

REPORT TO THE SUBDIVISION AND
DEVELOPMENT APPEAL BOARD

DATE: November 4, 2021 ; December 2, 2021	APPEAL NO.: SDAB 2021-0073 FILE NO.: DP2021-1269
APPEAL BY: Robert Glover	
FROM A DECISION OF THE DEVELOPMENT AUTHORITY where a Change of Use: Single Detached Dwelling; Relaxation: balcony - depth was approved at <u>500 Crescent Road NW</u> .	LAND USE DESIGNATION: R-C1 Discretionary
COMMUNITY OF: Rosedale	DATE OF DECISION: September 15, 2021
APPLICANT: Cameron Colquhoun, Jackson McCormick Design Group, represented by Rick Grol	OWNERS: John William and Lana Geddes

The hearing commenced on November 4, 2021 with consideration of procedural and jurisdictional issues. The Board adjourned the hearing to December 2, 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 10392325	Order Number 36469431	Online Form Processed 2021-10-14 3:47:26 PM	
Site Information			
Municipal Address of Site Under Appeal 500 CRESCENT RD. NW CALGARY		Development Permit/Subdivision Application/File Number DP2021-1259	
Appellant Information			
Name of Appellant ROBERT GLOVER		Agent Name (if applicable)	
Street Address (for notification purposes) 505 ALEXANDER CR NW			
City CALGARY	Province ALBERTA	Postal Code T2M 4B3	Residential Phone # 403-850-0664
Business Phone #	Email Address emseng@telus.net		

APPEAL AGAINST

Development Permit	Subdivision Application	Notice of Order
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Approval	<input type="checkbox"/> Notice of Order
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/> Conditions of Approval	
<input type="checkbox"/> Refusal	<input type="checkbox"/> Refusal	

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:

The ammended permit allows structure to exceed maximum height permitted in Rosedale which will result in an invasion of my privacy. Adjoining neighbours are not appealing because they too are considering an addition that will exceed the height restrictions thereby resulting in even further intrusion of my privacy. An elevator to a flat roof and an observation deck/patio will only exacerbate the privacy situation by allowing easy access for hordes of people to congregate to take in the sights and party. Height restrictions are in place for a reason. I see no exemplary reason to break the rules for this structure. If you need a shelter over your head to take in the sights, take an umbrella.

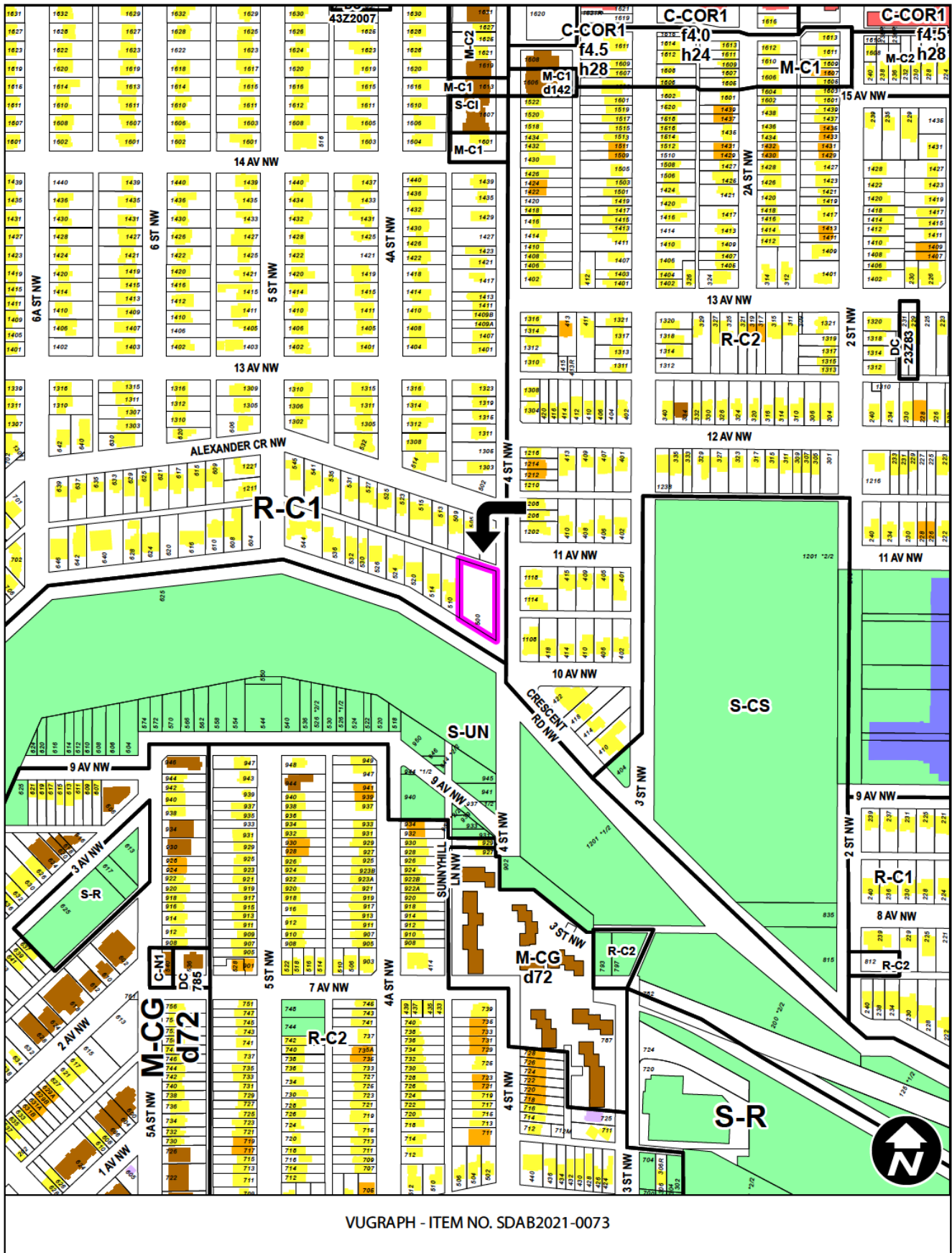
In order to assist the Board in scheduling, please answer the following questions to the best of your ability:

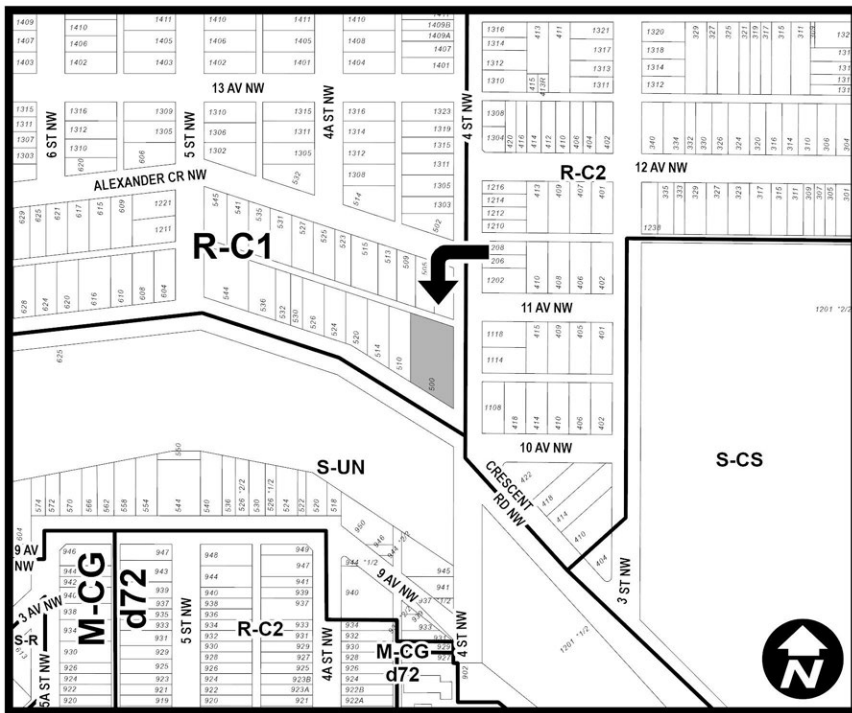
Estimated presentation time (minutes/hours) 30 MINUTES	Will you be using an agent/legal counsel? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	
If yes, what are the issues?	
Do you anticipate bringing any witnesses/experts to your hearing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	If yes, how many will you be bringing? 2

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 2021 10 14	SDAB Appeal Number SDAB2021-0073	Fee Paid <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date YYYY MM DD 2021 11 04	Date Received October 14, 2021

SDAB2021-0073





SDAB2021-0073



September 15, 2021

COLQUHOUN, CAMERON

[REDACTED]
[REDACTED]

Dear Sir/Madam:

RE: Notification of Decision: DP2021-1259

Subject: Change of Use: Single Detached Dwelling; Relaxation: balcony - depth

Project: Hilltop Residence

Address: 500 CRESCENT RD NW

This is your notification of decision by the Development Authority to approve the above noted application on September 15, 2021.

Read all of the Permanent Conditions of approval carefully as they form part of the approval decision. Advisory Comments, if applicable, are also attached and are intended to be of assistance in obtaining additional permits and supplementary information for the successful completion of your development.

Development approved by this permit must commence by September 15, 2023 or the development permit shall cease to be valid.

The decision will be advertised beginning September 23, 2021 at www.calgary.ca/publicnotices, which is the start of the mandatory 21-day appeal period. This appeal period will conclude at midnight October 14, 2021. Release of the permit will occur within 2-4 business days following the conclusion of the appeal period and upon receipt of all Prior to Release requirements.

An appeal along with reasons must be submitted, together with payment of \$200.00 fee, to the Subdivision and Development Appeal Board (4th floor, 1212 31 Avenue N.E., Calgary, AB T2E 7S8) within 21 days of receipt of this letter. An appeal may also be filed online at <http://www.calgarysdab.ca>. To obtain an appeal form, for information on appeal submission options or the appeal process, please call (403) 268-5312.

Please note that this letter is to advise you of the conditions of approval, the mandatory advertising appeal period and the timeframe in which you may appeal this decision. If no appeals have been filed during the appeal period, your Development Permit will be released. Should you require clarification of the above or further information, please contact me at (403) 333-5526 or by email at Sharon.vandeBurgt@calgary.ca and assist me by quoting the Development Permit number.

Sincerely,

Sharon Van De Burgt
Senior Planning Technician
Planning and Development
Attachment(s)



**DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007**

DP2021-1259

This permit relates to land in the City of Calgary municipally described as:

500 CRESCENT RD NW

Community: **Rosedale**

L.U.D.: **R-C1**

and legally described as:

2187V;35;43-46

and permits the land to be used for the following development:

Change of Use: Single Detached Dwelling; Relaxation: balcony - depth

The present owner and any subsequent owner of the above described land must comply with any attached conditions.

The development has been approved subject to any attached conditions and to full compliance with the approved plans bearing the stamp of approval and the above development permit number.

Decision By: **Development Authority**

Date of Decision: **September 15, 2021**

Development Authority **Marie K Rupert**

File Manager: **Sharon Van De
Burgt**

Release Date: _____

This permit will not be valid if development has not commenced by: September 15, 2023

This Development Permit was advertised on: **September 23, 2021**

This is NOT a Building Permit

In addition to your Development Permit, a Building Permit may be required, prior to any work commencing. further information, you should contact the City of Calgary, Planning, Development & Assessment - Building Regulations Division.

WARNING

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Applicant: **COLQUHOUN, CAMERON**

Address:

City: , ,

Phone: [REDACTED]

Complete Address and Legal Description listing for Development Permit DP2021-1259

Address Type	Address	Legal Description
Building	500 CRESCENT RD NW	
Parcel	500 CRESCENT RD NW	2187V;35;43-46



Conditions of Approval – Development Permit

Application Number:	DP2021-1259
Application Description:	Change of Use: Single Detached Dwelling; Relaxation: balcony - depth
Land Use District:	Residential - Contextual One Dwelling
Use Type:	Discretionary
Site Address:	500 CRESCENT RD NW
Community:	ROSEDALE
Applicant:	COLQUHOUN, CAMERON
Senior Planning Technician:	SHARON VAN DE BURGT - 403) 333-5526 - Sharon.vandeBurgt@calgary.ca

Permanent Conditions

The following permanent conditions shall apply:

Planning

1. The development shall be completed in its entirety, in accordance with the approved plans and conditions. The stamped and signed plans are a legal document.
2. No changes to the approved plans shall take place unless authorized by the Development Authority. If changes to the development occur or are proposed, a new development permit or revised plan application may be required.
3. A development completion permit must be issued for the development before the use is commenced or the development occupied. A development completion permit is independent from the requirements of City of Calgary Building Regulations inspections and permission for occupancy. Call Development Inspection Services at 403-268-5311 to request a site inspection for a development completion permit.
4. A new development permit for an infill residential development is required if the existing dwelling is removed.
5. No exterior wall or portion thereof can be removed or structurally altered unless identified on the approved plans released with this permit. Any exterior wall removal or alterations not approved by the floor plans released with this permit requires approval by a new Development Permit application.

Advisory Comments

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

Planning

6. The Applicant may appeal the decision of the Development Authority, including any of the conditions of the development permit. If you decide to file an appeal, please refer to the notification of decision letter for the appropriate appeal body and appeal process.
7. Building Regulations advises of the following:
 - 1.Division B, 9.9.2.1. Types of Exits
 - 1) Except as otherwise provided in this Section, an exit from any floor area shall be one of the following used singly or in combination:
 - a) an exterior doorway,
 - b) an exterior passageway,
 - c) an exterior ramp,
 - d) an exterior stairway,
 - e) a fire escape,
 - f) a horizontal exit,
 - g) an interior passageway,
 - h) an interior ramp, or
 - i) an interior stairway

Division B, 9.9.2.3. Elevators, Slide Escapes and Windows as Means of Egress

- 1) Elevators, slide escapes and windows shall not be considered as part of a required means of egress.

For more information, contact:

Carla Weedon

Safety Codes Officer | Building

Calgary Building Services | Planning & Development

E: carla.weedon@calgary.ca | P: 403.807.5129

8. In addition to this development permit, building permits may also be required. Building permit applications may be submitted upon approval of the associated development permit. Contact Building Regulations at 403-268-5311 for further information.
9. There are many types of caveats and other agreements that can be registered on the title of the property that can restrict the ability to develop. The City has not reviewed or considered all instruments registered on the title to this property. Property owners must evaluate whether this development is in compliance with any

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

documents registered on title.

Home Improvement - Development Permit

Application Submitted at: 2021 February 26 3:53:23 PM

Permit Type: Development Permit

Applicant Info and Project Location

Project Location : 500 CRESCENT RD NW

Project Location Full Spell : 500 CRESCENT ROAD NW

Applicant Information

I am the property owner : False

I am the licensed contractor : False

Contact Info

First Name : Cameron

Last Name : Colquhoun

Phone Number : [REDACTED]

Email : [REDACTED]

Mailing Address

Address Line 1 : 804- A 16 AVENUE SW

Address Line 2 :

City : CALGARY

Province : Alberta

Country : Canada

Postal Code : T2R 0S9

What are you applying for?

Selected Permits : Addition to house

Development Permit Detail

Are any public trees affected by the project? : No

Input Data

Addition - Size (sq ft) : 200

Uploaded Document:

Document Type: : ARCHITECTURAL

Document Subtype: : PLANS

Document Name: : 2021.02.26 HILLTOP RESIDENCE ADDITION.pdf

Is Optional: : False

Is Personal Document: : False

Uploaded Document:

Document Type: : SUPPORTING DOCUMENT

Document Subtype: : ABANDONED WELL

Document Name: : ABANDONED WELL DECLARATION.pdf

Is Optional: : False

Is Personal Document: : False

Uploaded Document:

Document Type: : SUPPORTING DOCUMENT

Document Subtype: : PUBLIC TREE DISCLOSURE

Document Name: : PUBLIC TREE DISCLOSURE.pdf

Is Optional: : False

Is Personal Document: : False

Uploaded Document:

Document Type: : SUPPORTING DOCUMENT

Document Subtype: : SITE CONTAMINATION

Document Name: : SITE CONTAMINATION.pdf

Is Optional: : False

Is Personal Document: : False

FOIP DISCLAIMER

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The personal information obtained on this form is being collected under the authority of section 33(c) of the FOIP Act. This information is being collected for the purpose of our inspection processes (if required) and will be disclosed to relevant City Business Units, Federal and Provincial agencies, Utility companies, Community Associations/Groups/Organizations, Adjacent Municipalities, Municipal school boards and/or any agencies required for review as part of the application review process. 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 application will be available to the public, as authorized by the FOIP Act. You may direct questions about the collection, use or disclosure of your personal information by the City of Calgary at 800 Macleod Trail SE Calgary, Alberta in relation to this program by emailing the FOIP Program Administrator for Planning and Development at plngbldg@calgary.ca or by telephone at (403)268-5311.

Applicant's Declaration

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Terms and Conditions : Online Services Terms of Use

PLEASE REVIEW THESE TERMS OF USE CAREFULLY. BY ACCESSING AND USING THIS ELECTRONIC ONLINE SERVICES WEBSITE, YOU ACCEPT AND AGREE TO THE FOLLOWING TERMS OF USE. IF YOU DO NOT AGREE WITH THESE TERMS OF USE YOU ARE NOT AUTHORIZED TO USE THIS ONLINE SERVICES SITE AND MUST IMMEDIATELY DISCONTINUE USE OF THIS ONLINE SERVICES SITE.

1. <u>Interpretation</u>

These Online Application Consent and Confirmation of Applicant supplement, and shall be interpreted consistently with, the general Terms of Use for the City of Calgary's website, found at the bottom of each web page.

2. <u>Accuracy of Information Submitted</u>

You acknowledge and agree that your electronic submission of information to The City of Calgary ("The City") using this Online Application is true and accurate and is intended to be your permit application to The City.

3. <u>Consent to Electronic Decision</u>

I agree that The City can issue its formal decision to in electronic form (e.g. electronic mail) to the email address provided through the Online Application. If my email address changes I will advise The City of the new email address or provide a mailing address for the formal approval.

4. Electronic Submission

Except as may otherwise be required by The City, you must only submit, provide and accept information or records related to your application in electronic form and you will not re-submit your application in paper form. The City does not guarantee that the entire electronic permit application process will be completed electronically, and The City reserves the right in its sole discretion to require you to submit information and records relating to your application in paper form.

5. Complete Application

I acknowledge that The City may inactivate or cancel incomplete permit applications that do not contain all of the requested information at The City's sole discretion.

6. Changes to Site and Terms of Use

The City reserves the right to make changes to this Online Services Site, the Terms of Use and provide additional terms at any time without notice. The changes or additional terms are effective immediately upon being posted to this Online Services Site. Your use of the Online Services Site will be subject to the Terms of Use posted on the Online Services Site at the time of use. In the event any of the provisions of the Terms of Use are determined to be invalid, void, or unenforceable for any reason, that provision will be deemed to be severable and will not affect the validity or enforceability of any remaining condition of the Terms of Use. You may be asked to agree to separate terms of use for other pages or applications used elsewhere on The City's website.

7. Disclaimer of Warranties and Conditions

THE CONTENTS, PRODUCTS AND SERVICES ON THIS ONLINE SERVICES SITE AND YOUR USE OF THIS ONLINE SERVICES SITE ARE PROVIDED IN GOOD FAITH ON AN "AS IS" AND "AS AVAILABLE" BASIS. YOU RELY ON THE INFORMATION CONTAINED IN THIS ONLINE SERVICES SITE AT YOUR OWN RISK.

THE CITY DISCLAIMS ALL WARRANTIES OR CONDITIONS, EXPRESS OR IMPLIED, WITH RESPECT TO THE CONTENTS, PRODUCTS AND SERVICES CONTAINED ON THIS ONLINE SERVICES SITE, INCLUDING WITHOUT LIMITATION, IMPLIED WARRANTIES AND CONDITIONS OF TITLE, MERCHANTABILITY, FITNESS FOR ANY PARTICULAR PURPOSE AND NON-INFRINGEMENT. THE CITY FURTHER DISCLAIMS ANY AND ALL WARRANTIES REGARDING SECURITY, CURRENCY, CORRECTNESS, QUALITY, ACCURACY, COMPLETENESS, RELIABILITY, PERFORMANCE, TIMELINESS, OR CONTINUED AVAILABILITY WITH RESPECT TO THE ONLINE SERVICES SITE OR YOUR USE OF THE SITE. THE CITY FURTHER DISCLAIMS ALL WARRANTIES WITH RESPECT TO ANY DELAYS OR ERRORS IN THE TRANSMISSION OR DELIVERY OF ANY MATERIALS, PRODUCTS OR SERVICES AVAILABLE THROUGH THIS ONLINE SERVICES SITE. THESE DISCLAIMERS APPLY TO THE FULLEST POSSIBLE EXTENT IN JURISDICTIONS THAT LIMIT THE EXCLUSION OF IMPLIED WARRANTIES.

WHILE THE CITY TRIES TO ENSURE THE ACCURACY AND COMPLETENESS OF INFORMATION ON THIS ONLINE SERVICES SITE, IT DOES NOT GUARANTEE ITS ACCURACY OR COMPLETENESS. THE CITY DOES NOT GUARANTEE OR WARRANT THAT THIS SITE WILL ALWAYS BE AVAILABLE FOR USE.

8. Privacy Statement and Collection of Personal Information

Any information, including personal information, contained in a permit application submitted by using this site is being collected under the authority of The Calgary Building Permit Bylaw 64M94 (for Building Permits) or the Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) (for Development Permits) as well as the *Alberta Freedom of Information and Protection of Privacy Act* ("FOIP"), Section 33(a) and (c). This information will be used for The City's permit review and inspection processes and may be communicated to relevant City Business Units, utility providers, and Alberta Health Services for purposes related to these processes. Information may also be used by The City to conduct ongoing evaluations of services received from The City's Planning and

Development Department. The name of the applicant and the nature of the permit will be made available to the public as authorized by FOIP. Please send inquiries by mail to the FOIP Program Administrator, Planning and Development, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

9. Alberta Law

You agree to be bound by Alberta law when using this Online Services Site and agree that any court proceedings or other legal action will take place in Alberta.

10. No Damage or Modification of Site

You agree that you will not take any action to damage, modify, or breach the security of this Online Services Site, or cause the Online Services Site to no longer be available for use. You agree not to impersonate or misrepresent your association with any other person. You agree that you will not submit any information that is harmful, unlawful, or otherwise objectionable.

11. Site Ownership

The contents of this Online Services Site are owned or licensed by The City. You may not copy, transfer, store, upload, distribute, publish or otherwise use this content except as permitted by these Online Services Terms of Use. The words, phrases, names, designs or logos used on this Online Services Site may constitute trademarks, service marks or trade names of The City or other entities. The display of any such marks does not imply that The City or other entities have granted a license to you to use these marks.

12. Security of Account Information

You are responsible for protecting the confidentiality of any account information, user names, logins, passwords, security questions and answers, and other information you might need to access and use this Online Services Site. You are responsible for all activities occurring under your account, user name, or login. You agree to notify The City if you suspect that your account, user name, or login is not secure or is being used for an inappropriate purpose.

13. Violation of Terms of Use

Any rights you have to use this Online Services Site will terminate immediately upon any violation of these Online Services Terms of Use. The City may, in its sole discretion, temporarily or permanently terminate your access to and use of this Online Services Site, at any time, for any reason, without notice or liability to you. The City is not liable for any damages resulting from its termination of your access to, or use of, this Online Services Site.

14. Copyright

I acknowledge and understand that, as part of The City's process in reviewing, evaluating, and processing the permit application, The City will need to make available, in print and digital form, copies of the application materials to relevant City business units, members of City council, utility providers, other municipalities, municipal school Boards, relevant community associations/groups/organizations (including their boards of directors and planning committees), members of the general public, and any other external agencies or third parties whose input is required by The City in connection with the processing of your application. I hereby (i) consent to The City's copying, reproduction, distribution, and communication of the permit application materials, in any material form and via any medium, as required for the purpose of enabling The City to process your application; and (ii) certify that I am authorized and have the right to grant such consent.

15. Condominium Property

I have all authorizations required under the Condominium Property Act, RSA 2000, c C-22, as amended or replaced, the bylaws of the Condominium Corporation, and otherwise in law to apply for this application if it is respecting

condominium property. I further agree to immediately notify The City, in writing, of any changes regarding this information.

17
JACKSON McCORMICK

DESIGN GROUP

M a r c h 1 6 , 2 0 2 1

RE- Memo –Rooftop Addition and rooftop deck

Project Address- 500 Crescent Road NW

Proposed Project Scope

- Small rooftop addition (aprox 200 square feet) to allow for elevator access to proposed rooftop deck

Application Details

- Circular building element to be located on the rooftop of existing home at 500 Crescent road
- Proposed addition has a radius of 8'-0"
- Total height of addition is 10'-7" .The height of the addition was determined as the minimum height requirement to accommodate the height of the elevator.
- Addition is located near the centre of the existing main roof. Addition is setback aprox 10' from the roof edges in the North South direction, aprox 24' from West roof edge and aprox 40' from the S/E roof edge.
- Windows/door of proposed addition placed to view Public Street only (no overlooking of neighbouring properties).
- The proposed addition is for access only, there is no space allotment for any habitable area in the elevator penthouse (just a small landing to get you to the door)
- Proposed Rooftop deck has continuous opaque 6' tall privacy walls on the North, West and N/E perimeter to maintain privacy between properties and prevent overlooking of neighbouring amenity spaces. Views from the proposed rooftop patio will be to the public street (Crescent Road)
- Proposed Rooftop deck is setback from roof edge to prevent overlooking, main privacy and reduce massing effect from street. (Existing building is 4' – 9" below maximum building height)
-

Design/ Planning considerations:

- Due to the minimal height of the proposed addition and the large setbacks from the existing roof edge, the rooftop addition/ roof deck is barely visible from the sidewalk surrounding the property on Crescent Road and 4th Street. (See perspectives in submission drawing set).
- There are currently 14 existing three-storey homes along Crescent Road and many of these residences also have third floor decks.
- Many of the existing three-storey homes have three storeys of massing on the front façade facing the street. The three newer contemporary homes under construction to the West of the subject property on Crescent Road appear to have 3 unbroken storeys of massing on the front façade. The stepped nature of this proposed design will maintain the existing 2 story massing of the home from the street.
- The privacy walls, the orientation of the roof deck and the location of the windows in the addition maintain privacy between the neighbours.
- The rooftop deck will see minimal seasonal activity
- Proposed Addition to provide service access to the roof.

From: [Sean McCormick](#)
To: [van de Burgt, Sharon](#)
Cc: [Mike Wainman](#)
Subject: [EXT] DP 2021-3969 - 1136 Riverdale Ave. SW Residence - Colour rendering
Date: Wednesday, August 25, 2021 12:55:58 PM
Attachments: [FRONT VIEW FROM GRADE.png](#)
[unknown.png](#)

Hi Sharon,

I don't think we had shared the colour rendering of the proposed home at 1136 Riverdale SW with you yet. Although this rendering was done prior to the recent DP revisions (revised proposal 2' lower, 1 meter further back from street, no main floor projection at West, etc) ...I thought it would still be helpful to understand the design. We think it is a beautiful home and that it will be a very positive addition to the Riverdale streetscape



Regards,
Sean McCormick B.ARCH
Principal



804 16th Ave. SW - Suite A
Calgary, AB, T2R 0S9



www.jmdesigngroup.ca
www.tjarchitecture.com

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Site Contamination Statement

Application # _____
for office use only

Site Address: 500 CRESCENT ROAD N.W. CALGARY, ALBERTA

Legal Description: LOTS 43-46 BLOCK 35 PLAN 2187 V

The information provided in this disclosure statement will assist the Development, Land Use and Subdivision Authorities in processing planning applications. The Authorities rely on the information provided in this statement to assist in determining the potential for site contamination, which may have been caused by current or historic activities.

