



# The City of Calgary

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June 5, 2013

HAYSOM, RICHARD PLATT  
2132 23 AVE SW  
CALGARY, AB T2T 0W1

Dear Sir/Madam:

**RE: Notification of Decision DP2012-5266**  
**Subject: Change of Use: Multi-Residential Development (triplex)**  
**Project:**  
**Address: 26 31 AV SW**

This is your notification of the decision by the Development Authority to approve the above noted application on May 29, 2013.

Read all of the Permanent Conditions of approval carefully as they form part of the approval decision. The Prior to Release Requirements must be met to the satisfaction of the Development Authority before your Development Permit will be released to you. The Permanent Conditions form part of the approval decision. Advisory Comments, if applicable, are also attached and are intended to be of assistance in obtaining additional permits and supplementary information for the successful completion of your development.

Development approved by this permit must commence by May 29, 2015 or the development permit shall cease to be valid.

The decision will be advertised once in the Calgary Herald on June 6, 2013, which is the start of the mandatory 14 day appeal period.

For this type of permit both the applicant and any other parties may appeal this decision. You may choose to appeal any of the Prior to Release Requirements and the Permanent Conditions of approval within 14 days of receipt of this letter. An appeal along with reasons must be submitted, together with payment of a \$25.00 fee, to the Subdivision and Development Appeal Board (4th floor, 1212 31 Ave N.E., Calgary T2E 7S8)). An appeal may also be filed online at [www.calgary.ca/sdab/onlineappeal](http://www.calgary.ca/sdab/onlineappeal). To obtain an appeal form, for information on appeal submission options or the appeal process, please call 268-5312.

Please note that this letter is to advise you of the conditions of approval, the mandatory advertising appeal period and the timeframe in which you may appeal this decision. Once the appeal period has lapsed and no appeal has been filed you will be required to meet the Prior to Release Requirements after which you will be contacted by telephone to pick up your Development Permit. Should you require clarification of the above or further information, please contact me at (403) 268-8994 or by fax at (403) 268-1997 and assist me by quoting the Development Permit number.

Yours truly,

Joshua Ross

Planning Implementation  
Attachment(s)



# The City of Calgary

DEVELOPMENT & BUILDING APPROVALS  
CORPORATE PLANNING APPLICATIONS GROUP (CPAG)

## Conditions of Approval – Development Permit

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**Application Number:** DP2012-5266  
**Application Description:** Change of Use: Multi-Residential Development (triplex)  
**Land Use District:** Multi-Residential - Contextual Grade-Oriented  
**Use Type:** Discretionary  
**Site Address:** 26 31 AV SW  
**Community:** ERLTON  
**Applicant:** HAYSOM, RICHARD PLATT  
**Date of Decision:** May 29, 2013

### CPAG Team:

#### Planning

JOSHUA ROSS (403) 268-8994 Joshua.Ross@calgary.ca

#### Urban Development

DAN DAVENPORT (403) 268-5083 dan.davenport@calgary.ca

#### Transportation

DALE LYNCH (403) 268-1613 Dale.Lynch@calgary.ca

#### Parks

SARAH HBEICHI (403) 268-5344 sarah.hbeichi@calgary.ca

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## Prior to Release Requirements

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The following requirements shall be met prior to the release of the permit. All requirements shall be resolved to the satisfaction of the Approving Authority:

### Planning:

1. Amend the plans to indicate screening on the east and west sides of the common amenity area (South patio).
2. Amend the plans to indicate fixed seating within the common amenity area (South patio).
3. Amend the plans to provide privacy screening on the west side of both the front and rear decks.
4. Amend the plans to indicate the dwelling's proposed use as opposed to "single detached".

**Urban Development, Transportation, Parks:**

No comments.

**Permanent Conditions**

The following permanent conditions shall apply:

**Planning:**

5. The development shall be completed in its entirety, in accordance with the approved plans and conditions.
6. No changes to the approved plans shall take place unless authorized by the Development Authority.
7. A Development Completion Permit shall be issued for the development; **before the use is commenced or the development occupied**. A Development Completion Permit is independent from the requirements of Building Permit occupancy. Call Development Inspection Services at 403-268-5311 to request a site inspection for the Development Completion Permit.
8. No exterior wall or portion thereof can be removed or structurally altered unless identified on the approved plans released with this permit. Any exterior wall removal or alterations not approved by the floor plans released with this permit requires approval by a new Development Permit application.

