



**Subdivision and
Development Appeal Board**

Office of the City Clerk
Main Floor, Churchill Building
10019 – 103 Avenue NW
Edmonton, AB T5J 0G9
Telephone: (780) 496-6079
Fax: (780) 496-8175

DATE: March 7, 2013
APPLICATION NO: 70837083-001
FILE NO.: SDAB-D-13-036

NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This appeal dated January 28, 2013, from the decision of the Development Authority for permission to:

Construct an Apartment House (120 Dwellings)/General Retail use (main floor) Building

on Lots 212 to 217, Block 11, Plan B4, located at 10530 – 111 Street NW, was heard by the Subdivision and Development Appeal Board at its hearing held on February 20, 2013. The decision of the Board was as follows:

SUMMARY OF HEARING:

“At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to approve, subject to conditions and with variances, an application to construct an Apartment House (120 Dwellings)/General Retail Use (main floor) Building, located at 10530 – 111 Street NW. The subject site is zoned DC1 Direct Development Control Provision. The approved development permit application was appealed by the Queen Mary Park Community League because it does not conform with the Central McDougall/Queen Mary Park Area Redevelopment Plan.

At the outset of the hearing the Presiding Officer asked the Appellant to address Section 641(4) of the *Municipal Government Act*, Chapter M-26 which states that despite Section 685, if a decision with respect to a development permit application in respect of a direct control district is

SUMMARY OF HEARING (CONTINUED):

made by a council, there is no appeal to the subdivision and development appeal board, or 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.

The Board first heard from the Appellant, Mr. Derrick Forsythe, President of the Queen Mary Park Community League, who made the following points in support of the appeal:

1. While the Community League supports new development on this vacant industrial site, it is their opinion that all new developments in their community should comply with the minimum parking requirements because of the existing ongoing parking problems.
2. When the Central McDougall/Queen Mary Park Area Redevelopment Plan was adopted, almost a decade ago, one of the four pillars identified by the Community League was parking. It was his opinion that there is a direct link between cars spilling onto the streets and petty crime and theft which are long standing community concerns.
3. The proposed development is one of four large residential developments in this area since the new Area Redevelopment Plan was adopted.
4. The three previous developments have complied with Section 54 of the Edmonton Zoning Bylaw and provided the minimum required number of parking spaces which have been completely enclosed or located underground.
5. The concern with the proposed parking is the relaxation of 29 parking spaces. This brings the cumulative total in a 5 block area over the past 5 years to approximately 200 stalls which is close to critical mass.
6. This, coupled with the fact that Transportation Services has confirmed that 105 Avenue will be converted to a pedestrian corridor at some point in the future, will create even more on street parking problems.
7. Google maps illustrates that the spaces in and around the subject site are already at capacity. Spilling more parking onto the street will contribute to petty crime in this neighbourhood.
8. Mr. Forsythe indicated that he did not see a Crime Prevention Through Environmental Design Assessment when he visited the Subdivision and Development Appeal Board office to review the plans.

SUMMARY OF HEARING (CONTINUED):

9. If this parking variance is granted it will result in approximately a 1.1 million dollar savings for the developer, which puts this development at a competitive advantage to the three that are already built and selling units.
10. He acknowledged that there is public transit along 107 Avenue but noted that LRT on 104 Avenue is years away.
11. It was the opinion of the Community League that if this variance is allowed it will set a precedent for other developers who come into the area.
12. It is the opinion of the Community League that partially covered parking provides a haven for transient and homeless individuals and is contrary to the Crime Prevention Through Environmental Design principles.
13. The subject site is located between the downtown Bottle Depot and the Mustard Seed Community Support Centre and is in the travel corridor of individuals who are using these support services.
14. While not all of these individuals commit petty crime, homeless and street people have a higher incidence of being involved in petty crime and theft.
15. The Community League is asking that even if the Board grants the parking variance, all parking should be secured underground parking to comply with the spirit and intent of the Area Redevelopment Plan.

Mr. Forsythe provided the following responses to questions:

1. Four recent non-residential developments in this neighbourhood have been approved with parking variances and this has a cumulative impact on parking in the area.
2. The community north of 106 Avenue is comprised of one or two storey walk-ups. Tenants park on the street to avoid paying for onsite parking.
3. Transportation Services has confirmed that 105 Avenue will be upgraded and developed into a walkable corridor.
4. The area between 105 Avenue and 106 Avenue is currently heavily used for on street parking.
5. Mr. Forsythe did not know if Transportation Services has conducted an official survey of on street parking in this area.
6. The area is comprised of small commercial developments that all use on street parking, which fact is accurately illustrated in the Board photographs.