You are responsible for the accuracy of the information provided in this statement. The questions must be answered to the best of your knowledge based upon diligent inquiry and the thorough inspection and review of all documents and other information pertaining to the subject property. **Please be aware that further site assessments may be required as part of the review of your application.**

1. Are you aware of any environmental investigations (audits, assessments, tests, surveys or studies) for this site?

☐ Yes ☒ No

If yes, please provide copy(s).

2. Are you aware of any environmental requirements associated with any previous planning applications on this site?
(i.e. development permit, land use redesign or subdivision)

☐ Yes ☒ No

If yes please provided a brief description and the associated development application number(s):

3. Has there been site remediation or a request for such on the site?

☐ Yes ☒ No

If yes, please provide a brief description:

4. Are you aware of any regulatory actions, past or current, which have been applied to this site?

☐ Yes ☒ No

Examples include (but are not limited to):

- Environmental Protection Orders
- Reclamation Orders or Certificates
- Control / Stop Orders, fines, tickets or prosecutions
- Violations of environmental statutes, regulations and bylaws
- Administrative penalties and warning letters

If yes, please describe and provide copies of relevant documents:

5. Have any permits been issued or are you currently operating under a license or approval issued by federal or provincial authorities or the Calgary Fire Department for activities which may impact the property?
(e.g. certificates of approval, storage tank regulations, plant operating permits)

☐ Yes ☒ No

If yes, please describe:

6. Has there been contact with Alberta Environment or Calgary Regional Health Authority regarding possible contamination on the site?

☐ Yes ☒ No

If yes, please provided a brief description:

NOTE: This form is to be signed by the titled owner(s) of the property or their authorized agents or consultants.

I, the ☐ owner, ☐ authorized agent, ☒ authorized consultant, state that, to the best of my knowledge, the information provided in this statement is accurate, complete and is based on diligent inquiry and thorough inspection and review of all the documents and other information reasonably available pertaining to the subject property. I am not aware of any other information that may indicate that the subject property is potentially contaminated.

Feb 25 2021

Date

Applicant Signature

Sean McCormick

Applicant Name (Please Print)

Jackson McCormick Design Group

Company Name (Please Print)

FOIP DISCLAIMER: The personal information on this form is being collected under the authority of The Freedom of Information and Protection of Privacy (FOIP) Act, Section 33(c). It will be used to provide operating programs, account services and to process payments received for said services. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. 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.



Public Tree Disclosure Statement

The City of Calgary Street Bylaw (20M88) and the Tree Protection Bylaw (23M2002) protect trees growing on City (public) land. An approved Tree Protection Plan is required when construction activities occur within 6m of a public tree. More information regarding protecting trees during construction and development is found here. Public trees are required to be shown on plans submitted for this application.

1. Are there public trees on the City lands within six meters of and/or overhanging the development site? ☐ Yes ☒ No

If you answered yes, ensure all trees identified are shown on the submitted plans.

Note: if you are not sure how to determine which trees are yours and which are public, you can:

- Use the [City's tree map](#) (may not be up to date for your property)
- Contact 3-1-1 to put in a "development tree inquiry" to get confirmation from an Urban Forester
- Send inquiries to tree.protection@calgary.ca

2. Who will be submitting the Tree Protection Plan for this development?

☒ Applicant ☐ Owner ☐ Builder ☐ Other:

If Other: Name: _____ Phone: _____
Email: _____

The Tree Protection Plan must be submitted directly to Urban Forestry at tree.protection@Calgary.ca following the [Tree Protection Plan Guidelines](#).

FOIP DISCLAIMER: The personal information on this form is being collected under the authority of The Freedom of Information and Protection of Privacy (FOIP) Act, Section 33(c). It will be used to provide operating programs, account services and to process payments received for said services. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. 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.



Abandoned Well Declaration

Application # _____
for office use only

Site Address: 500 CRESCENT ROAD N.W. CALGARY, ALBERTA

Legal Description: LOTS 43-46 BLOCK 35 PLAN 2187 V

The *Municipal Government Act's Subdivision and Development Regulations (Alberta Regulation 160/2012)* requires developers to identify abandoned oil and gas wells and, where present, to comply with setback requirements as identified in the Energy Resources Conservation Board (ERCB) Directive 079: Surface Development in Proximity to Abandoned Wells.

You are responsible for the accuracy of the information provided in this statement. The questions must be answered to the best of your knowledge based upon diligent inquiries and a thorough inspection and review.

1. Provide a map of the subject parcel showing the presence or absence of abandoned wells.

- [User Guide to Finding Abandoned Wells on GeoDiscover Alberta's Map Viewer](#)
- [Abandoned Well Locations on GeoDiscover Alberta's Map Viewer](#)

NOTE: The map must show the actual well location, as identified in the field, including the surface coordinates (available on the Abandoned Well Map Viewer or by contacting the ERCB Customer Contact Centre at 1-855-297-8311) and the 5 metre setback established in ERCB Directive 079 in relation to existing or proposed building sites.

2. Are there abandoned Oil/Gas wells located within 5 m of the site? ☐ Yes ☒ No
If you answered 'yes', please answer question 3 and include the well location(s) on the site plan.

3. Have you contacted the licensee of the well(s) to confirm the exact location? ☐ Yes ☒ No
If you answered 'yes', you must have written confirmation included with your application.

Licensee Company Name _____ Licensee Contact _____

NOTE: Where a well is identified, the Development Authority must refer a copy of the application to the Licensee(s) of Record. The referral will include the applicant's contact information.

4. Who is submitting the Abandoned Well Declaration for this development?

☒ Applicant ☐ Owner ☐ Builder ☐ Other _____

Company Name Jackson McCormick Design Group Contact Person Sean McCormick

Address 804a 16th Ave S.W. Calgary AB

Phone [REDACTED]

5. Will the development result in construction activity within the setback area?

☐ Yes ☒ No

If you answered 'yes':

- Provide a statement confirming that the abandoned wells will be temporarily marked with on-site identification to prevent contact during construction; and
- Describe what measures will be taken to prevent contact during construction.

NOTE: This form is to be signed by the titled owner(s) of the property or their authorized agents or consultants.

I, the ☐ owner, ☐ authorized agent, ☒ authorized consultant, state that, to the best of my knowledge, the information provided in this statement is accurate, complete and is based on diligent inquiry and thorough inspection and review of all the documents and other information reasonably available pertaining to the subject property.

Feb 25 2021

Date

Applicant Signature

Sean McCormick

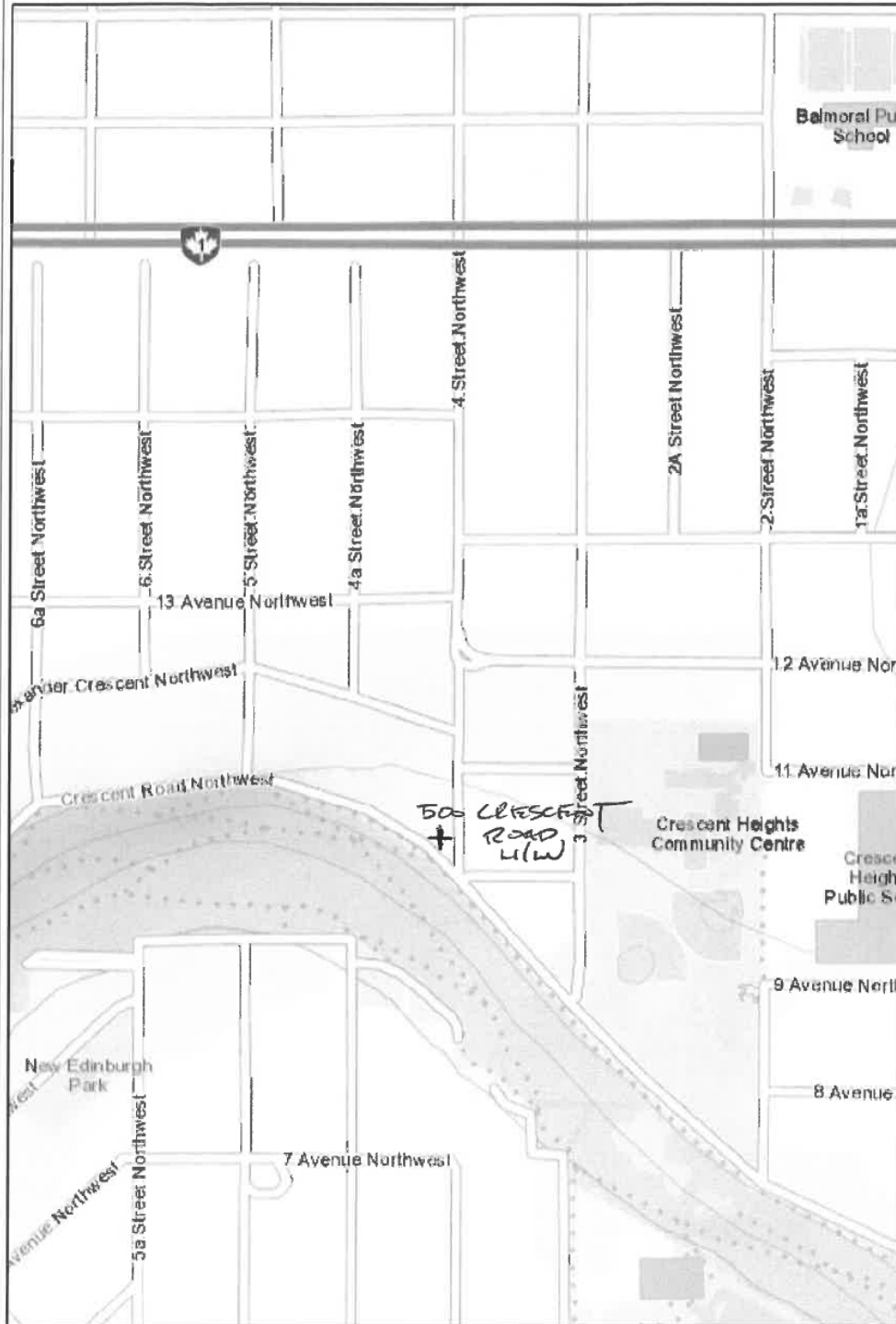
Applicant Name (Please Print)

Jackson McCormick Design Group

Company Name (Please Print)

FOIP DISCLAIMER: The personal information on this form is being collected under the authority of The Freedom of Information and Protection of Privacy (FOIP) Act, Section 33(c). It will be used to provide operating programs, account services and to process payments received for said services. It may also be used to conduct ongoing evaluations of services received from Planning & Development. 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.

Map Results



Legend

- ◇ Abandoned Wells (Large Scale)
- Revised Well Location (Large Scale)
- Revised Location Pointer
- ATS v4_1 Alberta Provincial Bound Citations

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While every effort is made to ensure data from this site is accurate and current, the Government of Alberta is not liable for any loss or damage arising from the possession, publication, or use of, that data. This information is provided "as is" without warranty.

Friday, February 26, 2021 13:48:15 -07:00

0.5

0.23

0.5 Kilometers



Map Scale: 1: 9,028



Government
GeoDiscover Alberta

District Title: Residential - Contextual One Dwelling (R-C1) (R-C1s)

The information contained herein is intended for information purposes only. Please refer to the Calgary Land Use Bylaw 1P2007 for a complete list of rules and regulations. This form has no legal status and cannot be used as an official interpretation of the Land Use Bylaw 1P2007.

Date:	August 25 2021
Date Received:	August 23 2021
F/M:	Sharon Van De Burgt
BLC BY:	Kerim Aktug
Review Required:	<input type="text" value="COMPLETE"/> 
Markups Completed Electronically:	<input type="text" value="Yes - Refer to Livelinek"/> 

D.P. #	2021-1259
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For Internal Distribution Only

Modifier(s):	F.A.R		Height		Density		ALL MODIFIER(S) ARE COMPULSORY (Cannot be relaxed)
--------------	-------	--	--------	--	---------	--	--

Project Description(s):	Change of Use: Single Detached Dwelling; Addition: Single Detached Dwelling - height and balcony depth
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Floodway/Floodfringe/Overland Flow

DOES NOT APPLY

****If applicable Complete Flood Sheet****

Airport Vicinity Protection Area (AVPA)

Right-of-Way Setback(S)					
Rd / St / Av	n/a	Required	n/a	Provided	n/a
Rd / St / Av	n/a	Required	n/a	Provided	n/a
Rd / St / Av	n/a	Required	n/a	Provided	n/a

Main Floor Elevation(S):		Roof Peak Elevation(s):	
	1083.00		1091.72

LDR: For Additions or alterations to existing See Section 358 For Dwellings Deemed Conforming

[illegible]

ISC: Protected

For Internal Distribution Only

SDAB2021-0073

Page 3										Residential – Contextual One Dwelling										D.P. #		2021-1259	
Rule		Requirements										Notes		Evaluation									
														Provided/Variance									
Secondary Suites		If applicable please refer to Secondary Suites Form												See Attached		N/A		N/I					
153.1(a)(vi) Backyard Suite		A Backyard Suite must be located on the same parcel as a Contextual Single Detached Dwelling or a Single Detached Dwelling.												C		N/C		N/A		N/I			
295(a)(v) Secondary Suite		A Secondary Suite must be contained in a Contextual Semi-Detached Dwelling, Contextual Single Detached Dwelling, Semi-Detached Dwelling or a Single Detached Dwelling.												C		N/C		N/A		N/I			
347 Contextual Single Detached Dwelling		(Front A 1082.22 + Front B 1081.82) / 2 = Front Average Building Reference Point												1082.02									
		(Rear A 1082.27 + Rear B 1082.10) / 2 = Rear Average Building Reference Point												1082.19									
		(1)(e) Must not be located on a parcel where the difference between the average building reference points is greater than 2.4 metres																					
		Difference between Front & Rear Average Building Reference Points =										0.17		C		N/C		N/A		N/I			
39 Contextual Front Setback		A) Contextual Front Setback for 2 Contextual Adjacent Buildings																					
		(Adj. building 1 5.00 + Adj. building 2 5.00) / 2 = A												5									
		OR B) Contextual Front Setback for 1 Contextual Adjacent Building																					
		Adjacent Building = B												0									
396 Building Setback from Front Property Line		OR C) Contextual Front Setback with no Contextual Adjacent Buildings																					
		= C												3									
Contextual Front Setback (see Contextual values use A or B or C) =		(1) For a Contextual Single Detached Dwelling and a Single Detached Dwelling, the min. setback is the greater of:																					
		(a) the contextual front setback less 1.5m																					
		5.00												3.50									
		Contextual Front Setback subtract 1.5m Required Front Setback												South to build-out(existing)									
347 Contextual Single Detached Dwelling		(4) Addition or alterations to Single Detached, prior to this Bylaw, setback is the lesser of:																					
		(a) the contextual front setback less 1.5m; (min 3.0m)																					
		5.00												3.50									
		Contextual Front Setback subtract 1.5m Required Front Setback												n/a									
		(b) the existing building setback less 1.5m; (min 3.0m)																					
														3.00									
		Existing Building Setback subtract 1.5m Required Front Setback												n/a									
		(5) All other uses, the min. setback is 3.0m												n/a									
347 Contextual Single Detached Dwelling		(1) A contextual Single Detached Dwelling		(a) must have:		(i) a portion of the front façade with an area less than or equal to 50% of the area of all front facades, recessed or projecting forward from the remaining façade that has a minimum dimension of:						C		N/C		N/A		N/I					
						(A) 2.0m in width;																	
						(B) 0.6m in depth; and;																	
						(C) 2.4m in height; or																	
347 Contextual Single Detached Dwelling		(1) A contextual Single Detached Dwelling		(a) must have:		(ii) a porch projecting from the front façade with a minimum dimension of:						C		N/C		N/A		N/I					
						(A) 2.0m in width; and																	
						(B) 1.2m in depth																	

334 Projections into Setback Areas	(3) Portions of a building below the surface of the ground may extend without any limits into a setback area, with the exception of the required front setback area.				C	N/C	N/A	N/I	
336 Projections Into Front Setback Area	(1) Unless otherwise referenced in subsection (6), bay windows and eaves may project a max. of 0.6m into the front setback area.				n/a				
	(2) Landings, ramps other than wheelchair ramps and stairs may project into a front setback area provided:	(a) they provide access to the main floor or lower level of the building; and			C	N/C	N/A	N/I	
		(b) the area of a landing does not exceed 2.5 square metres.			C	N/C	N/A	N/I	
	(5) In a Developed Area, a porch may project a maximum of 1.8m into a front setback area where:					n/a			
		(a) it forms an entry to the main floor of a Dwelling Unit of a main residential building;				C	N/C	N/A	N/I
		(b) the setback of the porch from the front property line is not less than the minimum setback in the district;				C	N/C	N/A	N/I
		(c) the maximum height of the porch platform is 1.2m measured from grade, excluding stairs and a landing area not exceeding 2.5m²; and				C	N/C	N/A	N/I
(d) the portion of the porch that projects into a front setback area is unenclosed, other than by a railing, balustrade or privacy walls located on porches between attached units.				C	N/C	N/A	N/I		
(6) Eaves may project an additional 0.6m from a porch into the front setback area, as described in subsection (5).				n/a					
335 Length of Portions of a Building in Setback Areas (Front)	(1) On each storey, the total combined length of all projections into any setback area must not exceed 40% of the length of the facade (Does not apply to eaves, ramps and stairs)			PROVIDE LENGTH AND % VALUES	%	Length	%	Length	
	1st st		X 40% =		n/a				
	2nd st		X 40% =						
(2) The max. length of an individual projection into any setback area is 3.1 m.				n/a					
397 Building Setback from Side Property Line	(1) For a laned parcel, the min. building setback from any side property line is 1.2m				n/a				
	(2) For a laneless parcel, the min. setback is:	(a) 1.2m; or			n/a				
		(b) 3.0 m when no provision has been made for a private garage on the front or side.			n/a				
	(3) Corner parcel, the min. setback from a side property line shared with a street is 1.2m,		1.2m min. requirement to building		n/a				
	Provided there is no portion of a building, except for a Eaves (337) located within 3.0m of:		(a) the back of the public sidewalk; or (b) the curb, where there is no public sidewalk.		C	N/C	N/A	N/I	
(4) Where a corner parcel shares a side property line with a street and the parcel forms part of a plan of subdivision approved by the Calgary Planning Commission prior to March 31, 1980, the minimum building setback from that side property line is 1.2m				n/a					
	(1.1) Portions of a building greater than or equal to 2.4m above grade may project a max of 0.6m into any side setback area.				n/a				

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337 Projections Into Side Setback Area	(1.2) Portions of a building less than 2.4m above grade may project a maximum of 0.6m,				n/a			
	(1.2) (b) for all other uses:	(i) when located on a corner parcel;			C	N/C	N/A	N/I
		(ii) where at least one side setback area is clear of all portions of the building measured from grade to a height of 2.4m; or			C	N/C	N/A	N/I
		(iii) where the side setback area contains a private maintenance easement required by this Bylaw and no portion of the building projects into the required private maintenance easement.			C	N/C	N/A	N/I
	(1.3) Window wells may project a maximum of 0.8m into any side setback area.				n/a			
	(2) Window wells and portions of a building, other than eaves, must not project into a 3.0m setback required on a laneless parcel.				C	N/C	N/A	N/I
	(3) Eaves may project a max. of 0.6m into any side setback area.				n/a			
	(5) Landings, ramps other than wheelchair ramps and stairs may project in a side setback area provided:	(a) they provide access to the main floor or lower level of the building;			C	N/C	N/A	N/I
		(b) the area of a landing does not exceed 2.5m ²			n/a			
		(c) the area of any portion of a landing that projects into the side setback area does not exceed 1.8m ²			n/a			
(d) they are not located in a 3.0m side setback area required on a laneless parcel; and				C	N/C	N/A	N/I	
				C	N/C	N/A	N/I	
(e) they are not located in a side setback area required to be clear of projections, unless pedestrian access from the front to the rear								
(10) Central air conditioning equipment may project a maximum of 1.0m into a side setback area:				n/a				
(8) Any portion of a building that projects into a side setback area, other than eaves, landings, window wells, ramps and stairs, must not be located closer than 0.9m from the nearest front façade.				n/a				
(9) Balconies and decks must not project into any side setback area;				C	N/C	N/A	N/I	
335 Length of Portions of a Building in Setback Areas (Side)	(1) On each storey, the total combined length of all projections into any setback area must not exceed 40% of the length of the facade (Does not apply to decks, eaves, ramps and stairs)			PROVIDE LENGTH AND % VALUES	%	Length	%	Length
	1st st		X 40% =					
	2nd st		X 40% =		n/a			
	__st		X 40% =					
	__st		X 40% =					
	(2) The max. length of an individual projection into any setback area is 3.1m (Includes Window Wells)				n/a			
398 Building Setback from Rear Property Line	(1) The min. setback from a rear property line is 7.5m				n/a			
	(2) Awnings, balconies, bay windows, canopies, chimneys, decks, eaves, fireplaces, fire escapes, landings, porches, and ramps other than wheelchair ramps may project a max of 1.5m into any rear setback area.				n/a			
		(a) does not exceed 4.6m in height, measured from the				n/a		

338 Projections Into Rear Setback Area	(3) A private garage attached to a building may project without limits into a rear setback area provided it:	finished floor of the private garage;						
		(b) does not exceed 75.0m ² in gross floor area for each Dwelling Unit located on the parcel.			n/a			
		(c) has no part that is located closer than 0.60m to the rear property line; and			n/a			
		(d) has no eave closer than 0.6m to a side property line.			n/a			
	(4) When an attached private garage has a balcony or deck, the balcony or deck must not be located within 6.0 m of a rear property line or 1.2m of a side property line.			C	N/C	N/A	N/I	
347 Contextual Single Detached Dwelling	(1) A contextual Single Detached Dwelling	(b) must not have vehicular access from the lane to an attached private garage			C	N/C	N/A	N/I
		(c) must not have windows that are located beyond the rear façade of a main residential building on an adjoining parcel unless:	(i) the window is located below the second storey;		Applies		N/A	N/I
			(ii) the window is located on the rear façade;		Applies		N/A	N/I
			(iii) the glass in the window is entirely obscured; or		C	N/C	N/A	N/I
			(iv) there is a minimum distance of 1.5m between the finished floor and the bottom of the window sill		C	N/C	N/A	N/I
335 Length of Portions of a Building in Setback Areas (Rear)	(1) On each storey, the total combined length of all projections into any setback area must not exceed 40% of the length of the façade (Does not apply to decks, eaves, ramps stairs & attached garage)			PROVIDE LENGTH AND % VALUES	%	Length	%	Length
	1st		X 40% =		n/a			
	2nd st		X 40% =					
	(2) The max. length of an individual projection into any setback area is 3.1m				n/a			
339 Decks	(2) The height of a deck in the Developed Area must not exceed:	(a) 1.5m above grade at any point, except where the deck is located on the same façade as the at-grade entrance to a walkout basement; and			n/a			
		(b) 0.3m above the main floor level of the closest main residential building on the parcel.			n/a			
	(2.1) Unless otherwise referenced in subsection (3), a privacy wall located on a deck:	(a) must not exceed 2.0m in height when measured from the surface of the deck; and			n/a			
		(b) must not be located between the foremost front façade of the main residential building and the front property line.			C	N/C	N/A	N/I
340 Balconies	(1) Unless otherwise referenced in this Part, an open balcony must not project more than 1.85m from the building façade to which it is attached.		Roof Hatch	8.00	6.15			
			Skylight	4.13	2.28			
	(2) Unless otherwise referenced in this Part, the floor area of a recessed balcony must not exceed 10.0m ²			n/a				
	(2.1) Unless otherwise referenced in this Part, a privacy	(a) must not exceed 3.0m in height when measured from the surface of the balcony; and			n/a			

Page 7	wall located on a balcony:	b) must not be located between the foremost front façade of the main residential building and front property line.				C	N/C	N/A	N/I	
347 Contextual Single Detached Dwelling	(2) Unless otherwise referenced in this Part, a Contextual Single Detached Dwelling:	(a) may have a balcony located on a side façade:	(i) where it forms part of the front façade and is not recessed back more than 4.5m from the front façade; or			C	N/C	N/A	N/I	
			(ii) where it is on the street side of a corner parcel			C	N/C	N/A	N/I	
		(b) may have a balcony located on a rear façade where:	(i) it does not form part of the side façade unless the side façade is on the street side of a corner parcel			C	N/C	N/A	N/I	
			(ii) a privacy wall is provided where the balcony is facing a side property line shared with a parcel; and			C	N/C	N/A	N/I	
			(iii) the privacy wall is a minimum of 2.0m in height and a maximum of 3.0m in height			C	N/C	N/A	N/I	
		(c) must not have a balcony with a height greater then 6.0m, when measured vertically at any point from grade to the platform of the balcony.					n/a			
		A) <u>Average Contextual High Point</u> for 2 Contextual adjacent buildings (expressed as a geodetic datum) = (Adj. building 1 1092.48 + Adj. building 2 1089.85) / 2 = A 1091.17								
		OR B) <u>Average Contextual High Point</u> for 1 Contextual adjacent buildings (expressed as a geodetic datum) = Adjacent Building = B 0								
OR C) <u>Average Contextual High Point</u> for no Contextual adjacent buildings (expressed as a geodetic datum) = Highest Geodetic Datum (of subject parcel) + 8.6m = C 0										
40 Contextual Height = Average Contextual High Point minus the highest Building Reference point.	1091.17		-	1082.27				Contextual Height		
	A or B or C Average Contextual High Point			highest Building Reference Point		=		8.90		
360 Building Height (Method For Additions not to be noted as a bylaw relaxation)	(5) The building height for an addition to a main residential building is measured from grade at any point adjacent to the addition when the addition is less than or equal to: <i>If the Addition does not meet the height by using 5 (a) or (b) Use 399</i>		(a) 7.5m in height from grade where the existing building has a walkout basement, and				n/a			
			(b) 6.0m in height from grade where the existing building does not have a walkout basement				n/a			
399 Building Height (See 360 (2) & (3) for height check method)	(1) For a Contextual Single Detached Dwelling and a Single Detached Dwelling, the max. building height is the greater of:	(a) 8.6 m; or		Maximum Height Allowed = 10.00 Maximum Geodetic Height = 1093.19		N/A				
		(b) the contextual height plus 1.5m, to a max. of 10.0m								
		8.90	+ 1.5m			10.40	1091.72		-1.47	
			Contextual Height							

	slope.							
347 Contextual Single Detached Dwelling	(1) A contextual Single Detached Dwelling	(d) must not have a roof slope less than 4:12 within 1.5m of the horizontal plane forming the maximum building height		C	N/C	N/A	N/I	
349 Roof Equipment Projection	(2) Mechanical equipment may project a maximum of 0.3m from the surface of a roof on a building.			n/a				
390 Parcel Width	The minimum parcel width is 12.0m			n/a				
391 Parcel Depth	The minimum parcel depth is 22.0 metres.			n/a				
392 Parcel Area	The minimum area of a parcel is 330.0 square metres.			n/a				
37 Contextual Building Depth Average	A) Contextual Building Depth Average for 2 Contextual Adjacent Buildings							
	(Adj. building 1		+ Adj. building 2) / 2 + 4.6 = A		0	
	OR B) Contextual Building Depth Average for 1 Contextual Adjacent Building							
	Adjacent Building			+ 4.6 = B			0	
347 Contextual Single Detached Dwelling	OR C) Contextual Building Depth Average with no Contextual Adjacent Buildings							
	65% X				= C		0	
	Parcel Depth							
347 Contextual Single Detached Dwelling	(3) Where a contextual Single Detached Dwelling is located on a parcel with a parcel width less than or equal to 10.0m the maximum building depth is the greater of:	(a) 65.0 per cent of the parcel depth; or		n/a				
		65% x	0.00	=	0.0			
		Parcel Depth		Max Building Depth				
		(b) the contextual building depth average						
	Contextual Building Depth Avg. =		0.0	nb/a				
347 Contextual Single Detached Dwelling	(4) Where a Contextual Single Detached Dwelling is located on a parcel with a parcel width greater than 10m the maximum building depth is the contextual building depth average							
		Contextual Building Depth Average =		0.0				
Accessory Building	If applicable please refer to Accessory Residential Building Form			Existing	N/A	N/I		
365 Exempt Addition	In order for the exemption in section 25(2)(a) to apply to an exterior alteration or addition to an existing Duplex Dwelling, Semi-detached Dwelling or Single Detached Dwelling:							
	(b) the addition may be a maximum of:							
	(i) 40.0m ² in floor area for any portion at a height less than or equal to:	(A) 7.5m measured from grade where the existing building has a walkout basement; or (B) 6.0m measured from grade where the existing building does not have a walkout basement; and			n/a			
365 Exempt Addition	(ii) 10.0m ² in floor area for any portion not exceeding the highest point of the existing roof;			n/a				
339.1 Porches (must meet all requirements to be exempt)	In a Developed Area, a porch is exempt from parcel coverage where:	(a) the porch is located between the façade of the main residential building and:	(i) the front property line; or		C	N/C	N/A	N/I
			(ii) the side property line on the street side of a corner parcel;		C	N/C	N/A	N/I
		(b) the porch is unenclosed on a minimum of two sides, other than by a railing, balustrade, or privacy walls located on porches between attached units when the porch is at or exceeds the contextual front setback; and		C	N/C	N/A	N/I	
				C	N/C	N/A	N/I	
		(c) there is no enclosed floor area or balcony located directly above the roof of the porch.		C	N/C	N/A	N/I	

