



Agenda
Subdivision & Development Appeal Board
Hearing
December 5, 2022 at 2:00 p.m.
Electronic Hearing via Zoom

1. Call to Order (Chair)
2. Adoption of Agenda
3. Adoption of Minutes
- July 20, 2022 SDAB Appeal Hearing
4. Appeal Hearing
PL20220090
Visitor Accommodation
706 10 Street
Lot 2 Block 65 Plan 1095F
Appeal against an approval by the Canmore Development Authority.
5. Other Business
None
6. Adjournment

**TOWN OF CANMORE
MINUTES**
Subdivision and Development
Appeal Board Hearing
Electronic via Zoom
July 20, 2022, at 2:00 p.m.

MEMBERS PRESENT

Public Representatives: Graham Lock, Jim Bell, and Harry Scott
Councillor Representative: None
Recording Secretary/Clerk: Katy Bravo Stewart

MEMBERS ABSENT

Public Representatives: Darlene Jehn, Peter Moreland-Giraldeau, Michelle Cooze
Councillor Representative: Joanna McCallum, Karen Marra

ADMINISTRATION STAFF PRESENT

Marcus Henry, Eric Bjorge, and Jolene Noël.

1. **CALL TO ORDER**

Chair, G. Lock, called the meeting to order at 2:03 p.m.

MOTION CARRIED
UNANIMOUSLY

2. **ADOPTION OF HEARING MEETING AGENDA**

It was moved by the Chair that the agenda of July 20, 2022 SDAB Meeting, be adopted as presented.

MOTION CARRIED
UNANIMOUSLY

3. **ADOPTION OF MINUTES**

May 31 Minutes – Jim Bell
May 5 Minutes – Harry Scott

4. **APPEAL**

PL20220047

Lot 22, Block 77, Plan 9910432

628 1st Street

Attached Garage and Storage Addition to an Existing Dwelling

Appeal against a refusal by a Development Officer.

APPLICANT/APPELLANTS INTRODUCTION AND OPPORTUNITY FOR ANY OBJECTIONS

The Appellant, D. Burghardt, identified themselves to the Board.

The Chair asked the Appellant/Applicant if they had any objections to the Board Members present at the hearing. There were no objections to the Board Members present.

HEARING OUTLINE

The Chair outlined the hearing process for all present. There were no objections from the Appellant / Applicant, or anyone in the audience.

ADMINISTRATION'S PRESENTATION OF THE APPLICATION AND DECISION

The Planning Technician, E. Bjorge, gave a verbal and visual presentation detailing the application. The Planning Technician and the Supervisor of Planning, M. Henry, responded to questions from the Board.

APPELLANT/APPLICANT PRESENTATION OF THE APPLICATION AND DECISION

The Appellant/Applicant, D. Burghardt, provided a verbal presentation to the Board and then answered questions from the Board.

THOSE SPEAKING IN FAVOUR OF THE APPEAL

None

CORRESPONDENCE RECEIVED IN FAVOUR OF THE APPEAL

One letter was received in favour of the subject appeal, as was provided for within the agenda package.

THOSE SPEAKING IN OPPOSITION TO THE APPEAL

None.

CORRESPONDENCE RECEIVED IN OPPOSITION TO THE APPEAL

None.

THOSE SPEAKING NEITHER IN FAVOUR NOR IN OPPOSITION OF THE APPEAL

None.

CORRESPONDENCE RECEIVED NEITHER IN FAVOUR NOR IN OPPOSITION REGARDING THE APPEAL

One letter was received neither in favour nor in opposition of the subject appeal, as was provided for within the agenda package.

Minutes approved by: _____

COMMENTS/CLARIFICATION BY ADMINISTRATION

None.

COMMENTS/CLARIFICATION BY THE APPELLANT / APPLICANT

The Appellant/Applicant, D. Burghardt, provided their closing remarks to the board.

5. OTHER BUSINESS

None.

6. ADJOURNMENT

The Chairperson moved that the public hearing of June 20, 2022, be adjourned at 2:39p.m.

**MOTION CARRIED
UNANIMOUSLY**

Graham Lock, Chair

Janice Agrios, SDAB Clerk

SDAB Appeal Hearing

PL20220090

Visitor Accommodation

706 10 Street

Lot 2 Block 65 Plan 1095F

Appeal against an approval by the Canmore Development Authority.

Notice of Appeal & written submission from the Appellant: K. Gordon Schultz, on behalf of the following Mallard Alley residents:

- Randy & Beth Vandervoort 701 Mallard Alley
- Michael Shugarman 705B Mallard Alley
- Phillip van der Merwe 705B Mallard Alley
- Justin & Janice Barbour 709 Mallard Alley
- Drew & Katrina Osborne 711 Mallard Alley
- Deanna & Rob Hawley 717 Mallard Alley
- Robin & Nicola Gardiner 719 Mallard Alley
- William Lawes & Julie Bradner 725 Mallard Alley
- Doug Proll & Sylviane Lippert 727 Mallard Alley
- Jodi Musgrove 2A – 733 Mallard Alley
- Janet M. Amy 2C – 733 Mallard Alley
- David Lefebvre & Nichole Allen 1E – 733 Mallard Alley

To help expedite processing your application, the submission of this form using the fillable fields is greatly appreciated. The submission of scanned or photographed application forms with handwritten information may slow the processing of your application.

PROPERTY INFORMATION	
Municipal Address	
Legal Address	Existing Use of Land/Building
Lot/Unit: Block: Plan:	

DEVELOPMENT INFORMATION			
Please indicate which checklist you have referenced to form this submission:			
Proposed Development/Use(s)			
Total Proposed Gross Floor Area (m ²)	Number of Residential Units	Number of Commercial Units	Property Size (Hectares). New construction <u>only</u> .

PUBLIC TREE DISCLOSURE			
Is there existing Town Trees (Public Tree) within 6m of the construction area, this would include the "Road Right-of-Way" between the private property line and roadway?	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">YES</td> <td style="width: 50%; border: none;">NO</td> </tr> </table>	YES	NO
YES	NO		
<p>If yes, a Tree Protection Plan Agreement is required to be submitted as part of this application. For more information on the requirements of submitting your Tree Protection Plan Agreement or obtaining a Tree Assessment for the removal of a Town Tree, please contact the Town of Canmore Parks Department at 403.678.1599 or Parks@canmore.ca.</p> <p>Additional information regarding the Town of Canmore Tree Protection Bylaw can be found on the Town Website.</p>			

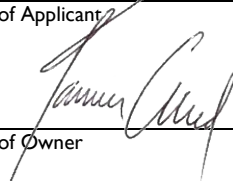

APPLICANT INFORMATION	
Name	[REDACTED]
[REDACTED]	
[REDACTED]	

OWNER INFORMATION (if different than applicant)	
Name	[REDACTED]
[REDACTED]	
[REDACTED]	

DECLARATION

I,/We declare that I am/We are the owner of the land described above or authorized to act on behalf of the registered owner(s). I/We have reviewed all of the information supplied to the Town with respect to an application and it is true and accurate to the best of my/our knowledge. I/We understand that the Town of Canmore will rely on this information in its evaluation of the application. Any decision made by the Town of Canmore based on inaccurate information may be cancelled at any time. I/We give authorization for electronic communication, using the email provided on this application form.

By signing below, I/We confirm to have carefully read this declaration and agree to the terms within.

Signature of Applicant	Date
	
Signature of Owner	Date
	

FOIP Notification: This personal information is being collected under the authority of the Municipal Government Act (MGA) and in the Freedom of Information and Protection of Privacy Act (FOIP) and is managed in accordance with the provisions of FOIP. If you have any questions about the collection of your personal information, contact the Municipal Records Officer at municipal.clerk@canmore.ca. Please note, the Municipal Clerk's Office should **only** be contacted regarding FOIP inquiries.

PAYMENT

Until the applicable permit fees have been paid in full to the Town of Canmore, the Town will not commence the review of your application. Town staff will contact you upon receipt of the application to arrange for the applicable fee(s) to be paid.



October 17, 2023

Town of Canmore
Subdivision and Development Appeal Board
902 7th Avenue
Canmore, AB
T1W 13K

To Whom It May Concern:

Re: Notice of Appeal – PL20220090

Please find attached our Notice of Appeal relating to the above referenced development proposal.

The appeal is being filed on behalf of the following Mallard Alley residents:

Randy & Beth Vandervoort
Michael Shugarman
Phillip van der Merwe
Justin & Janice Barbour
Drew & Katrina Osborne
Deanna and Rob Hawley
Robin & Nicola Gardiner
William Lawes & Julie Bradner
Doug Proll & Sylviane Lippert
Jodi Musgrove
Janet M. Amy
David Lefebvre & Nichole Allen



As noted on the Notice of Decision issued by the Town of Canmore September 26, 2022, we are filing an appeal of decision within the required 21 days of the Notice of Decision being issued.

Please confirm receipt of the Notice of Appeal has been filed with the Town of Canmore in a timely manner, and the \$250.00 filing fee has been paid in full.

Yours truly,

K. Gordon Schultz
K. Coreen Schultz
713 Mallard Alley
Canmore, AB





NOTICE OF APPEAL Application Form

To help expedite processing your application, the submission of this form using the fillable fields is greatly appreciated.

PROPERTY INFORMATION			
Municipal Address 706 10th Street Canmore, AB		Development Permit/Subdivision Application File Number PL20220090	
APPELLANT INFORMATION			
Name of Appellant K. Gordon Schultz		Agent Name (If applicable)	
Mailing Address (for notification purposes) [REDACTED]			
City [REDACTED]	Province [REDACTED]	Postal Code [REDACTED]	
Phone Number (Day) [REDACTED]		Email [REDACTED]	
<input checked="" type="checkbox"/> The appellant/agent, gives authorization for electronic communication by the Clerk, using the email provided on this Notice of Appeal			

APPEAL AGAINST (Check one box only. For multiple appeals you must submit separate Notice of Appeal forms)

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

REASONS FOR APPEAL Section 678 and 686 of the *Municipal Government Act* requires 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 (attach a separate page if required)

Commercial Developments Abutting Residential Districts
 I, Sections 4.1.5.9, 4.1.5.1 and 11.4.1.6 of the LUB provide as follows:
 "4.1.5.9 Developments abutting residential districts shall be designed to minimize the impacts of parking, loading, ... noise and business hours of operation on the residential environment to the satisfaction of the Development Authority..."
 "4.1.5.1 Developments within this District shall comply with the regulations in Section 11: Community and Architectural Design Standards of this Bylaw."
 "11.4.1.6 Commercial developments adjacent to residential districts must be designed and intensively landscaped to mitigate their impact on residential properties to the satisfaction of the Development Authority."

