

REPORT TO THE SUBDIVISION AND
DEVELOPMENT APPEAL BOARD

DATE: September 17, 2020 ; October 28, 2021	APPEAL NO.: SDAB2020-0042 FILE NO.: DP2020-1244
APPEAL BY: Sarabjit Bal	
FROM A DECISION OF THE DEVELOPMENT AUTHORITY for a New: Secondary Suite (existing – basement of semi-detached dwelling – 2) was refused at <u>909 16 Street NE.</u>	LAND USE DESIGNATION: R-C2 Permitted with a Relaxation
COMMUNITY OF: Mayland Heights	DATE OF DECISION: July 30, 2020
APPLICANT: Sarabjit Bal	OWNER: Sarabjit Bal

The hearing commenced on September 17, 2020 with consideration of procedural and jurisdictional issues. The Board adjourned the hearing to Call of the Chair. At the request of the appellant, the hearing was adjourned to October 28, 2021.

Notes:

- Notice has been given of the hearing pursuant to the *Municipal Government Act* and Land Use Bylaw, including notices to parties who may be affected by the appeal. The final determination of whether a party is an “affected person” will be made by the Board if required.
- This Report is provided as a courtesy only. The Board’s record may include additional materials, including notifications to affected parties and correspondence of a procedural or administrative nature.



NOTICE OF APPEAL

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

CC 821 (R2014-01)

In accordance with Sections 678 and 686 of the Municipal Government Act and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee. For filing instructions and fee payment options, see the reverse side of this form.

ISC: Unrestricted

Online Store Information			
Confirmation Number 10352466	Order Number 32112291	Online Form Processed 8/19/2020 1:21:19 PM	
Site Information			
Municipal Address of Site Under Appeal 907/909 16 STREET NE		Development Permit/Subdivision Application/File Number DP2020-1244	
Appellant Information			
Name of Appellant SARABJIT BAL		Agent Name (if applicable)	
Street Address (for notification purposes) 150 PANAMOUNT STREET NW			
City CALGARY	Province ALBERTA	Postal Code T3K 6J8	Residential Phone # 403-966-5761
Business Phone # 403-966-5761	Email Address sarabal@shaw.ca		

APPEAL AGAINST

Development Permit	Subdivision Application	Notice of Order
☐ Approval ☐ Conditions of Approval ☒ Refusal	☐ Approval ☐ Conditions of Approval ☐ Refusal	☐ Notice of Order

REASONS FOR APPEAL Sections 678 and 686 of the Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal.

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons:

I own the above mentioned property in Mayland Heights. I want to put legal suites as City allows in other semi-detached homes. However, my permit has been refused based on the fact that it is in AVPA restricted area and also falls within nosehill landfill setback. The house is built in late 60s, and setbacks were defined in 2009, hence existing properties should be exempt. As regards to AVPA, basement suites are generally less exposed to noise compared to main unit, so AVPA restriction does not seem to be reasonable. Also AVPA restriction were developed after this community was built, so existing home should be exempted.

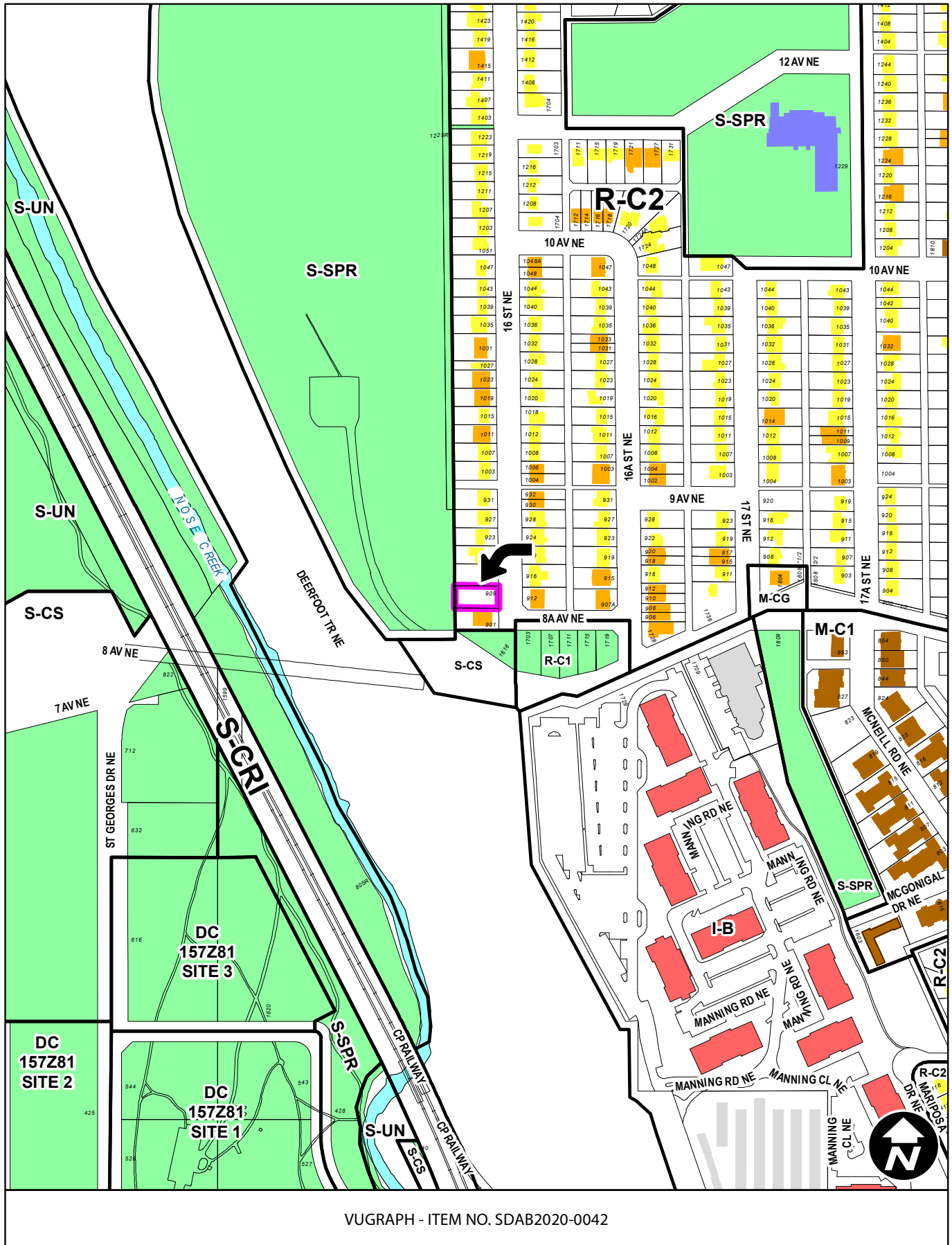
In order to assist the Board in scheduling, please answer the following questions to the best of your ability:

Estimated presentation time (minutes/hours) 1 HOUR	Will you be using an agent/legal counsel? ☐ Yes ☒ No ☐ Unknown
Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.) ☐ Yes ☐ No ☒ Unknown	
If yes, what are the issues?	
Do you anticipate bringing any witnesses/experts to your hearing? ☐ Yes ☒ No ☐ Unknown	If yes, how many will you be bringing?

This personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 678 and 686. NOTE: THIS INFORMATION WILL FORM PART OF A FILE AVAILABLE TO THE PUBLIC. If you have any questions regarding the collection of this information, contact the City Appeal Boards at 403-268-5312 or PO Box 2100 Stn. "M", #8110, Calgary, AB, T2P 2M5.

FOR OFFICE USE ONLY				
Final Date of Appeal YYYY MM DD 2020 08 20	SDAB Appeal Number SDAB2020-0042	Fee Paid ☒ Yes ☐ No	Hearing Date YYYY MM DD 2020 09 17	Date Received August 19, 2020

SDAB2020-0042







July 30, 2020

BAL, SARABJIT
909 16 ST NE
CALGARY, AB T2E 4S7

Dear Sir/Madam:

RE: Notification of Decision: DP2020-1244

Subject: New: Secondary Suite (existing - basement of semi-detached dwelling - 2)

Address: 909 16 ST NE

This is your notification of the decision by the Development Authority to refuse the above noted application on July 30, 2020. Enclosed are the Reasons for Refusal, along with an appeal form, in the event that you choose to appeal this decision.

An appeal along with reasons must be submitted, together with payment of a \$200.00 fee, to the Subdivision and Development Appeal Board (4th floor, 1212 31 Ave N.E., Calgary T2E 7S8) within 21 days of the decision date. An appeal may also be filed online at www.calgarysdab.ca. For information on the appeal process or appeal submission options, please call 268-5312.

Should you require clarification of the above or further information, please contact me at (403) 333-5407 or by fax at 403.537-3024 and assist me by quoting the Development Permit number.

Yours truly,

Daniel Bronson
Senior Planning Technician
Attachment(s)

ISC: PROTECTED

Reasons for Refusal for DP2020-1244

The Reasons for Refusal document is intended to provide a short summary of the development permit review and analysis. Attached to this document is supporting information about the application process; concerns raised by neighbours, other affected parties and the Community Association; the requested relaxations of the Land Use Bylaw; and other information in support of the decision.

Proposed Use

This application seeks approval for two Secondary Suites (basement), one below each unit of a Semi-detached Dwelling, at 909 16 ST NE, in the community of Mayland Heights. The units have building addresses of 907 and 909 16 Street N.E. The parcel is designated R-C2; Residential – Contextual One / Two Dwelling District under The City of Calgary Land Use Bylaw 1P2007. Secondary Suite is listed as a permitted use in this district.

Planning Review and Analysis

During the review, the Development Authority considered the Land Use Bylaw, the Subdivision and Development Regulation (SDR), and the Calgary International Airport Vicinity Protection Area Regulation (AVPA).

Subdivision and Development Regulation (SDR)

The SDR is an enactment by the Lieutenant Governor in Council (AR43/2002). One of the purposes of the SDR is to restrict the subdivision and development of land within proximity of landfill and waste sites. Section 13(3)(b) of the regulation prohibits the approval of residential uses within 300 metres of a non-operating landfill. Secondary Suite is a residential use. The subject site is within 300 metres of the non-operating Nose Creek Landfill. Section 133(1) of the Land Use Bylaw requires the Development Authority to comply with the requirements of the SDR. The Development Authority is unable to consider relaxations of the SDR.

Calgary International Airport Vicinity Protection Area (AVPA)

The AVPA is an enactment by the Lieutenant Governor in Council (AR177/2009). This imposes varying degrees of land use, development and building restrictions on affected parcels of land. The Municipal Development Plan and Land Use Bylaw contain policies and rules which enforce the AVPA. Schedule 3 of the AVPA defines a Residence broadly and includes many forms of dwellings defined in the regulation such as attached suite. The proposed Secondary Suite is therefore a Residence and an Attached Suite as defined in the AVPA. The Table within Schedule 3 of the AVPA lists activities which are prohibited within specific NEF contours. The proposed Residence is within the NEF 35 contour. The Table indicates Residence is a prohibited use in the NEF 35, therefore the proposed development does not meet the rules of the AVPA. Section 54(a) of the Land Use Bylaw compels the Development Authority to adhere to the AVPA. The development Authority is unable to consider relaxations.

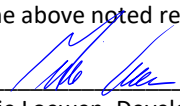
It should be noted that the AVPA does include some specific exemptions for Secondary Suites. Section 3(3) allows Secondary Suites within existing's Single Family Dwelling; however, this is a Semi-detached Dwelling. Schedule 3, section 2.2 also allows Secondary Suites; however, the legal description for the subject parcel is not listed.

Conclusion

Both the SDR and the AVPA prohibit the approval of additional Residences on this parcel. Therefore, the Development Authority must refuse a Secondary Suite at this location.

Decision

For the above noted reasons, this application is refused.


Maurie Loewen, Development Authority

Jul 30, 2020

Date

Attachments for DP2020-1244

Site and Context

The parcel is shown to be 671.7 square metres in area and 18.4 metres in width. The subject site contains a Semi-Detached Dwelling. The Semi-Detached Dwelling was constructed in 1969. The site plan shows a detached garage at the rear of the property, accessed from the front via a side driveway, which can accommodate two vehicles. Additionally, a parking pad in the rear, also accessed from the front via the side driveway, accommodates two more vehicles for a total of four motor vehicle parking stalls.

Process

Notice Posting: Not required

Circulation: Crossroads Community Association, the Ward 10 Councillor, Calgary Airport Authority, NAV Canada, Transport Canada, and Waste & Recycling Services

Objections: None

Support: None

Bylaw Discrepancies

Regulation	Standard	Provided
305, 443 Parking	(c) requires a minimum of 1.0 motor vehicle parking stalls per Dwelling Unit (which includes secondary suites if applicable)	Site cannot accommodate parking stalls for the Single Detached Dwelling and Secondary Suite for #907.
295 Secondary Suite	(c) requires a minimum of 1.0 motor vehicle parking stall.	

Key Land Use Bylaw Provisions

Section 7 of the Land Use Bylaw states in part:

Referenced Legislation

7 (3) "Calgary International Airport Vicinity Protection Area Regulation" means the *Calgary International Airport Vicinity Protection Area Regulation*, A/R 318/79.