393 Parcel Coverage	The max. parcel coverage is 45.0% of the area of a parcel, which must be reduced by 21.0 m ² for each required motor vehicle parking stall that is not provided in a private garage.					%	%				
	45% X	1623.14	minus		X 21m ² =	730.41	42.61%	-2.39%			
	Parcel Area Required Stalls Max. Coverage										
	Parcel Coverage Totals					m ²	m ²				
	House	Proj. > 1.0m	Garage(s)	Other	Total						
	588.90	27.86	74.94		691.70	691.70	-38.71				
347 Contextual Single Detached Dwelling	(6) Where a private garage is attached to a Contextual Single-Detached Dwelling the maximum building coverage is the maximum parcel coverage which must be reduced by 21m2 for each required parking stall					Area (m ²)					
						n/a					
	(5) Where a Contextual Single Detached Dwelling is located on a parcel with a parcel width greater than 10.0m, the maximum area of a horizontal cross section through each storey above the first storey must not exceed the building coverage					n/a					
341 Driveways	(1) A driveway must not have direct access to a major street unless:	(a) there is no practical alternative method of vehicular access to the parcel; and				C	N/C	N/A	N/I		
		(b) a turning space is provided on the parcel to allow all vehicles exiting to face the major street.				C	N/C	N/A	N/I		
	(2) A driveway connecting a street to a private garage must:	(a) be a min of 6.0 m in length along the intended direction of travel for vehicles measured from:	(i) the back of the public sidewalk to the door of the private garage; or			n/a					
			(ii) a curb where there is no public sidewalk to the door of a private garage, and			n/a					
		(b) contain a rectangular area measuring 6.0m in length and 3.0m in width.				C	N/C	N/A	N/I		
	(3) A driveway connecting a lane to a private garage must be a min of 0.60m in length along the intended direction of travel for vehicles, measured from the property line shared with the lane to the door of a private garage.						n/a				
	(4) Parking Surface located in the actual front setback must be hard surfaced.						C	N/C	N/A	N/I	
	(5) That portion of a driveway including a motor vehicle parking stall within 6.0m of a public sidewalk, or a curb on a street where there is no public sidewalk, must not exceed a width of:	(a) 6.0 m where the parcel width is 9.0m or less; or						n/a			
		(b) 7.0m for parcel width > than 9.0m and < than 15.0m						n/a			
	(6) In the Developed Area, driveway accessing a street must not be constructed, altered or replaced except where:	(a) located on a laneless parcel; (b) located on a laned parcel and 50.0% or more parcels on same block face have an existing driveway accessing a street; or (c) legally existing driveway not being relocated or widened.						C	N/C	N/A	N/I
								Existing Driveway No Changes			
305 Parking	(c) requires a minimum of 1.0 motor vehicle parking stalls per Dwelling Unit (which includes secondary suites if applicable)						5	4			
	If use is other refer to Parking/Loading/Bicycle Form						See Attached	N/A	N/I		
	(3) The minimum depth of a motor vehicle parking stall is 5.9m where it is required for:						C	N/C	N/A	N/I	
	(a) a Contextual Single Detached Dwelling, Duplex Dwelling, Secondary Suite, Semi-detached Dwelling or Single Detached Dwelling										
	(4) The minimum width of a motor vehicle parking stall required for a Dwelling Unit is:										

122 Standards for Motor Vehicle Parking Stalls	(a) 3.0m where both sides of a stall abut a physical barrier;			C	N/C	N/A	N/I
	(b) 2.85m where one side of a stall abuts a physical barrier; and						
	(c) 2.5m in all other cases.						
	(15) Motor vehicle parking stalls for a Backyard Suite, Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Secondary Suite, Semi-detached Dwelling and Single Detached Dwelling must be:			C	N/C	N/A	N/I
	(a) hard surfaced; and						
	(b) located wholly on the subject parcel.						
342 Retaining Walls	(1) A retaining wall must be less than 1.2m in height when measured from the lowest grade at any point adjacent to the retaining wall to the highest grade retained by the retaining wall.			C	N/C	N/A	N/I
	(2) A min horizontal separation of 1.0m must be maintained between retaining walls on the same parcel.			C	N/C	N/A	N/I
338.1 Patios	(1) Unless otherwise referenced in subsections (2) and (3), a privacy wall may be located on a patio, provided it does not exceed a height of 2.0m from the surface of the patio.			C	N/C	N/A	N/I
	(2) A privacy wall located on a patio must not exceed 2.0m in height, when measured from grade and when the privacy wall is located within: (a) a side setback area; or (b) 6.0m of a rear property line.			C	N/C	N/A	N/I
	(3) A privacy wall located on a patio must not exceed 1.2m in height when measured from grade when the privacy wall is located between the foremost front façade of the main residential building and the front property line.			C	N/C	N/A	N/I
343 Fences <i>Note: Only apply fence rules to proposed fences</i>	The height of a fence above grade at any point along a fence line must not exceed:	(a) 1.2m for any portion of a fence extending between the foremost front façade of the main residential building and the front property line;		C	N/C	N/A	N/I
		(b) 2.0m in all other cases, and		C	N/C	N/A	N/I
		(c) 2.5m at the highest point of a gate that is not more than 2.5m in length.		C	N/C	N/A	N/I
348 Visibility Setback	Within a corner visibility triangle, buildings, fences, finished grade of a parcel and vegetation must not exceed the lowest elevation of the street by more than 0.75m above lowest elevation of the street.			C	N/C	N/A	N/I

FILE: DP2021-1259

DATE RECEIVED: August 23 2021

Bylaw Discrepancies

Regulation	Standard	Provided
340 Balconies	(1) Unless otherwise referenced in this Part, an open balcony must not project more than 1.85m from the building façade to which it is attached.	Plans indicate the rooftop balcony as projecting 4.13m (+2.28m) from the skylight and 8.00m(+6.15) from the roof entry.

Permitted Contextual Use Rules

Regulation	Standard	Provided
N/A		



April 29, 2021

COLQUHOUN, CAMERON

Dear Sir/Madam:

RE: Detailed Review (DR)

Development Permit Number: DP2021-1259

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) 333-5526 or by email at Sharon.vandeBurgt@calgary.ca.

Sincerely,

SHARON VAN DE BURGT

Senior Planning Technician, Planning & Development



Detailed Review 1 – Development Permit

Application Number:	DP2021-1259
Application Description:	Change of Use: Single Detached Dwelling; Addition: Single Detached Dwelling - height and balcony depth
Land Use District:	Residential - Contextual One Dwelling
Use Type:	Discretionary
Site Address:	500 CRESCENT RD NW
Community:	ROSEDALE
Applicant:	COLQUHOUN, CAMERON
Date DR Sent:	April 29, 2021
Response Due Date:	May 29, 2021
Senior Planning Technician:	SHARON VAN DE BURGT – 403.333.5526 Sharon.vandeBurgt@calgary.ca

General Comments

Development Scope:

The application is for a Change of Use from a Contextual Single Detached Dwelling to a Single Detached Dwelling due to the proposal of an Addition on the roof as well as a rooftop patio that will require relaxations at 500 Crescent RD in the northwest community of Rosedale. The corner parcel is surrounded by Single Detached Dwellings to the north, east, and west. South of the subject development is McHugh Bluff regional park designated Special Purpose – Urban Nature (S-UN). Primary access for majority adjacent residences along Crescent RD NW is via the rear lane, while some parcel access directly to the street.

If the Addition and rooftop balcony comply with the rules of the Land Use Bylaw, no Change of Use would be required.

Circulation and Notice Posting:

The following referees were circulated:

1. **Enmax** – no objections
2. **Ward Councillor** – provided comments
Councillor Farrell's office reviewed DP2021-1259 and offers the following comments:

"The subject development has generated significant commentary, almost all of it negative. The structure's scale and massing diverge drastically from the surrounding built environment. While the application was originally approved under the Contextual process, the structure is not in any way contextual. The development has subsequently been used as an example of what is wrong with the Contextual process and where reforms are necessary.

Given the already over-built structure, we are unsupportive of any further additions to the development. No planning rationale has been provided to support the further increase in building scale either.

Given the development is now discretionary, we have further comments that should have been addressed with the original proposal:

As mentioned, the scale and massing of the structure are inconsistent with the surrounding built environment.

The applicant has astro-turfed the public boulevards around the site. This is highly inappropriate because it reduces the natural environment, degrades the quality of the public realm, and has eliminated tree plantings. This should be addressed as part of this application.

The site is almost entirely covered in hardscape and structure. This significantly reduces rain water permeability and tree planting opportunities.

No trees are provided on site. Tree plantings are a requirement and are essential for the health of the urban canopy.

All automobile access should have been provided from the laneway. Maintaining a curb cut on 4 St NW increases the auto-orientation of the site and reduces sidewalk safety."

3. **Rosedale Community Association** – provided comments

The Community Association's concerns included:

"This particular application garnered a great deal of negative feedback from neighbours directly impacted by the proposed application and other residents of the community. Based on the feedback, the Rosedale Development Committee is unsupportive of this application and any further additions to the development, for a number of reasons.

Firstly, the lack of privacy for the surrounding neighbours, second, the proposed height exceeds the maximum allowable height, and lastly, the lack of transparency with initial development application. Based on the submitted drawings, the roof structure and elevator were designed with planned roof access. Therefore, this application was premeditated to circumvent the discretionary development application process and undermine City planning guidelines. There have been other developments in Rosedale which have requested relaxation of overall building height by 1.2" that have been rejected. (Details of example available, if required). The city must apply consistent standards when reviewing and approving applications.

The development may consider removing the astro-turf on the boulevards and replace with natural grass and plant trees. There were a number of trees that were removed during the construction process that have not been replaced.

The site is entirely covered in hardscaping and building structure. Lack of opportunities to plant trees, and reduces ground water penetration.

The overall site design and massing are not consistent with the surrounding built environment"

4. As per Land Use Bylaw requirements, the application was notice posted for a 1-week period. Comments were received indicating concerns which included:

The process of how the home was initially approved in 2017

Loss of views

Disturbances caused by the construction of the approved dwelling

Degradation of back lane and curb damage due to construction of the approved dwelling

Light pollution of the existing dwelling

Massing of the approved dwelling

Synthetic turf on the city boulevard

Lack of trees on the city boulevard

Height of the proposed addition

Lower density due to the amalgamation of 2 R-C1 lots in the original development

Setbacks of the original development

Height of the existing fence

Shadowing

Privacy

Parking

Comments on Relevant City Policies

Area Redevelopment Plan

The community of Rosedale does not have an applicable Area Redevelopment Plan.

The Low Density Residential Housing Guidelines for Established Communities (Infill Guidelines)

The Low Density Residential Housing Guidelines for Established Communities (Infill Guidelines) were approved by City Council in May 1993. The Guidelines provide a comprehensive package of information to guide the development of low density residential housing in Established Communities. They are intended to apply to Single Detached Dwellings, Semi-detached Dwellings and Duplexes requiring a development permit. A map showing the Established Communities is included in Appendix 1.

4.2 Context:

New development should be designed in a manner which is responsive to the local context.

1. Context refers to the relationship of a new development to its surroundings; that is, to neighbouring housing, the natural characteristics of the site (e.g. escarpment, topography, slope, vegetation), and the surrounding streetscape and community.
2. New infill development should respect the existing scale and massing of its immediate surroundings.

4.4 Building Mass:

New development should respect the existing scale and massing of its immediate surroundings.

- Where a development protrudes into the rear setback area beyond the adjacent structures, privacy, overshadowing and access to sunlight are important design considerations.

4.5.1 Placement of Windows / Second Storey Balconies

The privacy of adjacent residences should be respected.

- Placement of balconies should respect the privacy of adjacent residences and avoid overlooking

The Development Authority will not support the proposed Addition on the 3rd floor nor the proposed rooftop balcony/patio.

Bylaw Discrepancies

Regulation	Standard	Provided
340 Balconies	(1) Unless otherwise referenced in this Part, an open balcony must not project more than 1.85m from the building façade to which it is attached.	Plans indicate the rooftop balcony as projecting 7.71m (+5.86m) from the proposed addition façade. <i>No support for the proposed rooftop balcony projection</i>
399 Building Height	(1) For a Contextual Single Detached Dwelling and a Single Detached Dwelling, the max. building height is: (b) the contextual height plus 1.5m, to a max. of 10.0m Max. Geodetic height = 1093.19	Plans indicate the height as being 1095.06 (+1.87) <i>No support for the proposed rooftop addition height over the maximum allowable</i>

Prior to Decision Requirements

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

The following comments from Building Regulations identified issues that may require exterior changes to accommodate the building code and may impact planning review.

Building Regulations:

- A preliminary review for compliance with the National Building Code – 2019 Alberta Edition has been completed based on the Development Permit Application Drawings.

The following comments may affect the design concept of the building and shall be addressed prior to the application for a Building Permit.

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

A Building Permit shall be obtained from the Building Regulations Division before construction

Comments: Building Regulations has reviewed the proposed development and alterations are required to bring the proposed development into compliance with the National Building Code – 2019 Alberta Edition:

Division B, 9.9.2.1. Types of Exits

1) Except as otherwise provided in this Section, an *exit* from any *floor area* shall be one of the following used singly or in combination:

- a) an exterior doorway,
- b) an exterior passageway,
- c) an exterior ramp,
- d) an exterior stairway,
- e) a fire escape,
- f) a *horizontal exit*,
- g) an interior passageway,
- h) an interior ramp, or
- i) an interior stairway

Division B, 9.9.2.3. Elevators, Slide Escapes and Windows as Means of Egress

1) Elevators, slide escapes and windows shall not be considered as part of a required *means of egress*.

Provide a means of egress to an exit for the proposed rooftop patio which shall not include the shown elevator or maintenance stairs accessed through the rooftop hatch.

Carla Weedon

Safety Codes Officer | Building
Calgary Building Services | Planning & Development
E: carla.weedon@calgary.ca | P: 403.807.5129

Planning:

2. Resubmit complete sets of amended plans to the Planning Generalist that comprehensively addresses the prior to decision issues of all Departments as specified below.

In order to expedite the review of the amended plans, please include the following in your submission:

- a. The plan set shall highlight all of the amendments. Please ensure that all plans affected by the revisions are amended accordingly.
- b. A detailed written response(s) to the Detailed Review (DR) that provides a point by point explanation as to how each of the Prior to Decision issues were addressed and/or resolved. If Prior to Release items have been addressed in the amended plans, include a point by point explanation for these items as well.

This information must be received, in its entirety, no later than 30 days from the date this DR form was sent to the applicant and owner. If a complete submission is not received

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

within the 30 day time frame, the development permit may be inactivated. Upon inactivation, the applicant and owner will receive written notice of the inactivation and of a further 15 day time frame within which the application may be reactivated subject to a reactivation fee. If the development permit application is not reactivated as per the written notification, it may be cancelled by Administration as per Land Use Bylaw 1P2007, Section 41.1.

3. Amended plans must address all concerns by the File Manager outlined in the Bylaw Discrepancies and Relevant City Policies.

Prior to Release Requirements

If this Development Permit is approved, the following requirements shall be met prior to the release of the permit. All requirements shall be resolved to the satisfaction of the Approving Authority:

Planning:

4. The Prior to Release conditions will be finalised at the time of Development Authority decision, subject to the resolution of the Prior to Decision comments in the preceding section.

Permanent Conditions

If this Development Permit is approved, the following permanent conditions shall apply:

5. The Permanent Conditions will be finalised at the time of Development Authority decision, subject to the resolution of the Prior to Decision issues in the preceding section.

Planning:

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

10. A new Development Permit for an infill residential development will be required if the existing dwelling is removed.

Advisory Comments

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

11. The Advisory Comments will be finalised at the time of decision.

Planning:

12. The Applicant may appeal the decision of the Development Authority, including any of the conditions of the development permit. If you decide to file an appeal, please refer to the notification of decision letter for the appropriate appeal body and appeal process.
13. The approval of this Development Permit does not limit in any way the application of the regulations in the Alberta Building Code, nor does it constitute any permit or permission under the Alberta Building Code.
14. In addition to your Development Permit, you should be aware that Building Permit(s) are required. Once your Development Permit application has been approved, you may apply for Building Permit(s). Please contact Building Regulations at 403-268-5311 for further information.

From: [Sean McCormick](#)
To: [van de Burgt, Sharon](#); [Rupert, Marie](#)
Subject: [EXT] 500 Crescent Road NW - revised
Date: Friday, June 11, 2021 3:27:58 PM
Attachments: [SKM_C30821061114590.pdf](#)
[unknown.png](#)

Hello Sharon and Marie,

Please find attached a sketch outlining the proposed revisions to this submission that Sharon and I discussed a few weeks ago. The main elements of the revised proposal would be :

1. **ACCESS** - The Existing access to the roof would continue to serve as the primary means of egress and provide access to the roof. We have reviewed the building code requirements for a spiral staircase providing a means of egress , and we feel that this stair meets the minimum criteria.
2. **PROPOSED ROOFTOP ADDITION** - The proposed rooftop addition for the elevator would be eliminated , eliminating the need for a relaxation
3. **REDUCED ROOF-DECK FOOTPRINT** - The footprint has been substantially reduced in this sketch. The reduced footprint moves the sitting area further away from the only legal neighbour. This reduced footprint would still require a relaxation under the current Bylaw definition for a Balcony. (Note- we feel that the Bylaw definition and interpretation of a “balcony” as applied to a roof top patio as is incorrect)
4. **PROVIDE SCREENING AND LANDSCAPING ON NORTH AND WEST PERIMETER**- In addition to the 6’ frosted glass privacy walls that have already been proposed for this zone, we propose to further soften the effect by providing planting material along this periphery. The planting would be visible from a distance.
5. **PROVIDE A LETTER OF SUPPORT FROM THE NEIGHBOUR**- We believe that the only legal neighbour to this property (510 Crescent Road) would be in support of this revised submission. As per the Land Use Bylaw, Section 31 , the test of any relaxation is “ *the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties;*”. We believe that this revised submission meets and exceeds this test for a relaxation.

•

Regards,
Sean McCormick B.ARCH
Principal



804 16th Ave. SW - Suite A
Calgary, AB, T2R 0S9



www.jmdesigngroup.ca
www.tjarchitecture.com

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ENMAX Power Corporation
 141 – 50 Avenue SE
 Calgary, AB T2G 4S7
 Tel (403) 514-3000
 enmax.com

March 23, 2021

File No: DP2021-1259

Location: 500 CRESCENT RD NW

ENMAX Power Corporation (EPC) has reviewed the above permit application dated 3/5/2021 and based on the information provided and as of the above noted date the proposed development does not conflict with ENMAX facilities in respect of the requirements set forth in 10-002 Overhead System (Table 7) and 12-002 Underground Systems of the Alberta Electrical Utility Code (AEUC) under the *Safety Codes Act* (Alberta). This non-conflict letter does not reduce or limit responsibility to comply with all laws and regulations regarding utility facilities and all requirements under the *Occupational Health & Safety Act* (Alberta) (OHS) and the applicant shall observe all such laws and regulations when commencing any work related to the permit application. If a situation arises where there is a discrepancy between ENMAX required setbacks and the AEUC or the OHS, the stricter set of requirements shall govern.

Pursuant to Section 225(1) of Part 17 of the *Occupational Health and Safety Code* (Alberta) (Code) anyone working near overhead powerlines must maintain safe limits of approach as provided for in Schedule 4, Table 1 of the Code or Table 1 in the AEUC and anyone excavating must contact Alberta One-Call prior to performance of such excavation. As a condition of this no-conflict letter, and despite any existence of a permit, the applicant must contact EPC (Powerline Inspections (403) 514-3117) prior to the commencement of any construction where any workers or equipment will be within 7.0m of existing overhead EPC facilities. If EPC is contacted in accordance with the above, no construction work shall be commenced thereafter unless and until EPC determines the minimum safe limit of approach distance in relation to the overhead facilities present at the project site.

****NOTE:** This letter provided by ENMAX Power Corporation is intended for information purposes only and is not in any manner intended to nor shall be construed to derogate from applicant's obligations to follow any applicable law. The provision of this no-conflict letter is not a representation that work will meet any legislative or regulatory obligations. This no-conflict letter is provided as of the date first noted above – the applicant is still required to perform their own due diligence prior to any development activities and resolve any conflicts (new or existing) at the Developer's sole expense. ENMAX expressly disclaims any liability related to applicant's responsibility to comply with such laws and regulations and ENMAX's required setbacks.

If you require any additional information regarding this Development Permit, please contact the Project Administrator at EPC_Permits@enmax.com.

Sincerely,

Younglae Kim, P.Eng
 Permits and Circulations.

SDAB2021-0073

From: [CAWard7 - Dale Calkins](#)
To: [DP Circ](#)
Cc: [van de Burgt, Sharon](#); "development@myrosedale.info"
Subject: RE: Electronic Circulation of DP2021-1259 - 500 CRESCENT RD NW
Date: Tuesday, March 16, 2021 1:19:00 PM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.jpg](#)
[image012.jpg](#)
[image013.jpg](#)
[image014.png](#)

Hello Sharon,

Councillor Farrell's office reviewed DP2021-1259 and offers the following comments:

- The subject development has generated significant commentary, almost all of it negative. The structure's scale and massing diverge drastically from the surrounding built environment. While the application was originally approved under the Contextual process, the structure is not in any way contextual. The development has subsequently been used as an example of what is wrong with the Contextual process and where reforms are necessary.
- Given the already over-built structure, we are unsupportive of any further additions to the development. No planning rationale has been provided to support the further increase in building scale either.

Given the development is now discretionary, we have further comments that should have been addressed with the original proposal:

- As mentioned, the scale and massing of the structure are inconsistent with the surrounding built environment.
- The applicant has astro-turfed the public boulevards around the site. This is highly inappropriate because it reduces the natural environment, degrades the quality of the public realm, and has eliminated tree plantings. This should be addressed as part of this application.
- The site is almost entirely covered in hardscape and structure. This significantly reduces rain water permeability and tree planting opportunities.
- No trees are provided on site. Tree plantings are a requirement and are essential for the health of the urban canopy.
- All automobile access should have been provided from the laneway. Maintaining a curb cut on 4 St NW increases the auto-orientation of the site and reduces sidewalk safety.

Best regards,

Dale Calkins (he/him)

Senior Policy & Planning Advisor

Druh Farrell – Ward 7 Councillor

Office of the Councillors, PO Box 2100, Station M, Calgary, Alberta, T2P 2M5

[e CAWard7@Calgary.ca](mailto:CAWard7@Calgary.ca) [w www.DruhFarrell.ca](http://www.DruhFarrell.ca)



From: Brown, Franziska <Franziska.Brown@calgary.ca> **On Behalf Of** DP Circ
Sent: Friday, March 5, 2021 11:13
Cc: DP Circ <DP.Circ@calgary.ca>; van de Burgt, Sharon <Sharon.vandeBurgt@calgary.ca>
Subject: Electronic Circulation of DP2021-1259 - 500 CRESCENT RD NW

Calgary banner (generic).png



For more
 information
[CALGARY.CA/PD
 DISPATCH
 ENEWSLETTER](https://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
 - 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.

Franziska Brown
 Applications Processing Representative
 Calgary Building Services
 Planning & Development
 The City of Calgary | Mail code: #8201
 T 403.268.5744 | F 403.268.8178 | Franziska.Brown@calgary.ca
 Floor 3, Municipal Building - 800 Macleod Trail S.E.
 P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5



ISC:Unrestricted

Samnick, Cyrille

From: RCA Development Committee <development@myrosedale.info>
Sent: Friday, March 26, 2021 9:13 AM
To: van de Burgt, Sharon
Cc: DP Circ
Subject: [EXT] Feedback - DP2021-1259 - 500 CRESCENT RD NW

Good morning Sharon,

the feedback form on the city of caglary website is not working and showing an error when attempting to submit the responses.

Please find the following comments from the Rosedale Development committee in regards to the subject DP:

- This particular application garnered a great deal of negative feedback from neighbours directly impacted by the proposed application and other residents of the community. Based on the feedback, the Rosedale Development Committee is unsupportive of this application and any further additions to the development, for a number of reasons. Firstly, the lack of privacy for the surrounding neighbours, second, the proposed height exceeds the maximum allowable height, and lastly, the lack of transparency with initial development application. Based on the submitted drawings, the roof structure and elevator were designed with planned roof access. Therefore, this application was premeditated to circumvent the discretionary development application process and undermine City planning guidelines. There have been other developments in Rosedale which have requested relaxation of overall building height by 1.2" that have been rejected. (Details of example available, if required). The city must apply consistent standards when reviewing and approving applications.
- The development may consider removing the astro-turf on the boulevards and replace with natural grass and plant trees. There were a number of trees that were removed during the construction process that have not been replaced.
- The site is entirely covered in hardscaping and building structure. Lack of opportunities to plant trees, and reduces ground water penetration.
- The overall site design and massing are not consistent with the surrounding built environment

Regards,
 Harminder

On Fri, Mar 5, 2021 at 11:13 AM DP Circ <DP.Circ@calgary.ca> wrote:



For more information

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

[DISPATCH](#)
[ENEWSLETTER](#)





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
- 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.