These requirements have not been met and the proposed change of use, proposed change in intensity of use and proposed building (the "proposed Development") should be denied because:

- Parking for the proposed Development is likely to be insufficient for the proposed use leading to increased parking on Mallard Alley and blocking of residential driveways.
- Traffic on Mallard Alley will increase because the sole vehicular access to the proposed Development is via Mallard Alley, which is narrow.
- Increased traffic on this narrow road that has no sidewalks is likely to cause safety concerns for residents of Mallard Alley, particularly children.
- Noise will likely increase in the neighbourhood due to the 24-hour operation nature of the proposed Visitor Accommodation development, negatively impacting residential homeowners.
- There is no rear yard landscaping shown on the Development Permit application nor required by the Notice of Decision

... please see page two attached

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Signature of appellant/agent 	Date (MM/DD/YYYY) 10/17/22
----------------------------------	--------------------------------------

FOR OFFICE USE ONLY			
Fee Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	Date appeal received 10/17/22	Final date of appeal	Hearing Date/Time <input type="checkbox"/> 2 P.M. <input type="checkbox"/> Evening

Loading Stall:

4. Section 2.7.3.1 of the LUB provides as follows:

“2.7.3.1 A minimum of one (1) loading stall shall be required per ... non-residential building, unless it can be otherwise demonstrated to the Development Authority that loading can reasonably take place without a dedicated stall on-site, or that it can be shared amongst multiple developments and/or tenants to minimize the number of loading stalls required.”

This requirement has not been met because:

- No loading stalls have been provided for the proposed Development.
- No evidence was provided that a loading stall can be shared with another development.
- A loading zone is a practical requirement that would offset issues resulting from limited parking at the proposed Development, particularly with respect to guests arriving in multiple vehicles or large vehicles that will not fit into the covered parking area, and building maintenance and cleaning personnel.

Urban Design Principles:

Section 11.1.1 of the LUB, outlines that “Key aspects of Canmore’s architecture and urban design agenda include a concern with sustainability, quality of life, safety and social connections.”

The proposed Development abutting Mallard Alley which has no sidewalks will create significant safety risks to the neighbourhood, particularly as it relates to pedestrians.

Additional reasons for Appeal:

- The proposed development does not provide for any onsite management to control noise, insufficient parking nor garbage mishaps leaving the adjacent residential district alone to deal with such issues
- The intensity of use as proposed will have significant negative impact on the adjacent residential district’s use, value and enjoyment of property.

Please see out attached letter for a list of Mallard Alley Residents for whom this appeal is being filed on behalf of.



Notice of Appeal Circulation Letters for PL20220090

- Applicant Letter
 - Public Procedure
 - Circulation Map
- Appellant Letter
 - Public Procedure
 - Circulation Map
- Adjacent Landowner Letter
 - Public Procedure
 - Context Map

22-Nov-2022

Our Reference: PL20220090

Subdivision and Development Appeal Board Hearing

Dear Sir/Madam

This letter serves as notification that the following property is subject to an appeal to be heard by the Subdivision and Development Appeal Board (SDAB). The details are as follows:

Development Permit – Visitor Accommodation

Address: 706 10 Street
Legal Description: Lot 2, Block 65, Plan 1095F
Appeal Matter: Appeal against an approval by the Canmore Development Authority

Please be advised that the Subdivision & Development Appeal Board will hear this an appeal on **December 5, 2022 at 2:00 p.m.** electronically via Zoom. Electronic hearings can be livestreamed at <https://canmore.ca/town-hall/boards-committees/subdivision-development-appeal-board/sdab-agendas-board-orders>

As the Applicant, you have the opportunity to make a verbal presentation to the board and/or provide a written submission to the Board. We will be in contact with you to provide instructions and log in information.

Anyone wishing to make a verbal submission at the hearing must contact the SDAB clerk at sdab@canmore.ca *before* the hearing is called to order to register and receive log-in information.

Anyone wishing to file a written submission may send it by email to sdab@canmore.ca or drop-off / mail to the Civic Centre, FAO: SDAB Clerk, 902 7 Avenue, Canmore AB, T1W 3K1. We encourage individuals to drop-off or email rather than mail. **The deadline for written submission is Monday, November 28, 2022 @ 12 noon.**

Please note: Any submissions received after the deadline will not be presented to the Board for review until at the hearing. Should a written submission include complex and/or extensive information, the Board may postpone the hearing to fully consider the submission.

Any correspondence/comments provided will be part of the public record and may be released to the public.

The appeal file is available for public inspection at the Canmore Civic Centre between the hours of 8:30am to 4:30pm, Monday to Friday (except statutory holidays). The SDAB hearing procedure and circulation map is attached for your reference. Additional information is available upon written request.

Should you have any questions or require further information regarding this matter please contact the SDAB Clerk at 403.678.1500 or at sdab@canmore.ca.

Kind regards,

Louise Bates

Louise Bates
Clerk - Subdivision & Development Appeal Board

CC: Sunnyland Homes, Inc. & Stacy Mcfarlane

Attachment 1: SDAB Hearing procedure

Attachment 2: Circulation map

PROCEDURE FOR SUBDIVISION & DEVELOPMENT APPEAL BOARD HEARING

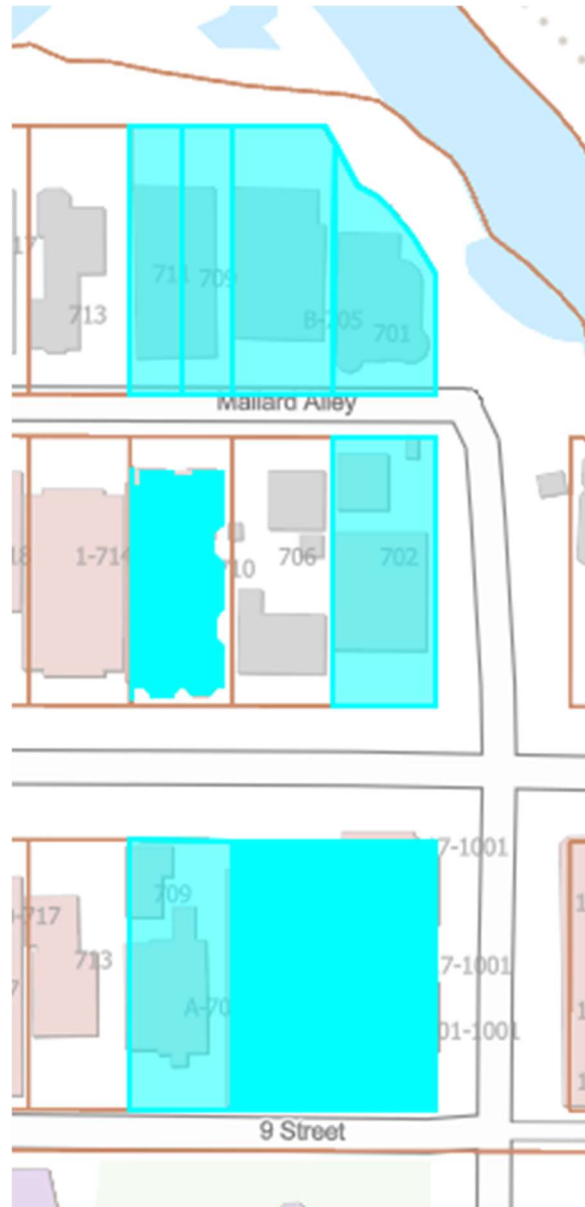
PLEASE NOTE: ALL DOCUMENTS PRESENTED AT THIS HEARING ARE PUBLIC DOCUMENTS

1. Chairperson declares the Subdivision & Development Appeal Board Public Hearing to order
2. Introduction of the Board members and Clerk.
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6. Appellant introduction and opportunity for any objections to the Board members.
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Circulation Map

706 10th Street



22-Nov-2022

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Louise Bates

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Clerk - Subdivision & Development Appeal Board

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PROCEDURE FOR SUBDIVISION & DEVELOPMENT APPEAL BOARD HEARING

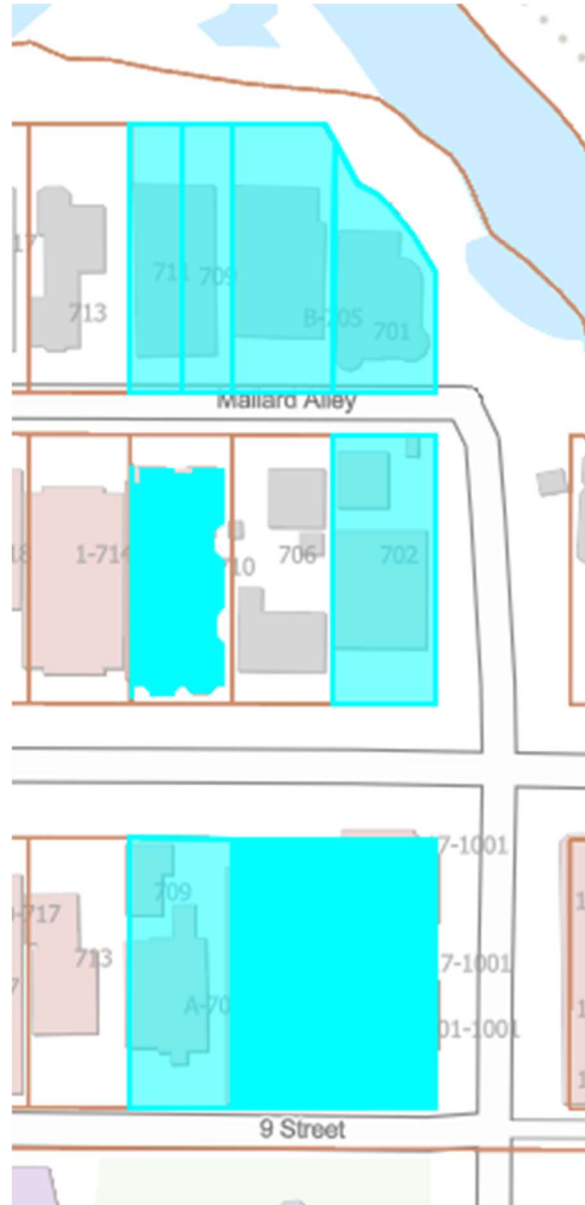
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As an adjacent property owner or as a potentially affected person, you have the opportunity to make a verbal presentation to the board and/or provide a written submission to the Board.

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Clerk - Subdivision & Development Appeal Board

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CONTEXT MAP

706 10TH Street



SUBDIVISION AND DEVELOPMENT APPEAL BOARD

STAFF REPORT



DATE OF HEARING:	December 5, 2022
PROPOSED DEVELOPMENT:	Visitor Accommodation
APPLICATION NUMBER:	PL20220090
LEGAL DESCRIPTION:	LOT 2, BLOCK 65, PLAN 1095F
CIVIC ADDRESS:	706 10 th Street
CURRENT USE(S):	Detached Dwelling
APPLICANT:	Systemic Architecture Inc.