Section 7 of the Land Use Bylaw states in part:

Airport Vicinity Regulations

54 When making a decision on a **development permit** the **Development Authority** must comply with the requirements of:

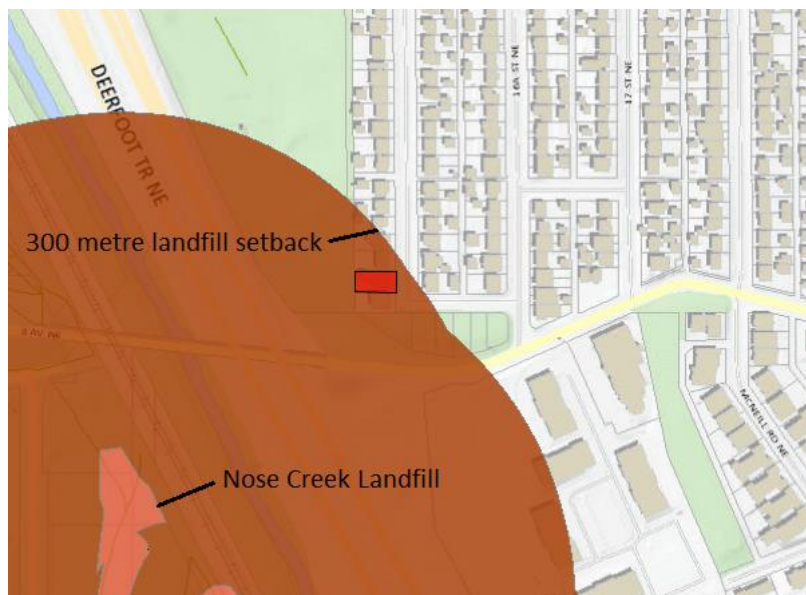
- (a) The Calgary International Airport Vicinity Protection Area Regulation; and
- (b) The Calgary International Airport Zoning Regulations.

Subdivision and Development Regulation (SDR) (AR43/2002)

Section 13 of the SDR states in part:

13 Distance from Landfill, Waste Sites

- (3) Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence, nor may a school, hospital, food establishment or residence be constructed if the building site
 - b) is within 300 metres of the disposal area of an operating or non-operating landfill.



Calgary International Airport Vicinity Protection Area Regulation AVPA (AR 177/2009)

Schedule 3, Section 1 of the AVPA states in part

Subdivision approval and development permits relating to land in Protection Area

- 3 (3)** Subject to section 4, no subdivision approval may be given and no development permit may be issued by a municipality relating to land in the Protection Area if the proposed use of that land is a prohibited use, with the exception of a development permit for a secondary suite in an existing single family development.

Schedule 3, Section 1 of the AVPA states in part:

Definitions

1 In this Schedule

- (j) “residence” means a building that includes kitchen, sleeping and sanitary facilities and is used primarily as a home;

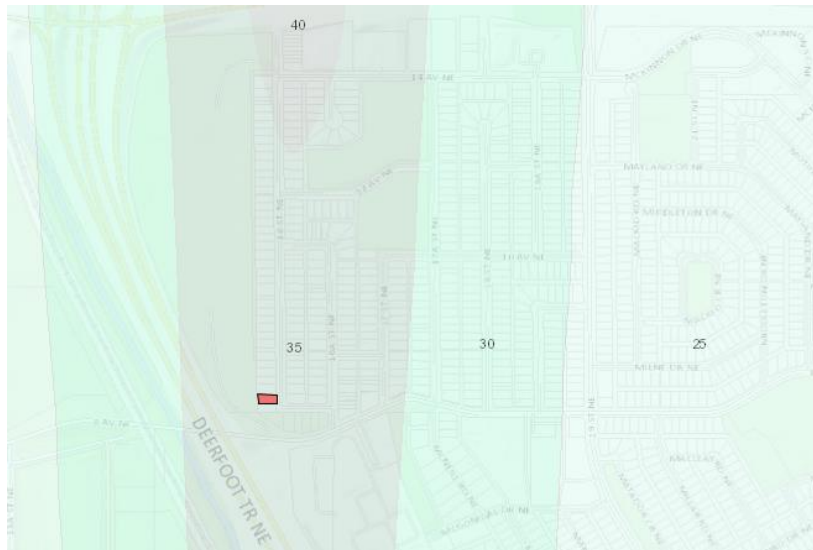
Schedule 3, Section 4 of the AVPA states in part:

Prohibited Uses

- 4 (1)** A land use shown in Column 1 of the following table is prohibited on land that is located in a NEF Area shown in Column 2, 3, 4 or 5 of the table if the expression “PR” appears in that column opposite that land use.

TABLE

Column 1	Col. 2	Col. 3	Col. 4	Col. 5
	NEF	NEF	NEF	NEF
Land Uses	40+ Area	35-40 Area	30-35 Area	25-30 Area
Residences	PR	PR	PR	-
Schools	PR	PR	PR	-
Day cares	PR	PR	-	-
Clinics	PR	-	-	-
Medical care facilities	PR	PR	PR	-
Halls and auditoriums	PR	PR	-	-
Places of worship	PR	PR	-	-
Outdoor eating establishments	PR	-	-	-





**APPLICATION FOR A DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007**

244056824-001
Taken By:

Application Date: **Feb 28, 2020**

APPLICATION NO: DP2020-1244

I/We hereby make application for a Development Permit under the provisions of the Land Use Bylaw in accordance with these plans and supporting information submitted herewith and which form part of this application.

Total Fees: \$0.00

Cart #:

Applicant: **BAL, SARABJIT**
Address: **909 16 ST NE**
City: **CALGARY, AB, T2E 4S7**
Phone: **(403)966-5761**

Parcel Address: **909 16 ST NE**
Legal: **4430AC;31;9,12**

Parcel Owner: **SARABJIT BAL**
909 16 ST NE
CALGARY AB CANADA T2E 4S7
e-mail: **sarabal@shaw.ca**

L.U.D.: R-C2

Community: **MAYLAND HEIGHTS**
Sec. Number: **24C** Ward: **10**

Description: **New: Secondary Suite (existing - basement) - AVPA**
Proposed Development is: **Permitted**

Gross Floor Area: 1600 feet - squared
Dwelling Units: 2

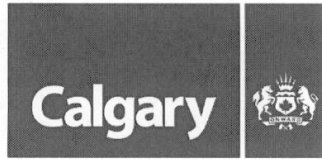
Proposed Use: **Secondary Suite**

I agree to receive correspondence via electronic message related to this application.

By signing below, I confirm that the contact information provided above is accurate and further, acknowledge the ability of the General Manager - Planning Development & Assessment to inactivate and cancel incomplete applications.

Applicant / Agent Signature: _____ Date: _____

The personal information on this form is being collected under the authority of The Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) and amendments thereto. It will be used for the permit review and inspection processes. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. The name of the applicant and the nature of the permit will be available to the public. Please send inquiries by mail to the FOIP Program Administrator, Planning, Development & Assessment, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.



Home Improvement Service Application Form

To apply for your Home Improvement permit, complete this application form and gather your applicable requirements. You can submit your request by visiting the Planning Services Centre located on the third floor of the Municipal Building at 800 Macleod Trail SE. If you are applying online, this information will be requested through the online application and you will not need to fill out this form.

Where is the work happening?

Address: 909 164th St NE, Calgary, AB

Who is applying?

Applicant ☒ Property Owner ☐ Representing Owner

Applicant Name:

SARABJIT BAL

Company Name (if applicable):

Email:

SARABAL@SHAW.CA

Phone Number (during business hours):

403-966-5761

Who is doing the work?

Builder ☒ Property Owner ☐ Licensed Contractor

Business Name (if applicable):

Property Owner Contact ☐ N/A Property Owner is applicant

Owner Email:

SARABAL@SHAW.CA

SECTION 4: What are you applying for? (Check all that apply. Click the underlined text for checklists)

Home Renovation Projects

Home renovation projects are projects you complete inside your home or that increase the area of your home.

☒ Basement

Square feet:

800 sq ft

☐ Addition

Square feet:

☐ Porch

Square feet:

☐ Indoor Fireplace

(☐ Wood ☐ Gas ☐ Both)

of fireplaces:

☐ Interior, Exterior or Structural Alterations

Estimated Cost:

1500.00

Describe Scope:

SECTION 4: continued (Check all that apply. Click the underlined text for checklists)**Outdoor Projects**

Outdoor projects are projects completed outside of your home.

☐ <u>Uncovered Deck</u>	Square feet: _____	☐ <u>Balcony</u>	Square feet: _____
☐ <u>Garage, Shed, Greenhouse, Carport</u>	Square feet: _____	☐ <u>Covered Deck, Pergola</u>	Square feet: _____
☐ <u>Hot Tub, Pool</u>	Estimate Cost: _____	☐ <u>Outdoor Fireplace</u> (☐ Wood ☐ Gas ☐ Both)	# of fireplaces: _____
☐ <u>Retaining Wall</u>	Estimate Cost: _____	☐ <u>Driveway</u>	
☐ <u>Fence</u>		☐ <u>Solar Panel</u>	

Secondary Suite Project

Secondary suites come in two types attached (example inside or attached to a house) or detached (example above a detached garage).

☐ <u>Secondary Suite</u> (inside or attached to a house)	Estimate Cost: _____	☐ <u>Backyard Suite</u> (not attached to a house)	Estimated Cost: _____
☒ <u>Existing Secondary Suite</u> (inside or attached to a house)	Estimate Cost: <u>1500</u>	☒ Option 1 – City inspection to occur after application and prior to approval of permits. If you choose this option, use the <u>Existing Secondary Suite</u> checklist. ☐ Option 2 – City inspection will not occur prior to approval. If you choose this option, use the <u>Secondary Suite</u> checklist.	
Where is the suite entrance located on site? ☐ Front ☐ Side ☐ Rear ☐ Garage			

SECTION 6: Are you doing any Electrical and/or Plumbing work? (Check all that apply)

☐ Homeowner Electrical Permit	Describe what you are doing:
☐ Homeowner Plumbing Permit	Describe what you are doing:
Declaration:	
☐ I declare that I am the legal landowner of the property stipulated on this application, that this is my primary place of residence, and I will be performing the work.	

Applicant's Declaration:

In relation to the submission of this application, I confirm that I am

- An owner of the parcel, an authorized agent of the owner of the parcel, or other person having legal or equitable interest in the parcel, and
- If the parcel has a condominium board, I have consent from the condominium board to submit this application.

In addition, I certify that all information submitted with this application, including information shown on plans and documents, to be true and correct. Incomplete or inactive applications may be cancelled or refused at the discretion of the proper authority in accordance with their respective bylaw.

☒ I agree to receive correspondence via electronic message related to this application.

FOIP DISCLAIMER: The personal information on this form is being collected under the authority of The Calgary Building Permit Bylaw 64M94 (Section 5) and amendments thereto. It will be used for the permit review and inspection processes and may be communicated to relevant City Business Units, utility providers, and Alberta Health Services. It may also be used to conduct ongoing evaluations of services received from Planning & Development. The name of the applicant and the nature of the permit will be available to the public. Please send inquiries by mail to the FOIP Program Administrator, Planning & Development, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

FILE: DP 2020-1244

DATE RECEIVED: 2020-03-04

APPLICATION ADDRESS: 907 & 909 16 ST NE

Bylaw Discrepancies		
Regulation	Standard	Provided
305, 443 Parking	(c) requires a minimum of 1.0 motor vehicle parking stalls per Dwelling Unit (which includes secondary suites if applicable)	Site cannot accommodate parking stalls for the Single Detached Dwelling and Secondary Suite for #907.
295 Secondary Suite	(c) requires a minimum of 1.0 motor vehicle parking stall.	

Notes
Parcel Width: 15.24 (obtained from Legal Plan) AVPA: NEF 35 Landfill Setback Warning Floodway/ Floodfringe: n/a NOTE: Inspector's drawing for site plan is incorrect – google earth shows that the garage on site is accessed from the south (north/south direction of travel) and therefore the drive aisle for the #909 stalls cuts right through the stalls for #907.



Onsite Suite Review – Semi-Detached

PL 1289 (R2020-01)

Property Address 909 16 ST NE	Job Number CO2018-04332	Date 2020-03-04
Inspector's Name Navin Kooner	Phone Number 403-998-3290	Email navin.kooner@calgary.ca

General Observations

☒ Semi-detached	Land Use District: ☒ R-2/R-C2 ☐ R-G/R-CG ☐ Other/M-_____	
Components of Main & Upper Levels ☐ 1 dwelling (subdivided semi) ☒ 2 dwellings (un-subdivided) Number of Suites: <u>2</u>	Main level: ☒ Kitchen (as defined in LUB) ☒ Living Facilities ☒ Sanitary Facilities	Upper level: ☒ N/A ☐ Kitchen (as defined in LUB) ☐ Living Facilities ☐ Sanitary Facilities
Other Comments:		

Basement (or Lower Level)

☒ Suite is self-contained	Year of Suite construction if known _____	Year of construction of Building 1969
Components of Secondary Suite	☒ Wholly contained in basement ☒ Kitchen (as defined in LUB) ☒ Living Facilities ☒ Sanitary Facilities ☐ Furnace/Utility Room	☒ Only one suite per unit # of bedrooms? <u>2</u>
Other Comments:		

Site Observations

Parking	Inspector to draw and dimension stalls on the site plan Stall Sizes: -Minimum 2.5m x 5.9m where both sides are free of a physical barrier or property line -Minimum 2.85m x 5.9m where one side of the stall abuts a physical barrier (PL or garage wall) -Minimum 3.0m x 5.9m where both sides of the stall abuts a physical barrier (Fenced area or single car garage) <i>Please note: Total dimensions of parking stall must be wholly located within the parcel. When proposed for front driveway, ensure stall does not encroach beyond front property line. Stalls must also be labeled 'Proposed Suite Stall' or 'Existing Suite Stall'.</i>
Parcel Width	-R-2/R-C2 Minimum parcel width of 13m for semi-detached, no less than 6.0 metres per side, -N/A in all other cases
Amenity Space	Inspector to draw and dimension on site plan (example: 2m x 4m) Minimum 7.5m ² with no dimensions less than 1.5m
Other Comments:	

ISC: Unrestricted

From: Bronson, Daniel J.
Sent: Thursday, March 05, 2020 1:41 PM
To: 'sarabal@shaw.ca'
Subject: DP2020-1244 Initial Review



For more information:
[CALGARY.CA/PD](https://calgary.ca/pd)

[Planning Services Centre](https://calgary.ca/pd)
[403.268.5311](https://calgary.ca/pd)
[Monday – Friday](https://calgary.ca/pd)
[8 am – 4:15 pm](https://calgary.ca/pd)

Good Day,

The initial review of your Development Permit application has been completed and it has been determined to be complete. The application will now be circulated. Once the circulation is complete either a decision will be made on the application or a Detailed Review will be sent to you. Please note that the subject parcel is located both in the 35-40 NEF contour of the AVPA and within 300 metres of a non-operating City landfill and is a prohibited use in both. Approval may not be possible.