Franziska Brown

Applications Processing Representative

Calgary Building Services

Planning & Development

The City of Calgary | Mail code: #8201

T 403.268.5744 | F 403.268.8178 | Franziska.Brown@calgary.ca

Floor 3, Municipal Building - 800 Macleod Trail S.E.

P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5



ISC:Unrestricted

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From: [leslie hannah](#)
To: [van de Burgt, Sharon](#)
Cc: [Farrell, Druh](#); [CAWard7 - Dale Calkins](#); [development@myrosedale.info](#)
Subject: [EXT] DP2021-01259
Date: Sunday, March 14, 2021 10:18:16 PM

Ms Vandeburgt,

I am writing in regards to contest the application request for approval of development permit DP2021-01259 at 500 Crescent Road NW. This request comes well after the house is nearly finished.

A "Proposed Development" sign was never posted for the public to give comments or the opportunity to see the plans for the site.

I assume this site must have "been" approved as contextual but it clearly is not contextual.

The following are some of items that would deem this dwelling not to be contextual:

- 2 Lots were converted into one
- lot coverage exceeds the 45%
- questionable setbacks
- allowable height maybe exceeded
- city boulevard trees removed and not replaced
- imitation /fake grass installed on city boulevard
- height of fence
- unfortunately this house does not add to the density goals of the city
- removal of all existing trees within both properties; new build does not allow for green space and very little replanting to contribute for the loss of trees (If it isn't house, it is asphalt and concrete)
- reduced enjoyment and sun for adjacent properties.

(As a side note, since excavation of this dwelling 4th Street NW has sunk and is sinking again)

For the above reasons this permit should be rejected.

Can you please explain how and if this was approved as a Contextual DP and not required to be a Discretionary DP and go through the proper process? It seems like someone was clearly not doing their due diligence with this particular site. I also wonder why it has taken until now to acknowledge the problem as this build is now going on 4 years. Unfortunately the affected residents were not considered.

Thank you for your attention.

SDAB2021-0073

54

Regards,

Leslie Hannah

415 11 Avenue NW



From: [Tako Koning](#)
To: [van de Burgt, Sharon](#)
Cc: [RCA Development Committee](#); [JPhillips](#); [Lewin Wilson](#)
Subject: [EXT] DP2021-1259 500 Crescent Road NW
Date: Tuesday, June 15, 2021 2:48:07 PM

Ms Sharon Van De Burgt
City of Calgary
Planning and Development

Dear Sharon;

I live in Rosedale and am a member of the Rosedale Development Committee which is part of the Rosedale Community Association. I cc the three other members of the committee on this email.

Could you advise on the status of DP2021-1259. Was it approved, still under review or disapproved by the City?

I look forward to hearing from you.

Thanks a lot, all the best.

Tako Koning
1419-4A St. NW



From: [Tako Koning](#)
To: [van de Burgt, Sharon](#)
Cc: [RCA Development Committee](#); [JPhillips](#); [Lewin Wilson](#)
Subject: [EXT] DP2021-1259 500 Crescent Road NW
Date: Tuesday, June 15, 2021 2:48:07 PM

Ms Sharon Van De Burgt
City of Calgary
Planning and Development

Dear Sharon;

I live in Rosedale and am a member of the Rosedale Development Committee which is part of the Rosedale Community Association. I cc the three other members of the committee on this email.

Could you advise on the status of DP2021-1259. Was it approved, still under review or disapproved by the City?

I look forward to hearing from you.

Thanks a lot, all the best.

Tako Koning
1419-4A St. NW





March 05, 2021

A new Development Permit application has been submitted at the below noted address(es), and we are sending this information for comments.

If you have questions or concerns related to this application, please contact the file manager directly at any point in the review process.

Application Details

File Number: DP2021-1259

File Manager: SHARON VAN DE BURGT

Phone: 403) 333-5526

eMail: Sharon.vandeBurgt@calga

Address: 500 CRESCENT RD NW

Legal: 2187V;35;43-46

Land Use Bylaw: 1P2007

L.U.D. R-C1

Community: ROSEDALE

Ward: 07

Application Description: Change of Use: Single Detached Dwelling; Addition: Single Detached Dwelling - height and balcony depth

Thank you for taking the time to respond. Your input is greatly appreciated

Please note that any written submissions made in response to the application will form part of the official record, and upon final decision of the application the correspondence will be available for public viewing.

Please return your response to: Circulation Control
Planning and Development
P.O. Box 2100 Station M
IMC 8201
eMail: dp.circ@calgary.ca

This information is released and may only be used for the sole purpose of your organizations meeting to discuss the recommendations or comments to be made to the City of Calgary on this permit.

Please check the corresponding box below and forward any comments to the above sender.

☐ No Objection

☒ Comments Attached

Name: R. A. Glover

Date: March 5 / 2021

Organization: Resident / Owner

Comments Are Due By:

March 26, 2021

505 Alexander Cr NW
Calgary AB T2M 4E3

1 of 3

R. A. Glover
505 Alexander Cr NW
Calgary, AB T2M 4B3

25 March 2021

Circulation Control
Planning and Development
P.O. Box 2100 Station M
IMC 8201
eMail: dp.circ@calgary.ca

Attn: Sharon Van de Burgt
Sharon.vandeBurgt@Calgary.ca

Re; DP2021-1259
500 Crescent Rd. NW, Calgary

Please be advised that I object to the referenced Building Permit.
I live directly behind the Applicant and am probably the most affected by the proposed development.

Height:

The proposed addition exceeds the maximum height allowed in the Rosedale District by 6' 2" according to their revised plan. Actual this is a 10' addition to the original DP and the original application did not allow easy access to the roof. In fact I inquired about this in the original application. I was assured it would not be used as an observation deck. If this is approved, can everyone else in Rosedale now build to this new height?

It is now my perception from the drawings that the house was engineered to handle the addition of a rooftop patio complete with elevator access when it was originally designed. This addition will therefore require minimal structural changes. Proceeding with the original development permit without the rooftop patio included allowed the structure to be submitted as a contextual design, and be approved. Very clever! I do not believe the application should be approved based on such trickery, and besides, goes against Calgary's bylaws.

If the applicant wanted this observation deck in the beginning, they should have been forthright.

Privacy:

Because there is a massive amount of windows on the rear of the house, my privacy is very trivialized. I appealed this in the original permit application but I was rebuked. Now, with a balcony/observation deck at over 10 metres in the air behind me, this is complete and utter invasion of not only my privacy, but the privacy of most of my neighbors as well. It's bad enough having neighbors staring down on you but now it will be a bunch of strangers as well. It is totally unacceptable.

2 of 3

Parking:

With a 12 seat movie theatre, a driving range, swimming pool and now an observation deck where is everyone going to park? They did build covered parking for 5 cars and concreted the entire back yard that will accommodate some of the crowds they expect to attend this entertainment park. The city has restricted the width of Crescent Rd. and restricted the parking so people now will have to drive around the block and park in front of my house, and my neighbors. I can not imagine what it will be like when they have a Calgary Stampede party up there, perhaps complete with a live band. The elevator will make it possible to get very heavy large equipment onto the roof instead of having to carry it up the stairs.

Landscaping:

The owners of 500 disregarded fines and cut down every single tree and shrub on the city boulevard, covered it entirely in concrete and installed artificial turf over. I do not expect anything will grow there now. If everyone in Rosedale was permitted to do the same, so much for the neighborhood, not to mention the flooding that will occur due to no ground water penetration.

Neighbors:

I have been advised by 500's neighbors to the west that they will not be appealing the application because they may want to do the same addition some day. Approving this application could have a snowball effect on Rosedale and as a resident of over 40 years, I do not believe this is the type of precedent we want for Rosedale.

505 Alexander Cr NW, also backing onto the property, is owned by Rangex Resources Ltd. for which I am president, and also appeal this application.

This is the third change to the development permit before the house, now in its 4th year of construction, is even finished. The second one was an addition to the lot coverage, again something that should have been included in the original application, but was left out so the application could be contextual. Again, how long before a fourth relaxation is requested. This permit application must be revoked for the sake of the residents of our community. Enough is enough.

Thank you,

Respectfully Submitted.



R. A. Glover

3 of 3



Development Authority Response to Notice of Appeal

Appeal number: SDAB2021-0073

Development Permit number: DP2021-1259

Address: 500 Crescent RD NW

Description: Change of Use: Single Detached Dwelling; Relaxation:
balcony - depth

Land Use: Residential – Contextual One Dwelling (R-C1)

Community: Rosedale

Jurisdiction Criteria:

Subject to National Resources Conservation Board, Energy
Resources Conservation Board, Alberta Energy Regulator, Alberta
Energy and Utilities Board, Alberta Utilities Commission or Minister of
Environmental and Parks license, permit, approval, or other
authorization: No

DA Attendance: No

Use: Discretionary

Notice Posted: Yes, 7 days

Objections: Yes

Support: No

Bylaw relaxations:

The development, requires the following relaxations of the rules of the Land Use Bylaw:

Bylaw Discrepancies		
Regulation	Standard	Provided
340 Balconies	(1) Unless otherwise referenced in this Part, an open balcony must not project more than 1.85m from the building façade to which it is attached.	Plans indicate the rooftop balcony as projecting 4.13m (+2.28m) from the skylight and 8.00m(+6.15) from the roof entry.

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

- North Hill Communities Local Area Plan
- Low Density Residential Housing Guidelines for Established Communities (Infill Guidelines) (non-stat)

Additional factors, considerations and rationale for the decision:

1. In rendering their decision, the Development Authority applied sections 35, 36 and 37 of the Land Use Bylaw.
2. The application proposes to construct a balcony atop the flat roof of an existing main residential building
 - a. The Dwelling was constructed under DP2017-1788 as a permitted use Contextual Single Detached Dwelling
 - b. The Accessory Residential Building was approved under DP2019-5086
 - c. Development Completion Permits have been issued for both approvals
 - d. The rules of section 40, and the definition of the use itself, prohibit relaxations of the rules for a Contextual Single Detached Dwelling; therefore, the decision of the Development Authority includes changing the use of the main residential building to a Discretionary Single Detached Dwelling

- e. Therefore the description of the development includes the change of use, and the balcony
- 3. The parcel is part of the North Hill Communities Local Area Plan (LAP):
 - a. The parcel is within the “Neighbourhood Local” as indicated on Map 3
 - b. The building scale is indicated as “limited” as indicated on Map 4
 - c. The parcel is within the boundary of the “Single-Detached Special Study Area” as indicated on figure 8
 - d. The policy is broad and addresses forms of development ranging from Single Detached to large high density, mixed use, buildings, the LAP allows development up to three storeys in this area
- 4. The Low Density Residential Housing Guidelines for Established Communities (Infill Guidelines)
 - a. Section 4.4 of the Infill Guidelines addresses building mass.
 - b. Section 4.5.1 of the Infill Guidelines addresses Balcony’s, a certain degree of overlooking is expected; however direct overlooking of parcels is to be avoided, the image on PG 37 indicates overlooking should be directed to the lane, not directly down toward neighbouring parcels
- 5. Applicable Bylaws:
 - a. Section 13(13) of the Land Use Bylaw defines a balcony: “means a horizontal platform that is attached to a building above the first storey floor level and is intended for use as an outdoor amenity space”
 - b. A relaxation is required as identified in the table above.
- 6. Context:
 - a. The subject parcel is the result of the consolidation of two parcels of land, the consolidation of land does not require approval from a subdivision authority
 - b. The parcel does not have a significant slope, thus the main residential building appears as a two storey home from both streets and the lane
 - c. The building is constructed with relatively high walls, so although only two storeys in height the building does appear to be a similar height to the three storey building located on the adjacent parcel to the west

- d. The building has a flat roof which includes a raised skylight and chimneys
 - e. The balcony surrounds the raised skylight, thus the skylight forms a façade for the purpose of calculating compliance with the land use bylaw rules.
7. The following were considerations of the Development Authority in terms of privacy:
- a. The balcony is oriented toward the south, providing a view of the Downtown
 - b. Privacy can be achieved by active and passive privacy measures
 - i. Screening is an example of an active privacy measure as it directly blocks a view
 - ii. Placement is an example of a passive measure as it can discourage overlooking
 - c. Privacy screens are located along the north perimeter of the balcony to actively discourage views towards other residential properties
 - d. The substantial setbacks from the edges of the roof prevent users of the balcony from direct views into adjacent amenity areas
 - e. The development proposes both active and passive privacy measures to prevent overlooking of parcels; the balcony is oriented towards the downtown and does not allow direct overlooking
 - f. Given that privacy and overlooking have been addressed, it is the opinion of the Development Authority that the test for relaxation is met
8. The following were considerations of the Development Authority in terms of building mass and height:
- a. The privacy screens exceed the building height plane by approximately 0.6 metres
 - b. It is the opinion of the Development Authority that the privacy screens are not be considered in the calculation of maximum building height as they fit within the definition of “ancillary structure”; however, their inclusion in this definition is not implicit and open for interpretation
 - c. Although it is the opinion of the Development Authority that a building height relaxation is not required, the massing of the structure was still a planning consideration

- d. The balcony is well set back from the edges of the roof and therefore is not easily visible from the street or lane
 - e. The central location of the balcony means it does not increase the perceived mass or height of the building
 - f. There were no material impacts to the use or enjoyment of land identified during the review
9. In consideration of the Change of Use to Single Detached Dwelling
- a. The purpose statement for the R-C1 district calls for contextually sensitive development
 - b. The dwelling was constructed under rules specifically designed to achieve contextually sensitive design (Contextual Single Detached Dwelling
 - c. Changes are limited to the balcony as outlined above; therefore, it is the Development Authority's opinion that the intent of the district is met
 - d. The Change of Use to Single Detached Dwelling is supported
10. With consideration of the policy, context and test for relaxation, it is the opinion of the Development Authority that the proposed development is appropriate, the application is approved

From: Sean McCormick <sean@jmdesigngroup.ca>
Sent: Friday, October 15, 2021 2:02 PM
To: Calgary SDAB Info
Cc: Rick Grol; Christopher York
Subject: [EXT] DP2021-1259 (500 Crescent Road NW) - (SDAB2021-0073)

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Our firm is the applicant of development permit DP2021-1259 (500 Crescent Road NW), which has been appealed (SDAB2021-0073). The appeal is scheduled for a Procedural and Jurisdictional hearing on November 4. Please be advised that we have retained Mr. Rick Grol as our agent/representative with respect to the DP application and appeal.

Regards,
Sean McCormick B.ARCH
Principal

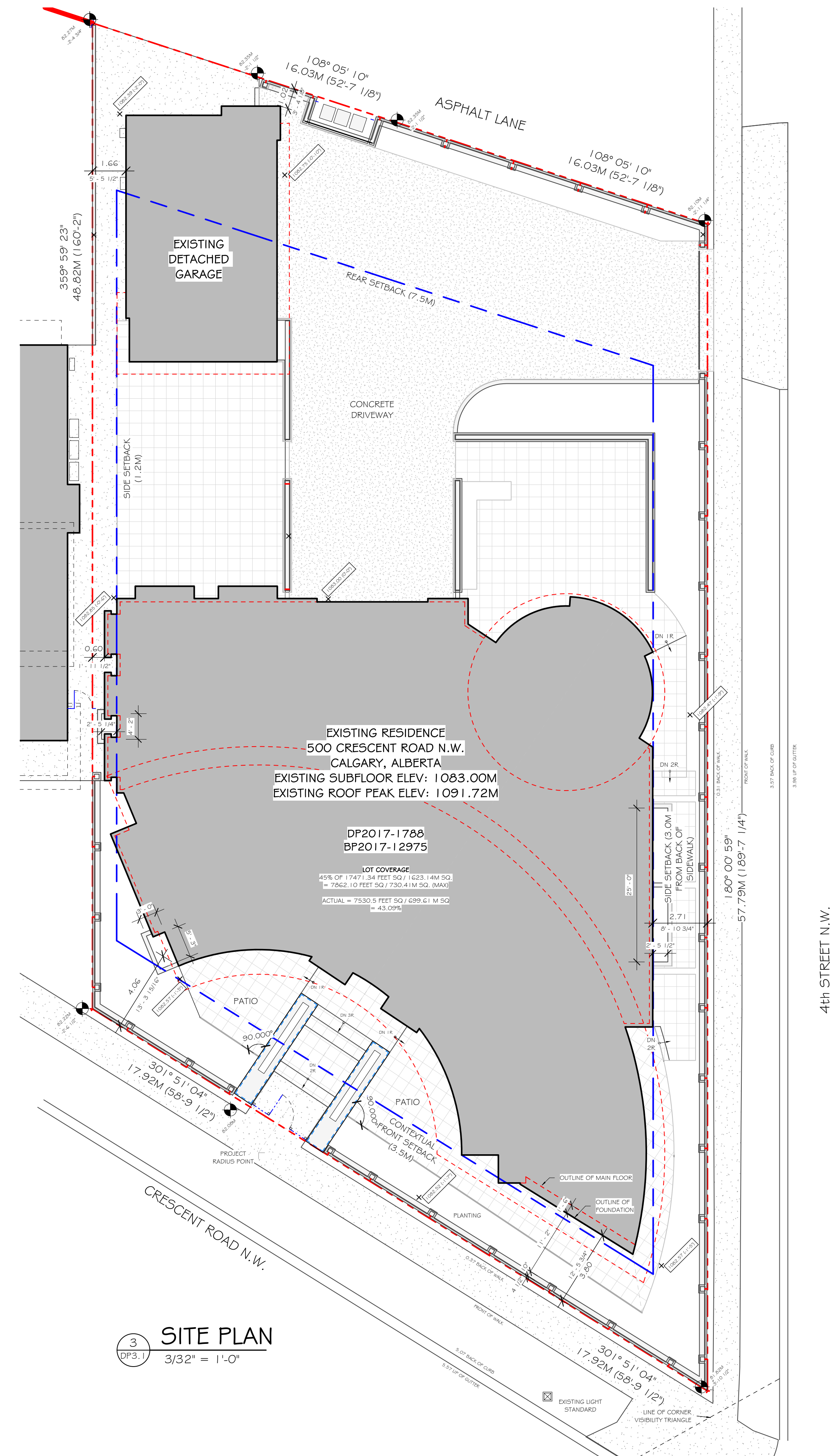
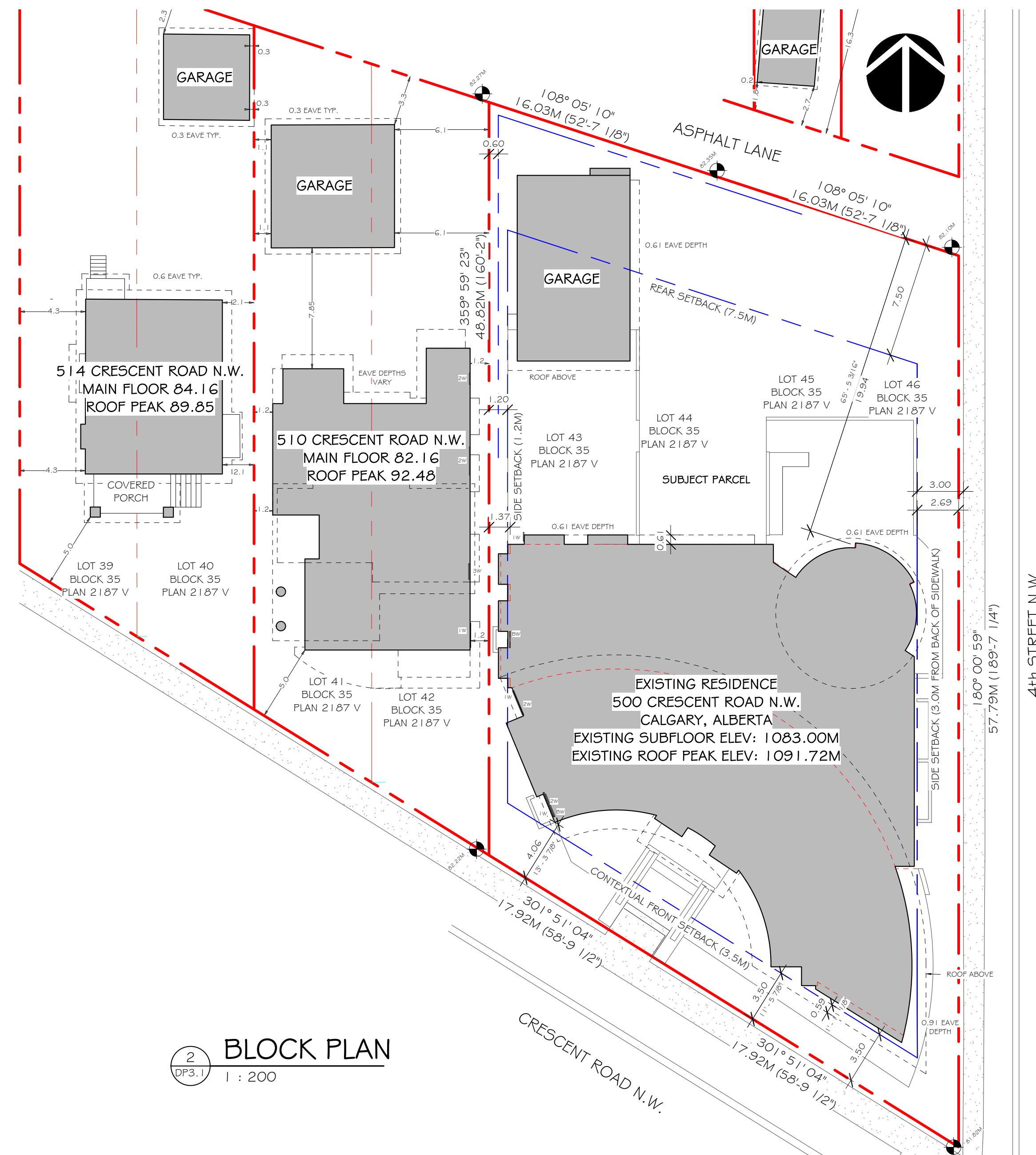
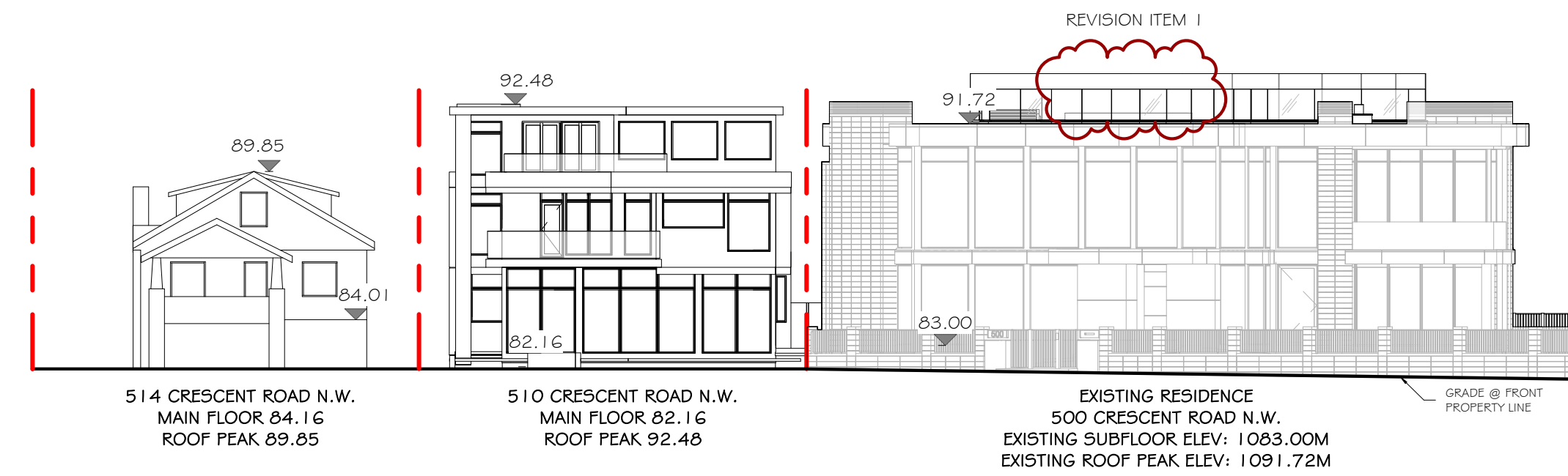
Jackson | McCormick
Design Group Inc.

Todd Jackson |
Architecture Inc.