EXECUTIVE SUMMARY

The proposed development is a new 10-unit Visitor Accommodation within two buildings at 706 10th Street. The south building contains six units, with two units on the main/ground floor, two-units on the second floor, and two-units with a loft, on the third floor. The north building contains four-units, with two-units on the second floor and two-units with a loft, on the third floor. The property is designated Town Centre District (TC), and Visitor Accommodation is listed as a permitted use. The application conforms with Land Use Bylaw 2018-22 (LUB) and no variances were required. The Development Authority approved the development permit application with conditions. Administration recommends approval of PL20220090, as the proposed development is consistent with the requirements of the Land Use Bylaw.

BACKGROUND

Municipal Government Act

Section 642(1) of the Municipal Government Act (MGA) states when a person applies for a development permit in respect to a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without condition as provided for in the land use bylaw.

640(2)(b)(i) states that a land use bylaw must, unless the district is designated as a direct control district pursuant to 641, prescribe with respect to each district, the one or more uses of land or buildings that area permitted in the district, with or without conditions.

Land Use Bylaw

Section 1.10.0.1 – The Development Authority shall approve all applications for a Permitted Use which conform in all respects to the provisions of this Bylaw. The Development Authority may impose conditions to ensure compliance with this Bylaw.

EXISTING SITE

The site fronts onto 10th Street to the south and Mallard Alley to the north and is currently developed with a detached dwelling, which is considered a legally on-conforming use.

Adjacent uses include:

- an eating establishment on the abutting parcel to the east and the parcel across 10th Street to the south and west;
- a multi-unit commercial building on the abutting parcel to the west and the parcel directly across 10th Street to the south;
- residential uses located directly across Mallard Alley to the north, including:
 - duplex dwellings;

Please refer to Attachment I for site context images.

BYLAW CONFORMANCE DISCUSSION

The subject site is located within the Town Centre District, the purpose of which is:

“To provide for a broad range of commercial, entertainment, cultural, and residential uses in mixed-use buildings and to serve as a focal point for community business and civic activities”.

Visitor Accommodation is listed as a permitted use and is defined as follows:

Visitor Accommodation means a building or group of buildings not intended for residential use where sleeping facilities are provided for persons for periods of up to 30 days and which may also contain a variety of services and amenities for the benefit of guests.

The subject site is designated Town Centre District and Visitor Accommodation is listed as a permitted use within this district. When a use is listed as a permitted use within a land use district, it means that use is considered appropriate and acceptable for development on a property within that district. This includes all aspects that are inherent and fundamental to that use, including the associated effects/impacts. In the context of this application, Visitor Accommodation is considered

appropriate for development on this site, including those aspects fundamental and inherent to the visitor accommodation activity and operations.

The Municipal Government Act states that the development authority must issue a development permit for a permitted use if it otherwise conforms with the land use bylaw. The Town of Canmore Land Use Bylaw provides the same provision and is consistent with the MGA. The reason for this provision is to provide certainty for the types of uses/development that can occur on a particular property. These sections were considered for this application.

The proposed development is a new 10-unit Visitor Accommodation within two buildings at 706 10th Street. The south building contains six units, with two units on the main/ground floor, two-units on the second floor, and two-units with a loft, on the third floor. The north building contains four-units, with two-units on the second floor and two-units with a loft, on the third floor. Each building is connected by an exterior passageway on each floor. Parking is provided within a covered parking structure as well as three external stalls. External parking stalls, as well as those within the parking structure, are accessed from Mallard Alley north of the site. Short-term and Long-term bicycle parking is provided within a designated area internal to the site and next to the vehicle parking area. Pedestrian access is from 10th Street, south of the site. Direct access to the main floor units within the south building is proposed from the 10th Street sidewalk. Please refer to the submitted plans included in Attachment 4.

Town Administration reviewed Development Permit Application PL20220090 and determined it was consistent with the provisions of the Land Use Bylaw. Administration, acting as the Development Authority, approved the application subject to the conditions outlined in Attachment 5.

I. Loading Stall

Section 2.7.3.1 states the following:

A minimum of one (1) loading stall shall be required per multi-unit residential building or non-residential building, unless it can be otherwise demonstrated to the Development Authority that loading can reasonably take place without a dedicated stall on-site, or that it can be shared amongst multiple developments and/or tenants to minimize the number of loading stalls required.

No loading stall is proposed onsite, and the applicant alternatively proposes to utilize existing onsite parking to facilitate cleaning and maintenance workers who will come to the site. Scheduled check-in and check-out times for guests staying at each unit will be managed to ensure there is no overlap in parking demand with workers coming to the site. Workers will utilize the on-site parking stalls between when guests depart and new guests arrive, resulting in a stall always being available for either guests or workers.

PLANNING DEPARTMENT POSITION

Visitor Accommodation provides short-term overnight accommodation to guests, and may also include amenities such as restaurants, gift shops, swimming pools etc. This application is exclusively for the overnight accommodation of guests and does not include other amenities. As a result, the proposed development will not experience frequent deliveries or loading/unloading of goods that other commercial businesses, such as retail, eating and drinking establishments or even other visitor accommodations may require. Apart from the initial delivery of furniture and appliances upon construction, delivery/loading is expected to be infrequent. If these deliveries do occur, it is reasonable to expect this parking demand can be managed in the same manner as with worker parking mentioned above, or through street parking. This approach also provides an efficient use of parking stalls onsite.

The Development Authority was satisfied loading can reasonably take place without a dedicated on-site stall through low loading demand and onsite parking management. As a result, Section 2.7.3.1 was considered met. No variance was required due to development authority discretion being integrated within this section. A condition specifying compliance with this approach was added to the attached Schedule A - Conditions of Approval.

2. Landscaping

The Town Centre District does not require a minimum landscaped area for properties.

Section 4.1.5.1 states the following:

Developments within this District shall comply with the regulations in Section 11: Community and Architectural Design Standards of this Bylaw.

Section 11.4.1.6 states that Commercial developments adjacent to residential districts must be designed and intensively landscaped to mitigate their impact on residential properties to the satisfaction of the Development Authority (See Fig 19)



Landscaping was provided at the front of the property and within the 10th Street boulevard between the property boundary and sidewalk. Landscaping was not provided at the rear of the site.

PLANNING DEPARTMENT POSITION

The site was designed to mitigate impacts on the adjacent residential district as follows:

- The building is setback 5.6m from the rear property line;
- The rear balconies are small and recessed from the rear building face;
- On-site lighting was provided to minimize impact at rear of site, including cut off fixtures and no lighting within the roof soffit;
- Parking was designed within a covered structure and the number of stalls accessed directly from the rear are within the specified limit provided for through Section 4.1.5.9. (District specific standards for developments adjacent residential districts);
- Unit access is provided internal to the site;
- Garbage enclosure is located within the covered parking structure and not visible from the street;
- Mechanical equipment is enclosed within the building;
- Bicycle parking is provided internal to the site;
- Pedestrian access to the site is from 10th Street.

Section 11.4.1.6 states that the site must be designed and intensively landscaped to mitigate their impact on residential properties to the satisfaction of the Development Authority. The Town Centre District does not require a minimum landscaped area, however landscaping was provided at the front of the site as mentioned above. The Development Authority was satisfied the proposed site design mitigates the impact of the proposed Visitor Accommodation development on the adjacent residential district and no additional landscaping above that provided was required. As a result, Section 11.4.1.6 was considered met.

OPTIONS FOR CONSIDERATION

Grounds for Appeal

Section 685(3) provides that no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

Should the SDAB determine there is grounds for appeal in accordance with Section 685(3) provided above, the following applies:

Section 687(3)(c) and (d) of the MGA provide that, in making a decision on a development appeal, the board may:

- confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own.

Planning proposes that the SDAB consider the following options:

1. Approve the application subject to the conditions in Schedule A.
2. Approve the application subject to the conditions in Schedule A and any other conditions.
3. Refuse the application, specifying reason(s) for refusal.
4. Postpone the application, pending submission of any additional details requested by SDAB.

RECOMMENDATION

Planning recommends that the Subdivision & Development Appeal Board **APPROVE** PL20220090. Recommended conditions are included in Attachment 5.

ATTACHMENTS:

1. Site Context
2. Zoning Map
3. Bylaw Conformance Review
4. Submitted Plans
5. Schedule A – Proposed Conditions of Approval
6. Town Centre District



Lauren Miller
Manager of Planning and Development



Riley Welden
Development Planner

ATTACHMENT I – SITE CONTEXT



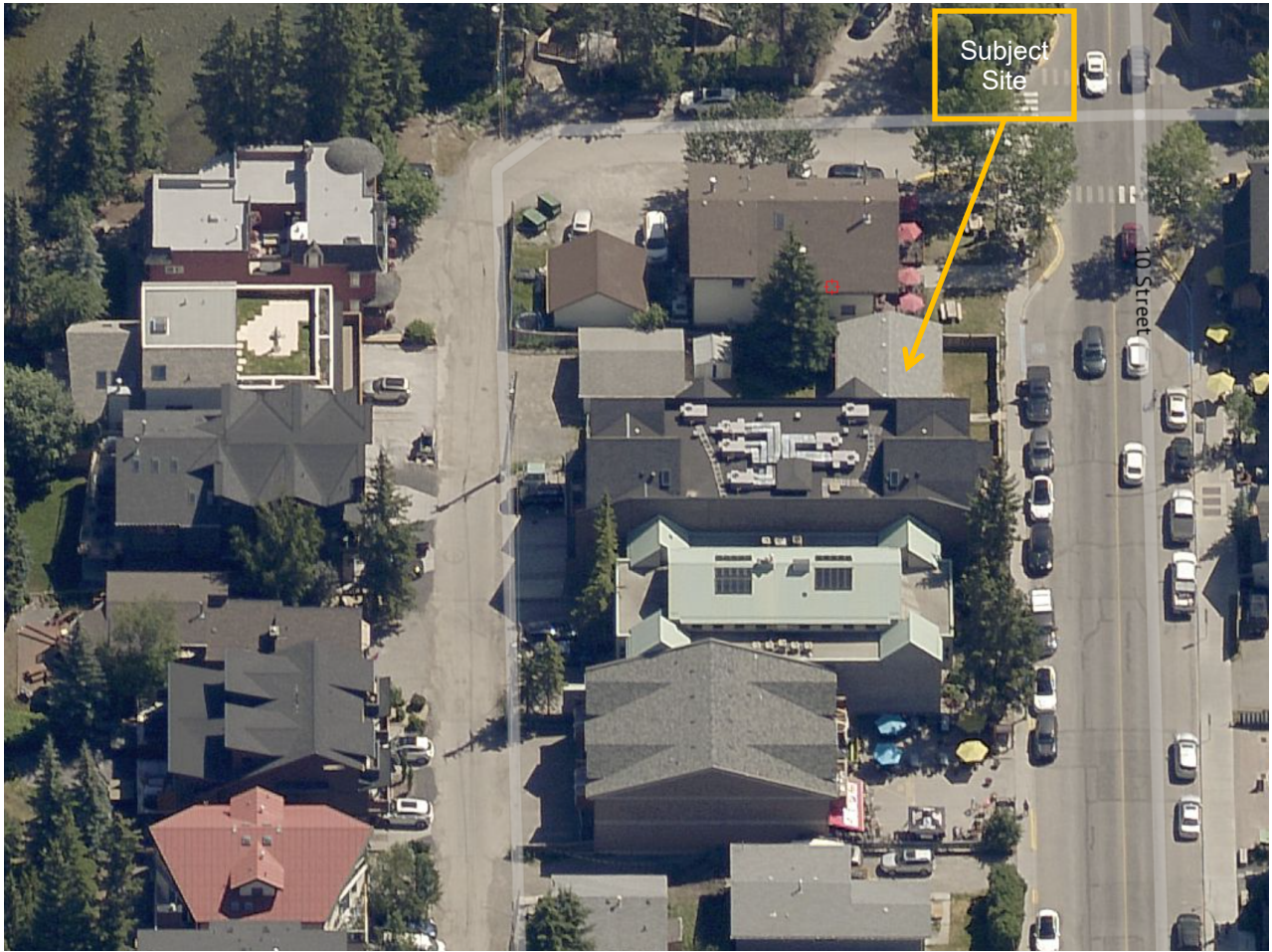
Aerial Photo of subject site and surrounding area