**Urban Development:**

9. If during construction of the development, the developer, the owner of the titled parcel, or any of their agents or contractors becomes aware of any contamination,
  - a. the person discovering such contamination shall immediately report the contamination to the appropriate regulatory agency including, but not limited to, Alberta Environment, Alberta Health Services and The City of Calgary (311).
  - b. on City of Calgary lands or utility corridors, The City of Calgary, Environmental and Safety Management division shall be immediately notified (311).
10. The developer shall be responsible for the cost of public work and any damage during construction in City road right-of-ways, as required by the Manager, Urban Development. All work performed on public property shall be done in accordance with City standards.
11. Indemnification Agreements are required for any work to be undertaken adjacent to or within City rights-of-way areas for the purposes of surface improvements, utility work, etc. All temporary shoring, etc., installed in the City rights-of-way, areas must be removed to the satisfaction of the Manager of Urban Development, at the applicant's expense, upon completion of the foundation. Prior to permission to construct, contact the Indemnification Agreement Coordinator, Roads at 403-268-3505.
12. The developer / project manager, and their site designates, shall ensure a timely and complete implementation, inspection and maintenance of all practices specified in erosion and sediment control report and/or drawing(s) which was submitted to Water

Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Customer Advisory Services at (403) 268-5311.

Resources for review and acceptance. Any amendments to the ESC documents must be reviewed and approved by Water Resources in advance by contacting the ESC inspector that reviewed the documents or by contacting the Water Resources Erosion Control Coordinator at 403-268-2655.

For other projects where an erosion and sediment control report and/or drawings have not been required at the Prior to Release stage, the developer, or their designates, shall, as a minimum, develop an erosion and sediment control drawing and implement good housekeeping practices to protect onsite and offsite storm drains, and to prevent or mitigate the offsite transport of sediment by the forces of water, wind and construction traffic (mud-tracking) in accordance with the current edition of The City of Calgary Guidelines for Erosion and Sediment Control ([www.calgary.ca/waterservices/esc](http://www.calgary.ca/waterservices/esc)). Some examples of good housekeeping include stabilization of stockpiles, stabilized and designated construction entrances and exits, lot logs and perimeter controls, suitable storm inlet protection and dust control.

For **all soil disturbing projects**, the developer, or their representative, shall designate a person to inspect all erosion and sediment control practices a minimum of every seven (7) days and during, or within 24 hours of, the onset of significant precipitation (> 12 mm of rain in 24 hours, or rain on wet or thawing soils) or snowmelt events. Note that some practices may require daily or more frequent inspection. Erosion and sediment control practices shall be adjusted to meet changing site and winter conditions.

13. Stormwater runoff must be contained and managed in accordance with the "Stormwater Management & Design Manual" all to the satisfaction of the Director of Water Resources.
14. The grades must match the grades indicated on the Development Permit approved plans. Upon a request from the Development Authority, the developer or owner of the titled parcel must confirm under seal from a Consulting Engineer or Alberta Land Surveyor, that the development was constructed in accordance with the grades submitted on the Development Permit.

### Transportation, Parks:

No comments.

## Advisory Comments

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The following advisory comments are provided as a courtesy to the Applicant and registered property owner. The comments represent some, but not all of the requirements contained in the Land Use Bylaw that must be complied with as part of this approval.

### Planning:

15. Any of the conditions of the development permit approval may be appealed. If you decide to file an appeal, it must be submitted to the Subdivision and Development Appeal Board (4th Floor, 1212 31 Avenue NE, Calgary, AB T2E 7S8) [DJ3 Building] **within 14 days of receipt of the decision letter**. An appeal along with reasons must be submitted, together with payment of a \$25.00 fee, to the Subdivision and Development Appeal Board. An appeal may also be filed online at [www.calgary.ca/sdab/onlineappeal](http://www.calgary.ca/sdab/onlineappeal) or mailed to Subdivision and Development Appeals

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Board (#8110), P.O. Box 2100, Station M, Calgary AB T2P 2M5. To obtain an appeal form, for information on appeal submission options or the appeal process, please visit the website or call 403-268-5312.