804 16th Ave. SW - Suite A
Calgary, AB, T2R 0S9
tel 403.520.8018 ext 222
fax 403.276.5146
www.jmdesigngroup.ca
www.tjarchitecture.com

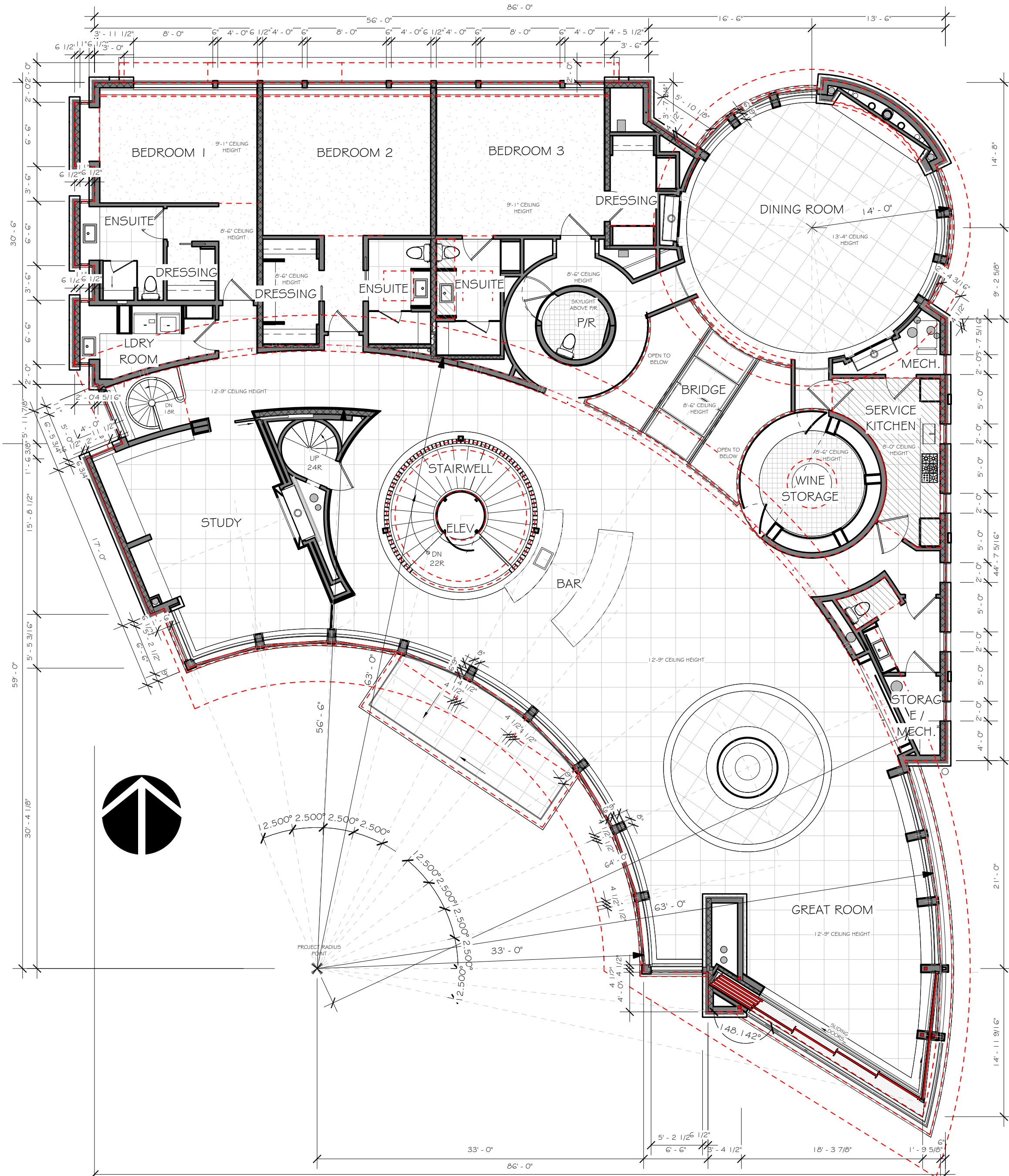
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500 CRESCENT RD N.W. CALGARY ALBERTA

[illegible]

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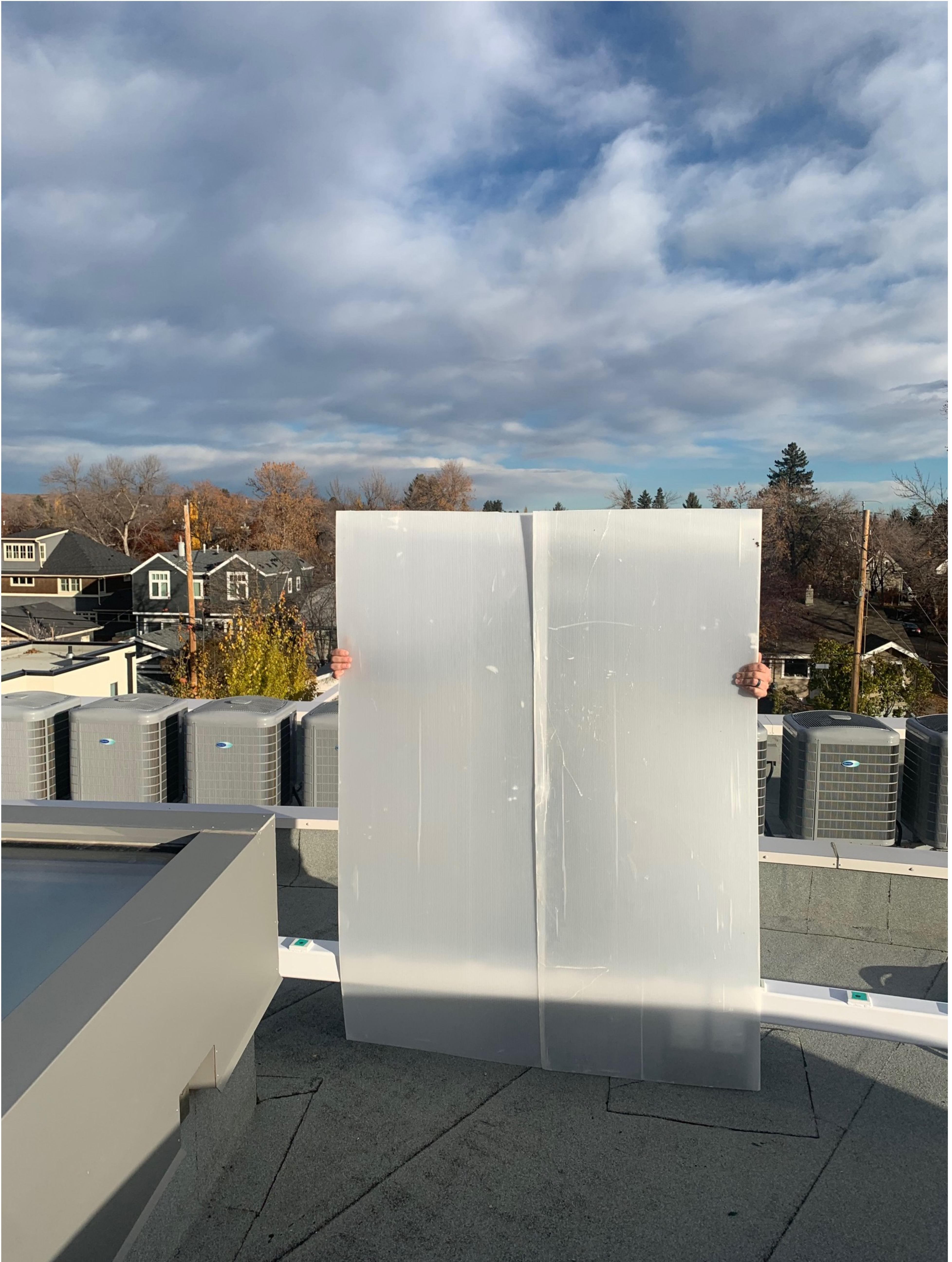
EXISTING UPPER FLOOR PLAN

[illegible]

Additional Photo Submissions from Appellant

















Appeal Board rec'd: November 24, 2021
Submitted by: R. Grol, Agent for Applicant

Calgary Subdivision and Development Appeal Board

In the Matter of:

Appeal by Robert Glover against the Development Authority's approval of a Change of Use: Single Detached Dwelling; Relaxation: balcony depth at 500 Crescent Road NW.

SDAB2021-0073
DP2021-1269

Procedural and Jurisdictional Hearing: November 4, 2021
Adjourned to a Merit Hearing: December 2, 2021

HEARING SUBMISSIONS
of
Respondent:

Jackson McCormick Design Group, Applicant

Date: November 24, 2021

Submitted by Rick Grol, Agent for the Applicant

I. Introduction

1. The appellant appealed the Development Authority's approval of Development Permit DP2021-1269 for a Change of Use: Single Detached Dwelling; Relaxation: Balcony – depth at 500 Crescent Road NW. The proposed use is a discretionary use in the applicable R-C1 District that governs the site.
2. The appellant resides at 505 Alexander Crescent NW, located immediately across the lane from the proposed development. [Appendix A]
3. In rendering its decision, the Development Authority (DA) applied, among other things, sections 35 and 36 of the Land Use Bylaw 1P2007 (LUB).
4. The applicant agrees with the DA's approval of the application for the reasons outlined in this submission. The applicant submits that the DA appropriately exercised its discretion in accordance with the LUB, in particular sections 35 and 36 of the LUB.

II. Background

5. The proposed development is for a change of use to an existing single detached dwelling building on the site. The change of use pertains to the use of "Single Detached Dwelling", as defined in section 305 of the LUB, with the addition of a roof top balcony to the building.
6. On July 20, 2017, the DA approved development permit DP2017-1788 for a "Contextual Single Detached Dwelling", as defined in section 171 of the LUB, on the subject property. Two municipally addressed adjacent parcels of land were amalgamated into one legally titled parcel, addressed as 500 Crescent Road NW. The DA issued a Development Completion Permit (DCP2017-2090) for the constructed development. Under the LUB, the use of "Contextual Single Detached Dwelling" is a permitted use development. The development complied in all aspects with the rules and requirements of the LUB. Under the scheme of the MGA and LUB, and its operations, no appeal lies with respect to the approval of permitted use permit. There were no appeals filed against the approval of the development permit.
7. On November 7, 2019, the DA issued development permit DP2019-5086 for an Accessory Residential Building (garage) with a relaxation for building coverage. The relaxation pertained to the building coverage of the garage only. Contrary to the appellant's assertion, no parcel or lot coverage Bylaw relaxation for the existing development was granted. Accordingly, the DA issued a Development Completion Permit (DCP2019-3188) for the detached garage.
8. On February 2, 2021, the applicant made a development permit application for a "Change of Use: Single Detached Dwelling; Relaxation: height and balcony – depth."

9. Initially, the application plans included elevator access to the proposed roof top balcony. As a result of the concerns expressed by the Community Association and surrounding neighbours, the applicant modified the application and eliminated the elevator access to the roof top.
10. On September 15, 2021, the DA approved the subject development permit application. This application is the subject of the appeal.
11. The DA approved the application and determined that the application and proposed development is consistent with the Low Residential Housing Guidelines for Established Communities (Infill Guidelines).

III. Reasons for the Appeal

12. The appellant in his notice of appeal raised concerns regarding the proposed development pertaining to, among other things: (a) Height; (b) Overlooking; and (c) Privacy. In addition, the appellant submitted that an elevator to a flat roof and an observation deck/ patio will exacerbate the privacy situation by allowing easy access to the roof. During the application process, the appellant expressed his concern about the development to the City file manager. The appellant referenced the history of the development permit applications for the home as built, landscaping, parking and the size of the house (pages 58-59 of the Board report).
13. Below the applicant provides a response to the appellant's main concerns. Nevertheless, the applicant would like to point out that the Board in many of its previous decisions states: Simply raising an issue, without more, is not evidence (*Gendron v Calgary (City)*, 2009 ABCA 367 (CanLII)). Many of the appellant's statements are devoid of evidentiary foundation. They are unsubstantiated statements and no supporting evidence has been provided.

IV. DA's Response to the Appeal

14. The DA provided a detailed response to the appeal (pages 61 – 64 of the Board report). The DA submitted that changes to the existing and constructed residential development are limited to the roof top balcony.

V. Evidence and Arguments

15. The scope of the application is limited to the roof top balcony addition to the existing approved building. While the existing development was built under a contextual development permit (for the use of "Contextual Single Detached Dwelling" - a permitted

use) that met all the rules of the LUB, that development is not under the purview of the DA or the Board.

16. The LUB allows property owners and developers to submit a new development permit application that seek modification or alterations to an existing approved development. That applies to residential developments as well.
17. The applicant submits that the DA properly approved the application in accordance with the LUB. Pursuant to section 35 of the Bylaw, when making a decision on a development permit application for a discretionary use, the DA must take into account the things listed in subsections (a) through (j). Subsection (a) of section 35 lists the plans and policies affecting the parcel. Therefore, the MDP and any other applicable statutory plans must be taken into account. In addition, the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood as well as the merits of the proposed development and sound planning principles, among other things, must be taken into account. The applicant submits that the DA properly exercised its discretion and correctly applied section 35 of the LUB when it reviewed the development permit application. Further, the DA appropriately applied section 36 and granted a relaxation of the LUB.

Applicable Statutory Plans and Policy Documents

18. The applicable statutory plans in this case are the Municipal Development Plan (MDP) and the North Hill Communities Local Area Plan (LAP). In addition, the Infill Guidelines, a non-statutory policy document, apply.

MDP

19. The subject property is indicated in the MDP, Volume 1 (Map 1, Urban Structure) as “Developed – Established” and is located within the Residential Developed Inner-City area.
20. The MDP is a statutory plan. However, it is a high-level plan, with numerous broad policies. It is a policy document that typically is general in nature and sets out long term planning objectives as well as goals for future development for the whole city.
21. Given the scope of the application the applicant submits that the MDP is immaterial for the proposed development. Nonetheless, the application is consistent with the MDP.

North Hill Communities Local Area Plan

22. The parcel is part of the North Hill Communities LAP, a statutory plan that is the equivalent of an Area Redevelopment Plan (ARP) as referenced in the *Municipal Government Act*, RSA 2000, c M-26, as amended (MGA or Act). The LAP was approved by Council in September

2021. At the time the DA reviewed the development permit application, the plan was not yet in effect. However, it is now legally in force. Pursuant to section 687(3) of the MGA, in determining an appeal the Board must comply with any applicable statutory plans.

23. In the LAP the subject parcel is designated “Neighbourhood Local” (Map 3) and in terms of building scale is indicated as “Limited” (Map 4). The parcel is also within the boundary of the Single Detached Special Study Area as indicated on Figure 8. No policies have been established for this study area. The policies are broad and address forms of development ranging from Single Detached Dwellings to large high density, mixed use buildings. The LAP allows development up to three storeys in this area. The LAP does not stipulate a maximum height or direction for appropriate height. [Appendix B]
24. While the LAP is a statutory document, it is a policy document rather than a regulatory document. The LAP does not have the same status as a land use bylaw and the DA has discretion to implement the policies of the LAP, in particular where the LAP does not use mandatory but directive language. An LAP provides guidelines, not rigid rules that must be adhered to. It provides guidance to the DA for the review of development permit applications in accordance with section 35 of the LUB. Given the wording of the Development Guidelines contained in the LAP, the DA has discretion as to how it implements these policies and guidelines.
25. It is important to note that the applicable LAP policies use the word “should”; the LAP does not use compulsory words like “must” or “shall”. The latter words connote a compulsory obligation. However, legally the word “should” is not obligatory or compulsory. The use of the word “should” indicates that the applicable LAP policies are directive rather than compulsory. See *R. v. S*, [1990] 2 SCR 254 at page 274 (1990 CanLII 65 SCC). This underscores that there is discretion in applying the LAP policies and that it is an indication of guidance rather than an obligatory or compulsory direction. The Board has confirmed this same finding in numerous decisions over the past 10 years.
26. Irrespective, the applicant submits that the proposed development is consistent with the LAP.

Infill Guidelines

27. It is important to note that the Infill Guidelines do not have the same status as the LUB. While the Infill Guidelines apply as a factor for the review of a development permit application in accordance with section 35 of the LUB, they are guidelines only. Section 3.0 (page 11) of the Infill Guidelines underscore that they are to be used in an “advisory capacity”. Further it states in section 4.1, among other things:

[...] The guidelines are not intended to prescribe rigid rules or propose specific design solutions, which could bring about a homogeneous appearance to Calgary’s

Established Communities. The reality of Calgary's established communities is that they represent a mosaic of styles and personal expressions. The guidelines do, however, clearly identify The City's objectives and expectations regarding design quality and development. The guidelines are developed at a level of generalization intended to assist applicants to respect the neighbourhood context within which they are working and encourage a good design solution, without being restrictive of their architectural skills and creativity. They provide an indication of the standard expected and a framework within which many design solutions are possible. [...]

28. In terms of massing, section 4.4 of the Infill Guidelines addresses building mass. The applicant submits that the roof top balcony has limited impact on the massing of the existing building as the roof already contains other ancillary structures (chimneys, skylights, air conditioners, etc.).
29. Section 4.5.1 of the Infill Guidelines (page 36) states that the privacy of adjacent residences should be respected and that "[t]he excessive loss of the neighbour's privacy can generally be avoided through sensitive design. Windows and balconies should be carefully placed and oriented to face away from neighbouring yards to help protect their privacy." The applicant submits that in this case there is no excessive loss of privacy, as referenced in the Infill Guidelines. The roof top balcony has been configured and located sensitively.
30. The applicant submits that the proposed development meet the Infill Guidelines. The proposed development is responsive to the context of the streetscape and surrounding properties. In terms of design and building mass, the roof top development is sensitive to the adjacent homes, including the appellant's property. The central location of the roof top balcony does not increase the perceived mass or height of the building. A person walking on the adjacent sidewalks has no view of the balcony.

Land Use Bylaw

31. The DA determined that one Bylaw relaxation is required by the proposed development: Balcony depth pursuant to section 340(1) of the LUB, which limits the depth of a balcony to 1.85 metres. The DA determined that the roof top balcony is an "open balcony" as defined in section 13(97) of the LUB. [Appendix C] We note that it is very common for the DA to relax the building depth of balconies.
32. The DA determined that the proposed roof top balcony complies with the maximum building height, section 399 of the LUB. In the opinion of the DA the privacy screens of the balcony are part of the ancillary structures of the building that pursuant to the Bylaw are excluded from the maximum building height (sections 13(24) and 13(7) of the LUB). The Applicant's agrees with this assessment.

33. Furthermore, it is important to note that no new access has been created to the proposed roof top balcony. There is an existing staircase with a roof hatch that gives access to the roof for access to mechanical equipment (air conditioners) located on the roof and maintenance purposes. This access has been approved as part of the development permit for the building and is shown on the approved plans of the development permit. As stated above, the initially proposed elevator access has been eliminated from the subject development permit application.

VI. Further Response to the Appeal

34. Under the MGA, a property owner has the right to develop his or her property in accordance with the LUB and applicable plans and policies.

No Absolute Right to Sunlight or Protection of Views

35. Under Alberta Law there is no absolute right to sunlight or protection of views. The Subdivision and Development Appeal Board has confirmed this in many decisions.

Purpose Statement R-C1 District

36. The proposed development is in keeping with the purpose statement of the R-C1 District.
37. Any redevelopment of the subject property would to some extent change the character of the neighbourhood. The applicant submits that the main objections of the appellant regarding the subject development application are primarily rooted in his objections against the first development permit approval for the constructed home.
38. From a planning perspective, the proposed single-detached dwelling development is a suitable development for the subject lands. Balconies are to be expected as part of residential developments.
39. The proposed development is sensitive, compatible and complementary to the pattern of development in the immediate area, and fits within the character of the neighbourhood.

Overlooking and Privacy

40. The appellant raised the issue of overlooking onto his property. In his opinion the proposed balcony would impact his privacy.
41. Overlooking in inner-city areas is quite common among residential properties and is an inherent part of living within an urban fabric inner-city residential area. Overlooking is typically mutual.

42. The proposed development has been designed to respect the privacy of the neighbouring properties.
43. The proposed roof top balcony is oriented toward the south, the downtown area and is facing the public realm of Crescent Road. In addition, the roof top balcony is confined to a relatively small portion of the flat roof of the building.
44. The proposed roof top balcony is located more than 165 feet (or 50m) from the rear façade of the appellant's home. The subject balcony area is not visible from the appellant's property. The roof top balcony is significantly set back from the perimeter of the rear façade of the building and is centred to the middle of the roof. Note that the appellant has a detached garage in the rear of his property that provides screening of his view of the proposed balcony.
45. Privacy screens have been included in the proposed development to mitigate any overlooking and privacy issues associated with the proposed roof top balcony. Overlooking from the rooftop balcony to the properties across the lane is not possible due to the inclusion of frosted glass screens, which act as a balustrade of the balcony. The glass screens/panels are translucent; the visual appearance of the screens is esthetically pleasing and limits any massing impact of the balcony. In addition, landscaping is provided along the edges of the privacy screens facing the appellant's property.
46. The applicant agrees with the DA that the privacy screens are not considered for the calculation of the maximum building height as they fit within the definition of "ancillary structure" as defined in section 13(7) of the LUB. Further, the applicant submits that the privacy screens are not privacy walls as defined in section 13(109) of the LUB, but rather part of the balustrade of the balcony. [Appendix C & D]

Community is in Transition

47. It is important to note that the community is in significant transition. The character of the community is changing due to redevelopment. Older homes are being replaced by newer and taller residential developments. Furthermore, in the immediate area new single and semi-detached dwellings (2 and 3 storeys in height) have been built. Typically these developments have balconies. The proposed development is in keeping with the context of the area and is compatible with the existing surrounding developments.
48. As the Board has ruled in many instances, new taller residential developments can be compatible with more traditional architecture style homes (including low profile bungalows) and vice versa.
49. It is important to note that there are other residential developments in the area that have roof top balconies.

Support of Neighbours

50. The proposed development has the support of the neighbours to the immediate west of the proposed development. These neighbours are the most impacted by the proposed development and they have submitted a letter of support. They have no concerns with the proposed development.

Bylaw Relaxations

51. As stated above, the DA determined that one Bylaw relaxation is required by the proposed development: Balcony depth pursuant to section 340(1) of the LUB. The DA determined that the roof top balcony is an “open balcony” as defined in section 13(97) of the LUB. [Appendix C] The DA determined that the Bylaw relaxation is appropriate within the context of the proposed development. The applicant agrees with the DA’s assessment of the Bylaw relaxation. At the hearing the applicant will address the Bylaw relaxation and applicable Bylaw sections in more detail.

Relaxation Test is Met

52. The required Bylaw relaxation does not have any impact on the appellant’s property or on the amenities of the neighbourhood. The size, percentage or magnitude of the relaxation is irrelevant and not determinative; it is the context of the relaxation and whether on its own the relaxation test is met.
53. The test for Bylaw variances/relations is set out in sections 36 of the LUB (for the DA) and in section 687(3)(d) of the MGA (for the Board). It is not determinative what the size or extent of the LUB relaxations are. In the case of *White v Okotoks (Subdivision and Development Appeal Board)*, 2018 ABCA 86, at para 21, the Court of Appeal held that the relaxation power of the DA and the Board is unlimited. The Court stated: “[...] Moreover, the relevant inquiry is whether the variance does not unduly affect the amenities, use or enjoyment of the site of neighbouring properties [...] Therefore, the variance test is determined by the criteria of section 687(3)(d) of the MGA, not by the size, amount, extent, percentage, or other factors that pertain to the Bylaw relaxations, etc.
54. The applicant submits that the Bylaw relaxation meets the test of section 36 of the LUB and section 687(3)(d) of the MGA, as the proposed development does not unduly interfere with the amenities of the neighbourhood, and does not materially interfere with or affect the use, value or enjoyment of neighbouring parcels of land. The DA properly exercised its discretion in applying section 36 of the LUB. There is no negative impact on or material interference with the appellant’s property.

55. If the Board would determinate that the privacy screens as part of the balustrade require a height relaxation, then the applicant would submit that the height relaxation has no material impact on the use, value or enjoyment of the appellant's property. Neither does it negatively impact the amenities of the neighbourhood.
56. At the hearing Mr. Sean McCormick will make a presentation and elaborate on the merits of the development permit application.

VII. Summary

57. It is the applicant's position that:

- (a) The DA properly applied section 35 of the LUB in this case. It properly applied the applicable rules and requirements of the LUB;
- (b) The DA correctly applied section 36 of the LUB, which is the equivalent of section 687(3)(d) of the MGA;
- (c) The proposed development (the change of use and rooftop balcony) complies with the plans and policies affecting the subject parcel.
- (d) The proposed development is consistent with the purpose statement of the R-C1 District.
- (e) The proposed development complies with the MDP and LAP;
- (f) The proposed development is sensitive to adjacent and surrounding area properties; and
- (g) The proposed development is compatible with, and will have minimal or no impact on adjacent developments and the neighbourhood.

58. The applicant is of the opinion that the appeal is without merit and that the use and enjoyment of the appellant's property is not materially affected by the proposed development (the change of use and rooftop balcony).

VII. Conclusion

59. In conclusion, the applicant agrees with the DA's decision. The proposed development complies with the MDP and LAP. Further, the proposed development is compatible with the adjacent developments and, from a planning perspective, is appropriate for the site.

The DA correctly applied sections 35 and 36 of the LUB and the proposed development and associated relaxation of the LUB meets the test of section 687(3)(d) of the MGA.

60. At the hearing the applicant will provide additional evidence, testimony and arguments to demonstrate that proposed change of use and rooftop balcony, from a planning perspective, is appropriate for the site.
61. We respectfully request that: (i) The Appeal be denied; (ii) The DA's decision be upheld; and (iii) The development permit be issued as approved by the DA.

Respectfully submitted,



Rick Grol, Agent for the Applicant

Encl.:

- Appendix A – Map
- Appendix B – Excerpts North Hill Communities Local Area Plan
- Appendix C – Excerpts Land Use Bylaw
- Appendix D – Excerpts Canadian Oxford Dictionary

Appendix A

Map



-  **Subject development site**
-  **Appellant's property**

APPENDIX B

Excerpts

North Hill Communities Local Area Plan



North Hill Communities

Local Area Plan



Publishing Information**Title**

North Hill Communities Local Area Plan

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North Hill Communities Local Area Plan

What is the North Hill Communities Local Area Plan?

The North Hill Communities Local Area Plan provides the long-term vision specific to the North Hill Communities and articulates a broad strategy for accommodating community growth and change. With guidance from the **Municipal Development Plan (MDP)**, this Plan provides community-specific policies related to land use planning and development.

The following provides a summary of how everyone from the public to a developer can best use this document. Key content of the Plan is summarized below.

The Municipal Development Plan

Calgary's **Municipal Development Plan (MDP)** is a statutory plan that lays out a vision for how the city will grow and develop over the next 30 to 60 years. Alberta's Municipal Government Act requires that the council of every municipality must adopt a **Municipal Development Plan** by bylaw.

Together with the **Calgary Transportation Plan (CTP)**, the MDP sets a long-term strategy of a more sustainable city form for Calgary and the transportation networks to serve it. To do so, the MDP encourages growth within the city to make the best use of existing land, reduce the cost of City services, locate residents closer to where they work, shop and play, and support increased mobility options. The long-range target set in the MDP is to accommodate 50% of Calgary's future population growth to the Developed Areas over the next 60 to 70 years, starting in 2009.

(Source: The City of Calgary, **Municipal Development Plan 2020**).

Chapter 1 Visualizing Growth

Chapter 1 of the Plan contains contextual information, the Plan vision and core ideas that support this vision. The vision and community context guide the application of this Plan and will continue to direct planning and development in the North Hill Communities through implementation of the core ideas.

Chapter 2 Enabling Growth

To achieve the vision and core ideas of Chapter 1, Chapter 2 of the Plan sets out the Future Growth Concept for the North Hill Communities. The Plan applies urban form categories and scale modifiers as well as **built form**, general and area-specific policies to the local context.

Urban Form Categories

Map 3: Urban Form shows the urban form categories in the Plan area and should be used as a starting point when determining the general function envisioned for a specific area. Readers should review 2.2 Urban Form Categories which provides further details and applicable policies that apply to each urban form category.

Scale Modifiers

Scale modifiers are used to complement an urban form category to provide additional **built form** policy for specific locations. Map 4: Building Scale shows where the different scale modifiers are applied. Readers should review 2.3 Scale Modifiers which provides an introduction to each scale modifier and their associated policies.

General and Area Specific Policies

The remaining sections in Chapter 2 provide general policies and additional design considerations that apply on a plan-wide or site-specific basis. This Plan provides general policies which primarily focus on the interface of the **public realm** with buildings and more specific policies apply to areas such as **Main Streets**, **transit station areas**, **Activity Centres** and **Greenview Industrial**. The additional design consideration provide policy guidance on planning matters such as mobility, heritage and sustainable development.

Chapter 3 Supporting Growth

Chapter 3 of this Plan identifies specific objectives and implementation options for supporting growth and change within the North Hill Communities. This Chapter is intended to set out high-level, strategic direction to inform how investments in the Plan area are made to support the Future Growth Concept.

Chapter 4 Implementation and Interpretation

Chapter 4 contains policies regarding the legal interpretation, status, and limitations of the Plan. The Plan is a statutory plan, as outlined in the Municipal Government Act, and must be read in conjunction with the **Municipal Development Plan (MDP)**, **Calgary Transportation Plan (CTP)** and other City of Calgary and policy documents. Chapter 4 also contains a Glossary of common terms used throughout the Plan.

Appendices

Additional non-statutory plan information can be found in the Appendices including Appendix A: Implementation Options, Appendix B: Regional Corridors and Context Map, Appendix C: Mobility, and Appendix D: Constraints. The appendices contain information intended to support the vision and core ideas of the Plan.