For more information about the Development Permit process please visit www.calgary.ca/dpprocess. For status updates and more information on your specific Development Permit please visit www.calgary.ca/pdmap.

Regards,

Daniel Bronson, AT.

Senior Planning Technician | Planning & Development

T. 403.333.5407 | **F.** 403.268.3024 | **E.** daniel.bronson@calgary.ca



May 21, 2020

BAL, SARABJIT
909 16 ST NE
CALGARY, AB
T2E 4S7, CANADA

Dear Sir/Madam:

RE: Detailed Review (DR)

Development Permit Number: DP2020-1244

Based on the plans received, your application has been reviewed in order to determine compliance with the Land Use Bylaw and applicable City policies. Any variance from the Land Use Bylaw or City policies may require further discussion or revision prior to a decision being rendered.

A written response to the Prior to Decision issues in this DR is required from the Applicant by the end of the thirty (30) calendar day response due date. In the event that the response due date expires, the application may be inactivated subject to a fifteen (15) calendar day reactivation timeline. In the case of a non-responsive or incomplete application, the General Manager – Planning, Development and Assessment may cancel the application as per Section 41.1 of Land Use Bylaw 1P2007.

Should you have any questions or concerns, please contact me at (403) 333-5407 or by email at daniel.bronson@calgary.ca.

Sincerely,

DANIEL BRONSON

Senior Planning Technician , Planning & Development



Detailed Review 1 – Development Permit

Application Number:	DP2020-1244
Application Description:	New: Secondary Suite (existing - basement of semi-detached dwelling - 2)
Land Use District:	Residential - Contextual One/Two Dwelling
Use Type:	Permitted
Site Address:	909 16 ST NE
Community:	MAYLAND HEIGHTS
Applicant:	BAL, SARABJIT
Date DR Sent:	May 21, 2020
Response Due Date:	June 20, 2020
Senior Planning Technician:	DANIEL BRONSON - (403) 333-5407 - daniel.bronson@calgary.ca

General Comments

The Development Authority is unable to support your application for Secondary Suites in the 35-40 NEF area of the AVPA and within the Nose Creek Landfill setback. The use is prohibited in both areas.

Please indicate whether you would like to cancel the application or have the application refused. If the application is refused, it will be possible to appeal the decision. Please let me know if you have any questions.

Comments on Relevant City Policies

Calgary International Airport Vicinity Protection Area (AVPA) Regulation

Subdivision Approval and Development Permits Relating to Land in Protection Area

3(3) Subject to section 4, no subdivision approval may be given and no development permit may be issued by a municipality relating to land in the Protection Area if the proposed use of that land is a prohibited use, with the exception of a development permit for a secondary suite in an existing single family development.

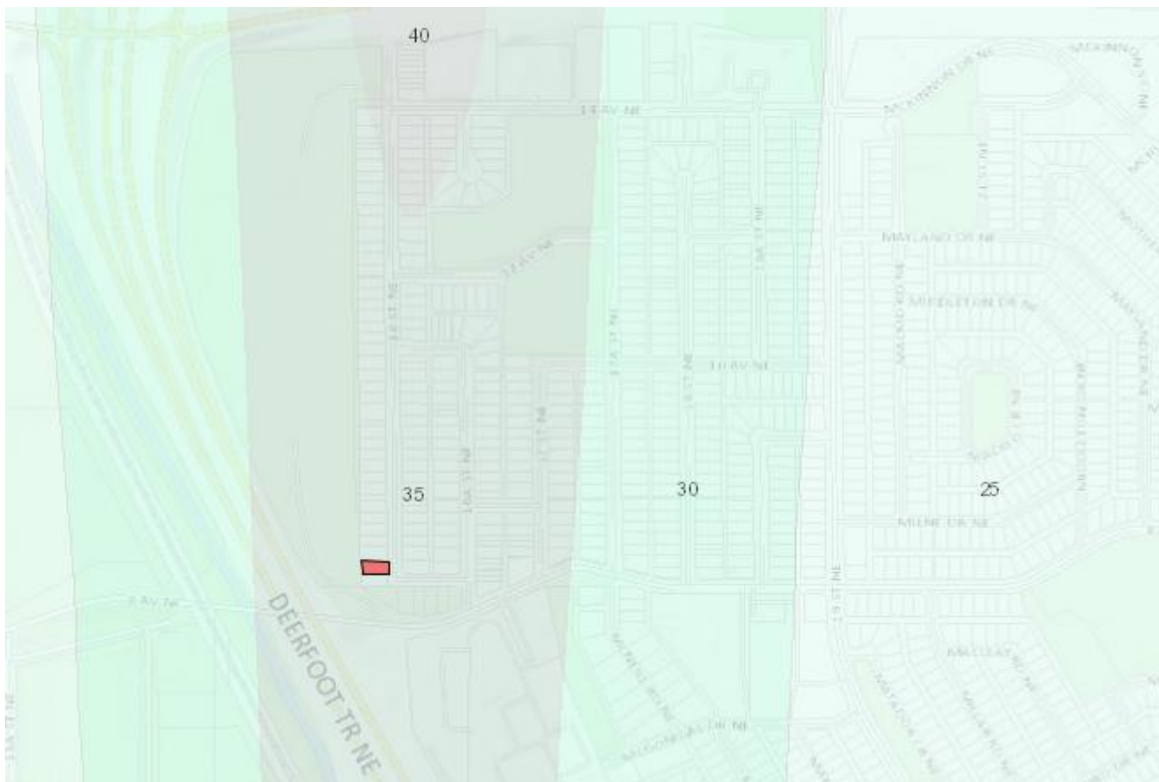
The use is prohibited. Note that Secondary Suites in in single detached dwellings are exempted whereas Secondary Suites in semi-detached dwellings are not.

Prohibited Uses

4(1) A land use shown in Column 1 of the following table is prohibited on land that is located in a NEF Area shown in Column 2, 3, 4, or 5 of the table if the expression “PR” appears in that column opposite that land use.

TABLE

Column 1	Col. 2	Col. 3	Col. 4	Col. 5
	NEF	NEF	NEF	NEF
Land Uses	40+	35-40	30-35	25-30
	Area	Area	Area	Area
Residences	PR	PR	PR	-
Schools	PR	PR	PR	-
Day cares	PR	PR	-	-
Clinics	PR	-	-	-
Medical care facilities	PR	PR	PR	-
Halls and auditoriums	PR	PR	-	-
Places of worship	PR	PR	-	-
Outdoor eating establishments	PR	-	-	-

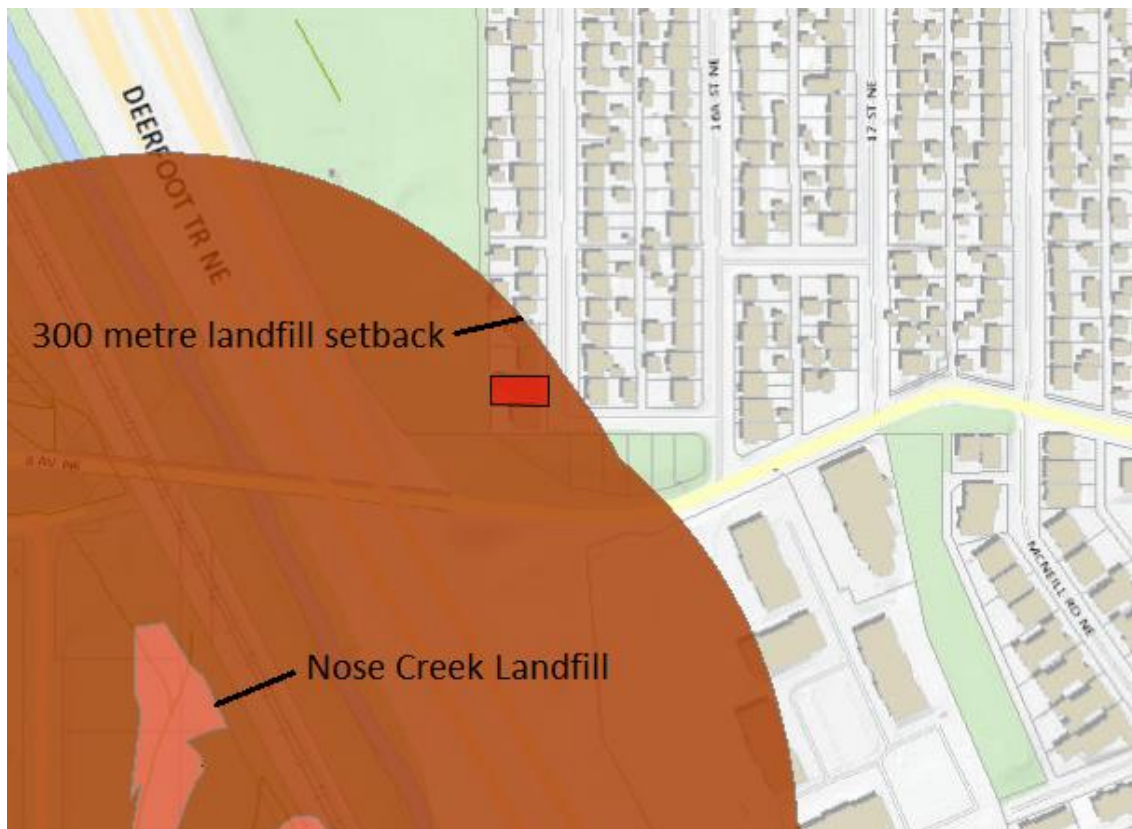


Subdivision and Development Regulation

Part 2 Subdivision and Development Conditions

13 Distance from Landfill, Waste Sites

(3) Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence, nor may a school, hospital, food establishment or residence be constructed if the building site...b) is within 300 metres of the disposal area of an operating or non-operating landfill.



The use is located within 300 metres of the Nose Creek Landfill and therefore cannot be supported by the Development Authority.

Bylaw Variances		
Regulation	Standard	Provided
54 Airport Vicinity Regulations	When making a decision on a development permit the Development Authority must comply with the requirements of a) the Calgary International Airport Vicinity Protection Area Regulation, and b) the Calgary International Airport Zoning Regulations	The use is prohibited by the Calgary International Airport Vicinity Protection Area (AVPA) Regulation and therefore cannot be supported by the Development Authority.

Prior to Decision Requirements

The following issues must be addressed by the Applicant through a written submission prior to a decision by the Approving Authority:

1. The development, as proposed, is not supported for the following reasons:
 - Prohibited use in the Calgary International Airport Vicinity Protection Area Regulation.
 - Prohibited use in the Subdivision and Development Regulation.

Please indicate, in writing, the manner in which the application will proceed:

(A) Request **cancellation** of the application. Any applicable fee refund will be determined at the time of cancellation.

(B) **Pursue** the application, as proposed, with a decision of refusal by the Development Authority. The refusal will be based on the comments listed above.



REQUEST FOR COMMENT ON DEVELOPMENT PERMIT APPLICATION

Date: **March 5, 2020**

To: Calgary Airport Authority
Aleksandra Pajak - GM,
Development Services
2000 Airport Rd NE
Calgary, Alberta
T2E 6W5

Return To: **Development Circulation Controller**
Planning & Development #8201
P.O. Box 2100 Station M
Calgary AB T2P 2M5
Phone: 268-5744 Fax 268-2468
Email: DP.Circ@calgary.ca

D.P. NUMBER: DP2020-1244	Parcel Address: 909 16 ST NE
Land Use Bylaw 1P2007	Legal: 4430AC;31;9,12
	L.U.D.: R-C2 see attached for complete list of addresses.
Applicant: BAL, SARABJIT	
Community: MAYLAND HEIGHTS	
Sec. Number: 24C Ward: 10	
Description: New: Secondary Suite (existing - basement of semi-detached dwelling - 2)	
Gross Floor Area: 1600 feet - squared	
Dwelling Units: 2	
Proposed Development is: Permitted	
Proposed Use: Secondary Suite	
Please check the corresponding box below and forward any comments to the above sender. For Community Associations, please fill in the attached Community Context Questionnaire and forward to the above sender. ☐ No Comment ☒ Comments Attached	
NAME Karen McGovern, Calgary Airport Authority	DATE Mar 12 2020

Attached are the proposed plans and application material for this Development Permit. If you have any comments, please forward them by DUE DATE Thursday March 26, 2020 **to the above sender.**

If you want to discuss this application further, please contact the File Manager:

Daniel Bronson (403) 333-5407 daniel.bronson@calgary.ca

This Development Permit Application has been circulated to the following parties:

Civil Aviation Services , Transport Canada, 1100, 9700 Jasper Ave NW
Aleksandra Pajak - GM, Development Services, Calgary Airport Authority, 2000 Airport Rd NE
Jason Pare, Crossroads Community Association, 1803 14 Ave NE
Ray Jones, Ward 10 Councillor, #8001B
Land Use, NAV CANADA, 1601 Tom Roberts Avenue
Ben Selirio, Waste & Recycling Services
Paul Donker, Community Planning

Please note that any written submissions made in response to this application will form part of the official record, and upon final



Onsite Suite Review – Semi-Detached

PL 1289 (R2020-01)

Property Address 909 16 ST NE	Job Number CO2018-04332	Date 2020-03-04
Inspector's Name Navin Kooner	Phone Number 403-998-3290	Email navin.kooner@calgary.ca

General Observations

☒ Semi-detached	Land Use District: ☒ R-2/R-C2 ☐ R-G/R-CG ☐ Other/M-_____	
Components of Main & Upper Levels ☐ 1 dwelling (subdivided semi) ☒ 2 dwellings (un-subdivided) Number of Suites: <u>2</u>	Main level: ☒ Kitchen (as defined in LUB) ☒ Living Facilities ☒ Sanitary Facilities	Upper level: ☒ N/A ☐ Kitchen (as defined in LUB) ☐ Living Facilities ☐ Sanitary Facilities
Other Comments:		