16. Building Regulations advises of the following. Please refer to the contact provided in the comments below if you have any questions prior to your building permit application.
- **Building Regulations does not support the proposed development due to major alterations required to bring the proposed development into compliance with the 2006 Alberta Building Code. The following items, but not limited to, are required to be upgraded:**
    1. Division B, 9.10.14. This building must be designed in conformance with Division B, 9.10.14. requirements.
    2. Division B, 9.10.14. Provide spatial separation and limiting distance calculations as required by the ABC. **(ex. please note the requirements for non-combustible construction with non-combustible cladding, complete with a 1 hour fire resistance rating where limiting distance is 1.2m. and 1.36m respectively)**
    3. Division B, Table 9.10.14.4.B. Maximum unprotected opening (window) area with 1.2m limiting distance shall be no more than 0.35m<sup>2</sup> which is not large enough for bedroom egress windows **(bedrooms will not comply)**, at 1.36m limiting distance windows area shall be no more than 0.56m<sup>2</sup> in area.
    4. Division B, 9.10.14.4) Combustible projections are not permitted within 1.2m of a property line. **(any projections closer than 1.2m to the property line - eaves)**
    5. Please review the spatial separation calculations and specifically take note of Division B, 9.10.14.2.b)ii) which states limiting distance is measure to the closet exposing building face for each fire compartment. (not each face as per 9.10.15).
    6. Division B, 9.10. & 9.11. The required fire separation between dwelling units is required to provide a minimum 1 hour fire resistance rating and STC rating of 50 (Division B, 9.11.2.1.). Provide a TESTED/LISTED assembly to prove conformance to these requirements. Example of such assemblies can be found in the ABC 2006, Division B, Appendix A - an example of an acceptable wall would be Division B, Appendix A, W13a – FRR = 1hr, STC = 57. Construction of this assembly must be exact as per the listing, reference to the FRR and STC MUST be given in the assembly notes. Provide tested/listed assemblies for ANY assembly that requires a FRR and/or STC ratings and specify the listing, STC, and FRR ratings the assembly provides.
    7. Provide a completed "Form A: Manufactured Stone and Brick Used in Exterior Wall Cladding Systems" at time of building permit application.
    8. Provide a completed "Form C: Exterior Wall Cladding of Part 9 Buildings" at time of building permit application.
    9. Provide evidence that a valid building permit was applied for after DP1999-0580 was approved (April 22, 1999) and was issued and inspection(s) carried out to

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convert the single family dwelling into a legal duplex or a valid building permit for the conversion to a Duplex (Division B, 9.10.15. building) or Triplex will be required (Division B, 9.10.14. building). I can find no record of a building permit for this Duplex conversion – the owner is required to follow through and obtain a valid building permit in addition to the development authority approval, as per the provincial Alberta Safety Codes Act.

10. Division B, Part 6 HVAC system upgrades will be required, HVAC systems CANNOT be shared by multiple suites unless no cross contamination and separate control of system can be achieved from each individual suite.

Darren Meadows  
Safety Codes Officer - Building  
T 403-268-1493

*Please note that a full plans review has not been complete and further issue may arise upon full building permit application review.*

17. The approval of this Development Permit does not limit in any way the application of the regulations in the Alberta Building Code, nor does it constitute any permit or permission under the Alberta Building Code.
18. In addition to your Development Permit, you should be aware that Building Permit(s) are required. Once your Development Permit application has been approved, you may apply for Building Permit(s). Please contact Building Regulations at 403-268-5311 for further information.

#### **Urban Development:**

19. The developer is responsible for ensuring that:
  - a. The environmental conditions of the subject property and associated utility corridors meet appropriate regulatory criteria and appropriate environmental assessment, remediation or risk management is undertaken.
  - b. Appropriate environmental assessment(s) of the property has been undertaken and, if required, a suitable remedial action plan and/or risk management plan has been prepared, reviewed and accepted by the appropriate regulatory agency(s) including but not limited to Alberta Environment and Alberta Health Services.
  - c. The development conforms to any reviewed and accepted remedial action plan/risk management plans.
  - d. All reports are prepared by a qualified professional in accordance with accepted guidelines, practices and procedures that include but are not limited to those in the most recent versions of the Canadian Standards Association and City of Calgary Phase I & II Environmental Site Assessment Terms of Reference.
  - e. The development is in compliance with applicable environmental approvals (e.g. Alberta Environment Approvals, Registrations, etc), Energy Resources Conservation Board approvals and related setback requirements, and landfill setback requirements as set out in the Subdivision and Development Regulation.

If the potential for methane generation or vapours from natural or contaminated soils and groundwater has been identified on the property, the developer is responsible for ensuring appropriate environmental assessment(s) of the property has been undertaken and appropriate measures are in place to protect the building(s) and utilities from the entry of methane or other vapours.

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Issuance of this permit does not absolve the developer from complying with and ensuring the property is developed in accordance to applicable environmental legislation.