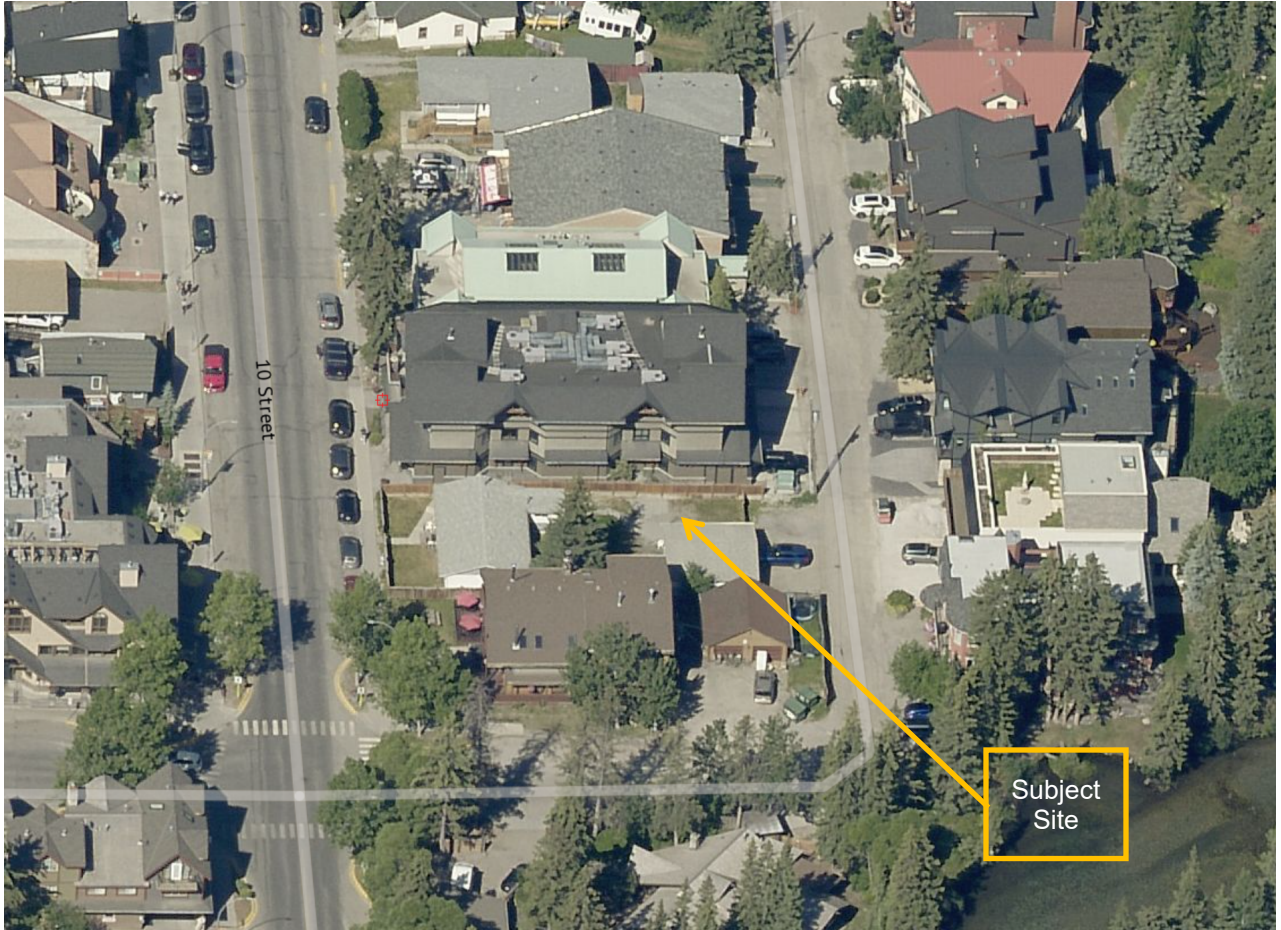
Aerial Photo of subject site and surrounding area looking north



Aerial Photo of subject site and surrounding area looking south



Aerial Photo of subject site and surrounding area looking east



Aerial Photo of subject site and surrounding area looking west



Street view looking north from 10th Street



Street view looking West along 10th Street



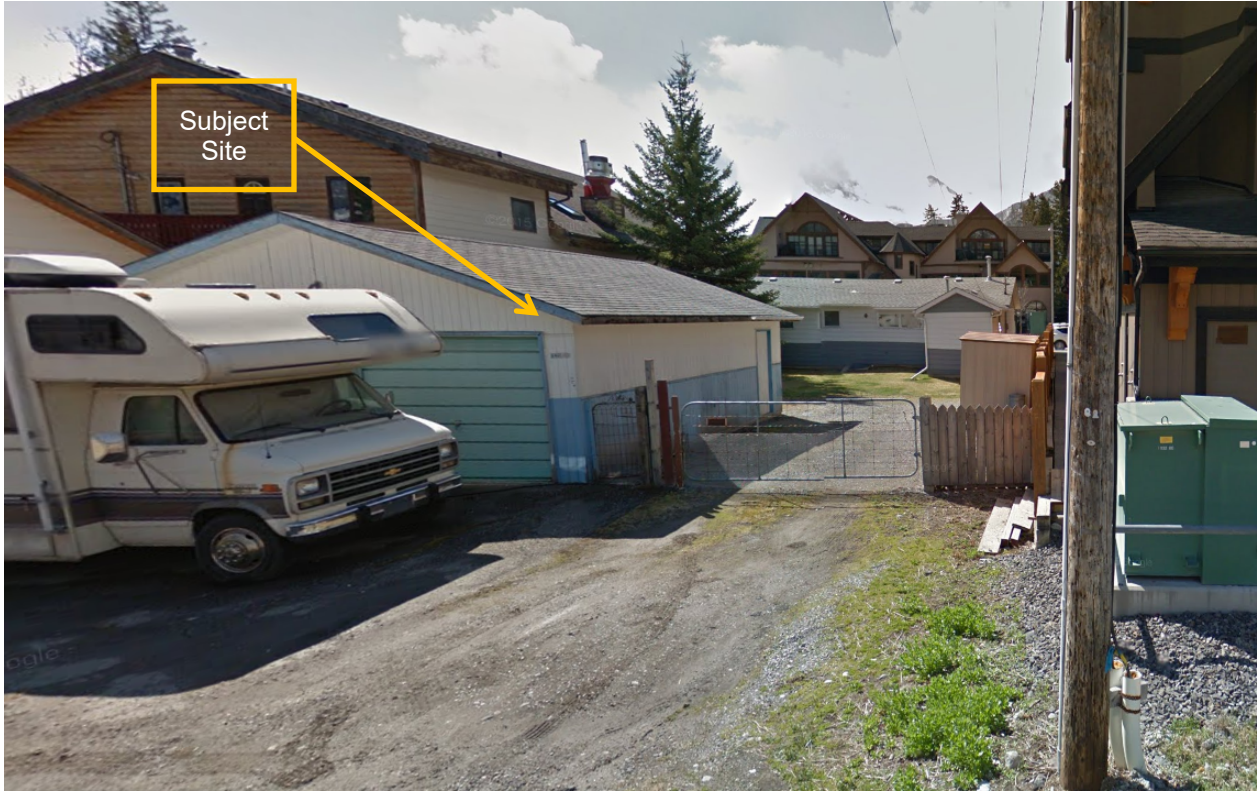
Street view looking East along 10th Street