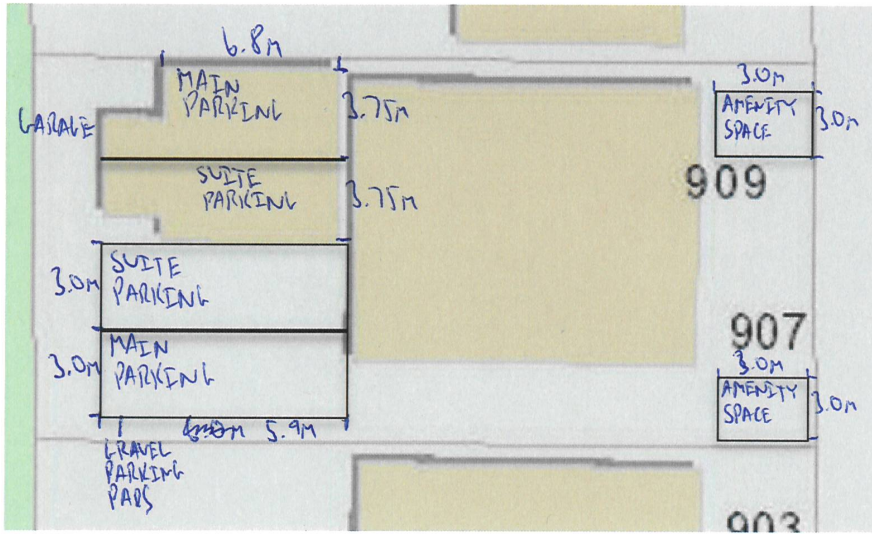
Basement (or Lower Level)

☒ Suite is self-contained	Year of Suite construction if known _____	Year of construction of Building 1969
Components of Secondary Suite	☒ Wholly contained in basement ☒ Kitchen (as defined in LUB) ☒ Living Facilities ☒ Sanitary Facilities ☐ Furnace/Utility Room	☒ Only one suite per unit # of bedrooms? <u>2</u>
Other Comments:		

Site Observations

Parking	<i>Inspector to draw and dimension stalls on the site plan</i> <u>Stall Sizes:</u> -Minimum 2.5m x 5.9m where both sides are free of a physical barrier or property line -Minimum 2.85m x 5.9m where one side of the stall abuts a physical barrier (PL or garage wall) -Minimum 3.0m x 5.9m where both sides of the stall abuts a physical barrier (Fenced area or single car garage) <i>Please note: Total dimensions of parking stall must be wholly located within the parcel. When proposed for front driveway, ensure stall does not encroach beyond front property line. Stalls must also be labeled 'Proposed Suite Stall' or 'Existing Suite Stall'.</i>
Parcel Width	-R-2/R-C2 Minimum parcel width of 13m for semi-detached, no less than 6.0 metres per side, -N/A in all other cases
Amenity Space	<i>Inspector to draw and dimension on site plan (example: 2m x 4m)</i> Minimum 7.5m ² with no dimensions less than 1.5m
Other Comments:	

ISC: Unrestricted



909 16 ST NE
4430AC:31:9:12

DP2020-1244



March 12, 2020

File: YYC 1805

The City of Calgary
 Development & Building Approvals #8201
 P.O. Box 2100 Station "M"
 Calgary, Alberta, T2P 2M5

Attention: Daniel Bronson
 Development Permit Application DP2020-1244
 Secondary Suite – Mayland Heights

Dear Daniel Bronson:

The purpose of this letter is to reply to your request of March 5, 2020, to review the Development Permit Application DP2020-1244 with respect to the proposed Secondary Suite – Mayland Heights. Please be advised that the Calgary Airport Authority has the following comments:

Calgary International Airport Vicinity Protection Area (AVPA) Regulation

The proposed development is located within the 35-40 NEF (Noise Exposure Forecast) contours. Residential, All types are not considered prohibited uses within this area, however the City and Owner are responsible for ensuring uses are compatible with the AVPA. All buildings constructed on land in the Protection Area must comply with the acoustical requirements set out in the Alberta Building Code.

Calgary International Airport Zoning Regulations

The proposed development is located within the **Approach Surface** as defined in the Calgary International Airport Zoning Regulations and is therefore subject to regulated height restrictions. The maximum height for any structure in this area is 1160.43m above sea level.

The applicant must contact Transport Canada directly for a thorough review and determination of any restrictions on their proposal, for both the building and cranes that may be used during construction.

Transport Canada
 Aerodrome Safety, Air Navigation and Airspace
 Prairie and Northern Region
 Email: casprn-sacrpn@tc.gc.ca
 Website: <http://www.tc.gc.ca>

Electronic Zoning Regulations

The proposed development is affected by the Electronic Facilities Protection Area Zoning Plan and is located within the critical area of the **Runway 17R Localizer and Runway 35L Glidepath**. Structure height limits exist in this area.

DP2020-1244



The applicant must contact Nav Canada directly for a thorough review and determination of any restrictions on their proposal, for both the building and any cranes that may be used during construction.

NAV CANADA

AIS Data Collection Unit and Land Use Office
 1601 Tom Roberts Road
 P.O. Box 9824, Station T
 Ottawa, Ontario, K1G 6R2
 Phone: 866.577.0247
 Fax: 613.248.4094
 Email: landuse@navcanada.ca
 Website: <http://www.navcanada.ca>

Land Use in the Vicinity of Airports

As this development is occurring outside of the Calgary International Airport property boundary, the proposed development should ensure compatibility to the land use recommendations and guidelines as set out in *TP1247 – Land Use in the Vicinity of Airports*.

I trust that the above comments will be of use to you in your review of this proposal. If you have any questions or require further information regarding these comments, please do not hesitate to contact me at 403.735.1273 or karenm@yyc.com.

Yours truly,

A handwritten signature in black ink, appearing to read 'Karen McGovern', with a long horizontal flourish extending to the right.

Karen McGovern
 Development Coordinator

Cc: Gord Falk, Calgary Airport Authority
 Land Use, NAV Canada
 Linda Thiessen, Transport Canada

From: EAWard10 - Lesley Stasiuk
Sent: Monday, March 09, 2020 9:55 AM
To: DP Circ
Cc: Bronson, Daniel J.; Crossroads
Subject: RE: Electronic Circulation of DP2020-1244 at 909 16 St NE (Mayland Heights)

Hi Daniel

RE: Electronic Circulation of DP2020-1244 at 909 16 St NE Secondary suite (Mayland Heights)

I'm sending this email message to you on behalf of CLLR Jones as he has no comments on this application. Feel free to contact me directly should you require anything further.

Lesley Stasiuk
 EA & Sr. Communications Assistant to
Councillor Ray Jones, Ward 10
 T: (403) 268-1659 F: (403) 268-8091

From: Cho, Vivian **On Behalf Of** DP Circ
Sent: Thursday, March 5, 2020 3:21 PM
Cc: Bronson, Daniel J. ; DP Circ
Subject: Electronic Circulation of DP2020-1244 at 909 16 St NE



For more information
CALGARY.CA/PD
[DISPATCH](#)
[NEWSLETTER](#)



Good day,

Please find attached the circulation package for the above noted Development Permit application.

Included are the following documents:

1. Circulation Package
 - Guidelines for Electronic Circulation
 - Request for Comment Sheet
 - Onsite Suite Review
 - Complete Set of Plans

2. Community Association Feedback Form
Please note, you can also [submit feedback online](#).

Please respond electronically to DP.Circ@calgary.ca.

Thank you.

Vivian Cho

Applications Processing Representative
Calgary Building Services
Planning & Development
The City of Calgary | Mail Code: 8108
T 403.268.5744 | E DP.Circ@calgary.ca
Floor #3, Municipal Building - 800 Macleod Tr. S.E.
P.O. Box 2100, Station M, Calgary, AB T2P 2M5



ISC: Unrestricted

Development Authority Response to Notice of Appeal

Appeal number: SDAB2020-0042

Development Permit number: DP2020-1244

Address: 909 16 ST NE (title parcel)
907 & 909 16 ST NE (building addresses)

Description: New: Secondary Suite (existing -basement of
semi-detached dwelling – 2)

Land Use: Residential – Contextual One/Two Dwelling (R-C2)

Community: Mayland Heights

DA Attendance: Yes

Use: Permitted with a Relaxation

Notice Posted: No

Objections: No

Support: No

Bylaw relaxations:

Additional residential uses are prohibited in this area by the Airport Vicinity Protection Act.

Applicable ARP, ASP or Design Brief (in addition to the MDP):

Policy to Guide Discretion for Secondary Suites and Backyard Suites (the Policy)

Additional factors, considerations and rationale for the decision:

- Please see the Reasons for Refusal
- The Development Authority may provide additional submission prior to the merits hearing.

From: Sarabal@shaw.ca
Sent: Thursday, September 23, 2021 7:11 PM
To: Calgary SDAB Info
Cc: Loewen, Maurie
Subject: *CR* Secondary Suite at 909 16 ST NE (permit number DP2020-1244, appeal number 2021-0042)

Follow Up Flag: Follow up
Flag Status: Completed

Dear Chair-person,

I have a pending appeal (2021-0042) from earlier part of the year. May I please request this item to be brought forward to hearing.

Regards,

Sarabjit Bal



SDAB2020-0042 / DP2020-1244

Appeal of:

New: Secondary Suite (existing –basement of Semi-detached Dwelling – 2)

Permitted (with a relaxation)

Surrounding Land Use

LEGEND

- Residential Low Density
- Residential Medium Density
- Residential High Density
- Commercial
- Heavy Industrial
- Light Industrial
- Parks and Openspace
- Public Service
- Service Station
- Vacant
- Transportation, Communication, and Utility
- Rivers, Lakes
- Land Use Site Boundary



Decision Summary

Secondary Suite: Permitted Use in R-C2

Reasons for Refusal PG 5-8 (July 2020):

- AVPA compliance (AVPA Amended Sept 2021)
- Subdivision Development Regulation (parcel no longer in setback, July 2021)

Reasons for Refusal now resolved or addressed

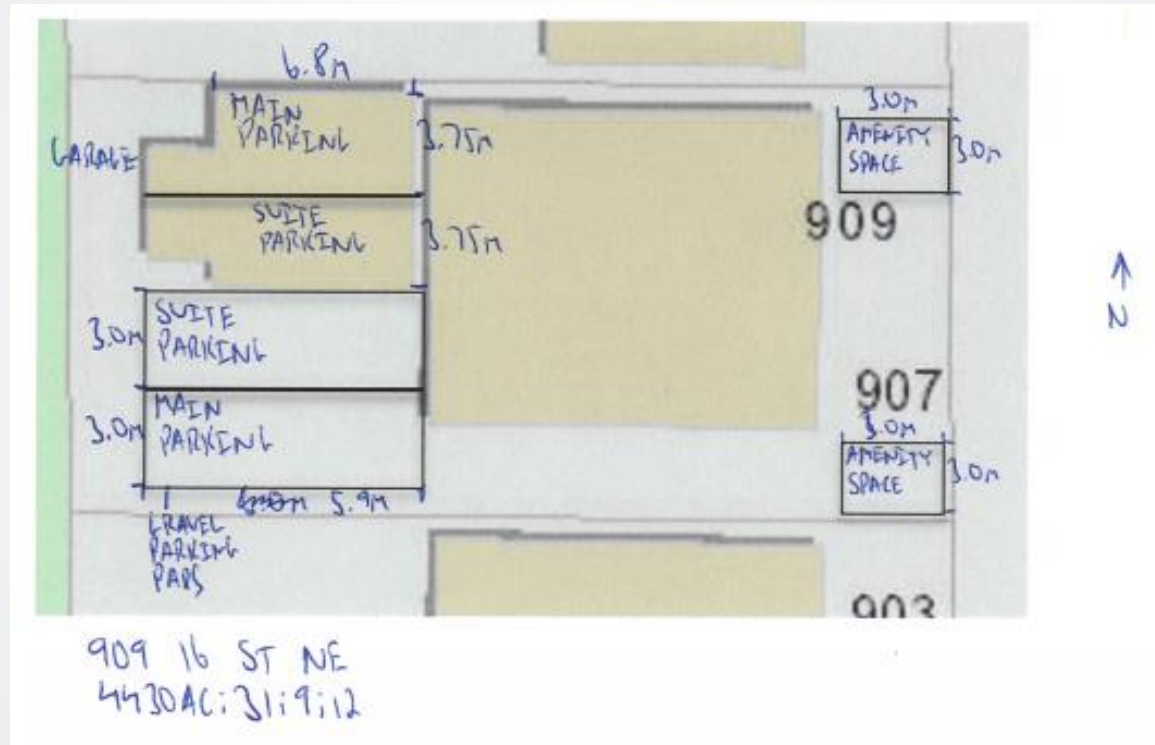
Supported Relaxation (July 2020):

- Parking

Onsite Suite Review PG 21

		Onsite Suite Review – Semi-Detached PL 1289 (R2020-01)	
Property Address 909 16 ST NE	Job Number CO2018-04332	Date 2020-03-04	
Inspector's Name Navin Kooner	Phone Number 403-998-3290	Email navin.kooner@calgary.ca	
General Observations			
☒ Semi-detached Components of Main & Upper Levels ☐ 1 dwelling (subdivided semi) ☒ 2 dwellings (un-subdivided) Number of Suites: <u>2</u>		Land Use District: ☒ R-2/R-C2 ☐ R-G/R-CG ☐ Other/M- Main level: ☒ Kitchen (as defined in LUB) ☒ Living Facilities ☒ Sanitary Facilities Upper level: ☒ N/A ☐ Kitchen (as defined in LUB) ☐ Living Facilities ☐ Sanitary Facilities	
Other Comments:			
Basement (or Lower Level)			
☒ Suite is self-contained Components of Secondary Suite	Year of Suite construction if known ☒ Wholly contained in basement ☒ Kitchen (as defined in LUB) ☒ Living Facilities ☒ Sanitary Facilities ☐ Furnace/Utility Room	Year of construction of Building <u>1969</u> ☒ Only one suite per unit # of bedrooms? <u>2</u>	
Other Comments:			
Site Observations			
Parking	<i>Inspector to draw and dimension stalls on the site plan</i> <u>Stall Sizes:</u> -Minimum 2.5m x 5.9m where both sides are free of a physical barrier or property line -Minimum 2.85m x 5.9m where one side of the stall abuts a physical barrier (PL or garage wall) -Minimum 3.0m x 5.9m where both sides of the stall abuts a physical barrier (Fenced area or single car garage) <i>Please note: Total dimensions of parking stall must be wholly located within the parcel. When proposed for front driveway, ensure stall does not encroach beyond front property line. Stalls must also be labeled 'Proposed Suite Stall' or 'Existing Suite Stall'.</i>		
Parcel Width	-R-2/R-C2 Minimum parcel width of 13m for semi-detached, no less than 6.0 metres per side, -N/A in all other cases		
Amenity Space	<i>Inspector to draw and dimension on site plan (example: 2m x 4m)</i> Minimum 7.5m ² with no dimensions less than 1.5m		
Other Comments:			