SUMMARY OF HEARING (CONTINUED):

7. The parking behind the proposed building is covered, not enclosed, which shelters the cars but may also provide shelter for individuals travelling through the neighbourhood.
8. During the summer months Hope Mission distributes supplies to homeless individuals in this area.
9. The Community League wants this area to be safe and walkable for families.
10. The Community League does not have any concerns regarding the other variances that were granted for the proposed development.
11. Three previous residential developments in this neighbourhood have completely complied with the parking requirements and have provided either underground parking or full enclosed secure parking.
12. The Community League estimates the cost of an underground parking space at \$40,000.00. Therefore the deficiency in the minimum required number of parking spaces is a significant advantage for the developer.
13. The Community League wants the playing field to be the same for all developers. It was his opinion that this variance will set precedence for all other developers to seek a parking variance.
14. The Community League wants to maintain the integrity of the plan in order to get the end result which is a vibrant mixed use community.
15. It has been the experience of the Community League that developers do not always adhere to the plan once the development permit has been issued.
16. It was his opinion that there is no good reason for the developer not to provide parking either underground or in a secured area.
17. It is the opinion of the Community League that the developer should comply with the guidelines of the DC1 (Area 2 – Precinct “D”) Direct Development Control Provision and the Central McDougall/Queen Mary Park Area Redevelopment Plan.

The Board then heard from Mr. Kirk Bacon, representing the Sustainable Development Department, who provided the following responses to questions:

1. The letter from the Edmonton Design Committee dated February, 2009, indicates that the developer addressed all of the concerns regarding pedestrian access along 111 Street and the rear lane.
2. Thirteen of the proposed 25 tandem parking spaces were accepted pursuant to Section 54.
3. It was his opinion that the proposed surface parking at the rear of the building was intended only for short-term visitor parking and retail use.

SUMMARY OF HEARING (CONTINUED):

4. Mr. Bacon clarified that the required parking variance is 23 parking spaces.
5. Transportation Services supported the required variance because the subject site is located in close proximity to MacEwan University and public transit.
6. It was his opinion that the proposed development complies with the Crime Prevention Through Environmental Design principles because adequate lighting and video surveillance is proposed at the rear of the building for the visitor and retail parking
7. He was not aware of any future parking bans being considered by Transportation Services along 111 Street.
8. It was his opinion and that of his Manager that it was not necessary to have the revised plans reviewed by the Edmonton Design Committee because they were similar to the plans that were previously reviewed.

The Board then heard from the Mr. Jim Der, representing the Appellant, Roth & Der Architects Ltd. Mr. Der made the following points in support of the appeal:

1. It was his opinion that all of the requirements of the DC1 have been met.
2. The target market is students attending MacEwan University and individuals who desire an urban lifestyle to live and work downtown.
3. The subject site is underdeveloped in terms of density and height.
4. The building was sited as close to the front property line as possible to comply with the development requirements.
5. A variance of 23 parking spaces is required for the residential component of the proposed development. The required visitor and retail parking complies with the Bylaw requirements.
6. It was his opinion that not all of the proposed residential parking spaces will be occupied because many of the individuals in their target market will choose to walk or use public transportation.
7. It was his opinion that the proposed development complies with the Crime Prevention Through Environmental Design principles because the partially covered parking area at the rear of the building will be lit 24 hours per day, all of the entrances will have video surveillance and every attempt has been made to eliminate hidden corners in the proposed parking area.
8. The only access to the proposed visitor/retail parking spaces will be from the rear lane because a fence will be erected around the remainder of the subject site.

SUMMARY OF HEARING (CONTINUED):

Mr. Der provided the following responses to questions:

1. The current ownership group plans to use the proposed development as a rental property.
2. Mr. Der did concede that the building could be sold as condominiums by new owners in the future.
3. The proposed dwelling units are smaller in order to be more affordable as rental units.
4. The proposed design was developed to match the subject site.
5. It was the decision of the Development Officer not to forward these revised plans to the Edmonton Design Committee.
6. The windows on each end of the proposed interior atrium have been setback to allow sufficient light into the building, regardless of what development may occur on abutting properties.
7. While it was acknowledged that Precinct D.5(p) of the DC1 (Area 2) was unclear regarding whether the width of the required extension should be parallel to the street or perpendicular to the building, he confirmed that the proposed canopy provides weather protection one Storey above sidewalk level to provide a comfortable environment for pedestrians.
8. It was clarified that the proposed canopy at the rear of the building is not continuous.