Street view looking West along Mallard Alley



Street view looking East along Mallard Alley

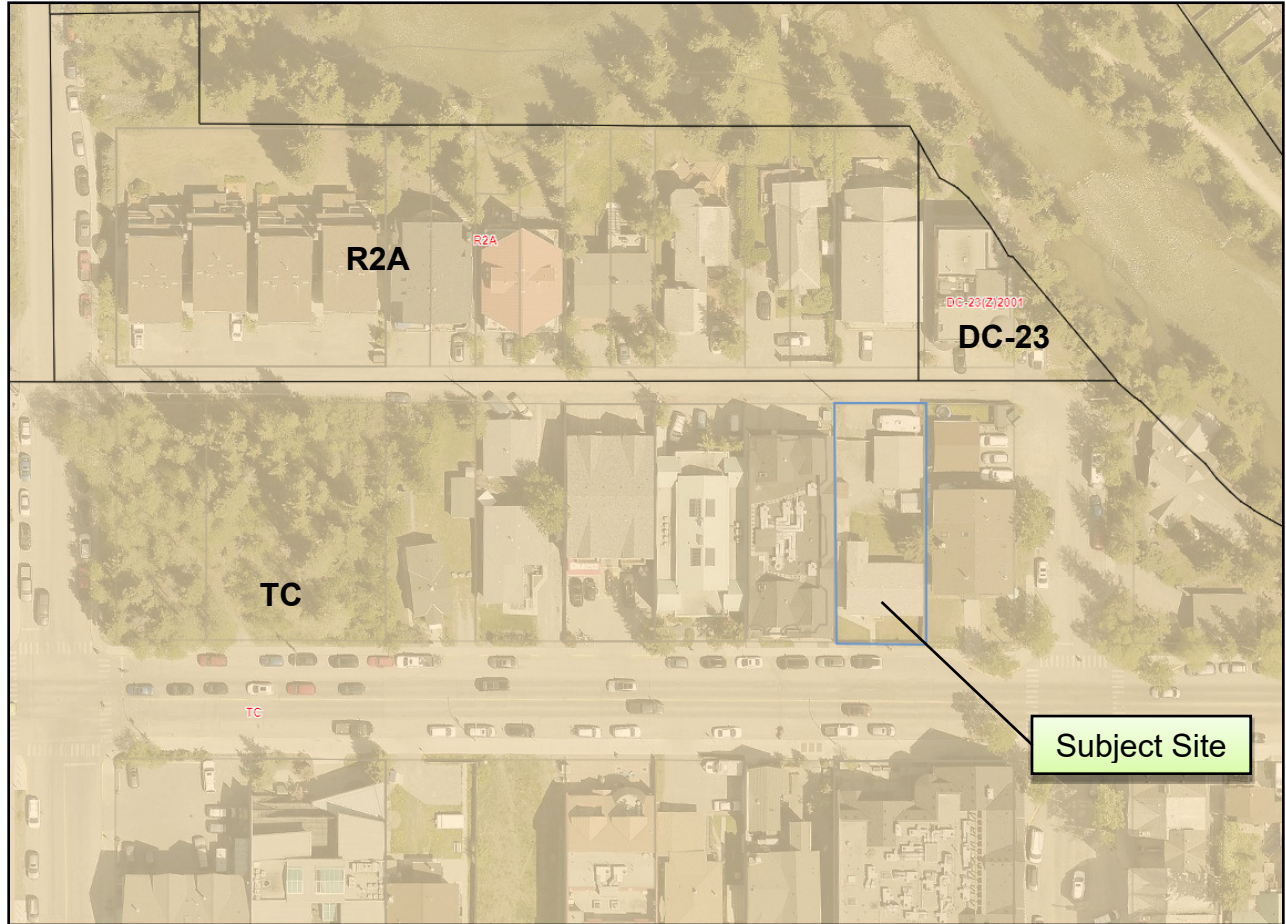


Street view looking south from Mallard Alley



Street view looking south from Mallard Alley

ATTACHMENT 2 – ZONING MAP



TC – Town Centre District
R2A – Residential Low Density District
DC-23 – Mallard Alley Guest House DC District

ATTACHMENT 3 - BYLAW CONFORMANCE REVIEW

REQUIREMENT	BYLAW 2018-22	PROPOSED	VARIANCE
MAX FLOOR AREA RATIO (FAR)	MIN 1.25 / MAX 2.0	1.52	No
FRONT YARD SETBACK	1M-2M AS PER FIGURE 4.1-1	60% OF BUILDING FAÇADE AT 1.0M 40% OF BUILDING FAÇADE AT 2.0M	No
SIDE YARD SETBACK (EAST)	0 M	0 M	No
SIDE YARD SETBACK (WEST)	0 M	0 M	No
REAR YARD SETBACK	CAN BE CONSIDERED DOUBLE FRONTING LOT THEREFORE SETBACK AT DISCRETION OF DEVELOPMENT AUTHORITY	5.4 M PROPOSED AND ACCEPTED DUE TO ADJACENT RESIDENTIAL PROPERTIES	No
MAX BUILDING HEIGHT	11.0 M	11.0 M	No
MAX BUILDING EAVELINE HEIGHT	7.0 M	6.9 M	No
FLOOR AREA ABOVE EAVELINE	FLOOR AREA INCORPORATED IN ROOF STRUCTURE AND STEPPED BACK FROM MAIN BUILDING FACE A MIN OF 70%	BUILDING ABOVE EAVELINE IS STEPPED BACK	NO
SITE COVERAGE	N/A	N/A	N/A
PEDESTRIAN ORIENTED STREETScape	REQUIRED	ACCEPTABLE FOR VISITOR ACCOMMODATION USE DESIGN ELEMENTS INCLUDE: - FAÇADE SCALE AND TREATMENTS - WINDOWS, WALKWAY, FAÇADE SETBACK FROM SIDEWALK - BICYCLE PARKING - BOULEVARD LANDSCAPING	No

REQUIREMENT	BYLAW 2018-22	PROPOSED	VARIANCE
FUNCTIONAL ENTRANCE FACING PUBLIC STREET/SIDEWALK	REQUIRED	PROPOSED WOOD ENTRY FEATURE ACCEPTABLE	No
ABUTTING RESIDENTIAL AREAS MINIMIZE IMPACTS OF: - PARKING - LOADING - GARBAGE STORAGE - SUN SHADOW - LIGHTING - NOISE - BUSINESS HOURS - MECHANICAL EQUIPMENT - BUILDING FAÇADE AND MATERIALS	REQUIRED – RESIDENTIAL AREA LOCATED NORTH OF SUBJECT SITE	<p><u>PARKING</u>: 3 STALLS ACCESSED FROM REAR IS WITHIN LIMIT OF 4; REMAINING STALLS LOCATED IN COVERED PARKING STRUCTURE.</p> <p><u>LOADING</u>: CAN REASONABLY BE ACCOMMODATED BY MANAGING ON-SITE PARKING AND THROUGH ON-STREET PARKING</p> <p><u>GARBAGE</u>: STORAGE WITHIN COVERED PARKING STRUCTURE</p> <p><u>SUN SHADOW</u>: BUILDING AND EAVELINE HEIGHT, AND BUILDING SETBACKS MEET REGULATIONS</p> <p><u>LIGHTING</u>: MEETS REGULATIONS – INCLUDES CUT-OFF EXTERNAL LIGHT FIXTURES</p> <p><u>NOISE</u>: NONE ANTICIPATE OVER THAT FUNDAMENTAL TO THE VISITOR ACCOMMODATION USE I.E. GUESTS COMING AND GOING AND STAYING AT THE SITE.</p> <p><u>BUSINESS HOURS</u>: 24 HOUR BUSINESS HOURS OF OPERATION IS FUNDAMENTAL TO THE VISITOR ACCOMMODATION USE</p> <p><u>MECHANICAL EQUIPMENT</u>: LOCATED INDOORS</p> <p><u>BUILDING FAÇADE AND MATERIALS</u>: FAÇADE DESIGN AND MATERIALS ARE HIGH QUALITY AND MEET DESIGN REQUIREMENTS</p>	No
LANDSCAPING	<p>NO DISTRICT REQUIREMENTS</p> <p>1.5M NON-COMBUSTIBLE LANDSCAPE AREA REQUIRED AROUND BUILDING</p> <p>LANDSCAPING OF COMMERCIAL DEVELOPMENTS ADJACENT RESIDENTIAL DISTRICTS</p>	<p>LANDSCAPING PROVIDED WITHIN 1M FRONT YARD SETBACK AREA AND BOULEVARD AREA BETWEEN FRONT PROPERTY LINE AND SIDEWALK</p> <p>NON-COMBUSTIBLE LANDSCAPE MATERIAL PROVIDED AROUND BUILDING</p> <p>SITE DESIGNED TO MITIGATE IMPACTS ON RESIDENTIAL DISTRICT - NO ADDITIONAL LANDSCAPING REQUIRED</p>	No
PARKING VEHICLE PARKING BICYCLE PARKING	<p>10 UNITS = 10 VEHICLE PARKING STALLS</p> <p>3 LONG TERM BICYCLE STALLS</p> <p>2 SHORT TERM BICYCLE STALLS</p>	<p>10 UNITS = 10 VEHICLE PARKING STALLS</p> <p>4 LONG TERM BICYCLE STALLS</p> <p>4 SHORT TERM BICYCLE STALLS</p>	No
MINIMIZE PARKING ACTIVITY ON PEDESTRIAN ACTIVITY	REQUIRED	PARKING PROVIDED AT REAR OF SITE AND WITHIN A COVERED PARKING STRUCTURE	

REQUIREMENT	BYLAW 2018-22	PROPOSED	VARIANCE
<p>VISITOR ACCOMMODATION Use</p> <p>SPECIFIC REGULATIONS:</p> <ul style="list-style-type: none"> - PROVIDE A CENTRAL MANAGEMENT AND RESERVATION SERVICE - SINGLE ADDRESS FOR MAIL - NOT SERVE AS A RESIDENTIAL ADDRESS - PROVIDE SIGNAGE DESIGNATING THE DEVELOPMENT AS A HOTEL OR SIMILAR VISITOR USE - STREET FACING ENTRANCE <ul style="list-style-type: none"> • CLEARLY MARKED AS PROMINENT POINT OF ACCESS • PUNCTUATES THE STREET AND OFFERS SOME FORM OF SHELTER • IS OBVIOUS AND APPARENT FROM THE STREET • IS NOT SUBORDINATE IN USE OR DESIGN TO ANY OTHER ON-SITE ENTRANCE WAY OR DOORWAY 	<p>REQUIRED</p>	<p>CENTRAL MANAGEMENT AND RESERVATION SERVICE CONFIRMED</p> <p>SINGLE ADDRESS CONFIRMED</p> <p>WILL NOT SERVE AS RESIDENTIAL ADDRESS CONFIRMED</p> <p>SIGNAGE WILL BE PROVIDED UNDER SEPARATE DEVELOPMENT PERMIT APPLICATION (DEVELOPMENT APPROVAL CONDITION)</p> <p>STREET FACING ENTRANCE AND NOTED STANDARDS PROVIDED</p>	<p>No</p>

ATTACHMENT 4 – SUBMITTED PLANS

TENTH ON TENTH



CONSULTANT LIST & DRAWING INDEX

ARCHITECTURAL

CONSULTANT NAME	STREET ADDRESS	TELEPHONE	CONTACT NAME
Systemic Architecture Inc.	4002 Kensington Road NW, Calgary AB T2N 3R7	Ph: 587.315.9001	Partner in Charge
			Project Lead
			Partner in Charge

DP-0.0	DP COVER
DP-1.1	SITE PLAN, SITE DETAILS & PROJECT STATISTICS
DP-1.2	TURNING STUDY IN PARKING AREA
DP-1.3	SITE DETAILS
DP-2.1	FIRST & SECOND FLOOR PLANS
DP-2.2	THIRD FLOOR & LOFT PLANS
DP-2.3	ROOF PLAN
DP-4.1	EXTERIOR ELEVATIONS
DP-4.2	EXTERIOR ELEVATIONS
DP-4.3	EXTERIOR ELEVATIONS
DP-6.1	BUILDING SECTIONS

CIVIL ENGINEERING

CONSULTANT NAME	STREET ADDRESS	TELEPHONE	CONTACT NAME
McElhanney			

C100	SERVICING & GRADING
C300	STORM
C400	DETAILS

ELECTRICAL ENGINEERING

CONSULTANT NAME	STREET ADDRESS	TELEPHONE	CONTACT NAME
EMBE Consulting Engineers Inc.	Suite 204, 110 12th Ave SW, Calgary, AB T2N 0G7	Ph: 403.460.2277	Mohitkumar Bhargava (mohit@embecconsulting.ca)
			Joshua Stark (jstark@embecconsulting.ca)

