



The City of Calgary

October 6, 2014

Kevin Nyhoff
NYHOFF ARCHITECTURE
1801 10 AV SW
CALGARY, AB T3C0K2

Dear Sir/Madam:

RE: Notification of Decision DP2014-2738
Subject: New: Single Detached Dwelling
Project:
Address: 2509 ERLTON ST SW

This is your notification of the decision by the Development Authority to approve the above noted application on October 3, 2014.

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.

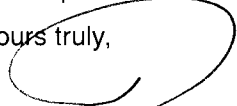
Development approved by this permit must commence by October 3, 2016 or the development permit shall cease to be valid.

The decision will be advertised once in the Calgary Herald on October 9, 2014, 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 \$100.00 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. 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) 268-2968 or by fax at (403) 268-3287 and assist me by quoting the Development Permit number.

Yours truly,


Dino Kasparis
Senior Planning Technician
Planning Implementation
Attachment(s)



The City of Calgary

PLANNING, DEVELOPMENT & ASSESSMENT

Conditions of Approval – Development Permit

Application Number:	DP2014-2738
Application Description:	New: Single Detached Dwelling
Land Use District:	Residential - Contextual One/Two Dwelling
Use Type:	Discretionary
Site Address:	2509 ERLTON ST SW
Community:	ERLTON
Applicant:	NYHOFF ARCHITECTURE
Senior Planning Technician:	DINO KASPARIS - (403) 268-2968 - dino.kasparis@calgary.ca

Prior to Release Requirements

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. Please indicate electrical panel, furnace and water heater on plans.

Urban Development

2. Remit a performance security deposit (certified cheque, bank draft, letter of credit) of **\$3,600.00** for the removal and rehabilitation of the existing driveway crossing on the 21 AV NW, within the public right-of-way.

Permanent Conditions

The following permanent conditions shall apply:

Planning

3. The development shall be completed in its entirety, in accordance with the approved plans and conditions.

4. No changes to the approved plans shall take place unless authorized by the Development Authority.
5. A Development Completion Permit shall be issued for the development **before the development is 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.
6. Upon completion of the roof peak, proof of the geodetic elevation of the constructed roof peak must be submitted to and approved by the Development Authority prior to any further construction proceeding. Fax confirmation to 403-268-8178 to the attention of 'Bylaw Checker - Geodetics'.

Urban Development

7. 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).

Advisory Comments

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

8. 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 \$100.00 fee, to the Subdivision and Development Appeal Board. An appeal may also be filed online at www.calgary.ca/sdab/onlineappeal or mailed to Subdivision and Development Appeals 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.
9. 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.
10. 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.

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

11. Warning: This parcel may have been impacted by the 2013 flood event. The City of Calgary recommends that, based on information gathered in the 2013 flood event, and analysis contained in the "Bow and Elbow Hydraulic Model Update" (2012, City of Calgary and Alberta Environment & Water), that in addition to meeting all flood requirements of the Land Use Bylaw 1P2007, any buildings on this parcel be designed and constructed to withstand damage from any future 1-in-100 year flood level, as follows:
- a. to prevent structural damage by floodwaters;
 - b. to construct the first floor of all buildings at or above 1050.7, and
 - c. to construct all electrical and mechanical equipment within a building at or above 1050.7.

Urban Development

12. 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.
13. 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 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). 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.

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.



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STREAM 3 AND BYLAW REVIEW
INSPECTIONS AND PERMIT SERVICES

Reasons for Approval for DP2014-2738

The Reasons for Approval document is intended to provide a short summary of the development permit process; response to concerns raised by neighbours, other affected parties and the Community Association; and rationale for any relaxations of the Land Use Bylaw granted by the Development Authority. Only the approved plans and conditions of approval are the subject of an appeal.

Scope and Process

Development Scope:

This application proposes a discretionary Single-Detached Dwelling at 2515 Erlton Street S.W. in the community of Erlton. This parcel abuts other single detached dwellings to the south side. The subject parcel abuts the Elbow River along the west and an open green space to the north. The primary access for this parcel is via a front driveway that connects to Erlton Street S.W on the east side. The east driveway connects to a private garage that is attached to the dwelling building. The subject parcel is designated as R-C2 which provides for the development of single detached dwellings.

Due to the close proximity to the Elbow River and the existing grading on the subject parcel, the floodway area envelopes a majority of the parcel resulting in an undue hardship to the landowner. Due to the above mentioned physical characteristics observed on the parcel, the applicant elected to submit the proposal as a discretionary use in order to request the Development Authority to grant four pivotal relaxations in order to facilitate redevelopment. Three proposed relaxations concern the building setbacks for the proximity to the rear floodway area and two relaxations deal with the east front building setback and the associated eave projection depth of the building. Moreover, the Development Authority assessed the merits of the development's design would meet all flood mitigation regulations and policies.