Figure 1: Policy Relationship

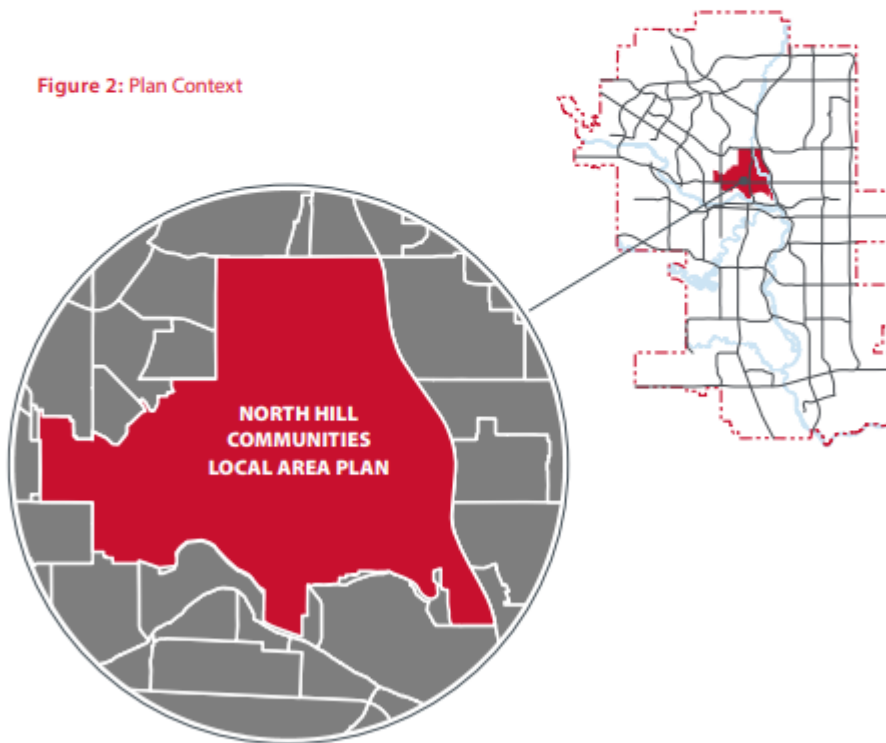


1.1 Introduction

The North Hill Communities Local Area Plan (Plan) is a long-range, statutory area redevelopment plan that sets out the future vision, objectives and development policies for supporting growth and change in the communities of Capitol Hill, Crescent Heights, Highland Park, Mount Pleasant, Renfrew, Rosedale, Thorncliffe-Greenview (south of McKnight Boulevard N), Tuxedo Park, Winston Heights-Mountview and Greenview Industria (Map 1: Context and Communities). Located just north of the Bow River and Downtown, these communities are collectively known as the North Hill Communities (Figure 2: Plan Context). The Plan takes a multi-community approach that recognizes and builds upon the shared assets and features that connect these inner-city and established communities including **infrastructure**, recreational amenities, public parks and open spaces, **Main Streets**, corridors, **transit station areas** and **Activity Centres**. The nine communities and Greenview Industrial have their own unique history and evolution which is detailed in Section 1.3.

Realizing the Plan's vision will depend on several factors such as population growth, economic considerations and development trends. The Plan is meant to be updated periodically as development and change occur.

Figure 2: Plan Context



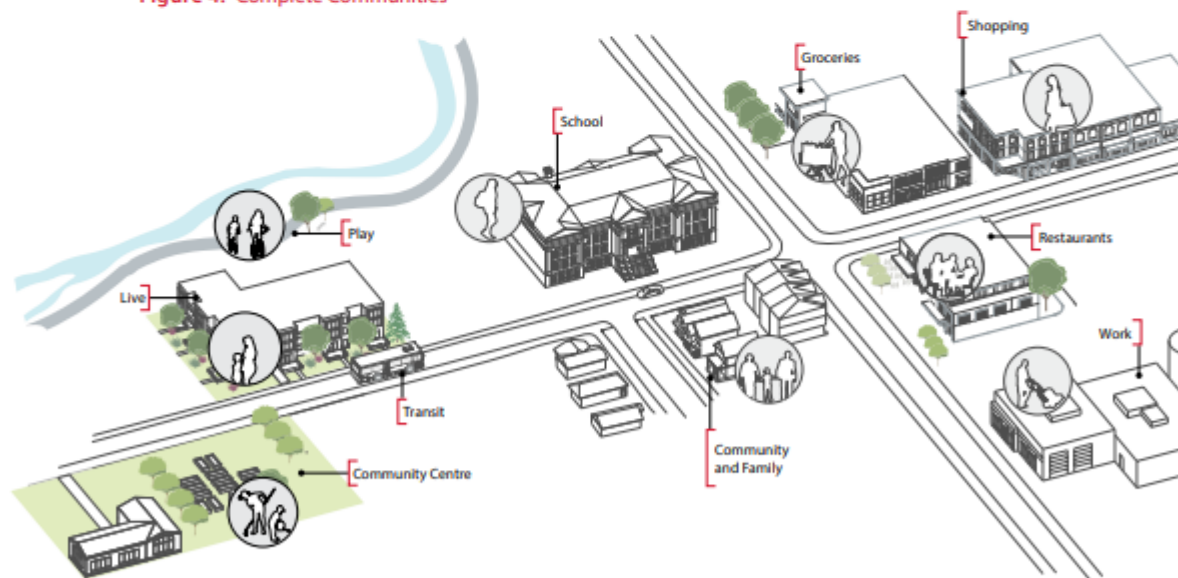
2.1 Introduction

The Plan sets out a future framework for growth and change that recognizes and celebrates the elements that connect the North Hill Communities. The Plan vision focuses growth on **Main Streets, transit station areas** and **Activity Centres** and supports continued evolution and change within these communities. By implementing this vision, the North Hill Communities will continue to be a unique collection of desirable and welcoming communities for a diversity of people.

Providing opportunities for a greater number of people to live in the North Hill Communities will contribute to a more efficient use of land and public infrastructure and increased access to mobility options including energy efficient modes of transportation such as

transit, biking and walking. The Future Growth Concept is aligned with MDP objectives of fostering more compact development, creating complete communities and increasing community vitality and character.

Figure 4: Complete Communities



Creating Complete Communities

Our journeys are supported by the city around us—the sidewalks, lights, buildings, open space, roads and transit service. The way a community is built-out and evolves should support the activity of the people who are there and those who will be there in the future.

2.1.1 Future Growth Concept

The Future Growth Concept set out in this Plan envisions accommodating growth and change in key strategic areas as identified in the MDP, through planning and technical analysis and stakeholder engagement conducted in the drafting of the Plan. This vision builds upon the area's existing characteristics and attributes and also sets the foundation to support investment in increased mobility options, including the Green Line LRT and Max Orange BRT.

The Plan envisions the area's four **Main Streets** supporting high levels of activity and including a broad range of commercial and residential functions. Activity levels will be accommodated through well-designed buildings that support a high-quality **public realm** and street experience. These are, and will continue to be, the streets with the greatest number of people strolling down them, enjoying shops and restaurants on wide sidewalks with a **public realm** that offers opportunities to sit, socialize and watch street life. The Green Line LRT will run down one of these **Main Streets**, Centre Street N, and the Plan envisions this corridor and **transit station areas** accommodating increased intensity of both residential and commercial land use functions as well as higher building scales than the surrounding residential areas.

The Max Orange BRT also runs through the Plan area with several stops located along 16 Avenue N. The Plan provides policy direction around BRT stations on 16 Avenue N primarily through the **Main Streets** policies in Sections 2.5.1.

The Future Growth Concept also envisions **Activity Centres** and important east-west corridors such as 20 Avenue N, 12 Avenue N and 8 Avenue N as accommodating more moderate growth in the form of primarily residential, low scaled buildings of generally up to four to six storeys. These areas will provide increased housing options within the North Hill Communities and support locally focused businesses and community amenities.

The future vision for growth for the North Hill Communities is represented on Map 3: Urban Form and Map 4: Building Scale.

Together, these two maps indicate where future growth and activity would be focused in the Plan area and define the general function for different parts of the North Hill Communities. These two maps need to be read together to understand the type and scale of development that is appropriate in the Plan area. The specific urban form categories and building scales for locations within the North Hill Communities are described in relation to the overall vision in the policy sections that address each of the distinct geographic parts of the North Hill Communities plan area.

Map 3: Urban Form illustrates the general location of urban form categories and the block pattern in the Plan area. Together these elements describe the primary community functions/land uses (housing, commercial, industrial, regional campus, parks, civic and recreation and natural areas) and policy consideration for the Plan area. Policies for each of the urban form categories is provided in Section 2.2 Urban Form Categories and must be read together with locally specific policies for **Main Streets**, **Activity Centres**, **transit station areas** and Greenview Industrial where applicable.

Map 4: Building Scale illustrates the general building height and massing within the Plan area which supports the primary functions shown in Map 3: Urban Form. Policies for building scale is provided in Section 2.3 Scale Modifiers.

All development should generally comply with the maps and policies from the Plan.

2.2 Urban Form Categories

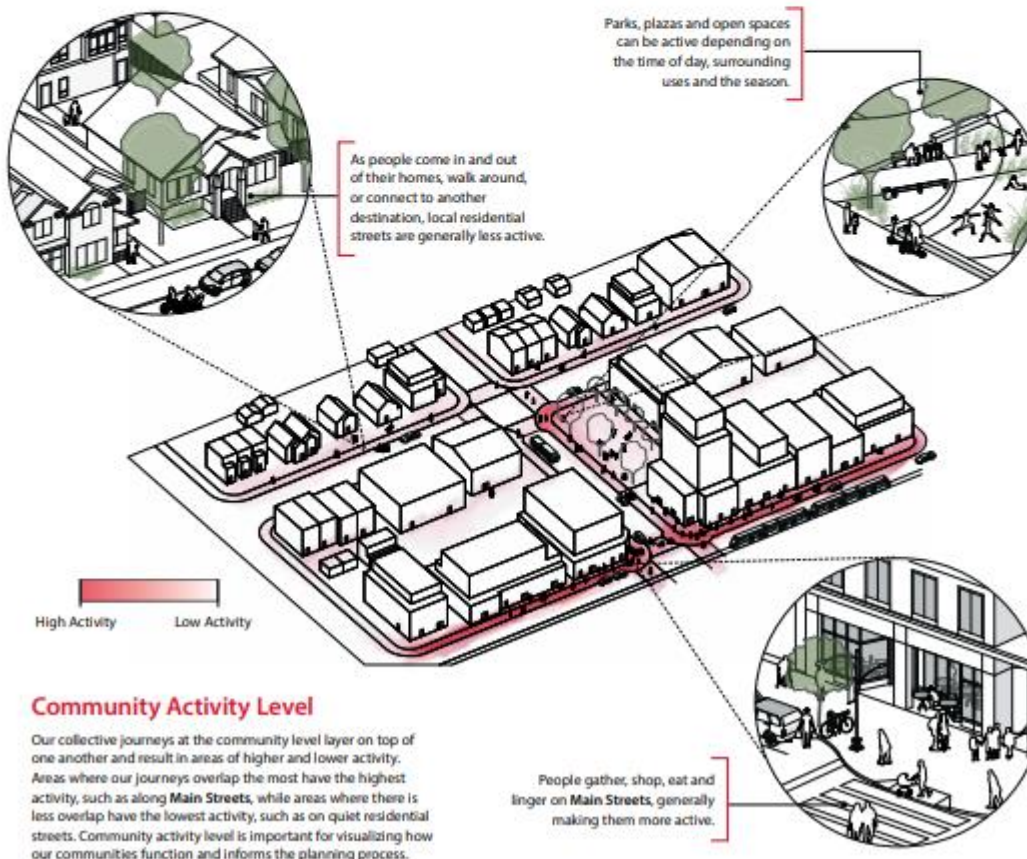
This Plan identifies the location of urban form categories in Map 3: Urban Form. These urban form categories identify and categorize the purpose and general function (land use) of different parts of a community. The relationship between the urban form categories demonstrate how the different areas of a community relate to and support each other.

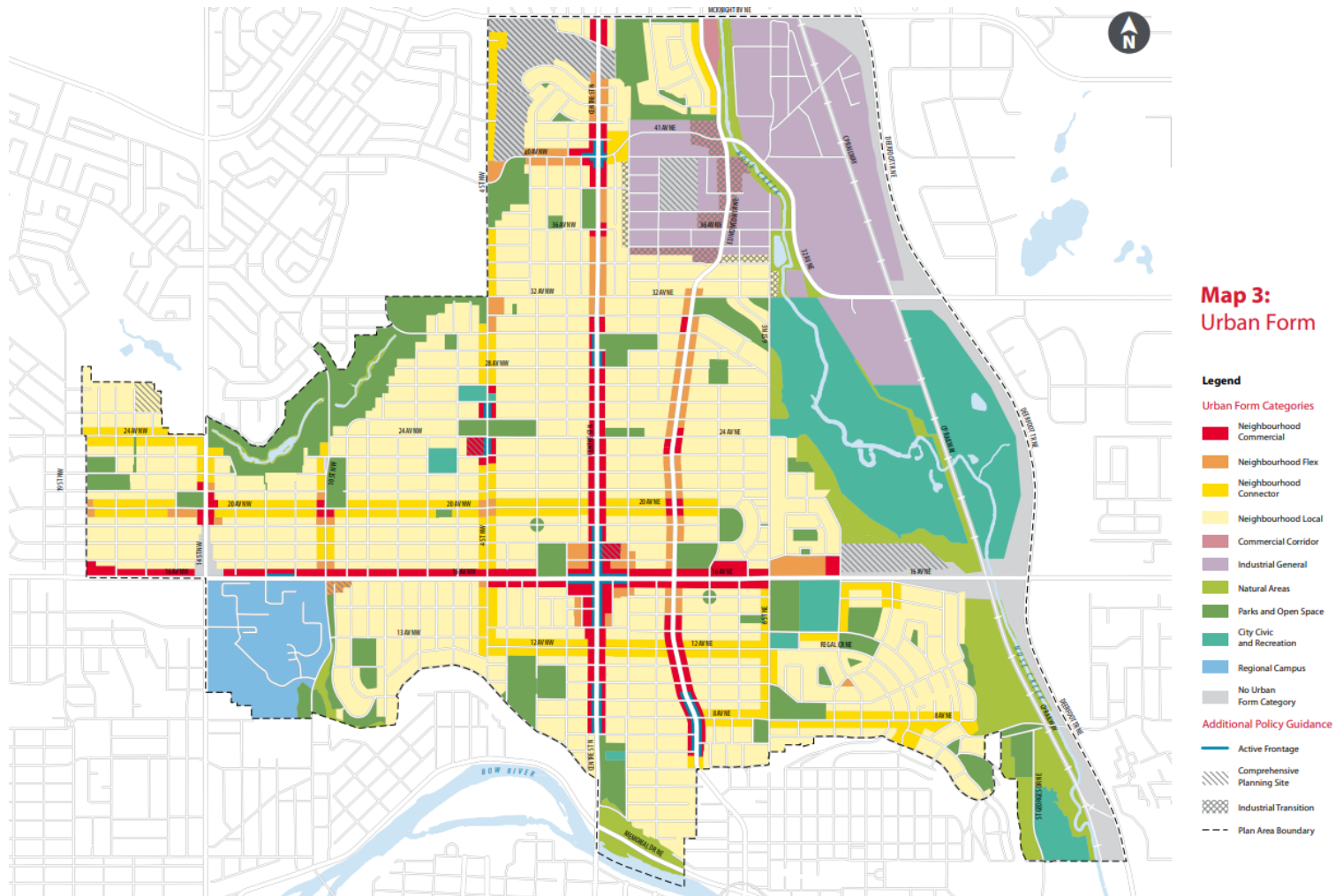
People's personal journeys within the community are the foundation of these urban form categories, establishing what people do in different parts of a community. People go to different areas of a community for different purposes. Places where many people go are

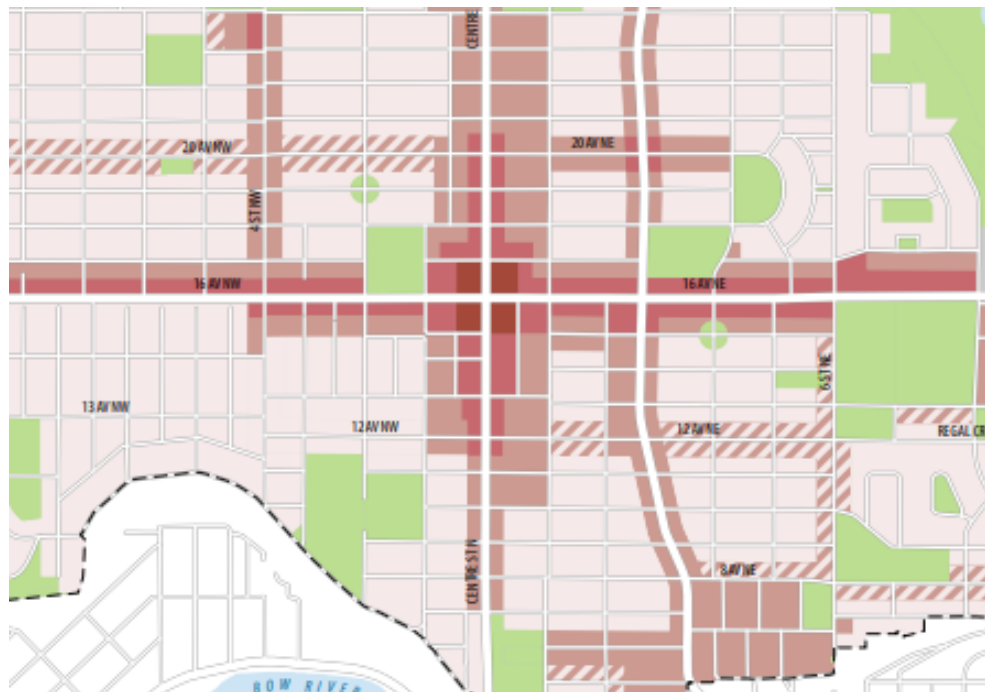
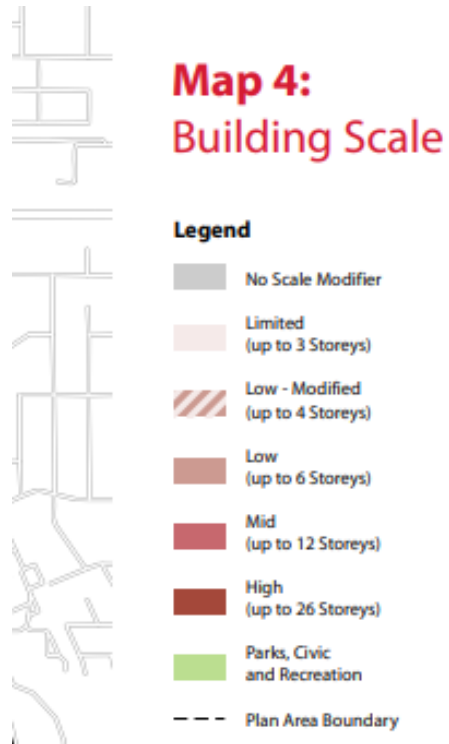
high activity areas, while places where fewer people go are lower activity areas. Despite the difference in overall activity level in different communities, the structure is still similar. There are places where activity is focused in a community, such as a **Main Street** and places that are less active, such as a local residential street.

There are ten urban form categories that direct land use and **built form** in the North Hill Communities. This section identifies the characteristics of the urban form categories and where they apply, as well as land use and site, building and landscape design policies for each category.

Figure 5: Community Activity Level







2.2.1.4 Neighbourhood Connector and Neighbourhood Local

Neighbourhood Connector and Neighbourhood Local represent the more residentially-oriented areas of the North Hill Communities. While some commercial and work from home opportunities exist in these areas, the **public realm** is designed to support low to moderate volumes of pedestrian movement along the street and the **built form** typically supports privacy and separation for residential uses.

Policy

Land Use

- a. Development in Neighbourhood Connector and Neighbourhood Local areas of a community should:
 - i. be primarily residential uses; and,
 - ii. support a broad range and mix of housing types, unit structures and forms.
- b. Development in Neighbourhood Connector and Neighbourhood Local areas may include a range of **work-live units** or home-based businesses.
- c. Where Industrial Transition is identified in a Neighbourhood Connector or Neighbourhood Local area, development should be encouraged to:
 - i. combine compatible industrial working spaces with residential uses; and,
 - ii. enable **work-live units**.

Site, Building and Landscape Design

In addition to the general site, building and landscape design policies in Section 2.4, the following policies apply:

- d. Development in Neighbourhood Connector and Neighbourhood Local areas should:
 - i. consider the local **built form** context;
 - ii. be oriented towards the street;
 - iii. consider shadowing impacts on neighbouring properties; and,
 - iv. provide access to off-street parking and loading areas from the lane, where possible.

- e. Entrances or lobbies that provide shared access should be well-marked, be of a width that is consistent with other units along the same frontage and allow for clear sight lines to and from the building.
- f. Where units are located on the ground floor along lower activity streets or lanes, development should be designed to:
 - i. locate amenity spaces along the lane, where feasible;
 - ii. provide on-site pedestrian routes along lanes to minimize conflicts with vehicles, particularly near access and service areas; and,
 - iii. provide windows with views to the street or lane.
- g. Development in Industrial Transition areas should:
 - i. fully enclose industrial activities in a building and limit off-site impacts;
 - ii. accommodate vehicular movement and loading on-site to minimize conflicts with **pedestrians**;
 - iii. encourage industrial working spaces along the lane, where appropriate;
 - iv. provide well-marked primary entrances facing the street or lane;
 - v. provide a transition from the **public realm** to a building using landscaped space, design features or amenity space; and,
 - vi. provide high-quality landscaping.



2.2.1.6 Neighbourhood Local

Neighbourhood Local areas are characterized by a range of housing types and home-based businesses. Neighbourhood Local areas have developed in a variety of ways with characteristics that shape how these areas change and grow, including when the community was built, existing **heritage assets**, established development pattern and access to parks, open space and other amenities. The **public realm** may include features such as landscaped boulevards and public street trees.

The Neighbourhood Local category is the most common category and is applied to the primarily residential areas of the North Hill Communities.

Limited Scale Policies

The policies in this section only apply to Neighbourhood Local Areas that have the Limited Scale modifier. Limited Scale policies recognize that single-detached housing is, and will continue to be, a desirable housing form and may be developed anywhere within Neighbourhood Local, Limited Scale areas. Secondary suites will continue to be allowed where they are currently permitted by the **Land Use Bylaw** and do not form part of the unit count when considering the following policies.

Policy

- a. Secondary suites are permitted where already allowed by the existing land use designation and are not considered a unit in the following policies.
- b. Building forms that contain one or two residential units are supported in Neighbourhood Local, Limited Scale.
- c. Building forms that contain three or more residential units should be supported in the following areas:
 - i. within **transit station areas**;
 - ii. near or adjacent to an identified **Main Street or Activity Centre**;
 - iii. on higher activity streets, such as where there are adjacent regional pathways or higher volumes of private vehicle or pedestrian activity in a community; and,
 - iv. where the parcel has a lane and parking can be accommodated on site.

- d. Building forms that contain three or more residential units in Neighbourhood Local, Limited Scale should be designed to complement the surrounding context and consider the impacts of massing, lot coverage and setbacks on the following:
 - i. access to sunlight and shade on adjacent parcels; and,
 - ii. protection of existing, healthy trees or landscaping on the parcel, where appropriate.

Single-Detached Special Study Area

The following policy recognizes the predominately single-detached low-density housing forms within the Single-Detached Special Study Area as identified on Figure 8: Single-Detached Special Study Area. Future amendments to the Plan to delineate one or more Single-Detached Special Policy Areas will be brought forward to Council following stakeholder outreach and engagement.

- e. Single-Detached should be the predominant low-density housing form within the Single-Detached Special Study Area until one or more Single-Detached Special Policy Areas are identified through a future amendment to the Plan.



Figure 8: Single-Detached Special Study Area

Legend

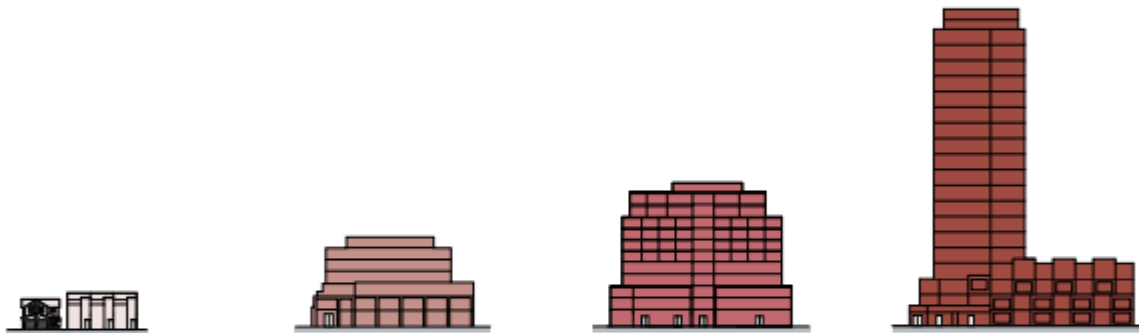
- Single-Detached Special Study Area
- Plan Area Boundary
- Parks, Civic and Recreation
- Community Activity Centre

2.3 Scale Modifiers

Scale refers to the combination of height and building mass that influences the experience on the ground floor. Scale modifiers apply to the Neighbourhood and Vehicle-Oriented Commercial areas and are grouped by compatible **built forms** with similar design expectations to manage the experience of height and massing.

All buildings, regardless of scale, are expected to meet the standards of design excellence as articulated by the Urban Design Elements in the MDP. At every scale, it is important to establish an appropriate **street wall** to reduce building bulk, reduce wind impact, provide access to sunlight and create a sense of enclosure for the **public realm**. Stepbacks above the **street wall** should be at an appropriate height to respond to the existing street context and reduce shading on the **public realm** while ensuring a well-defined **street wall**. At higher scales, this will reduce the overall perception of mass and articulate the building to maximize sunlight penetration and create visual interest.

The **Land Use Bylaw** supplements building scale modifiers by regulating specific height, density and setbacks.



Limited

- Buildings of three storeys or less.
- May limit building mass above the second storey in Neighbourhood Local areas.
- Typically characterized by single-detached, semi-detached and rowhouse residential development and small stand-alone commercial or mixed-use buildings.

Low

- Buildings of six storeys or less.
- Typically characterized by apartments, stacked townhouses, mixed-use and industrial buildings.

Mid

- Buildings of twelve storeys or less.
- Focus on appropriate **street wall** height and **public realm** interface.
- Typically characterized by apartments, offices and mixed-use buildings.

High

- Buildings of twenty-six storeys or less.
- Focus on site design and building massing.
- Typically characterized by tower and podium or point tower buildings.

APPENDIX C
Excerpts Land Use Bylaw 1P2007

Division 2: Definitions and Methods

General Definitions

13 (1) In this Bylaw, the following terms have the following meanings.

- (7) “***ancillary structure***” means, with reference to ***building height***, an essential component, other than a ***sign*** or flag pole, that protrudes above the roof of a ***building*** and which is necessary for the functioning of a ***building*** including, but not limited to:
- (a) an elevator housing;
 - (b) a mechanical penthouse;
 - (c) a chimney;
 - (d) ***solar collectors***;
 - (e) portions of a ***building*** or a structure used to provide ***screening*** of mechanical systems or equipment located outside of a ***building***;
 - (f) an architectural feature commonly associated with a **Place of Worship**; or
 - (g) a **Wind Energy Conversion System – Type 1** or a **Wind Energy Conversion System – Type 2**.
- (13) “***balcony***” means a horizontal platform that is attached to a ***building*** above the first ***storey*** floor level and is intended for use as an outdoor ***amenity space***.