Site Plan PG 22



Air Photo (2021/9/14)



Updated Bylaw Check

Original PG 12

Relaxation Considerations for Parking											
a. The Development Authority may consider a parking relaxation for a Secondary Suite or Backyard Suite based on the proximity of the suite to the Centre City and to frequent transit service. The Development Authority may consider relaxing the minimum parking requirements for a Secondary Suite or Backyard Suite where the suite is located:	i. in Area 1 of the Parking Areas Map		N/A								
	ii. in Area 2 of the Parking Areas Map and within:	A. 600 metres of a capital funded Light Rail Transit platform;	N/A	Bylaw Discrepancies							
				Regulation	Standard				Provided		
				295 Secondary Suite	(c) requires a minimum of 1.0 motor vehicle parking stall.				Site cannot accommodate parking stalls for the Single Detached Dwelling and Secondary Suite for #907.		
				305, 443 Parking	(c) requires a minimum of 1.0 motor vehicle parking stalls per Dwelling Unit (which includes secondary suites if applicable)						
			B. 400 metres of a Bus Rapid Transit stop; or	N/A							
		C. 400 metres of a bus service which generally has frequency of at least one bus every 20 minutes on weekdays from 6:30 AM to 6:00 PM and a frequency of at least one bus every 30 minutes on weekday evenings from 6:00 PM to the end of service and on weekends during times of service.									
			#	Route Name	AM	Mid	PM	Evening	Sat Day	Sat - evening	Sun
			19	16 Avenue North	30	30	30	27	45/30/0	45	45/30/45
			27	Willowglen	20	20	20	45	/	/	./.

Calgary International Airport Vicinity Protection Area Regulation AR 177/2009, Amended under Ministerial Order No. MSD:0721/21

Changes Include:

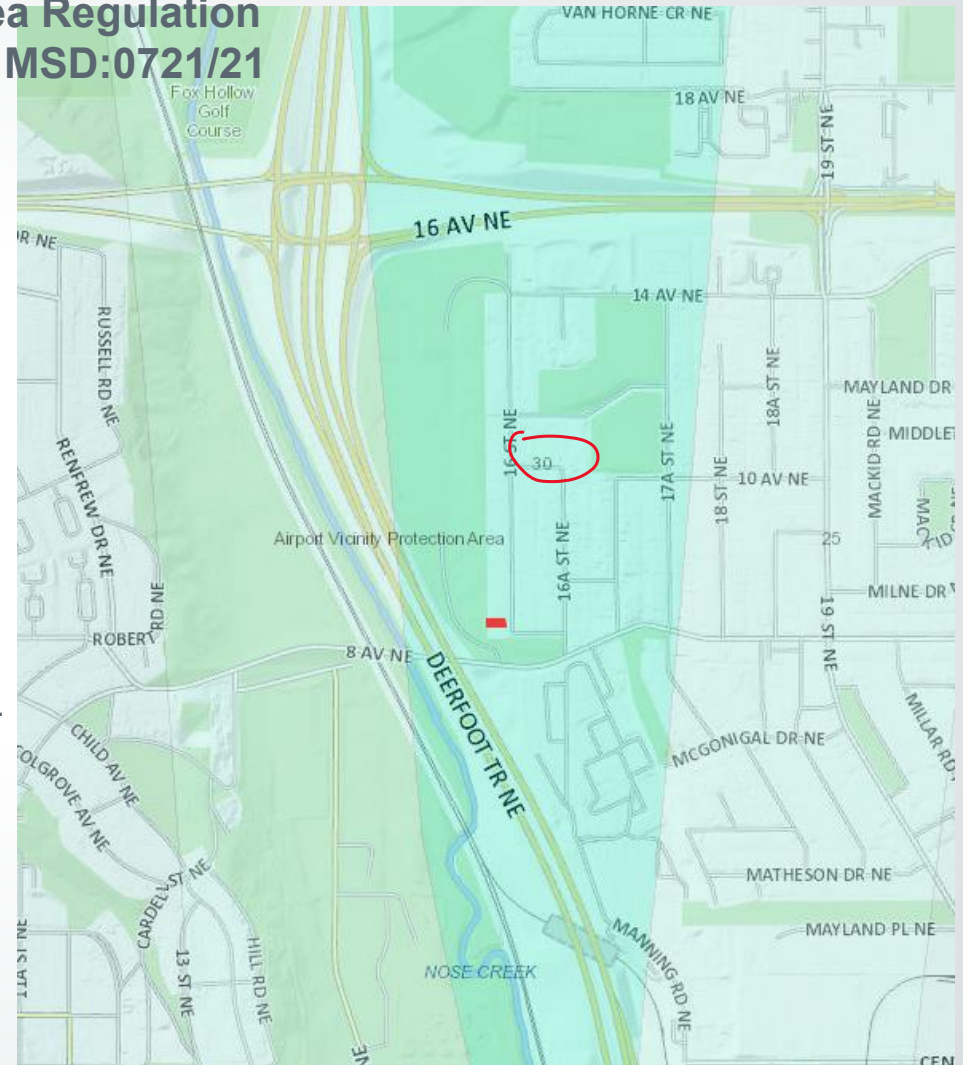
- Change to Noise Exposure Forecast (NEF)
- adding additional legal description to Schedule 3 S,2.2(1), which is a list that allows new Secondary Suites within the NEF 30 area

The subject parcel Plan 4430AV, Block 31, Lots 9, 12:

- Is now in the NEF 30 (formerly 35)
- Is now exempted from the prohibition restricting Secondary Suites

The AVPA now allows Secondary Suite within a Semi-detached Dwelling on the subject parcel

Note: repealed mapping on PG 8



Calgary International Airport Vicinity Protection Area Regulation AR 177/2009, Amended under Ministerial Order No. MSD:0721/21

Schedule 3

CALGARY INTERNATIONAL AIRPORT VICINITY
PROTECTION AREA REGULATION

AR 177/2009

Schedule 3

Land Use in Relation to Noise Exposure Forecast Areas

**Residential subdivision and development a permitted use –
Mayland Heights and Vista Heights**

2.2(1) This section applies to the following land within the NEF
30-35 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
Mayland Heights		
4430AC	31	1, 4, 5, 8, 9, 12, 13

***Only one suite per unit, complies
with Schedule 3 S. 2.2 (e)***

- *Subsection 3 and 4 aren't applicable*

(2) Despite any other provision of this Regulation, the following types of subdivision and development for residential use are permitted with respect to the land described in subsection (1), subject to compliance with any applicable statutory plan and land use bylaw and the acoustical requirements set out in the Alberta Building Code:

- (e) subject to subsections (3) and (4), the development of an attached suite;
- (f) subject to subsections (3) and (4), the development of a detached suite.

(3) The development of both an attached suite and a detached suite is not permitted

- (a) on the same parcel,
- (b) in respect of the same single detached dwelling, or
- (c) in respect of the same dwelling unit of a semi-detached dwelling referred to in subsection (2)(d)(ii).

(4) The development of either an attached suite or a detached suite is not permitted on a parcel resulting from the subdivision of a corner lot parcel under subsection (2)(b) where there is a semi-detached dwelling with 3 or more dwelling units.

Alberta Subdivision and Development Regulation AR 43/2002

Image on PG 18 indicates development within 300.0 metres of Nose Creek Landfill

Part 2, Section 13 restricts residences within 300 metres of a disposal area (use prohibited)

Mapping further revised in July of 2021, relaxation no longer needed

The City of Calgary, Waste & Recycling Services (WRS), as the owner of the closed Nose Creek (NC) landfill, no longer considers the parcel referenced in Development Permit Application DP2020-1244 to be within the 300m Landfill Setback for the closed Nose Creek Landfill.

Based on exploratory investigations and review of the extent of the closed NC landfill area, and as communicated to AEP in a letter dated July 7, 2021 WRS determined that portions of lands/areas previously considered to have been used as a sanitary landfill were not part of the closed NC landfill operated by The City of Calgary. The MGA SDR setbacks will no longer apply to those areas.

The property located at 909 16 ST NE is situated outside of the revised MGA SDR landfill setback for the closed Nose Creek landfill and is no longer encumbered by landfill setback variance requirements.

Steve Gorda, C.E.T.
Infrastructure Planning
Waste & Recycling Services,

Decision Summary

Secondary Suite: Permitted Use in R-C2

- AVPA Amended, use now permitted, no relaxation required
- SDR Mapping updated, not within 300m of landfill, no relaxation required
- Parking relaxation before the Board, use remains permitted with relaxation

Note:

Provision of second on site parking stall would resolve parking issue; however, a permitted use DP would still be required because parcel is within boundary of AVPA. Section 24 of the Land Use Bylaw does not exempt developments within the Boundary of the AVPA from a DP

FILE: DP 2020-1244

DATE RECEIVED: September 23, 2021

APPLICATION ADDRESS: 907 & 909 16 ST NE

Bylaw Discrepancies																																
Regulation		Standard			Provided																											
295 Secondary Suite		(c) requires a minimum of 1.0 motor vehicle parking stall.			Site cannot accommodate parking stalls for the Single Detached Dwelling and Secondary Suite for #907.																											
305, 443 Parking		(c) requires a minimum of 1.0 motor vehicle parking stalls per Dwelling Unit (which includes secondary suites if applicable)																														
Notes: Landfill Setback Warning																																
Parcel Width: 15.24m																																
AVPA: 35																																
Floodway / Flood fringe: n/a																																
Relaxation Considerations for Parking																																
a. The Development Authority may consider a parking relaxation for a Secondary Suite or Backyard Suite based on the proximity of the suite to the Centre City and to frequent transit service. The Development Authority may consider relaxing the minimum parking requirements for a Secondary Suite or Backyard Suite where the suite is located:	i. in Area 1 of the Parking Areas Map			N/A																												
	ii. in Area 2 of the Parking Areas Map and within:	A. 600 metres of a capital funded Light Rail Transit platform;		N/A																												
		B. 400 metres of a Bus Rapid Transit stop; or		N/A																												
		C. 400 metres of a bus service which generally has frequency of at least one bus every 20 minutes on weekdays from 6:30 AM to 6:00 PM and a frequency of at least one bus every 30 minutes on weekday evenings from 6:00 PM to the end of service and on weekends during times of service.		<table><tr><th>#</th><th>Route Name</th><th>AM</th><th>Mid</th><th>PM</th><th>Evening</th><th>Sat Day</th><th>Sat - eve</th></tr><tr><td>19</td><td>16 Avenue North</td><td>30</td><td>30</td><td>30</td><td>27</td><td>45 / 30</td><td>45</td></tr><tr><td>27</td><td>Willowglan</td><td>20</td><td>20</td><td>20</td><td>45</td><td>/</td><td>/</td></tr></table>						#	Route Name	AM	Mid	PM	Evening	Sat Day	Sat - eve	19	16 Avenue North	30	30	30	27	45 / 30	45	27	Willowglan	20	20	20	45	/
	#	Route Name	AM	Mid	PM	Evening	Sat Day	Sat - eve																								
19	16 Avenue North	30	30	30	27	45 / 30	45																									
27	Willowglan	20	20	20	45	/	/																									
b. The Development Authority should consider natural and human-made barriers (e.g. waterbodies, landforms, skeletal and arterial roads) to accessing frequent transit service when considering a parking a relaxation for a Secondary Suite or Backyard Suite.				FM to review																												

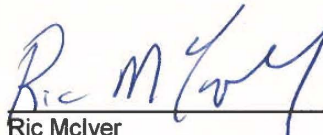


ALBERTA
MUNICIPAL AFFAIRS
Office of the Minister
MLA, Calgary-Hays

MINISTERIAL ORDER NO. MSD:072/21

I, Ric McIver, Minister of Municipal Affairs, pursuant to Section 693 of the *Municipal Government Act*, make the Calgary International Airport Vicinity Protection Area Amendment Regulation as set out in the attached Appendix.

Dated at Edmonton, Alberta, this 27 day of August, 2021.



Ric McIver
Minister of Municipal Affairs

FILED UNDER
THE REGULATIONS ACT

as ALBERTA REGULATION 163/2021

ON September 10 2021



REGISTRAR OF REGULATIONS

APPENDIX

Municipal Government Act CALGARY INTERNATIONAL AIRPORT VICINITY PROTECTION AREA AMENDMENT REGULATION

1 The *Calgary International Airport Vicinity Protection Area Regulation* (AR 177/2009) is amended by this Regulation.

2 Section 1 is amended

(a) In clause (c)

(i) by repealing subclause (iii);

(ii) In subclause (iv) by striking out “subclauses (i) to (iii)” and substituting “subclause (i) or (ii)”;

(b) by repealing clause (d)(iii).

3 Section 6 is repealed and the following is substituted:

Duty of municipality

6(1) A municipality must refer a copy of any application it receives for a subdivision of land or a development permit relating to land in the Protection Area in a NEF Area of 30 or more, where the use of the land will change as a result of the application being approved, to the Airport Operator.