20. In accordance with the *Encroachment Policy* adopted by Council on June 24, 1996, and as amended on February 23, 1998, encroachments of retaining walls, planters, entry features, building projections, etc. are not permitted to extend into the City right-of-way. New encroachments that are a result of this development are to be removed at the developer's expense. Encroachments are subject to approval by the Encroachment Administrator, Corporate Properties.
21. Water connection exists to site (20 mm, 1974). Prior to reuse of the existing water service, contact the Development Technician, Water Resources at 403-268-5739 or 403-268-5006.
22. Each unit must be individually metered.
23. If further subdivision occurs in the future (including strata subdivisions), **each titled parcel must** have separate service connections to public mains (water and sanitary). Contact the Leader, Development Approvals, Water Resources at 403-268-4636 for details.
24. Sanitary connection exists to site.
25. Maintain existing allowable stormwater runoff coefficient.
26. Prior to the reuse of existing sewer, contact the Leader, Public Response, Water Services at 403-268-1233, to arrange for an inspection by city personnel. If existing services are found to be unsuitable for reuse, new services shall be installed at the developer's expense.
27. All the sewer and water service pipes within the same trench must be replaced if one cannot be reused.
28. Ensure that all associated drainage from rain, irrigation systems and snow is directed away from the waste and recycling collection area.
29. Waste and recycling storage enclosures and collection areas shall be maintained and clear of snow and ice.
30. Waste and recycling collection facilities are to be constructed in accordance with the current "Design Guidelines for Development Permits & Development Site Servicing Plans, Waste & Recycling Section". (Refer to [http://www.calgary.ca/PDA/DBA/Documents/urban\\_development/publications/DSSP2008\\_Add1.pdf](http://www.calgary.ca/PDA/DBA/Documents/urban_development/publications/DSSP2008_Add1.pdf) for further waste and recycling guidelines)

Contact the Waste and Recycling Services Specialist(s) at 403-268-8445 or 403-268-8429 for further site specific details.

### Transportation, Parks:

No comments.

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**Erlton Community Association**  
 Planning and Development Committee  
 65 – 31 Avenue SW  
 Calgary, Alberta  
 T2S 2Y7



To: Joshua.Ross (403-268-8994) ( joshua.ross@calgary.ca )  
 File Manager  
 City of Calgary

From: Bill Fischer (403-266-2842) ( erlton@shaw.ca )  
 Chairman, Planning and Development Committee  
 Erlton Community Association

Date: February 14<sup>th</sup>, 2013

DP2012-5266  
 26 – 31<sup>st</sup> Avenue SW  
Change of Use (triplex)

The Erlton Community Association has reviewed this discretionary application and is unable to support it due to the large number of Bylaw discrepancies, in particular the lack of visitor parking.

In addition, we were provided with a written and photo-enhanced comment from Mr. Gourlay, who is a neighbour. He asks that we submit it with our community comment, as our bylaws allow. We are happy to do so, and we fully endorse all his comments as well as commend him for his thoroughness and dedication in attempting to correct the multitude of problems this eyesore currently presents.

Please provide us with a copy of any final approved plans, along with a complete list of all relaxations of the rules, and the justification for them. We need this in order to discuss and determine their impact on the neighbouring homes and our community.

Please do not hesitate to call or email should you have any concerns or require further information.

**BILL,**

AS PER YOUR CORRESPONDENCE PLEASE FIND ATTACHED THE PLANS ON WHICH THE DECISION WAS RENDERED, CONDITIONS OF APPROVAL, AND NOTICE OF DECISION.

HERE ARE THE FOLLOWING RELAXATIONS AND RATIONALE:

557.9(c). COMMON AMENITY AREA MUST BE A CONTIGUOUS AREA OF NOT LESS THAN 50m<sup>2</sup>. PLANS INDICATE SOUTH PATIO IS 47.88m<sup>2</sup> (-2.12m<sup>2</sup>).  
 RATIONALE: MINOR RELAXATION ON AN EXISTING PATIO.

- COMMON AMENITY AREA MUST NOT BE LOCATED IN A REQ'D SETBACK AREA. PLANS INDICATE AMENITY AREA WITHIN THE REQ'D FRONT SETBACK.  
 RATIONALE: AMENITY AREA (SOUTH PATIO) IS EXISTING WITHIN THE 7.9m SETBACK.

570 . A RETAINING WALL MUST BE LESS THAN 1.0m IN HEIGHT WITHIN 3.0 m OF A PROPERTY LINE. THE RETAINING WALL ON THE EAST SIDE OF THE FRONT PATIO IS 1.07 m. RATIONALE: MINOR RELAXATION ON AN EXISTING RETAINING WALL.

PARKING STALLS: 1 VISITOR STALL REQUIRED. PLANS DO NOT INDICATE ANY.  
 RATIONALE: PROXIMITY TO PUBLIC TRANSIT (BUS+LRT) ALONG MACLEOD TR. IS CLOSE IN ADDITION TO AVAILABLE STREET PARKING.