68P2008,
39P2010

- (20) “***building***” includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

- (24) “**building height**” means the height of a **building**, excluding **ancillary structures**, determined:
- (a) by applying the provisions of sections 360 and 361 for a **parcel** containing a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling** or **Single Detached Dwelling**;
 - (b) *deleted*
 - (c) by measuring from **grade** in a **multi-residential district** where the **use** is not a **Duplex Dwelling, Semi-detached Dwelling** or **Single Detached Dwelling**;
 - (d) by measuring from **grade** in the S-CI District where provision 1057 (1) through (4) applies; and
 - (e) in all other cases by measuring from **grade** at any point adjacent to a **building**.
- (97) “**open balcony**” means a **balcony** that is unenclosed on three sides, other than by a railing, balustrade or **privacy wall**.
- (103) “**patio**” means an uncovered horizontal structure with a surface height, at any point, no greater than 0.60 metres above **grade**, intended for use as an outdoor **amenity space**.
- (109) “**privacy wall**” means a structure that:
- (a) provides visual **screening**;
 - (b) is located on a **balcony, deck** or **patio**; and
 - (c) does not include a railing or balustrade.
- (118) “**recessed balcony**” means a **balcony** that is enclosed on at least two sides other than by a railing, balustrade or **privacy wall**.

Patios

- 338.1** (1) Unless otherwise referenced in subsections (2) and (3), a **privacy wall** may be located on a **patio**, provided it does not exceed a height of 2.0 metres when measured from the surface of the **patio**.
- (2) A **privacy wall** located on a **patio** must not exceed 2.0 metres in height, when measured from **grade** and when the **privacy wall** is located within:
- (a) a **side setback area**; or
 - (b) 6.0 metres of a **rear property line**.
- (3) A **privacy wall** located on a **patio** must not exceed 1.2 metres in height when measured from **grade** when the **privacy wall** is located between the foremost front façade of the **main residential building** and the **front property line**.

Balconies

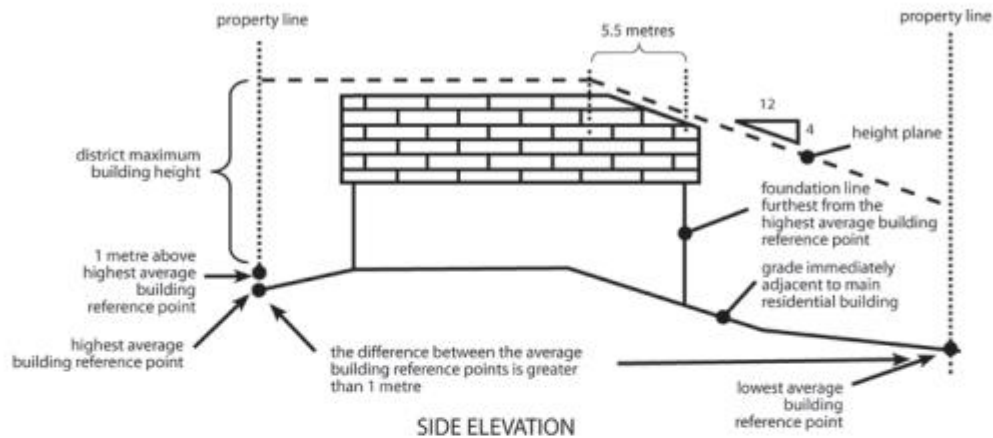
- 340** (1) Unless otherwise referenced in this Part, an **open balcony** must not project more than 1.85 metres from the **building** façade to which it is attached.
- (2) Unless otherwise referenced in this Part, the floor area of a **recessed balcony** must not exceed 10.0 square metres.
- (2.1) Unless otherwise referenced in this Part, a **privacy wall** located on a **balcony**:
- (a) must not exceed 3.0 metres in height when measured from the surface of the **balcony**; and
 - (b) must not be located between the foremost front façade of the **main residential building** and the **front property line**.
- (3) A **balcony** attached to a **Contextual Semi-detached Dwelling, Semi-detached Dwelling, Rowhouse Building or Townhouse** within 1.2 metres of a party wall must have a solid **privacy wall** that:
- (a) is a minimum of 2.0 metres in height;
 - (b) is a maximum of 3.0 metres in height; and
 - (c) extends the full depth of the **balcony**.
- (4) *deleted*

Building Height

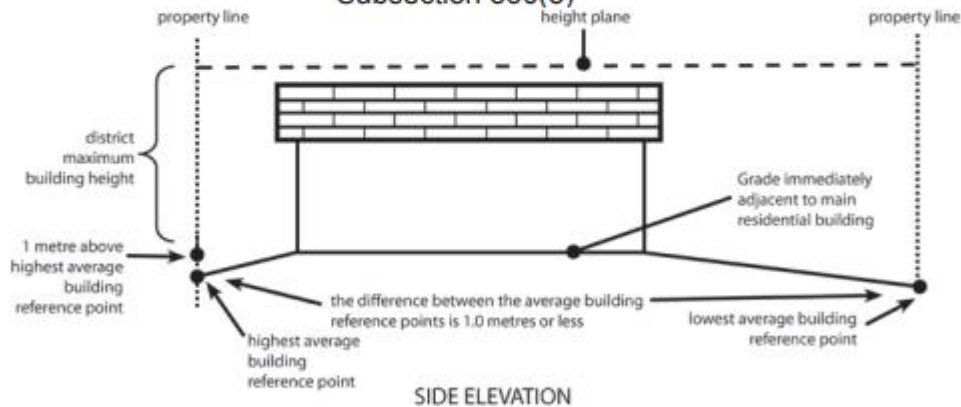
- 360 (1) Unless otherwise referenced in (5), the ***building height*** of a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling and Single Detached Dwelling**, must not exceed a height plane described in this section.
- (2) When the difference between the ***average building reference point*** at the front corners of the ***parcel*** and those at the rear of the ***parcel*** is greater than or equal to 1.0 metres, the ***building height*** must not be greater than a height plane that:
- (a) begins at the highest ***average building reference point***;
 - (b) extends vertically to the maximum ***building height*** plus 1.0 metre;
 - (c) extends horizontally towards the opposite end of the ***parcel*** to a point that is 5.5 metres closer than the point on the foundation which is furthest from the highest ***average building reference point***; and
 - (d) extends downward at a 4:12 slope.
- (3) When the difference between the ***average building reference points*** at the front corners of the ***parcel*** and those at the rear of the ***parcel*** is less than 1.0 metres, the ***building height*** must not be greater than the height plane that:
- (a) begins at the highest ***average building reference point***;
 - (b) extends vertically to the maximum ***building height*** plus 1.0 metre; and
 - (c) extends horizontally towards the opposite end of the ***parcel***.

- (4) The following diagrams illustrate the rules of subsections (2) and (3).

Illustration 1:
Building Height
Subsection 360(2)



Subsection 360(3)



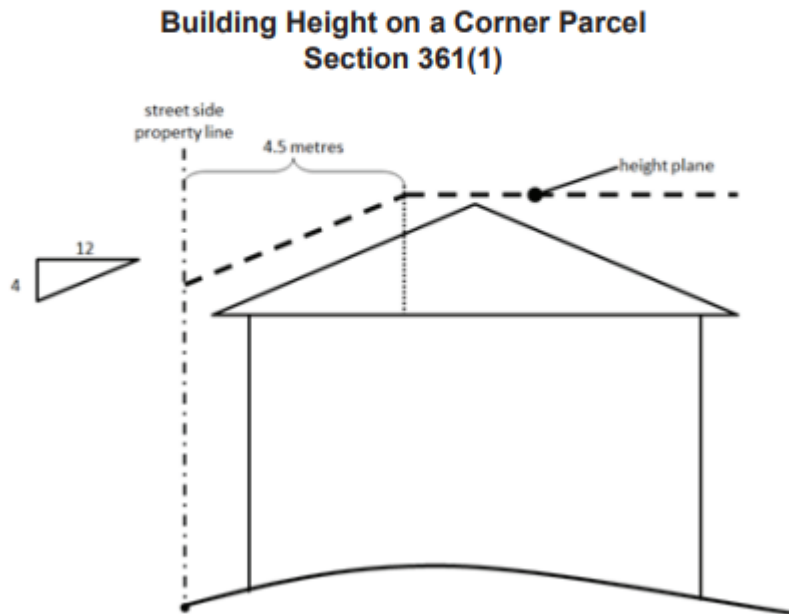
- (5) The **building height** for an addition to a **main residential building** is measured from **grade** at any point adjacent to the addition when the addition is less than or equal to:
- (a) 7.5 metres in height from **grade** where the existing **building** has a **walkout basement**; and
 - (b) 6.0 metres in height from **grade** where the existing **building** does not have a **walkout basement**.

Building Height on a Corner Parcel

- 361 (1)** In addition to the rules of sections 360 (2) and (3), for a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling and Single Detached Dwelling** located on a *corner parcel*, the *building height* must not be greater than a height plane that intersects the horizontal portion of

the height plane described in section 360 at a point that is 4.5 metres from the *street side property line*, and extends downward toward the *street side property line* at a 4:12 slope.

- (2)** The following diagram illustrates the rules of subsection 361(1)
Illustration 2:



APPENDIX D
Excerpts
Canadian Oxford Dictionary
2nd Edition

Baluster: *noun* each of a series of often ornamental short posts supporting a railing etc.

Balustrade: *noun* a railing supported by balusters, esp. forming an ornamental parapet to a balcony, bridge or terrace.

Railing: *noun* **1** esp. N Amer. A banister; handrail. **2 a** (often in *pl.*) a fence or barrier made of rails. **b** the material for these.

Appeal Board rec'd: November 24, 2021
Submitted by: S. McCormick, Applicant

Submission

Jackson McCormick Design Group

Appeal SDAB2021-0073/DP2021-1269

Hearing December 2, 2021



500 CRESCENT ROAD NW - VIEW FROM SOUTH



500 CRESCENT ROAD NW - VIEW FROM SW



500 CRESCENT ROAD NW - VIEW FROM NE



VIEW FROM 500 CRESCENT ROAD NW REAR YARD TO NW

PROJECT HILLTOP CONTEXT SITE PHOTOS

NOV 23, 2021

JACKSON McCORMICK
DESIGN GROUP

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VIEW TOWARDS ALLEY FROM 4TH STREET - FACING WEST



VIEW FROM ALLEY FACING SOUTH TOWARDS 500 CRESCENT ROAD NW



VIEW FROM ALLEY FACING NE TOWARDS 505 ALEXANDER CR. NW



VIEW FROM ALLEY FACING SE TOWARDS 500 CRESCENT ROAD NW

PROJECT HILLTOP SITE CONTEXT PHOTOS- VIEWS FROM ALLEY

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VIEW FROM ROOFTOP FACING NORTH TOWARDS 505 ALEXANDER CR NW



VIEW FROM ROOFTOP FACING NORTH-N/W TOWARDS 505 ALEXANDER CR NW



VIEW FROM ROOFTOP FACING N/W TOWARDS 505 ALEXANDER CR NW



VIEW FROM ROOFTOP FACING WEST

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CONTEXT PHOTOS - ROOFTOP VIEWS FROM 500 CRESCENT ROAD
N/A

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VIEW FROM ROOFTOP FACING EAST



EXISTING ACCESS HATCH



VIEW FROM ROOFTOP FACING NW TOWARD 510 CRESCENT ROAD NW



VIEW FROM ROOFTOP FACING SE

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CONTEXT SITE PHOTOS - VIEWS FROM ROOFTOP

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500 CRESCENT ROAD NW - VIEW FROM ROOFTOP TO WEST - APROX LOCATION OF ROOF TOP PATIO



500 CRESCENT ROAD NW - VIEW FROM ROOFTOP TO NE - APROX LOCATION OF ROOF TOP PATIO

PROJECT HILLTOP

CONTECT SITE PHOTOS- ROOFTOP VIEWS 3

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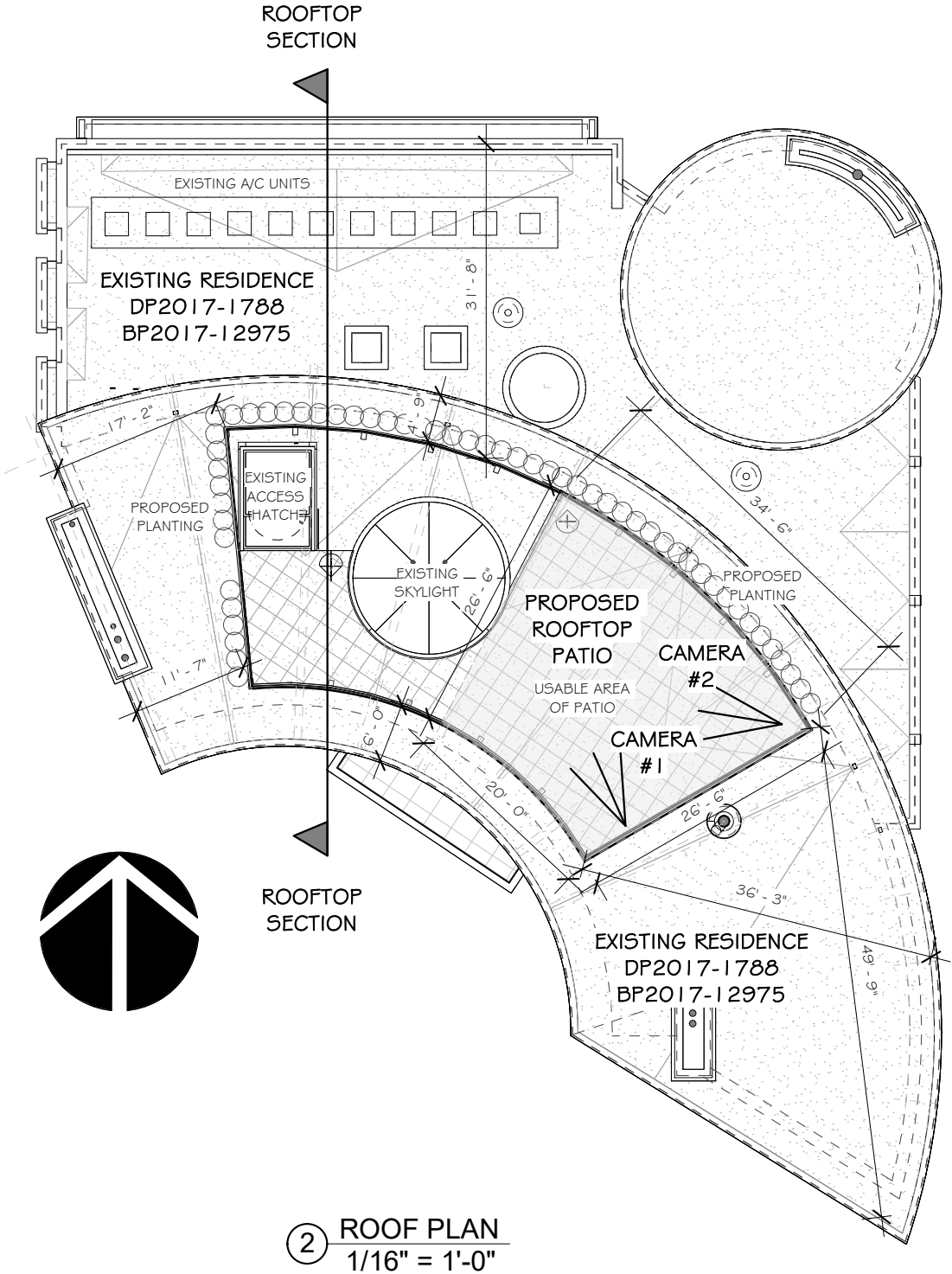
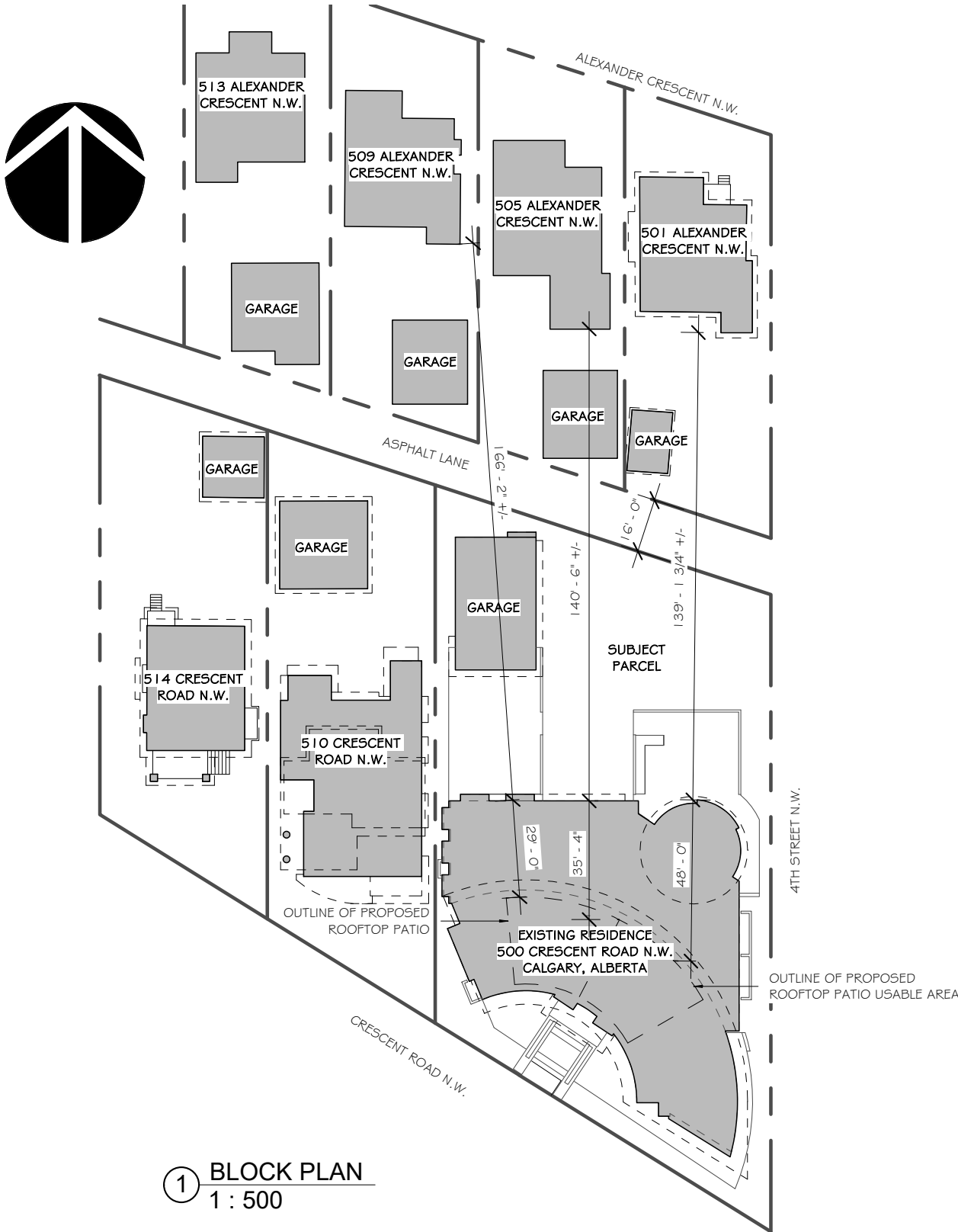
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MOCK-UP OF A 72" FROSTED PANEL - VIEW FACING NORTH

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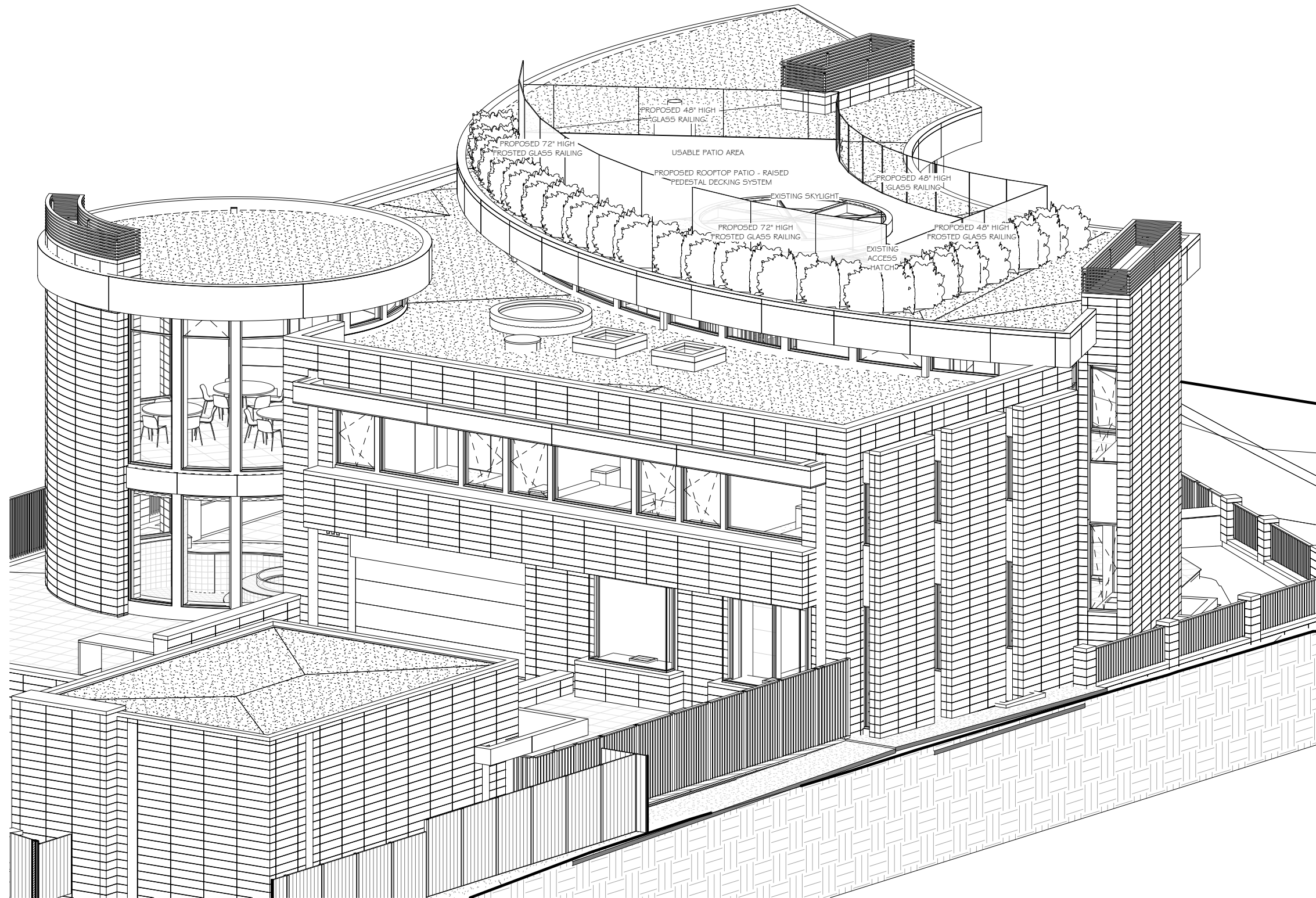


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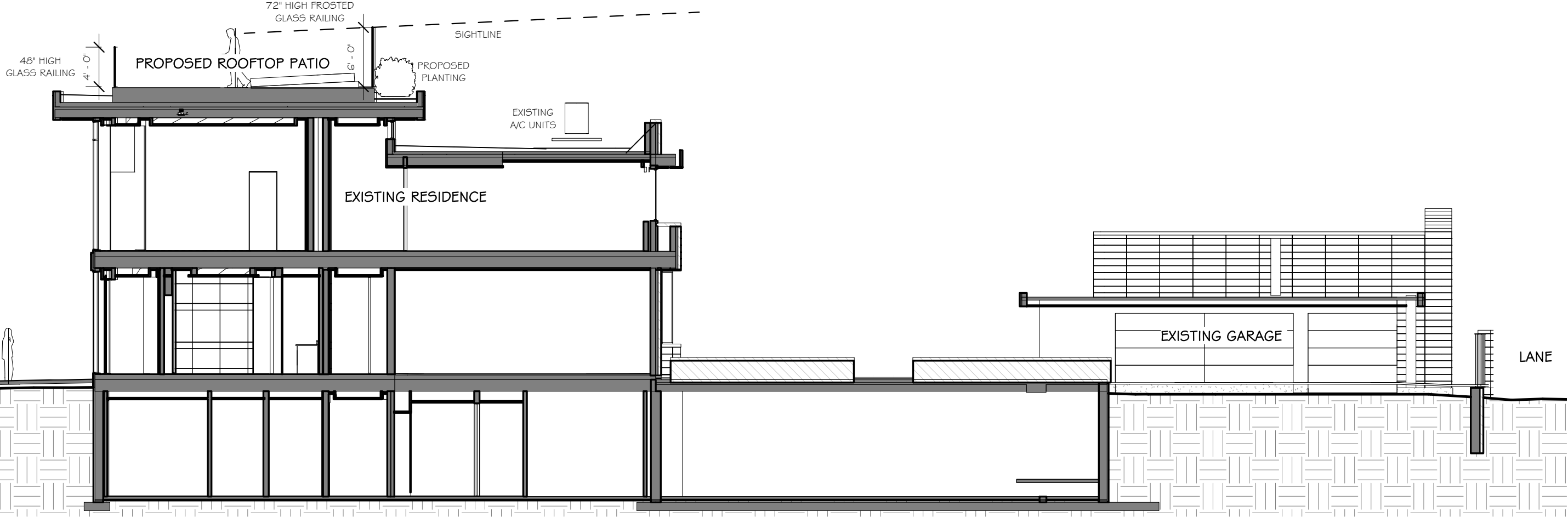