ES101	ELECTRICAL SITE PLAN
ES102	POINT BY POINT LIGHTING CALCULATION & RENDERINGS

LANDSCAPING

CONSULTANT NAME	STREET ADDRESS	TELEPHONE	CONTACT NAME
L.A. West	467-31st NW, Calgary, AB T2M 2P5	Ph: 403.233.0921	Barry Connelly (barry@lawestinc.ca)

LANDSCAPE PLAN

TENTH STREET ACCOMMODATIONS

PROPOSED VISITOR ACCOMMODATIONS

706, 10th Street, Canmore AB



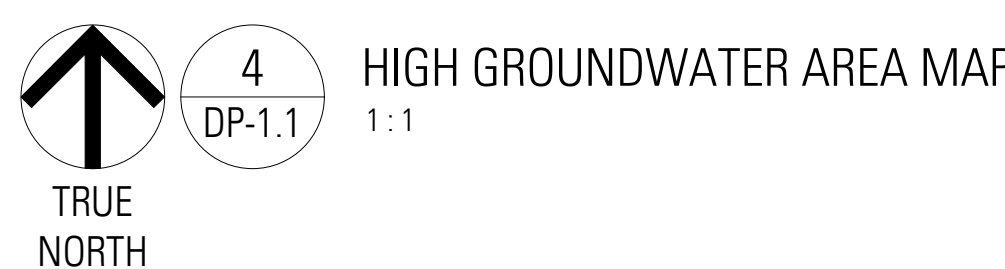
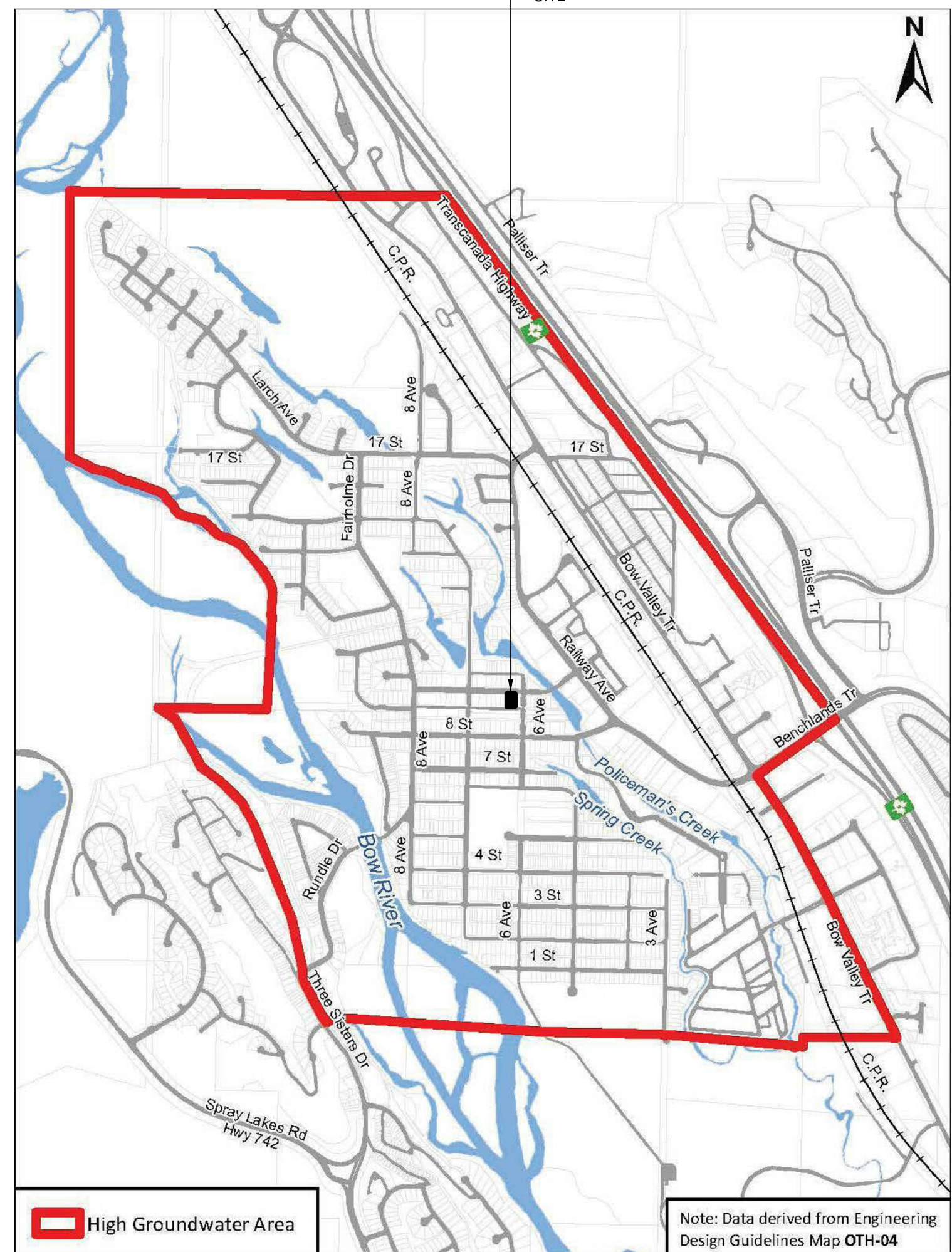
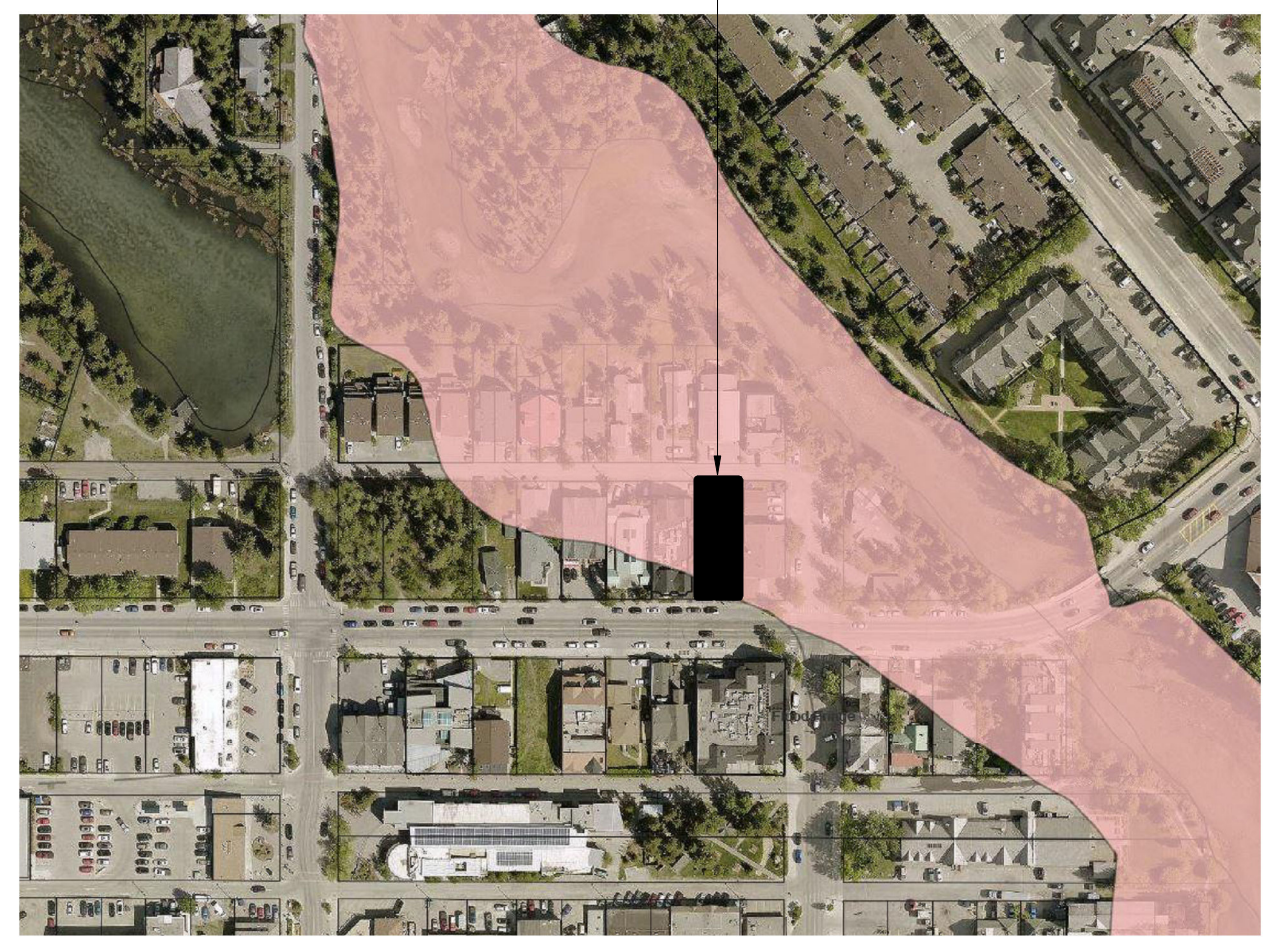
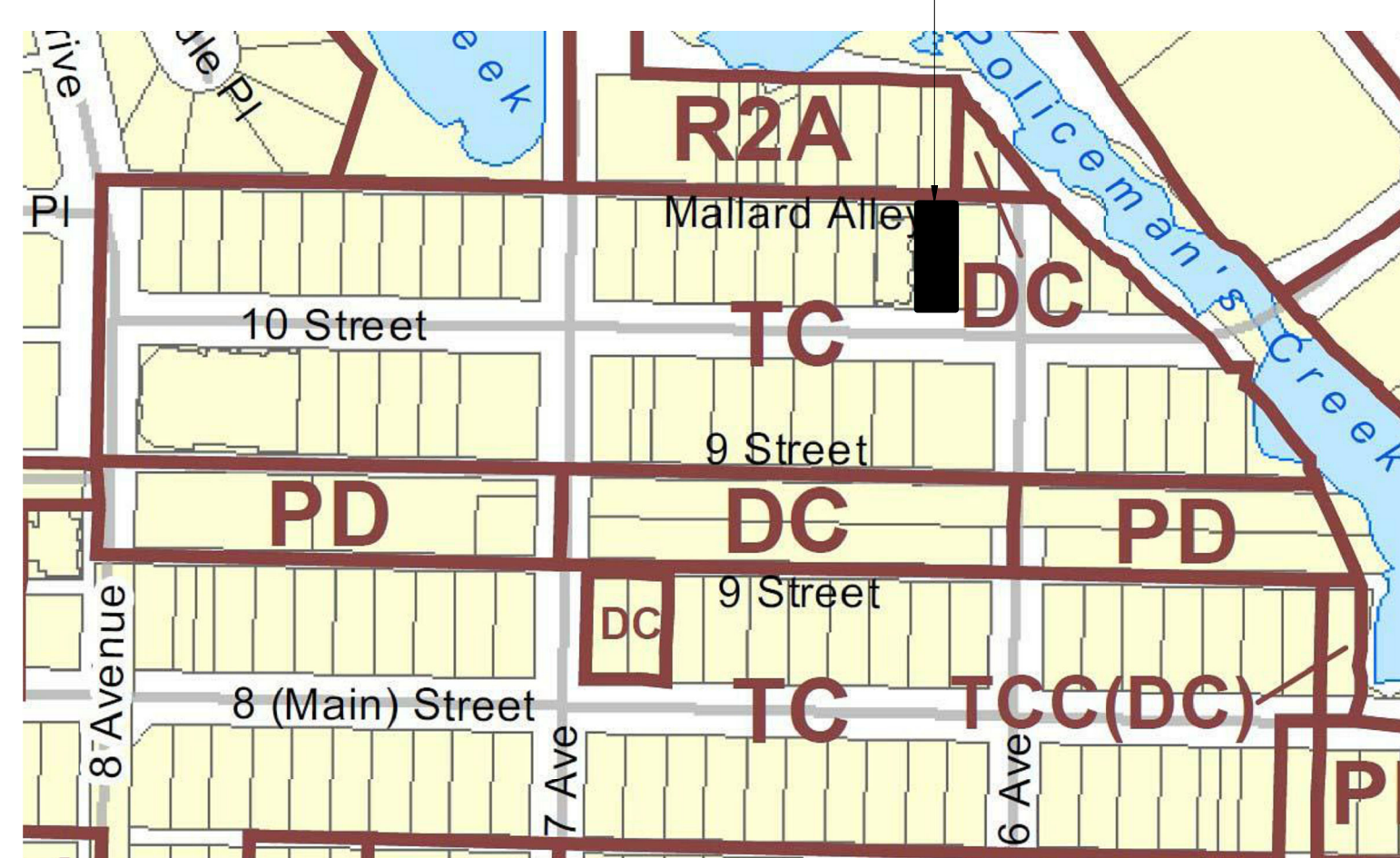
Submitted for: Response to DP Review Comments
September 20, 2022