The Board then heard from Mr. Forsythe who made the following points in rebuttal:

1. It was his opinion that the Development Officer did not follow the direction of Council because the plans for the most recent development were not submitted to the Edmonton Design Committee.
2. Section 55(4)(3) of the Edmonton Zoning Bylaw does require the developer to fence or provide perimeter plantings around the proposed parking area at the rear of the building. This will screen vehicles from adjacent property owners and creates some safety concerns.
3. He reiterated his concern that the proposed development could become a condominium building in the future.
4. He expressed concern that there are no guarantees that the proposed development will continue to be used as a rental property.
5. He acknowledged that the parking variance is 23 spaces and not 29 spaces as previously indicated which results in a \$920,000 savings for the developer.
6. Within two years, 105 Avenue will be a pedestrian corridor and will no longer be accessible to vehicles between 109 and 116 Street.

DECISION:

that the appeal be DENIED and the decision of approval by the Development Authority CONFIRMED

The Development Authority's decision of approval contains the following variances and conditions:

Variances:

Section 54.2, Schedule 1A(1) relaxed - the minimum number of required onsite vehicular parking stalls for the Apartment Housing is reduced from 151 to 128 stalls.

Section DC1.Precinct D.4(g) relaxed - onsite parking stalls and upper floor cantilevered balcony projections are proposed within a portion of the required Rear 2 metres landscaped Setback abutting the lane.

Section DC1.Precinct D.5(p) relaxed - the proposed commercial storefront canopies are to the satisfaction of the Development Officer.

Conditions:

1. All development, including signs, shall be serviced by underground power, telephone and C.A.T.V. services;
2. Each of the proposed Apartment House Dwellings shall be a residence for a single Household in accordance to Section 6.1(48). Reference Section 6.1(26);
3. Secure indoor bicycle parking shall be provided for residents to the satisfaction of the Development Officer in consultation with the Transportation Department. Reference Section DC1.Precinct D.4(o);
4. A total of 42 vehicular parking stalls shall be provided for the proposed General Retail Use;
5. The developer shall provide 18 visitor parking stalls readily available to an entrance of the building to be served, and clearly identified as visitor parking to the satisfaction of the Development Officer. Reference Section 54.2, Schedule 1A(1);
6. The parking stalls and drive aisle dimensions at Grade and in the underground parkade shall be in accordance to Section 54.2.4(a);

DECISION (CONTINUED):

NOTE: The applicant has indicated that the site will be serviced by a private waste collection provider. Under the City's Waste Management Bylaw, the building will be assessed monthly residential waste service fees whether or not City waste collection services are used. The Waste Management Branch has indicated that the proposed waste collection location is too far from the lane to be serviced by City crews. If the building wants use City Waste collection services, the proposed waste collection location shall be revised to the satisfaction of the Development Officer in consultation with the Waste Management Branch (a development permit application may be required for this change).

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

The Transportation Department has the following conditions:

- 1) The owner/applicant must construct a minimum 2.0 metres boulevard sidewalk on the west side of 111 Street adjacent to this development.
- 2) The owner/applicant must fill-in the two existing accesses located on the west side of 111 Street.
- 3) The owner must enter into a Municipal Improvement Agreement with the City for the following improvements:
 - a) construction of sidewalk adjacent to the development on the west side of 111 Street;
 - b) filling-in of the existing accesses and constructing with straight-faced curb and gutter;

The Municipal Improvement Agreement must be signed PRIOR to the release of the drawings for Building Permit review. The Agreement must be signed by the property owner and returned to Transportation Services to the attention of Loli Fernandez (780-944-7683) including an irrevocable Letter of Credit in the amount of \$40,000 to cover 100 percent of construction costs. The Agreement will be forwarded directly to the owner for their signature. Once signed, the owner is required to have a Civil Engineer submit stamped engineering drawings for approval by the Transportation Services.

- 4) Any underground parking access card devices must be located on site, a minimum of 3 metres inside the property line.