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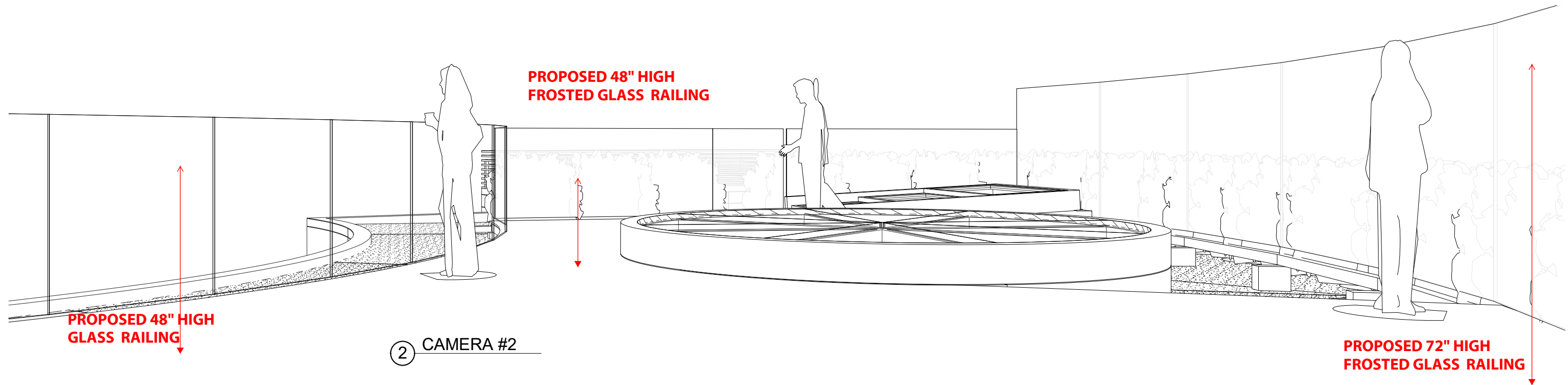
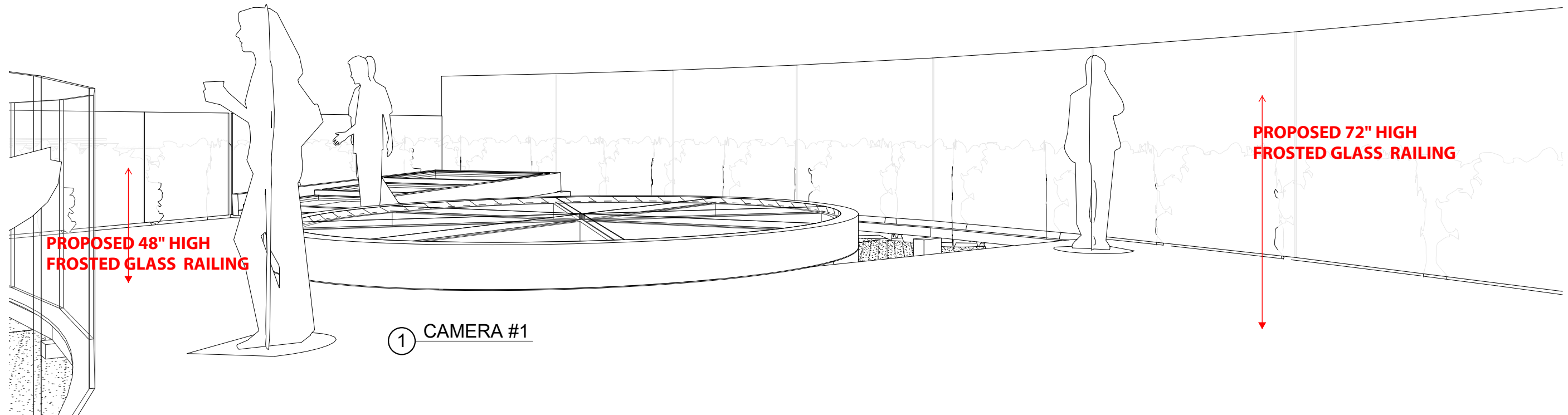
① ROOFTOP SECTION
3/32" = 1'-0"

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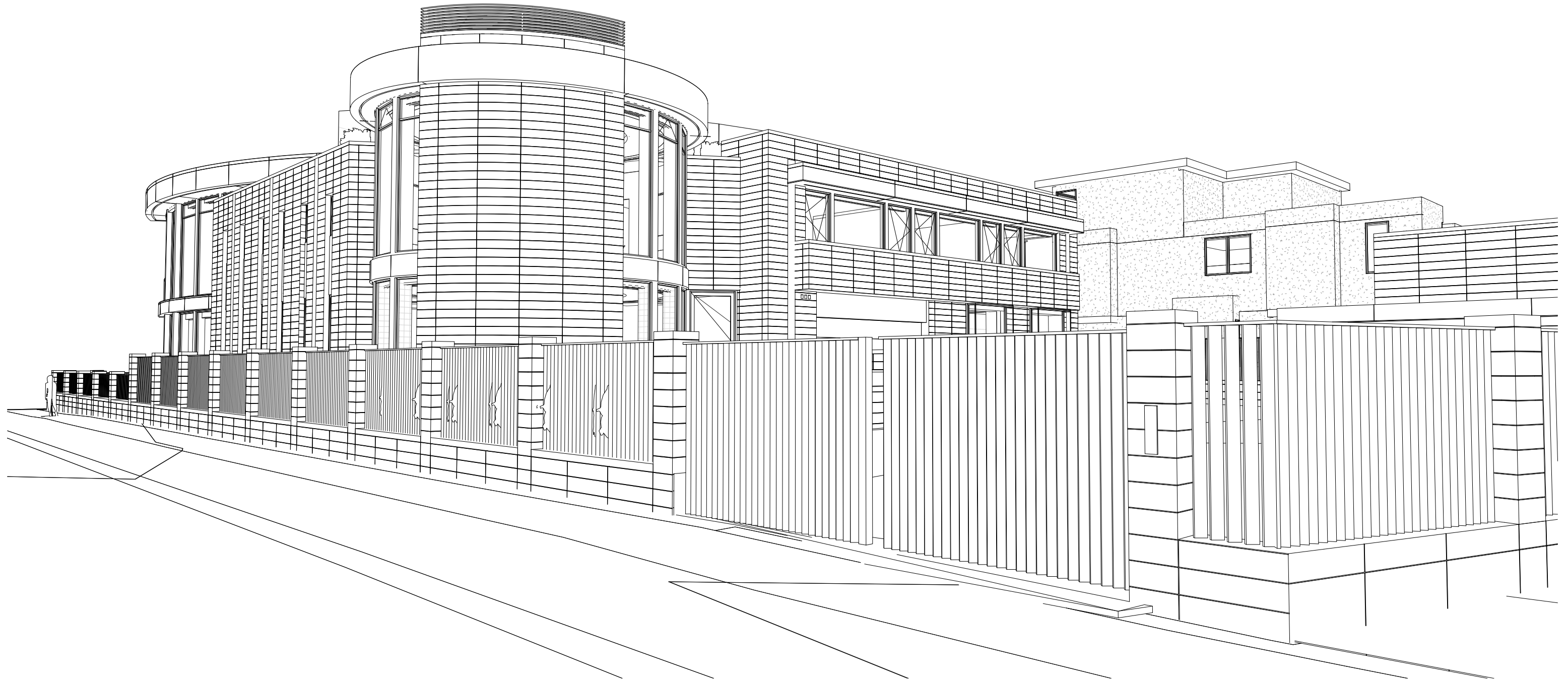


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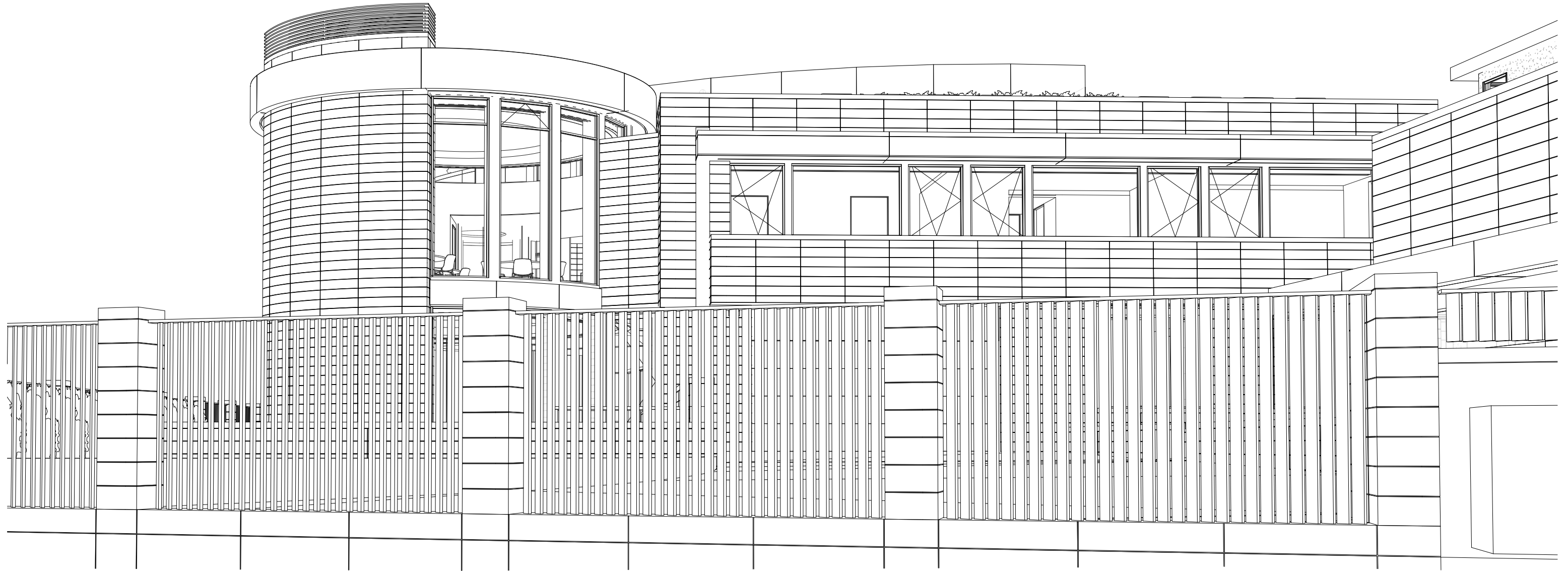


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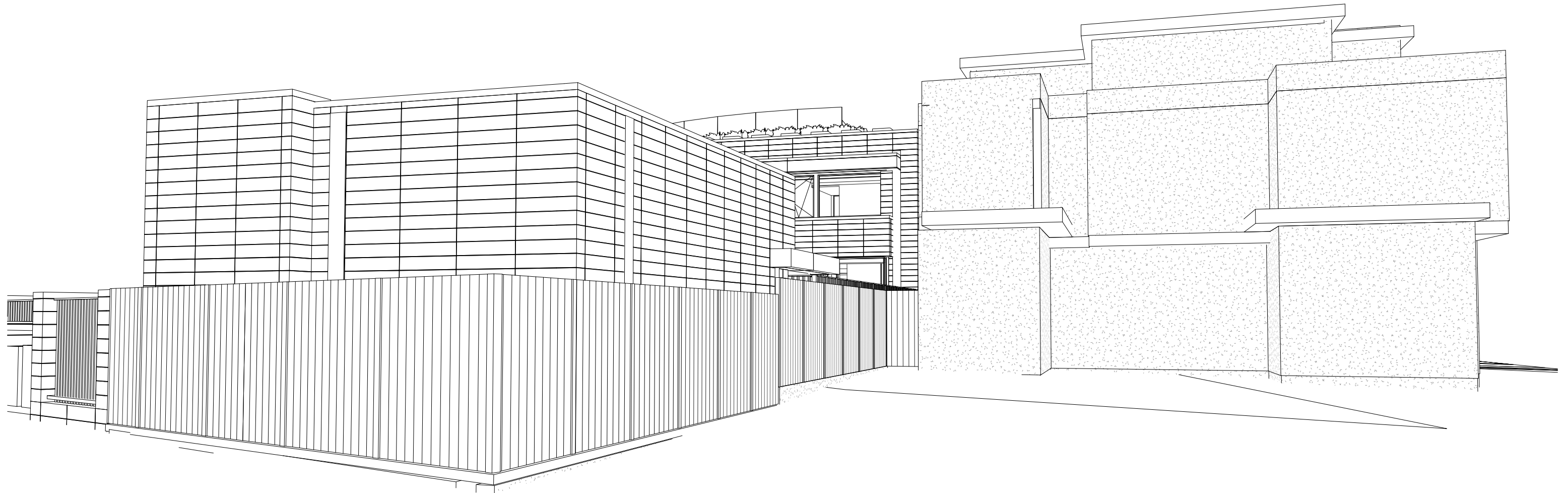


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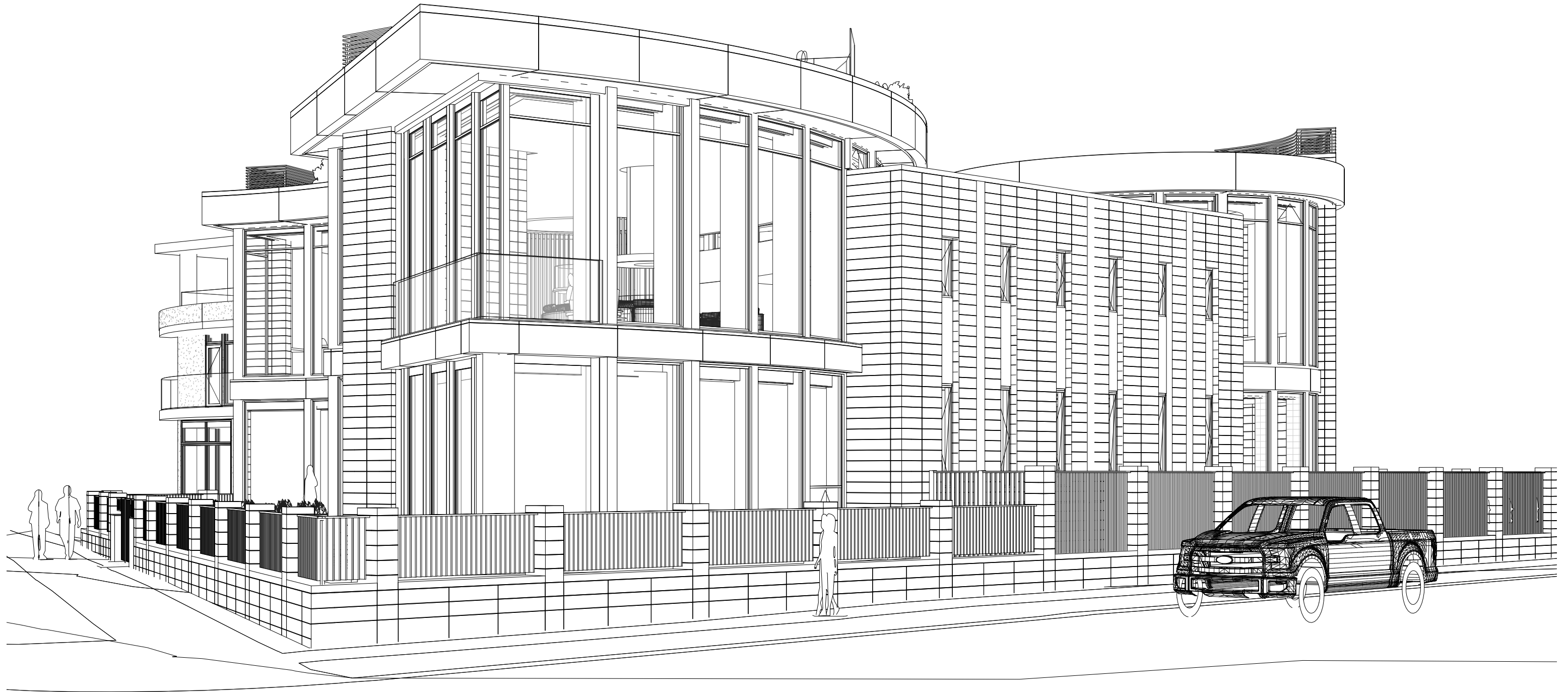


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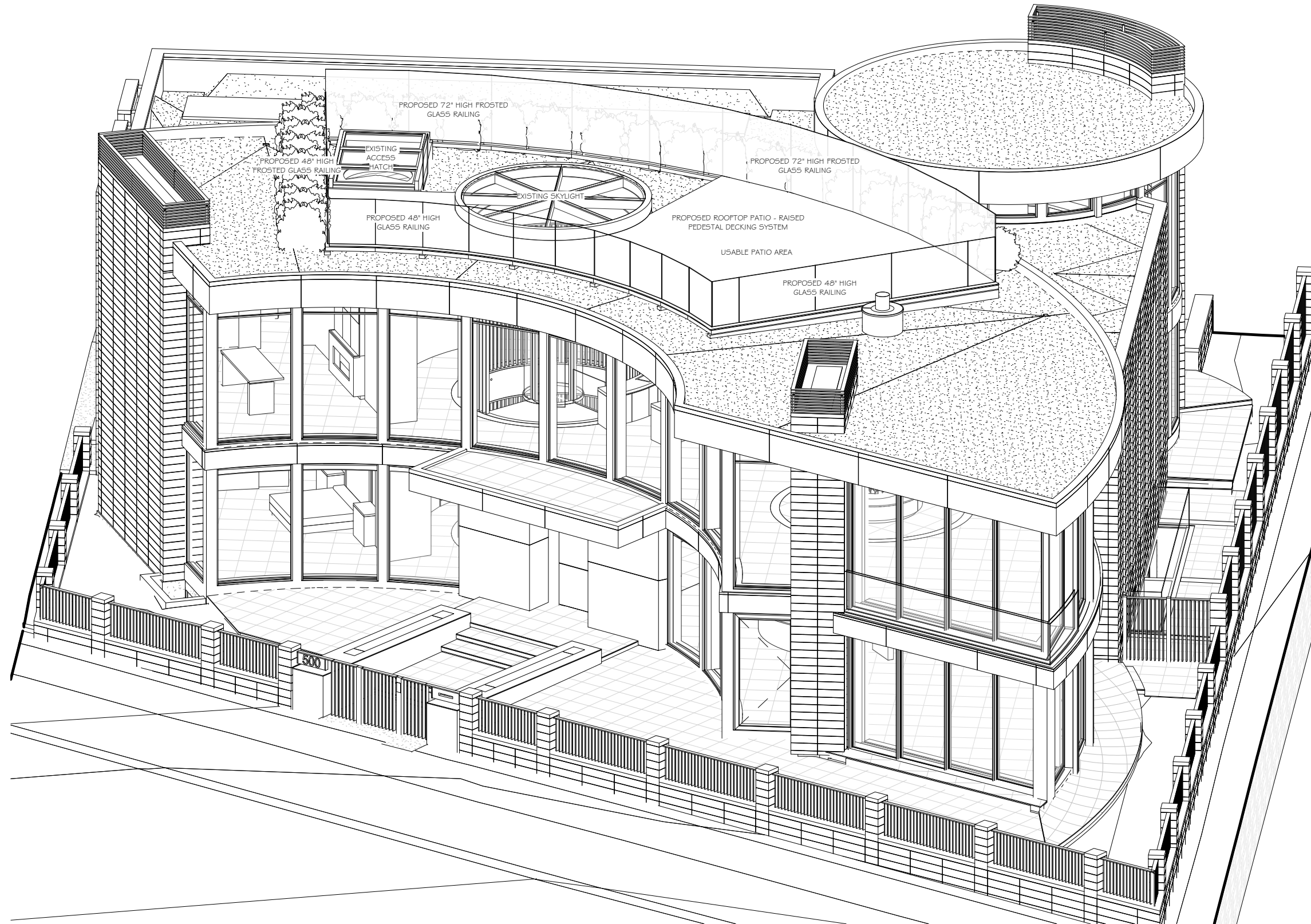
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Appeal Board rec'd: October 31, 2021
Submitted by: R. Ibatullin, Neighbour

From: Ravil Ibatullin <ravil.r.ibatullin@gmail.com>
Sent: Sunday, October 31, 2021 10:46 AM
To: Calgary SDAB Info
Cc: Tako Koning
Subject: [EXT] Hearing Nov. 4, DP2021-1269

Follow Up Flag: Follow up
Flag Status: Flagged

Re:

APPEAL NO.: SDAB 2021-0073

FILE NO.: DP2021-1269

Dear SDAB team,

We can't participate in the hearing on Nov. 4, but want to express my concern regarding the proposed height of the 500 Crescent Road change.

Your approval can open Pandora's box for all-around buildings to increase their height by using the unclear conclusion of the Development Authority for the items under the definition of "ancillary structure".

The proposed privacy screens installation will definitely exceed limitations and create an additional obstacle for the open view to the south for neighbours also. The veiled confession of the Development Authority is located at p. 63 bullet 8 a), b) in the report:

8. The following were considerations of the Development Authority in terms of building mass and height:

- a) The privacy screens exceed the building height plane by approximately 0.6 metres*
- b) It is the opinion of the Development Authority that the privacy screens are not be considered in the calculation of maximum building height as they fit within the definition of "ancillary structure"; however, their inclusion in this definition is not implicit and open for interpretation*

Our opinion is the following: you must keep the previously approved plan because the height is the real physical definition which can be easily approved visually and doesn't depend on tricky terms expressed in consideration above.

Best regards,

Ravil and Svetlana Ibatullin

502, Alexander Crescent

From: Ravil Ibatullin <ravil.r.ibatullin@gmail.com>
Sent: Tuesday, November 23, 2021 9:37 PM
To: Calgary SDAB Info
Subject: [EXT] APPEAL NO.: SDAB 2021-0073

Follow Up Flag: Follow up
Flag Status: Flagged

Re:

APPEAL NO.: SDAB 2021-0073

FILE NO.: DP2021-1269

Dear SDAB team,

We are the residents of the Rosedale Communities, live very close to 500 Crescent Road, and can be affected by the approval of the proposed changes in the development plan. The proposed privacy screens installation will definitely exceed limitations and create an additional obstacle for the open view to the south for neighbours also. The veiled confession of the Development Authority is located at p. 63 bullet 8 a), b) in your report:

8. The following were considerations of the Development Authority in terms of building mass and height:

- a) The privacy screens exceed the building height plane by approximately 0.6 metres*
- b) It is the opinion of the Development Authority that the privacy screens are not be considered in the calculation of maximum building height as they fit within the definition of "ancillary structure"; however, their inclusion in this definition is not implicit and open for interpretation*

"Ancillary structure" didn't define in the Alberta Building Code and can't be used in such free qualitative interpretation without a quantitative definition.

I've attached a copy of the selected portions of the more definitive City of Toronto Zoning By-law 569-2013, as amended (Office Consolidation)

Version Date: September 15, 2021 [City of Toronto Zoning By-law 569-2013, as amended \(Office Consolidation\)](#)

There is a clear example of the limit for the "Ancillary structure" permitted maximum height from the **average grade**, which means the average elevation of the existing or finished ground surface,

whichever is lower, around all sides of a **building** or **structure**, measured where the **building** or **structure** meets the ground surface. It is **4m only**.

Our opinion is the following: SDAP must not support the previously approved plan with the elevated height because the height is the real physical definition that can be easily approved visually and doesn't depend on tricky and badly defined and interpreted terms.

Best regards,

Ravil and Svetlana Ibatullin

502, Alexander Crescent

Attachment

[City of Toronto Zoning By-law 569-2013, as amended \(Office Consolidation\)](#)

City of Toronto Zoning By-law 569-2013, as amended (Office Consolidation)

Version Date: September 15, 2021

5.10.60 Ancillary Buildings and Structures

5.10.60.1 General

(1) Ancillary Buildings and Structures

Buildings and **structures** that are **ancillary** to a permitted use on the same **lot**, are permitted if they comply with the regulations of the zone in which the **lot** is located.

10.5.60.40 Height

(1) Determining the Height of Ancillary Buildings or Structures

In the Residential Zone category, the height of an **ancillary building** or **structure** is the distance between **average grade** and the elevation of the highest point of the **ancillary building** or **structure**.

(2) Maximum Height of Ancillary Buildings or Structures

The permitted maximum height of an **ancillary building** or **structure** in the Residential Zone category is:

- (A) 2.5 metres, if the **ancillary building** or **structure** is located less than 1.8 metres from the **residential building** on the **lot**; and
- (B) 4.0 metres in all other cases.

Chapter 800 Definitions

800.50 Defined Terms

(75) Average Grade

means the average elevation of the existing or finished ground surface, whichever is lower, around all sides of a **building** or **structure**, measured where the **building** or **structure** meets the ground surface, excluding:

- (A) the part of the ground along any one **main wall** where there is a permitted **vehicle** entrance into the **building** or **structure**; and
- (B) parts of the ground along each **main wall**, up to a cumulative maximum of 25% of the horizontal length of the **main wall**, where there are pedestrian entrances or window wells.

From: David Hills <DHills@enhanceenergy.com>
Sent: Monday, November 22, 2021 8:21 PM
To: Calgary SDAB Info; emseng@telus.net
Subject: [EXT] SDAB2021-0073

Follow Up Flag: Follow up
Flag Status: Flagged

Please be advised that I would like to show support for the appeal against the development of a rooftop patio at 500 Crescent Road. My property is located on the east side of the development and will be directly affected by this further addition, to what is already an oversized structure. Further to the comments made by R. Glover and L. Hannah, full development as described will further reduce winter sunlight, which has already been diminished due to the size of the existing structure.

Thank you,

David Hills,
1114, 4h St NW
T2M 2Y4

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Appeal Board rec'd: November 23, 2021
Submitted by: L. Hannah, Neighbour

From: leslie hannah <leslie.hannah56@gmail.com>
Sent: Tuesday, November 23, 2021 1:52 PM
To: Calgary SDAB Info
Cc: terry@terrywong.ca; Bob Glover; Wong, Terry K.
Subject: [EXT] Appeal Number SDAB2021-0073

Good Afternoon

RE: Appeal of SDAB2021-0073 (DP2021-1259) for 500 Crescent Road NW

I am writing in regards to appeal the above application. There was a request to add a rooftop patio and additional height for a structure (elevator) to access said patio. This was refused, thankfully, but the 6' (1822mm) high opaque glass wall + shoe rail (+/- 6-10" (250mm) along the north, east and west sides with added green plantings (*fake or real?*) on the roof is still under consideration. This wall height needs to be considered in the overall maximum height calculation. This wall will create massing on the east, west and north faces. It will impede sunlight onto the public city sidewalk and boulevard (unfortunately the owner of the property was able to remove all trees and install fake grass on the public property) as well as on the neighbouring lots and residents that live around this wall structure. In addition, the patio guidelines have been exceeded as the proposed roof patio will be well over 1000 sq.ft (93 sm sq). There will be the issue of parking problems when functions would occur if approved. (Side bar - during the 4 year construction on a daily basis there were 20+ vehicles spilling onto the adjacent streets).

Sadly the project overall was originally approved under the Contextual DP process and It somehow met all of the rules. Obviously, it is not contextual at all if you consider: 2 Lots were converted into one; lot coverage exceeds the 45%; questionable setbacks; allowable height maybe exceeded; city boulevard trees removed and not replaced; imitation /fake grass installed on city boulevard; height of perimeter of fence around the entire property; does not add to the density goals of the city; removal of all existing trees within both properties; new build does not allow for green space and very little replanting to contribute for the loss of trees in our urban forest (*If it isn't house, it is asphalt and concrete*) and reduced enjoyment and sun for adjacent properties. It should have gone thru the Discretionary DP process.

This "residential building" is starting to emulate a "small office building" in a residential community.

The addition of this patio is totally unacceptable to the neighbours as well as the Rosedale and Crescents Heights Communities.

I see no reason to approve of the appeal to create an even bigger development than what is currently existing.

For the above reasons please do not approve this appeal.

I will attend the zoom meeting on December 2 but will not speak. Bob Glover will speak on my behalf.

Thank you for your attention.

Regards,

Leslie Hannah

415 11 Avenue NW

Appeal board rec'd: November 23, 2021
Submitted by: Dr. Sandhu & Dr. Chen, Neighbours

Dr. Sabrina Sandhu
Dr. Phil Chen
510 Crescent Road NW
Calgary, Alberta
T2N 4A5

November 23, 2021

City Appeal Boards
Calgary Subdivision & Development Appeal Board
P.O. Box 2100, Station M, #8110
Calgary, AB T2P 2M5

To Whom It May Concern:

RE: SDAB2021-0073/DP2021-1269 Change of Use: Single Detached Dwelling;
Relaxation: balcony – depth at 500 Crescent Road NW.

We live at 510 Crescent Road NW and are the neighbours to the immediate west of the subject property (500 Crescent Road NW). We have reviewed the Approved Drawings associated with Development Permit application DP2021-1269 at 500 Crescent Road.

We are in full support of the application for the rooftop balcony addition and agree with the City's approval of the subject Development Permit.

Yours truly,

The image shows two handwritten signatures in black ink. The first signature is a stylized, cursive 'S' followed by 'and' and another stylized signature. The second signature is a more formal, blocky signature. Both are written on a white background.

Sabrina Sandhu and Phil Chen