Note: Images shown herein are artist's representations of proposed project.
Images do not show future interior tenant improvement layouts or tenant signage

Issued For	Date
DEVELOPMENT PERMIT	22-03-24

SYSTEMIC Architecture Inc.
2120 Kensington Street NW
Calgary, Alberta, Canada T2N 3R7
587.315.9001

Project Number	2020-034_LISA
Project City	CANMORE, AB
Site Legal Address	LOT 2, BLOCK 65, PLAN 10997
Site Civic Address	706, 10th STREET
Development Permit	TO BE ASSIGNED
Building Permit	TO BE ASSIGNED



PROJECT STATISTICS

PROJECT DESCRIPTION
 PROPOSED NEW COMMERCIAL / RESIDENTIAL BLDG., 3 LEVELS + LOFT

LEGAL DESCRIPTION
 LOT 2, BLOCK 65, PLAN 1095F

CIVIC ADDRESS
 706 10th STREET, CANMORE AB

LAND USE DESIGNATION
 RELEVANT LAND USE BYLAW: REVISED LAND USE BYLAW 2018-22
 LAND USE DISTRICT: TC - TOWN CENTRE DISTRICT

LAND USE DESCRIPTION

PERMITTED USES:

- VISITOR ACCOMMODATIONS
- APARTMENT BUILDING
- DWELLING UNIT ABOVE THE GROUND FLOOR

DISCRETIONARY USES:

- TOURIST HOME

SITE ANALYSIS

SITE AREA	612.0 m ² (0.15 Acres)
PROPOSED NUMBER OF BUILDINGS	2
BUILDING GROSS FLOOR AREA	932.7 m ² 10040 ft ²
MAX. FLOOR AREA RATIO PERMITTED	2.0
MIN. FLOOR AREA RATIO PERMITTED	1.25
PROPOSED PROJECT F.A.R. (G.F.A. / SITE AREA)	1.52 (932.7 m ² / 612.0m ²)
YARD SETBACKS	
NORTH	5.4 m (10A Street)
SOUTH	1.0 m (10th Street)
EAST	0.0 m (Adjacent Property)
WEST	0.0 m (Adjacent Property)

Flood Fringe Area and Overland Flow Area Regulations
 7.2.3.1 The uses listed in the applicable Land Use District for the site shall be allowed.
 7.2.3.3 All electrical, heating, air conditioning and other mechanical equipment shall be located at or above the design flood level.
 7.2.3.4 All buildings shall be designed and constructed with the ground floor elevation at or above the design flood level.

High Ground Water Area Regulations
 7.3.1.4 All buildings shall be designed and constructed with the ground floor elevation at or above the design groundwater flood elevation.

BUILDING ANALYSIS

NUMBER OF STOREYS	3 + LOFT	
BUILDING NORTH GROSS FLOOR AREA*		
SECOND FLOOR NORTH	204.0 m ²	2196 ft ²
THIRD FLOOR NORTH	204.1 m ²	2197 ft ²
LOFT NORTH	39.3 m ²	424 ft ²
LOFT SOUTH	447.5 m ²	4816 ft ²
BUILDING SOUTH GROSS FLOOR AREA*		
MAIN FLOOR SOUTH	143.5 m ²	1544 ft ²
SECOND FLOOR SOUTH	168.5 m ²	1814 ft ²
THIRD FLOOR SOUTH	139.8 m ²	1504 ft ²
LOFT SOUTH	33.6 m ²	361 ft ²
LOFT SOUTH	485.3 m ²	5223 ft ²

* GROSS FLOOR AREA (GFA) means the sum of the areas of all floors of a building measured to the outermost surface of the exterior walls, and includes all floors totally or partially above the finished ground surface, but excluding mechanical equipment areas, garbage storage areas and areas dedicated to the parking of motor vehicles.

UNIT ANALYSIS

BUILDING NORTH (4 UNITS) GFA		
UNIT 203	101.7 m ²	1095 ft ²
UNIT 204	102.3 m ²	1101 ft ²
UNIT 303	79.7 m ²	858 ft ²
UNIT 303 LOFT	21.5 m ²	231 ft ²
UNIT 304	88.9 m ²	934 ft ²
UNIT 304 LOFT	17.8 m ²	192 ft ²
BUILDING SOUTH (6 UNITS) GFA		
UNIT 101	65.1 m ²	700 ft ²
UNIT 102	69.5 m ²	748 ft ²
UNIT 201	82.2 m ²	885 ft ²
UNIT 202	85.8 m ²	924 ft ²
UNIT 301	55.5 m ²	597 ft ²
UNIT 301 LOFT	16.5 m ²	178 ft ²
UNIT 302	55.4 m ²	596 ft ²
UNIT 302 LOFT	16.6 m ²	179 ft ²

* UNIT AREAS: The sum of the areas of all habitable spaces of a building measured to the outermost surface of the exterior walls

VEHICLE PARKING ANALYSIS

PARKING REQUIREMENTS

Automobile Parking Design Standards (From EDGC 2020, Section 7: Transportation Systems)

7.8 Off-Street Parking

- Parking stalls abutting a physical barrier shall be a minimum width of 3.1m.
- Table 7-7 Design Standards for Parking Areas (Dwelling Units)
- Stall width = 2.5m (90° Parking Angle)
- Stall depth = 5.4m (Perpendicular to Aisles)
- Aisle width = 7.2m

General Regulations (02 General Regulations, Section 2.7 Parking and Loading Requirements)

- 2.7.1.4 - Where the calculation of the required number of automobile parking stalls results in a fractional number, the requirements shall be rounded down to the nearest full stall.
- 2.7.3 - It is the position of this application that a loading stall is not required as loading can reasonably take place without a dedicated stall on-site.
- 2.7.5.2 - Parking stalls for disabled persons shall be provided in accordance with the requirements of the Alberta Building Code 2019, which requires 1 designated stall for use by Persons with Disabilities (see A.B.C. Table 3.8.2.2).

Table 2.7.2 - Parking Stall Requirements for Non-Residential Visitor Accommodations
 1.0 stalls per unit

PARKING PROVIDED

- Visitor Accommodation Stalls
 10 stalls (10 units x 1.0 stalls per unit)
 10 stalls required
- 10 STALLS REQUIRED
 10 STALLS PROVIDED

BICYCLE PARKING ANALYSIS

PARKING REQUIREMENTS

Landscape Design Standards (From EDGC 2020, Section 10: Landscape Design Guidelines)

Table 10-9 Public Space Furniture

- Bike Rack Specification: Custom Park & Leisure Ltd - Model# Series B or approved equivalent.

General Regulations (02 General Regulations, Section 2.7 Parking and Loading Requirements)

Table 2.7.2 - Parking Stall Requirements for Non-Residential Visitor Accommodations
 0.15 stalls per unit (short-term)
 0.3 stalls per unit (long term)

PARKING PROVIDED

- Visitor Accommodation Stalls (10 units x 0.15 stalls per unit)
 1.5 short term stalls required
- (10 units x 0.3 stalls per unit)
 3.0 long term stalls required
- Short Term Bicycle Stalls* = 1.5
 2 SHORT TERM STALLS REQUIRED / 4 PROVIDED
- Long Term Bicycle Stalls** = 3.0
 3 LONG TERM STALLS REQUIRED / 3+ PROVIDED

* SHORT TERM: simple bicycle racks located near building entrances with a design focus on convenience, utility, and security.