DECISION (CONTINUED):

- 5) The underground driveway ramp must not exceed a slope of 6 percent for a minimum distance of 4.5 metres inside the property line and the ramp must be at grade at the property line. The proposed ramp slope submitted by the applicant is acceptable to Transportation Services.
- 6) There are exterior doors that will swing out and encroach into road right-of-way. Transportation Services will NOT support this encroachment. The entranceways must be redesigned to ensure the doors do not encroach over road right-of-way.
- 7) The proposed door canopy/overhang and parapets are encroaching over road right-of-way. The owner/applicant must enter into an Encroachment Agreement with the City. The owner/applicant must contact Kerry Bauer (780-496-6153) or Yan Lu (780-496-8487) of Sustainable Development for information on the agreement.
- 8) This development is proposed to be constructed up to the property line. The owner/applicant must enter into an Encroachment Agreement with the City for any pilings, shoring & tie-backs to remain within road right-of-way. The owner/applicant must contact Kerry Bauer (780-496-6153) or Yan Lu (780-496-8487) of Sustainable Development Services for information on the agreement. The applicant is responsible to provide Sustainable Development with a plan identifying all existing utilities on road right-of-way within the affected area of the encroachment.
- 9) There are existing power poles with Telus facilities in the alley that may interfere with access to a proposed parking stall/access to the site. Should relocation of the pole/guy-wire be required, all costs associated with relocation must be borne by the owner/applicant. The applicant should contact Wendy Nixon (780-412-3128) of EPCOR Distribution & Technologies and Walter Bukkems (780-991-8300) of Telus for more information.
- 10) There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
- 11) The additional proposed boulevard trees and landscaping located internal to the development site along the alley to the west of the development shall be provided to the satisfaction of Sustainable Development and Transportation Services. Detailed landscaping plans,

DECISION (CONTINUED):

including all existing and proposed utilities within the road right-of-way must be submitted as part of the Development Permit application for review and approval by Sustainable Services and Transportation Services. If the owner/applicant wishes to pursue landscaping within the boulevard, please contact Martina Gardiner (780-496-3443).

12) Any hoarding or construction taking place on road right-of-way requires an OSCAM permit. The owner must call Transportation Operations at 780-442-6458 to arrange for the permit.

13) Any alley damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The alley will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

Transportation Department Advisement:

1) Residential Sales Trailers require a separate Development Permit. Construction trailers must be located on private property or within the hoarded area.

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

The applicant shall submit a revised landscape plan to the satisfaction of the Development Officer. The landscape plan shall be consistent with the approved Site Plan.

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

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

Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping

DECISION (CONTINUED):

is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. Reference Section 5(6).

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the property owner shall pay a Redevelopment Levy in the amount of \$264,000.00 to the City of Edmonton to fund the acquisition of public park space as identified in the Central McDougall/Queen Mary Park Area Redevelopment Plan. The required redevelopment levy is 8 percent of the estimated market value (\$3,300,000.00) of the site as established by the submitted market value appraisal.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$180.00.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$105,347.58. All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

The owner, when deemed necessary, shall be responsible for analyzing a portion of the sewer system affected by the development Site to determine sewer servicing and upgrading requirements to the satisfaction of the Drainage Services Branch of the Asset Management and Public Works Department. Reference Section DC1.Precinct D.4(s).

All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building or concealed by incorporating it within the building. Reference Section 4(t) of the DC1. Precinct D Provision.

Main building entrances for any Use shall be designed for universal accessibility. Reference Section 5(r) of the DC1.Precinct D provision.

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

DECISION (CONTINUED):

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

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

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

NOTES:

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

REASONS FOR DECISION:

The Board finds the following:

1. Section 641(4)(b) of the *Municipal Government Act*, Chapter M-26 states, “if a decision with respect to a development permit application in respect of a direct control district 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.”
2. Apartment Housing is a listed Use in the DC1 (Area 2 – Precinct ‘D’) Direct Development Control Provision, Section 3(a).
3. General Retail Stores are a listed Use in the DC1 (Area 2 – Precinct ‘D’) Direct Development Control Provision, Section 3(e).

REASONS FOR DECISION (CONTINUED):