(2) Before adopting a statutory plan or land use bylaw, or an amendment of either, that relates to land in the Protection Area, a municipality must refer the statutory plan or land use bylaw, or the amendment, to the Airport Operator.

4 The following is added after section 8:

Expiry

8.1 For the purposes of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2026.



- 2 -

5 Schedule 1 is repealed and the following is substituted:

Schedule 1

**Calgary International Airport Vicinity
Protection Area**

The Calgary International Airport Vicinity Protection Area consists of the lands described in this Schedule, but does not include the airport lands.

In township 24, range 29, west of the 4th meridian:

Northeast quarter of section 4;
Sections 9, 16 and 21;
West half of section 22;
West half of section 27;
Sections 28 and 33;
Southwest quarter and north half of section 34.

In township 25, range 29, west of the 4th meridian:

Southwest quarter of section 2;
Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28 and 33;
Southeast quarter and west half of section 34.

In township 26, range 29, west of the 4th meridian:

West half of section 3;
Sections 4 and 9;
Southwest quarter and east half of section 16;
Southeast quarter of section 21.

In township 23, range 1, west of the 5th meridian:

Northwest quarter of section 36.

In township 24, range 1, west of the 5th meridian:

West half of section 1;
East half of section 2;
East half of section 11;
Northeast quarter and west half of section 12;
Section 13;
East half of section 14;
East half of section 23;
Sections 24 and 25;
Southeast quarter and north half of section 26;
Northeast quarter of section 34;
Sections 35 and 36.

In township 25, range 1, west of the 5th meridian:

Sections 1 and 2;
Northeast quarter of section 10;
Sections 11, 12, 13, 14 and 15;
Southeast quarter of section 22;
Sections 23, 24 and 25;
East half of section 26;
East half of section 35;
Section 36.

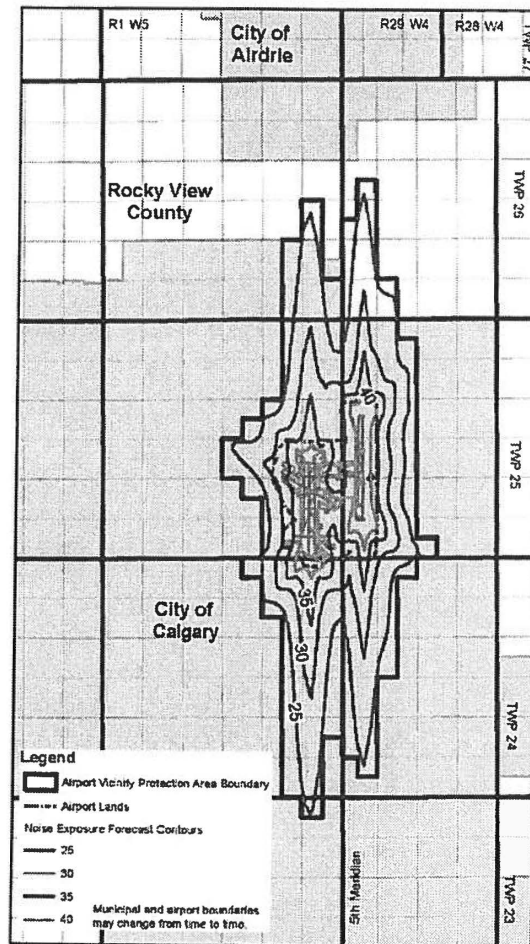
- 3 -

In township 26, range 1, west of the 5th meridian:

Section 1;
East half of sections 2 and 11;
West half of sections 12 and 13.

6 Schedule 2 is repealed and the following is substituted:

Schedule 2



7 Schedule 3 is amended

- (a) by repealing sections 2 and 2.1;
- (b) by repealing section 2.2(1) and substituting the following:

 3F/210621/A2/17742

- 4 -

**Residential subdivision and development a permitted use —
Mayland Heights and Vista Heights**

**2.2(1) This section applies to the following land within the NEF
30-35 Area:**

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
Mayland Heights		
350JK	31	15, 16, 17, 18, 19
4430AC	11	2, 3, 6, 7, 10, 11
4430AC	12	2, 3, 6, 7, 10, 11, 14, 15, 18, 19
4430AC	13	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 18, 19
4430AC	14	2, 3, 6, 7, 10, 11, 15, 18, 19
4430AC	19	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15-18, 19, 20, 21, 22, 23, 24
4430AC	20	1, 2, 3, 4, 5, 6, 7, 8, 9
4430AC	21	1, 2, 3, 4, 7, 8, 9, 10, 11, 12
4430AC	22	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24
4430AC	26	19
4430AC	27	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
4430AC	29	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15-17, 18, 19, 20, 21, 22, 23, 24
4430AC	30	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
4430AC	31	1, 4, 5, 8, 9, 12, 13
4430AC	32	1, 4, 5, 8, 9, 12, 13, 16, 17, 20, 21, 24
4430AC	33	1, 4, 9, 12, 13, 16, 17, 20
4430AC	34	4, 5, 8, 9, 12, 13, 16, 17, 20
6852HL	12	22
6852HL	19	25, 26
6852HL	23	21
6852HL	29	25, 27, 28
6852HL	32	25
6852HL	33	5, 8, 21
6852HL	34	21
6852HL	35	D
6852HL	45	1-5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16
6852HL	46	1, 2, 3, 4, 5, 6, 7, 8
6852HL	47	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
8431HJ	41	1, 2, 3, 4, 5, 6, 14, 15, 21, 22

- 5 -

412801	21	14, 15
510842	21	16, 17
511056	29	29, 30
712237	29	25, 26
915030	26	20, 21, 22, 23, 24, 25, 27
1011337	34	22
1013591	21	18, 19
9311044	21	13A
9811800	45	17, 18
9911922	45	17
Vista Heights		
713348	4	98, 99
1065JK	3	1, 2-17, 18
1065JK	4	29, 30-33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46-57, 58, 59-68, 69, 70, 71, 72, 73, 74, 75, 76, 77-86, 87, 88- 93, 95, 96
1065JK	5	1, 2, 3, 4, 5-10, 11, 12-15, 16, 17, 18-20, 21, 22, 23, 24, 25
1065JK	7	1, 2, 3, 4, 5-19, 20
4347JK	11	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16-21, 22, 23, 28-35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56
4347JK	13	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
4347JK	14	1, 2, 3, 4, 5, 6, 7-9, 10, 11, 12, 13, 14, 15, 16, 17-19, 20

(c) by adding the following after section 2.3:

Other permitted uses

2.4(1) This section applies to the following land within the NEF
30-35 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
0410759	5	2
CONDOMINIUM PLAN 0611343	N/A	UNIT 1, UNIT 3-UNIT 7, UNIT 9-UNIT 11, UNIT 13, UNIT 14, UNIT 16, UNIT 17, UNIT 19-UNIT 30
CONDOMINIUM PLAN 0611843	N/A	UNIT 1-UNIT 3
CONDOMINIUM PLAN 0812921	N/A	UNIT 8-UNIT 11, UNIT 14-UNIT 18
DESCRIPTIVE PLAN 1111286	10	5
7410187	5	6, 7

- 6 -

7410187	6	5, 7, 9
7410187	9	1, 2, 3
7410187	10	
CONDOMINIUM PLAN 7810395	N/A	UNIT 1-UNIT 6, UNIT 8, UNIT 10
7810796	5	7
8210278	29	44, 46-53
9612335	4	5PUL

(2) Despite any other provision of this Regulation, subdivision and development for the following uses are permitted within the NEF 30-35 Area with respect to the land described in subsection (1), subject to compliance with any applicable statutory plan and land use bylaw and the acoustical requirements set out in the Alberta Building Code:

- (a) residences;
- (b) schools;
- (c) medical care facilities.

Other permitted uses

2.5(1) This section applies to the following land within the NEF 35-40 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
154LK	2	4
5060AK	58	
0110618	N/A	11
0210486	1	13
CONDOMINIUM PLAN 0414236	N/A	UNIT 1-UNIT 3, UNIT 5, UNIT 8-UNIT 12
0514233	2	7
731502	4	7
1510259	2	5
1811550	6	8
7410187	4	2, 13, 14

(2) Despite any other provision of this Regulation, subdivision and development for the following uses are permitted within the NEF 35-40 Area with respect to the land described in subsection (1), subject to compliance with any applicable statutory plan and land use bylaw and the acoustical requirements set out in the Alberta Building Code:

- (a) day cares;
- (b) halls and auditoriums;
- (c) places of worship;
- (d) outdoor exhibitions and fairgrounds;
- (e) outdoor spectator entertainment/sports facilities.
- (d) by repealing section 3;
- (e) in section 4

- 7 -

- (i) by repealing subsection (1) and substituting the following:

Prohibited uses

4(1) A land use shown in Column 1 of the following table is prohibited on land that is located in a NEF Area shown in Column 2, 3, 4 or 5 of the table if the expression "PR" appears in that column opposite that land use:

TABLE

Column 1	Col. 2	Col. 3	Col. 4	Col. 5
	NEF	NEF	NEF	NEF
	40+	35-40	30-35	25-30
Land Uses	Area	Area	Area	Area
Residences	PR	PR	PR	-
Schools	PR	PR	PR	-
Day cares	PR	PR	-	-
Clinics	PR	-	-	-
Medical care facilities	PR	PR	PR	-
Halls and auditoriums	PR	-	-	-
Places of worship	PR	-	-	-
Outdoor eating establishments	PR	-	-	-
Outdoor exhibition and fairgrounds	PR	PR	-	-
Outdoor spectator entertainment/sports facilities	PR	PR	-	-
Campgrounds	PR	PR	PR	PR

- (ii) by adding the following after subsection (3):

(4) Subject to subsection (2), a land use that is not identified as prohibited in subsection (1) is permitted in any NEF area.

- (f) by repealing section 5 and substituting the following:

Use of land where parcel located in more than one NEF Area

5(1) Where a parcel of land that is equal to or less than 0.2 hectares is located in more than one NEF Area, the noise exposure forecast contour line that runs through the parcel must be adjusted to follow the next appropriate natural or man-made boundary that is farther away from the airport lands.

(2) Where

- (a) a noise exposure forecast contour line divides a parcel of land that is greater than 0.2 hectares into more than one NEF area, and
- (b) in one area a proposed use is a prohibited use and in the other area the proposed use is not a prohibited use,

the proposed use of the parcel may be carried out only in the area in which the proposed use is not a prohibited use.



Province of Alberta

MUNICIPAL GOVERNMENT ACT

**CALGARY INTERNATIONAL
AIRPORT VICINITY PROTECTION
AREA REGULATION**

Alberta Regulation 177/2009

With amendments up to and including Alberta Regulation 163/2021

Current as of September 10, 2021

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 163/2021)

ALBERTA REGULATION 177/2009

Municipal Government Act

**CALGARY INTERNATIONAL AIRPORT VICINITY
PROTECTION AREA REGULATION**

Table of Contents

1	Definitions
2	Protection Area established
3	Subdivision approval and development permits relating to land in Protection Area
4	Continuation of validity of pre-existing approvals
5	Acoustical requirements
6	Duty of municipality
7	Amendment to Regulation
8	Repeal
8.1	Expiry

Schedules

Definitions

1 In this Regulation,

- (a) “airport lands” means lands owned by the Crown in right of Canada and managed and operated as an airport by the Airport Operator pursuant to the *Regional Airports Authorities Act*;
- (b) “Airport Operator” means The Calgary Airport Authority established as a corporation under the *Regional Airports Authorities Act*, or a successor to that corporation;
- (c) “development permit” means an authorization to develop land under one of the following:
 - (i) where the land is in The City of Calgary, The City of Calgary Land Use Bylaw No. 1P2007, as amended from time to time;
 - (ii) where land is in Rocky View County, Rocky View County Land Use Bylaw No. C-4841-97, as amended from time to time;

- (iii) repealed AR 163/2021 s2;
- (iv) where a building permit authorizes the construction or placing of a building on land in any of the municipalities referred to in subclause (i) or (ii), or an addition to or replacement or repair of that improvement, a building permit;
- (d) “municipality” means any of the following:
 - (i) The City of Calgary;
 - (ii) Rocky View County;
 - (iii) repealed AR 163/2021 s2;
- (e) “NEF Area” or “noise exposure forecast area” means the area of land that
 - (i) is enclosed by NEF contour 40, excluding the airport lands,
 - (ii) lies between NEF contours 35 and 40, excluding the airport lands,
 - (iii) lies between NEF contours 30 and 35, excluding the airport lands,
 - (iv) lies between NEF contours 25 and 30, or
 - (v) lies between NEF contour 25 and the boundary of the Protection Area as shown on the map in Schedule 2;
- (f) “NEF contour” or “noise exposure forecast contour” means a numbered line shown on the map in Schedule 2 that indicates a boundary of a NEF Area;
- (g) “noise exposure forecast” means a system comprised of a standardized format for forecasted aircraft movement inputs, a computer model and associated land use compatibility tables, which together have been approved by Transport Canada to provide an airport operator means to generate NEF contours that can be used by land use planning authorities to develop compatible land use decisions around an airport;
- (h) “prohibited use” means a use of land that is prohibited under Schedule 3;

- (i) “Protection Area” means the Calgary International Airport Vicinity Protection Area established under section 2.
- (j) “secondary suite” means a self-contained dwelling basement suite that is part of an existing building, meets the building code requirements of a secondary suite and has separate living, cooking, sleeping and bathroom facilities.

AR 177/2009 s1;71/2014;186/2017;163/2021

Protection Area established

2(1) The lands described in Schedule 1 and shown on the map in Schedule 2 are hereby established as the Calgary International Airport Vicinity Protection Area.

(2) If any discrepancy exists between the description of the lands in Schedule 1 and the location of the lands on the map in Schedule 2, the description in Schedule 1 prevails.

(3) The Protection Area does not include the airport lands.

Subdivision approval and development permits relating to land in Protection Area

3(1) No subdivision or development of any kind may be undertaken on land in the Protection Area unless subdivision approval is given or a development permit is issued, as the case may be, by the municipality in which the land is located.

