9) (Reference Section 85(6)). Justification for Refusal: The proposed liquor store is less than 500m from a number of existing Major/Minor Alcohol Sales Use developments (208m, 245m, 469m). The proposed liquor stores does not meet any of the exclusion requirements in order to grant a variance, therefore there is clear direction one shall not be granted.	
Rights of Appeal The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.	
Issue Date: Feb 01, 2017 Development Authority: CORMIER, LUKE Signature: _____	
THIS IS NOT A PERMIT	



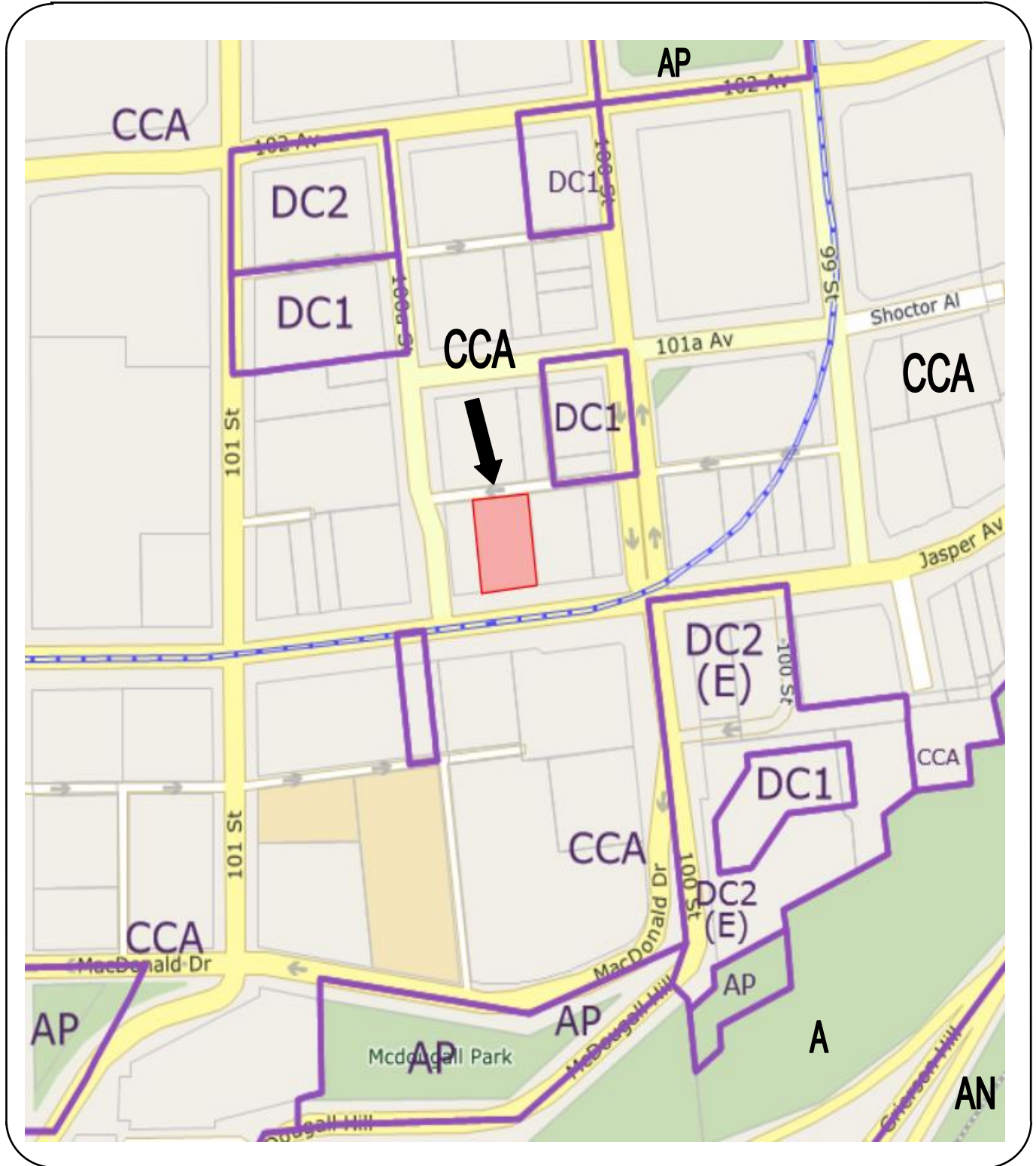
Project Number: **180369757-011**
Application Date: DEC 15, 2016
Printed: February 9, 2017 at 8:55 AM
Page: 2 of 2

Application for Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$260.00	\$260.00	03811464	Dec 15, 2016
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$260.00	\$260.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-051