4. The proposed development fully complies with Section 2 of the DC1 (Area 2 – Precinct ‘D’) Direct Development Control Provision which states that the rationale of this district is to accommodate a business residential mixed use node that creates a compatible and diverse mixture of residential, office, and commercial land uses at a human scale with a built form that has a strong relationship to the street and accommodates pedestrian activity along the 105 Avenue Multi-use Trail Corridor.
5. The Board has determined that the Development Authority did follow the direction of City Council because of the following:
 - a) Section 4(n) of the DC1 (Area 2 – Precinct ‘D’) states that Vehicular and Bicycle Parking for all Uses shall be in accordance with Section 54 of the Edmonton Zoning Bylaw;
 - b) Section 54.2(g) of the Edmonton Zoning Bylaw states that the Development Officer may use his variance power to relax the vehicular parking requirements in Schedule 1, the Bicycle Parking requirements in Schedule 2 and the loading requirements in Schedule 3, however such a variance shall only be considered in cases where the nature of the Use, the size of the Site, or other physical constraints result in a situation where the requirements cannot be met on-site without unnecessary hardship or practical difficulties. In this case the Development Officer properly exercised these variance powers by recognizing that the proposed Apartment Use is close to the downtown core and in close proximity to existing and proposed public transportation and is intended to provide housing for students attending the nearby MacEwan University and for individuals seeking an urban lifestyle who will require less onsite parking.
 - c) Based on the evidence provided, the nature of the Use is a mixed-use development, primarily Residential with Commercial Uses on the ground floor. The Edmonton Zoning Bylaw required parking to serve each discrete use as if each use stood alone, but differences in parking demand timing can lower parking needs. Although the parking areas for these two uses are physically separated there are opportunities for the Residential Use to share the surface parking area, if needed. At night, residents can park in empty spaces designated for Commercial Uses during the day. Therefore, parking requirements can be eased in this type of mixed-use development. Thus, in the aggregate, some spaces can serve double duty.

REASONS FOR DECISION (CONTINUED):

- d) Given the site size, the only alternative for compliance with the parking requirements would be to construct a second level of underground parkade. Since parking garage construction has become very expensive, imposing full compliance with the parking requirements of the Edmonton Zoning Bylaw would be an unnecessary hardship.
- e) Both parties provided evidence that this area is a neighbourhood in transition undergoing redevelopment, and until public improvements are complete, real estate appreciation may be a challenge. It is the opinion of the Board that the variance granted might be especially beneficial economically for the type of product being offered at this location, close to MacEwan University, and in close proximity to existing and proposed public transportation. The reduced size of the Apartment units will create a market for residents or tenants committed to walking, biking and transit, and who may or may not value car ownership as a high priority, reducing the burden on onsite parking.
- f) The variance granted to allow encroachment into the required 2 metre rear Setback is warranted because the Setback is unaffected by the cantilevered balcony projections on the upper floors and is minimally affected by the on-site visitor and commercial parking spaces that are interspersed with landscaping. Clearly, Council did not intend this rear Setback to be uninterrupted because access to parking, loading zones and garbage can occur only off the lane.
- g) The Development Officer's decision to vary Section 5(p) of the DC1 (Area 2 – Precinct 'D') Direct Development Control Provision is warranted because he was satisfied that the proposed canopy suited the architectural style of the proposed building and provided a comfortable environment for pedestrians. Further, the meaning of the phrase "at least 2.0 metres wide" is unclear and is modified by "or any other method suitable to the architectural style of the building"
- h) Even though referral to the Edmonton Design Committee is not a requirement of the applicable DC1 provision, the Development Officer has complied with Section 14.7 of the Edmonton Zoning Bylaw, which states that the Development Officer, prior to rendering a decision on the Development Permit application, shall refer such applications to the Edmonton Design Committee in

REASONS FOR DECISION (CONTINUED):

accordance with Bylaw 14054 for the Committee to review.

Before rendering a decision, the Development Officer shall consider the Committee's comments.

6. Based on the evidence provided, the Board is satisfied that the Development Authority did follow the direction of City Council in approving the proposed development and this Board has no justification to substitute its decision for the decision of approval by the Development Authority pursuant to Section 641(4)(b) of the *Municipal Government Act*.”

IMPORTANT INFORMATION FOR APPLICANT/APPELLANT

1. **THIS IS NOT A BUILDING PERMIT.** A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.
2. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
3. A Development Permit shall expire and shall no longer be valid after one year from the date of approval of the Permit, if no construction has been initiated. However, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed. For further information, refer to Section 22 of the Edmonton Zoning Bylaw, 12800.
4. Notwithstanding clause (3) above, if a Building Permit is issued for the development within the twelve month period, the Development Permit issued therefore shall not lapse unless and until the Building Permit so issued is cancelled or allowed to lapse by virtue of work not having commenced within the statutory minimum period.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

NOTE: Citizens can call 311, 24-hours a day, every day of the year for access to City of Edmonton information, programs and services.

Mr. N. Somerville, Presiding Officer
SUBDIVISION AND DEVELOPMENT
APPEAL BOARD

c.c.