(2) A municipality that receives

- (a) an application for the subdivision of land in the Protection Area, or
- (b) an application for a development permit relating to land in the Protection Area

must, in addition to complying with Part 17 of the *Municipal Government Act*, comply with this Regulation.

(3) Subject to section 4, no subdivision approval may be given and no development permit may be issued by a municipality relating to land in the Protection Area if the proposed use of that land is a prohibited use, with the exception of a development permit for a secondary suite in an existing single family development.

(4) This section does not apply to a minor development of land in the Protection Area

- (a) that will not result in a change in the use of the land, or

- (b) that is exempt under any one of the authorities listed in section 1(c) from the requirement to obtain a development permit.

AR 177/2009 s3;186/2017

Continuation of validity of pre-existing approvals

4(1) If, before the coming into force of this Regulation, a municipality approved a subdivision or issued a development permit relating to land in the Protection Area and the use approved for the land or an improvement to the land immediately before the coming into force of this Regulation was a permitted or prohibited use, the approval of the subdivision or the development permit, as the case may be, continues to be valid after the coming into force of this Regulation.

(2) No extension, addition or enlargement may be made to an improvement that is prohibited under this Regulation except in accordance with subsection (3).

(3) An improvement used for a residence or school may be extended, added to or enlarged if the portion of the improvement so extended, added to or enlarged

- (a) is located in a NEF Area described in section 1(e)(i), (ii) or (iii),
- (b) complies with the acoustical requirements set out in the Alberta Building Code, and
- (c) is entirely located on a parcel of land that existed immediately before the coming into force of this Regulation.

(4) Where the use of an improvement continues to be valid after the coming into force of this Regulation under subsection (1) and the improvement is destroyed or demolished, the improvement may be replaced and may continue to be used for the prohibited use if the portion so replaced complies with the acoustical requirements set out in the Alberta Building Code.

(5) The replacement of a residential improvement under subsection (4)

- (a) is limited to the number of residential units destroyed or demolished, and
- (b) must be built on a lot in a subdivision plan registered under the *Land Titles Act* before the coming into force of this Regulation.

Acoustical requirements

5(1) All buildings constructed on land in the Protection Area after this Regulation comes into force must comply with the acoustical requirements set out in the Alberta Building Code that are in force at the time the development permit relating to the building is issued.

(2) For the purpose of establishing the acoustic insulation factor under the Alberta Building Code, the NEF contour for a building is

- (a) the highest numbered NEF contour for the NEF Area in which the building is located, or
- (b) if the building is located in 2 NEF Areas, the highest numbered NEF contour for the higher numbered NEF Area.

Duty of municipality

6(1) A municipality must refer a copy of any application it receives for a subdivision of land or a development permit relating to land in the Protection Area in a NEF Area of 30 or more, where the use of the land will change as a result of the application being approved, to the Airport Operator.

(2) Before adopting a statutory plan or land use bylaw, or an amendment of either, that relates to land in the Protection Area, a municipality must refer the statutory plan or land use bylaw, or the amendment, to the Airport Operator.

AR 177/2009 s6;163/2021

Amendment to Regulation

7(1) Where a municipality applies to the Minister for an amendment to this Regulation, the application must include a resolution of the council that the council supports the proposed amendment.

(2) An application under subsection (1) must not be considered by the Minister unless the Minister is satisfied that reasonable consultation in respect of the proposed amendment has taken place with any affected municipality and landowners, the Airport Operator and the general public.

AR 177/2009 s7;186/2017

Repeal

8 The *Calgary International Airport Vicinity Protection Area Regulation* (AR 318/79) is repealed.

Expiry

8.1 For the purposes of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2026.

AR 163/2021 s4

9 Repealed AR 186/2017 s5.

Schedule 1**Calgary International Airport Vicinity
Protection Area**

The Calgary International Airport Vicinity Protection Area consists of the lands described in this Schedule, but does not include the airport lands.

In township 24, range 29, west of the 4th meridian:

Northeast quarter of section 4;
Sections 9, 16 and 21;
West half of section 22;
West half of section 27;
Sections 28 and 33;
Southwest quarter and north half of section 34.

In township 25, range 29, west of the 4th meridian:

Southwest quarter of section 2;
Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28 and 33;
Southeast quarter and west half of section 34.

In township 26, range 29, west of the 4th meridian:

West half of section 3;
Sections 4 and 9;
Southwest quarter and east half of section 16;
Southeast quarter of section 21.

In township 23, range 1, west of the 5th meridian:

Northwest quarter of section 36.

In township 24, range 1, west of the 5th meridian:

West half of section 1;
East half of section 2;
East half of section 11;

Northeast quarter and west half of section 12;
 Section 13;
 East half of section 14;
 East half of section 23;
 Sections 24 and 25;
 Southeast quarter and north half of section 26;
 Northeast quarter of section 34;
 Sections 35 and 36.

In township 25, range 1, west of the 5th meridian:

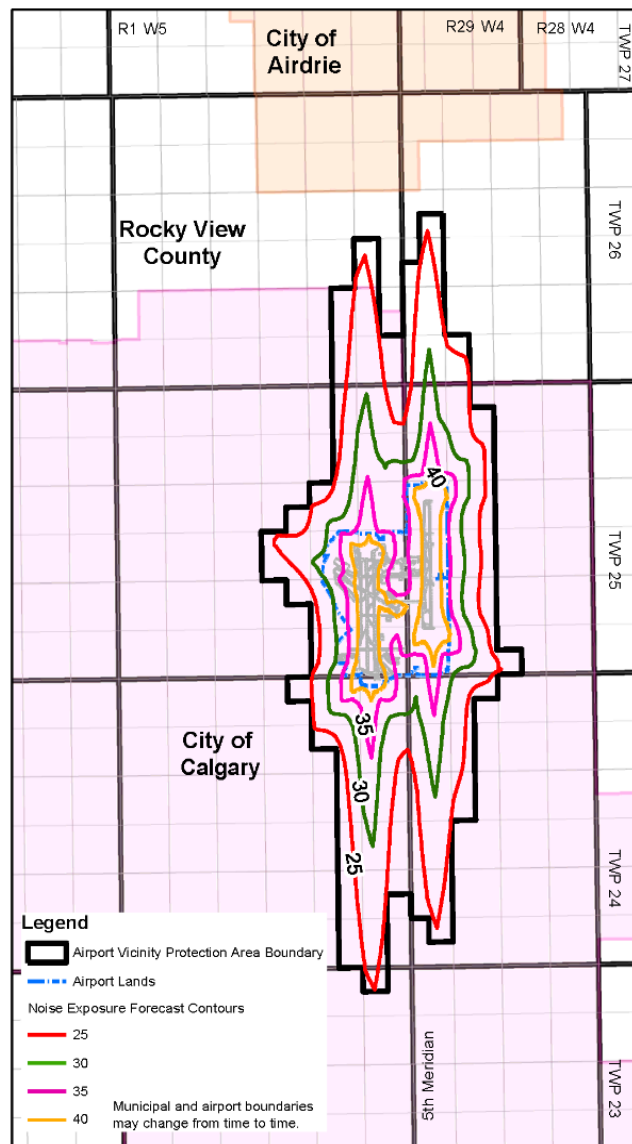
Sections 1 and 2;
 Northeast quarter of section 10;
 Sections 11, 12, 13, 14 and 15;
 Southeast quarter of section 22;
 Sections 23, 24 and 25;
 East half of section 26;
 East half of section 35;
 Section 36.

In township 26, range 1, west of the 5th meridian:

Section 1;
 East half of sections 2 and 11;
 West half of sections 12 and 13.

AR 177/2009 Sched 1;163/2021

Schedule 2



AR 177/2009 Sched. 2;71/2014;186/2017;163/2021

Schedule 3**Land Use in Relation to Noise
Exposure Forecast Areas****Definitions**

1 In this Schedule,

- (a) “attached suite” means a self-contained dwelling unit that meets the building code requirements of a secondary suite, with its own living, cooking, sleeping and bathroom facilities, that is located in an existing dwelling, and includes a secondary suite;
- (a.1) “campground” means a facility where spaces are provided for temporary accommodation for recreational vehicles or tents;
- (b) “clinic” means a facility for the provision of physical services or mental health services, or both, to individuals on an outpatient basis;
- (c) “day care” means a facility for the provision of care and supervision of 7 or more children, under the age of 13 years, for periods not exceeding 24 consecutive hours, but does not include an on-site child care program that is provided by an employer or organization and is ancillary to the primary use of the site;
- (c.1) “dBA” means a measure of sound level in decibels using a reference sound pressure of 20 micropascals when measured on the A-weighting network of a sound level meter;
- (c.2) “detached suite” means a self-contained dwelling unit that meets the relevant building code requirements, with its own living, cooking, sleeping and bathroom facilities, that is
 - (i) part of or attached to an accessory building on the same parcel of land as an existing dwelling, or
 - (ii) located in a detached building on the same parcel of land as an existing dwelling;
- (d) “hall and auditorium” means a facility that is primarily used for social or cultural activities, but does not include a museum or conference centre;
- (e) “land” means land located in the Protection Area;

- (f) “medical care facility” means a facility that is used or intended to provide health services, medical treatment or nursing, rehabilitative or preventive care to individuals and that includes overnight stays;
- (g) “outdoor eating establishment” means a facility where food or beverages are served or offered for sale or consumption where all, or a majority, of the seating is not located within a fully enclosed building;
- (h) “outdoor exhibition and fairground” means a facility that provides for the display of commodities, where all or a majority of the activities are not located in a fully enclosed building, and includes, but is not limited to, such uses as agricultural fairs, amusement rides and outdoor rodeos;
- (i) “outdoor spectator entertainment/sports facility” means a place or structure that is primarily used or intended for outdoor spectator uses or events, but does not include a race facility for motorized vehicles;
- (j) “place of worship” means a place or building that is primarily used or intended as a place where people regularly assemble for religious worship and associated activities;
- (k) “PR”, where it appears in the table opposite a particular land use, means that the land use is prohibited in that NEF Area;
- (l) “residence” means a building that includes kitchen, sleeping and sanitary facilities and is used primarily as a home;
- (m) “school” means a place or building that is used or primarily intended for the education of students at a preschool, elementary, junior high or high school age;
- (n) “semi-detached dwelling” means a building that contains no more than 4 dwelling units located side by side and separated by a common wall extending from foundation to roof.

2, 2.1 Repealed AR 163/2021 s7.

**Residential subdivision and development a permitted use –
Mayland Heights and Vista Heights**

2.2(1) This section applies to the following land within the NEF 30-35 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
Mayland Heights		
350JK	31	15, 16, 17, 18, 19
4430AC	11	2, 3, 6, 7, 10, 11
4430AC	12	2, 3, 6, 7, 10, 11, 14, 15, 18, 19
4430AC	13	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 18, 19
4430AC	14	2, 3, 6, 7, 10, 11, 15, 18, 19
4430AC	19	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15-18, 19, 20, 21, 22, 23, 24
4430AC	20	1, 2, 3, 4, 5, 6, 7, 8, 9
4430AC	21	1, 2, 3, 4, 7, 8, 9, 10, 11, 12
4430AC	22	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24
4430AC	26	19
4430AC	27	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
4430AC	29	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15-17, 18, 19, 20, 21, 22, 23, 24
4430AC	30	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
4430AC	31	1, 4, 5, 8, 9, 12, 13
4430AC	32	1, 4, 5, 8, 9, 12, 13, 16, 17, 20, 21, 24
4430AC	33	1, 4, 9, 12, 13, 16, 17, 20
4430AC	34	4, 5, 8, 9, 12, 13, 16, 17, 20
6852HL	12	22
6852HL	19	25, 26
6852HL	23	21
6852HL	29	25, 27, 28
6852HL	32	25
6852HL	33	5, 8, 21
6852HL	34	21

Schedule 3	CALGARY INTERNATIONAL AIRPORT VICINITY PROTECTION AREA REGULATION		AR 177/2009
6852HL	35	D	
6852HL	45	1-5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16	
6852HL	46	1, 2, 3, 4, 5, 6, 7, 8	
6852HL	47	1, 2, 3, 4, 5, 6, 7, 8, 9, 10	
8431HJ	41	1, 2, 3, 4, 5, 6, 14, 15, 21, 22	
412801	21	14, 15	
510842	21	16, 17	
511056	29	29, 30	
712237	29	25, 26	
915030	26	20, 21, 22, 23, 24, 25, 27	
1011337	34	22	
1013591	21	18, 19	
9311044	21	13A	
9811800	45	17, 18	
9911922	45	17	
Vista Heights			
713348	4	98, 99	
1065JK	3	1, 2-17, 18	
1065JK	4	29, 30-33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46-57, 58, 59-68, 69, 70, 71, 72, 73, 74, 75, 76, 77-86, 87, 88-93, 95, 96	
1065JK	5	1, 2, 3, 4, 5-10, 11, 12-15, 16, 17, 18-20, 21, 22, 23, 24, 25	
1065JK	7	1, 2, 3, 4, 5-19, 20	
4347JK	11	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16-21, 22, 23, 28-35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56	
4347JK	13	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17	
4347JK	14	1, 2, 3, 4, 5, 6, 7-9, 10, 11, 12, 13, 14, 15, 16, 17-19, 20	

(2) Despite any other provision of this Regulation, the following types of subdivision and development for residential use are permitted with respect to the land described in subsection (1), subject to compliance with any applicable statutory plan and land use bylaw and the acoustical requirements set out in the Alberta Building Code:

- (a) the subdivision of a single parcel into 2 parcels, with no further subdivision permitted;
- (b) the subdivision of a corner lot parcel into 4 or fewer parcels, with no further subdivision permitted;
- (c) the development of a single detached dwelling;
- (d) the development of semi-detached dwellings
 - (i) with no more than 4 dwelling units on a corner lot parcel, or
 - (ii) with no more than 2 dwelling units on a parcel that is not a corner lot parcel;
- (e) subject to subsections (3) and (4), the development of an attached suite;
- (f) subject to subsections (3) and (4), the development of a detached suite.