Circulation and Notice Posting:

The following referees were circulated:

1. Enmax – No conflict with their respective regulations
2. Ward Office – No comment
3. Erlton Community Association – The following comments were submitted:
 - A) No opposition from the residents surveyed;
 - B) Requests a careful consideration to all applicable planning policies;



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- C) Looking forward to receive the Reasons for Approval letter.
4. Water Resources – Support the development proposal for the following reasons:
- A) The building setback to floodway area is supportable, as it leaves very little area to develop on the subject parcel;
 - B) The proposed development will not extend beyond the existing rear building setback of the existing development which is located close to the floodway area;
 - C) No portion of the development encroaches into the floodway area;
 - D) The main floor, mechanical and electrical utility systems are entirely above the recommended 100 year flood water level;
 - E) The proposed basement layout and the proposal of overhead garage doors and raised storage areas are responsive to flood mitigation measures.

As per section 27 of the Land Use Bylaw 1P2007, the application was Notice Posted for a one week period.

Planning Review:

Planning reviews for developments located within this community is governed by the Land Use Bylaw 1P2007, Erlton Area Redevelopment Plan and the Low Density Residential Housing Guidelines for Established Communities. The Development Authority assessed the merits of the application and considered the following:

4.3.1 Building Setback from Front Property Line (Front Setback)

Building Setback from the Front Property Line (or Front Setback) refers to the distance from the front property line of a parcel to the nearest part of the building. Existing dwellings in older neighbourhoods often have greater front setbacks than the minimum stipulated in the Land Use Bylaw. In order to maintain the established street pattern and limit the visual impact of a new house on existing homes, the depth of the front yard of new development should be consistent with that of other buildings on the street.

The front setback of new development respects the established street pattern. The Development Authority acknowledges that the floodway area envelopes most of the west portion of the parcel which results in a relatively small area for redevelopment. The front building setback relaxation was granted to ensure there is sufficient living space for residents. It was noted that all adjacent buildings on the blackface have been constructed close to the front property line due to the Elbow River.

4.5.1 Placement of Windows and Main Floor Outdoor Amenity space

When a new infill building extends beyond the rear of adjacent structures, privacy may be affected through overlooking. The excessive loss of the neighbour's privacy can generally be avoided through sensitive design.



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The proposed post-modernist architectural design provides the necessary wing walls that provide a barrier to eliminate any visual overlooking from the open deck space to the adjacent south residents.

Floodway, Flood Fringe and Overland Flow Regulations

- a) Part 3, Section 59(2) – The Development Authority acknowledges that the floodway area envelopes most of the west portion of the parcel. Consequently, the applicant has proposed to utilize the same rear building setback distance of the existing development for the new development. Additionally, there is no portion of the building that will encroach into the floodway area. This meets the minimum requirements set out in the Land Use Bylaw 1P2007 and satisfies the minimum requirements set out by the Water Resources generalist.
- b) The Development Authority acknowledges that the subject parcel is located in both the floodway area and flood fringe area. The proposed main floor geodetic elevation that contains all electrical and mechanical equipment is to be located at 1052.45 metres which is above the assessed 100 year flood water level of 1050.7 metres. Furthermore, the proposal of overhead garage doors on both east and west facades on the foundation level with the facilitation of raised storage spaces respond to flood mitigation measures. Furthermore, it was noted that all the contextual adjacent buildings consist of main floor elevations that are relatively higher than the respective finished grade. All the above mentioned items advance the public purpose of protecting the health and safety of all residents.
- c) The applicant and landowner have advised the Development Authority of their intention to make a separate development proposal to rehabilitate the river embankment on the west side of the parcel.
- d) Through consultations and advisory comments, the Development Authority has taken additional measures to inform both the applicant and landowners of their respective roles and responsibilities if a subsequent flood event was to occur.

The following Bylaw Discrepancies table highlights all the relaxations that were granted by the Development Authority. All the below mentioned items still meet the intent of the Land Use Bylaw and further enhances the public purpose doctrine to ensure the health and safety of residents that live close to the Elbow River.

Bylaw Discrepancies

Regulation	Standard	Provided
59 Flood Fringe	(2) Unless stated in subsection	Plans indicate the proposed building is



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<p>and Overland Flow Area Regulations</p>	<p>(3), all buildings must be set back 6.0 metres from the edge of the floodway.</p>	<p>setback 0.00m (-6.00m) from the edge of the floodway.</p> <p><i>A majority of the parcel is enveloped by the floodway area. There is no portion of the development that is located within the floodway area.</i></p>
<p>435 Building Setback from Front Property Line</p>	<p>(1) For a Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached, or Single Detached, the min. building setback is the greater of: (a) the contextual front setback less 1.5 m Required Setback = 4.00m</p>	<p>Plans indicate the East setback is 1.53m (-2.47m).</p> <p><i>In addition to the above item, the Development Authority has granted a relaxation for the front building setback in order to ensure the development has sufficient living space and be properly utilized by the landowners.</i></p>
<p>336 Projections Into Front Setback Area</p>	<p>(1) Bay windows and eaves may project a max. of 0.6 m into the front setback area.</p>	<p>Plans indicate the East eaves project 3.13m (+2.53m) into the setback area.</p> <p><i>The east eave projection depth relaxation was subsequently granted in association with the above mentioned front building setback distance.</i></p>
<p>438 Building Height</p>	<p>(1) For Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling and Single Detached Dwelling, the maximum building height is the greater of: (a) 8.6 m</p>	<p>Plans indicate the building projects into the max height plane.</p> <p><i>The relaxation to the building height is to accommodate the proposed main floor to be located above the recommended 100 year flood water level.</i></p>