(3) The development of both an attached suite and a detached suite is not permitted

- (a) on the same parcel,
- (b) in respect of the same single detached dwelling, or
- (c) in respect of the same dwelling unit of a semi-detached dwelling referred to in subsection (2)(d)(ii).

(4) The development of either an attached suite or a detached suite is not permitted on a parcel resulting from the subdivision of a corner lot parcel under subsection (2)(b) where there is a semi-detached dwelling with 3 or more dwelling units.

Residential affordable housing a permitted use

2.3 Despite any other provision of this Regulation, conversion of an existing hotel for residential affordable housing is permitted with respect to the following land, subject to compliance with the acoustical requirements set out in the Alberta Building Code:

Plan

Block

Lot

0010926 1 20

Other permitted uses

2.4(1) This section applies to the following land within the NEF 30 35 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
0410759	5	2
CONDOMINIUM PLAN 0611343	N/A	UNIT 1, UNIT 3-UNIT 7, UNIT 9-UNIT 11, UNIT 13, UNIT 14, UNIT 16, UNIT 17, UNIT 19-UNIT 30
CONDOMINIUM PLAN 0611843	N/A	UNIT 1-UNIT 3
CONDOMINIUM PLAN 0812921	N/A	UNIT 8-UNIT 11, UNIT 14-UNIT 18
DESCRIPTIVE PLAN 1111286	10	5
7410187	5	6, 7
7410187	6	5, 7, 9
7410187	9	1, 2, 3
7410187	10	
CONDOMINIUM PLAN 7810395	N/A	UNIT 1-UNIT 6, UNIT 8, UNIT 10
7810796	5	7
8210278	29	44, 46-53
9612335	4	5PUL

(2) Despite any other provision of this Regulation, subdivision and development for the following uses are permitted within the NEF 30-35 Area with respect to the land described in subsection (1), subject to compliance with any applicable statutory plan and land use bylaw and the acoustical requirements set out in the Alberta Building Code:

- (a) residences;
- (b) schools;
- (c) medical care facilities.

Other permitted uses

2.5(1) This section applies to the following land within the NEF 35-40 Area:

<u>Plan</u>	<u>Block</u>	<u>Lot</u>
154LK	2	4
5060AK	58	
0110618	N/A	11
0210486	1	13
CONDOMINIUM	N/A	UNIT 1-UNIT 3, UNIT 5,

PLAN 0414236		UNIT 8-UNIT 12
0514233	2	7
731502	4	7
1510259	2	5
1811550	6	8
7410187	4	2, 13, 14

(2) Despite any other provision of this Regulation, subdivision and development for the following uses are permitted within the NEF 35-40 Area with respect to the land described in subsection (1), subject to compliance with any applicable statutory plan and land use bylaw and the acoustical requirements set out in the Alberta Building Code:

- (a) day cares;
- (b) halls and auditoriums;
- (c) places of worship;
- (d) outdoor exhibitions and fairgrounds;
- (e) outdoor spectator entertainment/sports facilities.

3 Repealed AR 163/2021 s7.

Cultural hall a permitted use

3.1 Despite any other provision of this Regulation, development for a cultural hall is permitted within the NEF 35-40 and NEF 40+ Areas on Lot 6, Block 2, Plan 7911468 (subject to compliance with the exterior acoustic insulation requirements of the Alberta Building Code).

Schools and a place of worship are permitted uses

3.2(1) Despite any other provision of this Regulation,

- (a) development for a school and place of worship is permitted within the NEF 35-40 and NEF 40+ Areas on Lot 2, Block 7, Plan 0511592, and
- (b) development of an existing building for use as a school is permitted within the NEF 30-35 Area on Lot 16, Block 2, Plan 0510999,

subject to compliance with the requirements in subsection (2).

(2) The following requirements must be met by the owner in respect of the building in which the school and place of worship referred to in subsection (1)(a) is located and by the owner in

respect of the building in which the school referred to in subsection (1)(b) is located:

- (a) the design criteria for the building must be approved by a professional engineer specializing in acoustics to ensure that exterior noise in any occupied room in the building during the operating hours of the school and place of worship or the school, as the case may be, does not exceed
 - (i) a maximum sound level of 50 dBA, and
 - (ii) a maximum hourly equivalent continuous sound level of 35 dBA;
 - (b) after construction of the building referred to in subsection (1)(a) or development of the existing building referred to in subsection (1)(b) is complete, but before the building is occupied, a professional engineer specializing in acoustics must confirm that the building meets the sound level requirements referred to in clause (a);
 - (c) after the building is occupied, the owner of the building must ensure the building is monitored at least once in each quarter of a calendar year by a professional engineer specializing in acoustics to confirm that the building continues to meet the sound level requirements referred to in clause (a);
 - (d) the owner of the building must submit to the City of Calgary in each quarter of a calendar year a report containing the monitoring data for that quarter obtained under clause (c);
 - (e) if the building fails to meet the sound level requirements referred to in clause (a), the City of Calgary must by written order require the owner of the building to remedy the failure.
- (3)** An order under subsection (2)(e) may
- (a) direct the owner of the building to stop doing something, or to change the way in which the owner is doing it,
 - (b) direct the owner of the building to take any action or measure necessary to remedy the failure to meet the sound level requirements in subsection (2)(a), and if necessary, to prevent a reoccurrence of that failure,
 - (c) state a time within which the owner of the building must comply with the directions, and

- (d) state that if the owner of the building does not comply with the directions within a specified time, the City of Calgary will take the action or measure at the expense of the owner.

(4) An order under subsection (2)(e) is considered to be an order under section 545 of the Act.

Prohibited uses

4(1) A land use shown in Column 1 of the following table is prohibited on land that is located in a NEF Area shown in Column 2, 3, 4 or 5 of the table if the expression “PR” appears in that column opposite that land use:

TABLE

Column 1	Col. 2	Col. 3	Col. 4	Col. 5
	NEF	NEF	NEF	NEF
Land Uses	40+	35-40	30-35	25-30
	Area	Area	Area	Area
Residences	PR	PR	PR	-
Schools	PR	PR	PR	-
Day cares	PR	PR	-	-
Clinics	PR	-	-	-
Medical care facilities	PR	PR	PR	-
Halls and auditoriums	PR	-	-	-
Places of worship	PR	-	-	-
Outdoor eating establishments	PR	-	-	-
Outdoor exhibition and fairgrounds	PR	PR	-	-
Outdoor spectator entertainment/sports facilities	PR	PR	-	-
Campgrounds	PR	PR	PR	PR

(2) A land use that is not shown in Column 1 of the table but is similar to a land use shown in Column 1 of the table, in the opinion of the affected subdivision authority or development authority, is prohibited in accordance with subsection (1).

(3) In the table,

- (a) “NEF 40+ Area” means the NEF Area described in section 1(e)(i) of this Regulation;
- (b) “NEF 35-40 Area” means the NEF Area described in section 1(e)(ii) of this Regulation;
- (c) “NEF 30-35 Area” means the NEF Area described in section 1(e)(iii) of this Regulation;

- (d) “NEF 25-30 Area” means the NEF Area described in section 1(e)(iv) of this Regulation.

(4) Subject to subsection (2), a land use that is not identified as prohibited in subsection (1) is permitted in any NEF area.

Use of land where parcel located in more than one NEF Area

5(1) Where a parcel of land that is equal to or less than 0.2 hectares is located in more than one NEF Area, the noise exposure forecast contour line that runs through the parcel must be adjusted to follow the next appropriate natural or man-made boundary that is farther away from the airport lands.

(2) Where

- (a) a noise exposure forecast contour line divides a parcel of land that is greater than 0.2 hectares into more than one NEF area, and
- (b) in one area a proposed use is a prohibited use and in the other area the proposed use is not a prohibited use,

the proposed use of the parcel may be carried out only in the area in which the proposed use is not a prohibited use.

AR 177/2009 Sched. 3;192/2010;177/2018;124/2019;158/2020;
34/2021;163/2021

70



Printed on Recycled Paper 

Loewen, Maurie

From: Gorda, Steve
Sent: Monday, October 18, 2021 2:01 PM
To: Loewen, Maurie
Subject: RE: DP2020-1244/SDAB2020-0042

Yes, the parcel is now outside of the setback so it is completely unaffected by the landfill, no relaxations or variance requests are needed.

Steve

From: Loewen, Maurie
Sent: Monday, October 18, 2021 1:57 PM
To: Gorda, Steve <Steve.Gorda@calgary.ca>
Subject: RE: DP2020-1244/SDAB2020-0042

Thanks very much for sending this Steve,

Originally I was thinking that this is a relaxation that the SDAB could consider granting with the City's support as a landfill operator.

Now, based on what I'm reading here it appears that there is no relaxation at all.

Can you please confirm?

Thanks

Maurie

From: Gorda, Steve <Steve.Gorda@calgary.ca>
Sent: Monday, October 18, 2021 1:44 PM
To: Loewen, Maurie <Maurie.Loewen@calgary.ca>
Subject: RE: DP2020-1244/SDAB2020-0042

Hi Maurie,

I was hoping to have an image showing the revised setback line as it relates to the parcel but I don't think it will be ready in time. Here is the statement from WRS regarding the Nose Creek landfill setback:

The City of Calgary, Waste & Recycling Services (WRS), as the owner of the closed Nose Creek (NC) landfill, no longer considers the parcel referenced in Development Permit Application DP2020-1244 to be within the 300m Landfill Setback for the closed Nose Creek Landfill.

Based on exploratory investigations and review of the extent of the closed NC landfill area, and as communicated to AEP in a letter dated July 7, 2021 WRS determined that portions of lands/areas previously considered to have been used as a sanitary landfill were not part of the closed NC landfill operated by The City of Calgary. The MGA SDR setbacks will no longer apply to those areas.

The property located at 909 16 ST NE is situated outside of the revised MGA SDR landfill setback for the closed Nose Creek landfill and is no longer encumbered by landfill setback variance requirements.

Regards,

Steve Gorda, C.E.T.
Infrastructure Planning
Waste & Recycling Services, 480 - 36 Ave S.E
The City of Calgary | Mail code: #27
P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5

From: Loewen, Maurie
Sent: Wednesday, October 13, 2021 10:15 AM
To: Gorda, Steve <Steve.Gorda@calgary.ca>
Subject: RE: DP2020-1244/SDAB2020-0042

Thanks Steve!

From: Gorda, Steve <Steve.Gorda@calgary.ca>
Sent: Wednesday, October 13, 2021 9:52 AM
To: Loewen, Maurie <Maurie.Loewen@calgary.ca>
Subject: RE: DP2020-1244/SDAB2020-0042

Hi Maurie,
That should be no problem, I'm just running it through our engineering group to review for accuracy.

Steve

From: Loewen, Maurie
Sent: Wednesday, October 13, 2021 9:04 AM
To: Gorda, Steve <Steve.Gorda@calgary.ca>
Subject: RE: DP2020-1244/SDAB2020-0042

Good Morning,

The SDAB has set the presentation date for October 28. Materials due October 20.

Do you think you could have something for me come Monday so I have time to adapt it for the presentation?

Thanks

Maurie

From: Gorda, Steve <Steve.Gorda@calgary.ca>
Sent: Tuesday, September 28, 2021 9:45 AM
To: Loewen, Maurie <Maurie.Loewen@calgary.ca>
Subject: RE: DP2020-1244/SDAB2020-0042

No problem, I'll start putting something together.

From: Loewen, Maurie
Sent: Tuesday, September 28, 2021 9:08 AM
To: Gorda, Steve <Steve.Gorda@calgary.ca>
Subject: RE: DP2020-1244/SDAB2020-0042

This is great information Steve,

Can I trouble you to write up a semi-formal email that I could submit to the Board?

From: Gorda, Steve <Steve.Gorda@calgary.ca>
Sent: Tuesday, September 28, 2021 8:46 AM
To: Loewen, Maurie <Maurie.Loewen@calgary.ca>
Subject: RE: DP2020-1244/SDAB2020-0042

Hi Maurie,

Yes, similar exemptions have been granted within the Nose Creek setback and WRS would provide a letter of consent if needed.

Recently there has been some exploratory work done and the Nose Creek landfill extents are being revised. This parcel will no longer be within the landfill setback so there will be no issues on our end.

We are still working through getting the revised landfill boundaries approved, once that is done we can update the maps in POSSE.

If you have any further questions please let me know.

Regards,

Steve Gorda, C.E.T.
 Infrastructure Planning
 Waste & Recycling Services, 480 - 36 Ave S.E
 The City of Calgary | Mail code: #27
 P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5

From: Loewen, Maurie
Sent: Thursday, September 23, 2021 5:13 PM
To: Gorda, Steve <Steve.Gorda@calgary.ca>
Subject: DP2020-1244/SDAB2020-0042

Hello Steve,

Marie Rupert has suggested I email you for some help with this development within the Nose Creek Landfill setback.

The application is to legalize an existing Secondary Suite in an existing semi-detached dwelling. The house is located in the Airport Vicinity Protection Area (AVPA) and within the SDR setback. The AVPA cannot be relaxed, so the development was refused without circulations on the SDR issue. The applicant appealed the refusal and the item was adjourned by the SDAB, the AVPA was amended last month so the item is being brought forward.

The parcel is east of the landfill, it is separated by the tracks, creek, Deerfoot Trail and the subject parcel is on top of the ridge.

This application wasn't circulated to Waste when it first came in. The DA decision has been made, so it's too late to go through the full circulation process.

Marie and I were wondering if there was any way you could help us/this customer. For example, could you confirm if similar exemptions have been granted around Nose Creek or indicate if the Landfill owner has any objections to the development.

You'll find our maps and original decision in the SDAB report:

<https://www.calgarysdab.ca/content/dam/sdab/pdf/2021/SDAB2020-0042-Report.pdf>

Maurie Loewen

Senior Planning Technician

Technical Planning | Community Planning

Planning & Development

T. 403.333.5348 | E. maurie.loewen@calgary.ca



Check out www.calgary.ca/pdmap to learn more about the development activity in your community.