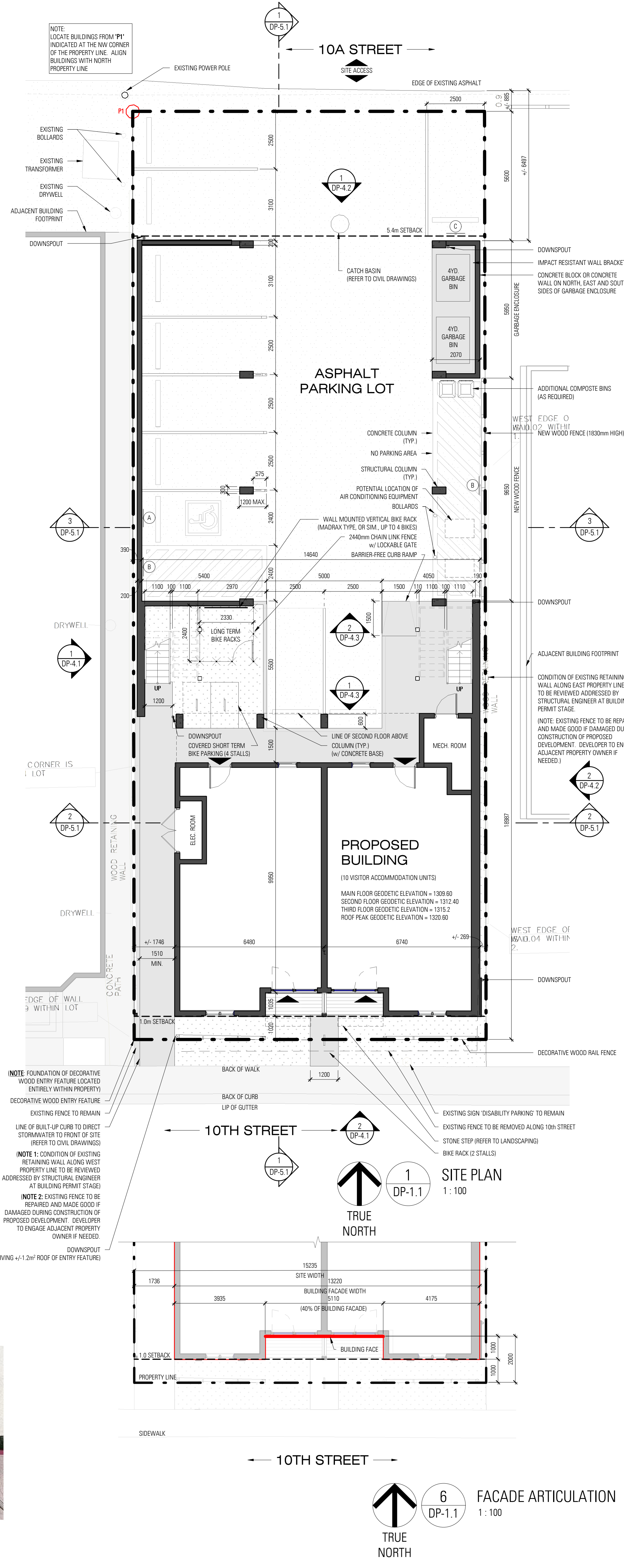
** LONG TERM: means a variety of facility types and site plan layouts, and includes but is not limited to garages, storage rooms, covered bicycle parking, and lockers located either indoors or outdoors. These facilities are to be located in low pedestrian traffic areas with site design focused on ensuring the safety of users while maintaining high security with preference for exclusive access to these areas. (SEE 5/DP-1.1 FOR AN EXAMPLE OF HOW THIS CAN BE ACCOMPLISHED WITHIN EACH UNIT)

VISITOR ACCOMMODATION

USE SPECIFIC REGULATIONS

General Regulations (08 Use Specific Regulations, Section 8.5 Visitor Accommodation)

- Provide a central management and reservation service
- Have single address for mail (not individual units)
- Not serve as a residential address for utility billing(...)
- Provide signage designating the development as a hotel(...)
- Street facing entrance that:
 1. is clearly marked as a prominent point of access into buildings;
 2. punctuates the street and offers some form of shelter;
 3. is obvious and apparent from the street; and
 4. is not subordinate in use or design to any other on-site entrance (...)



DISCLAIMER

All drawings, designs, and information herein remain the property of Systemic Architecture Inc. and may not be reproduced or retransmitted without express written consent.
 • All dimensions are in millimeters.
 • All drawings are not to be scaled.
 • Drawings are not to be used for any other purpose.
 • This drawing supersedes previous issues.

ARCHITECT'S SEAL

PRELIMINARY NOT FOR CONSTRUCTION

SITE PLAN NOTES

APPLIES TO THIS SHEET ONLY

- PROPOSED CONCRETE AREA (ENSURE ADEQUATE SLOPE AWAY FROM BUILDING TO SHEET WATER)
- EXISTING CONCRETE AREA
- ASPHALT PAVED AREA
- LANDSCAPED AREA (REFER TO LANDSCAPE DRAWINGS)
- PRIVATE PATIO / BALCONY AT GRADE

PAINTED LINE NOTES

- All areas shown as Painted Lines to be 100mm wide lines with 250mm gaps in between.
- All painted lines to be white in color, heavy duty paint suitable for application to asphalt surfaces.

SIGNAGE LEGEND

TYPE DESCRIPTION

- (A) RESERVED PARKING - BARRIER FREE STALL
- (B) NO PARKING
- (C) SMALL CAR ONLY

SIGNAGE CONSTRUCTION NOTES

- All signs shown on site plan to be constructed as follows:
 • All signs, totems and letters to be galvanized.
 • For signs to have content on single face only, U.L.D.
 • For signs to be natural aluminum finish, clear coated.
 • For signs located in soft landscape areas, provide 300mm diameter 300mm deep precast concrete pile base.
 • For signs located atop sidewalks, provide galvanized steel base plate & sleeve bolted directly to concrete surface. Ensure base plate is popped from concrete surface in a manner that does not trap or dam water under the plate.
 • Sign types A/B to be standard Province of Alberta traffic sign, aluminum sign face, weather protected on all surfaces. Provide 2100mm tall, 48mm diameter galvanized steel pipe sign post.
 • Sign type C to be 200mm wide x 300mm tall aluminum sign face, weather protected on all surfaces. Exact colour, font and text dimensions to be confirmed by architect. Provide 1525mm tall, impactable aluminum pipe sign post.

FENCING, RETAINING WALL AND LIFTING NOTES

- Exposed upstands less than 150mm tall to be sack rub finish U.O.D. Remove fins and fill honeycombs as part of sack rub process.
- Exposed upstands greater than 150mm at SW corner of site to be board form concrete as indicated on elevation drawings. Contractor to use 4" boards and leave board profile in released concrete face.
- Fence substrate to provide engineered shop drawings describing all connection points, embed plates and details prior to concrete wall casting.
- Tops of all Allan Block walls to include 2% slope on all horizontal top surfaces, directed away from building and towards nearest soft landscape area. Provide drip edge within wall casting on downward side of this surface.

PAINTED LINE NOTES

- All areas shown as Painted Lines (including parking stall lines) to be 100mm wide lines with 250mm gaps in between.
- All painted lines to be white in color, heavy duty paint suitable for application to asphalt surfaces.

SITE GRADING

- Parking lot to be sloped a minimum of 1% up to a maximum of 3% with the curb-out drives sloping up to a maximum of 6%.
- All pavements (both asphalt and concrete) adjacent to the building shall slope away from the building a minimum of 1% to ensure proper drainage.
- Refer to civil engineering drawings for proposed grading design.

3 RESPONSE TO DP REVIEW COMMENTS [22-07-22]
 2 RESPONSE TO DP REVIEW COMMENTS [22-06-24]
 1 DEVELOPMENT PERMIT [22-03-24]
 No Description [22-03-24] (NY-MM-DD)

ISSUED FOR / REVISIONS

Architect	DR
Project Lead	TLA
Drawn By	TLA
Scale	As Indicated
Project Number	2022-024_TSA
Site Civic	706, 10th STREET
Site Legal	LOT 2, BLOCK 65, PLAN 1095F
Development Permit	TO BE ASSIGNED
Building Permit	TO BE ASSIGNED
Project Name	

TENTH STREET ACCOMMODATIONS

STATISTICS

Architect: Systemic Architecture Inc.
 203 - 2120 Kensington Road
 Calgary, Alberta, Canada T2N 3P7
 587.315.9001

DP-1.1

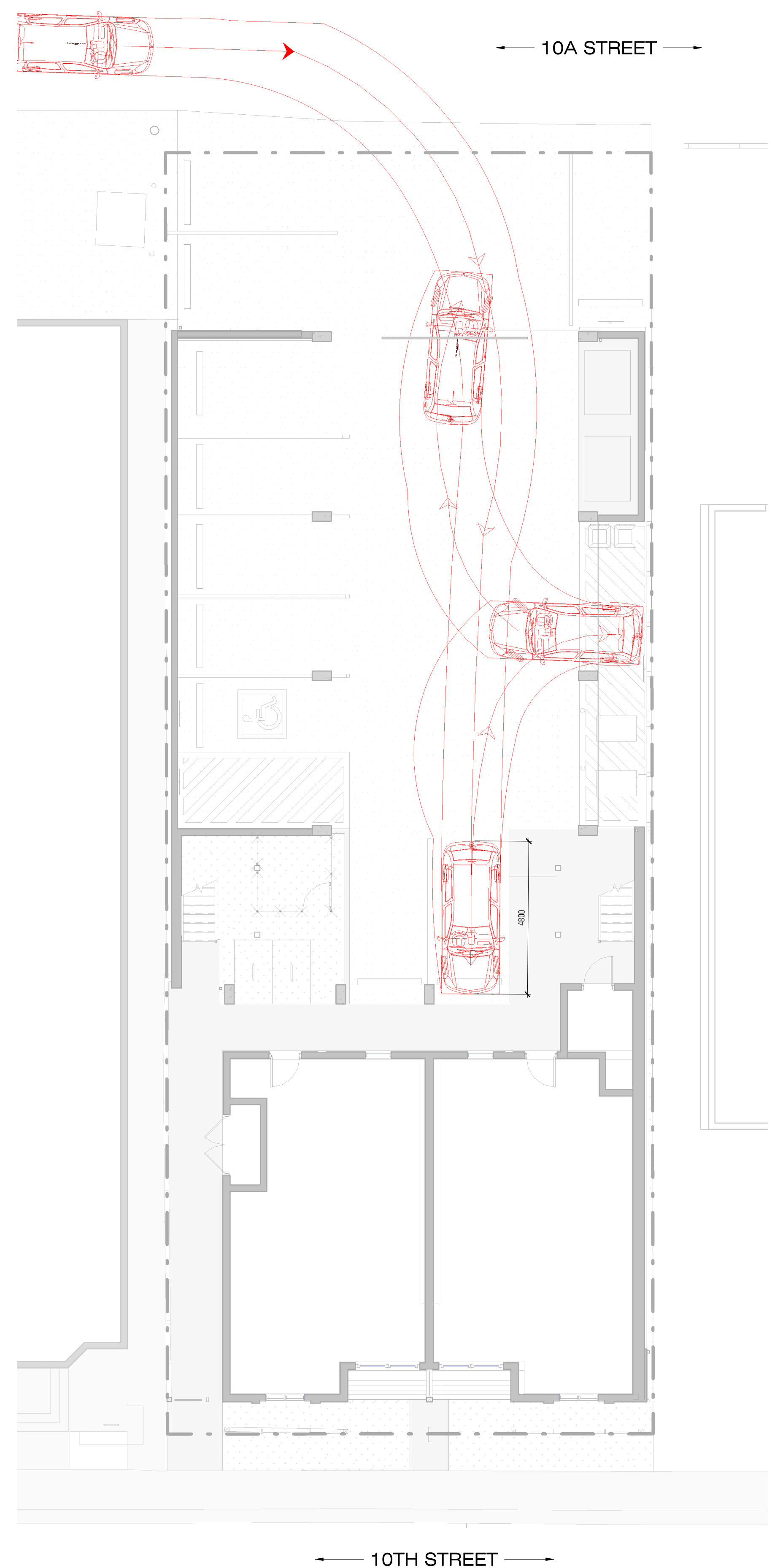
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DISCLAIMER

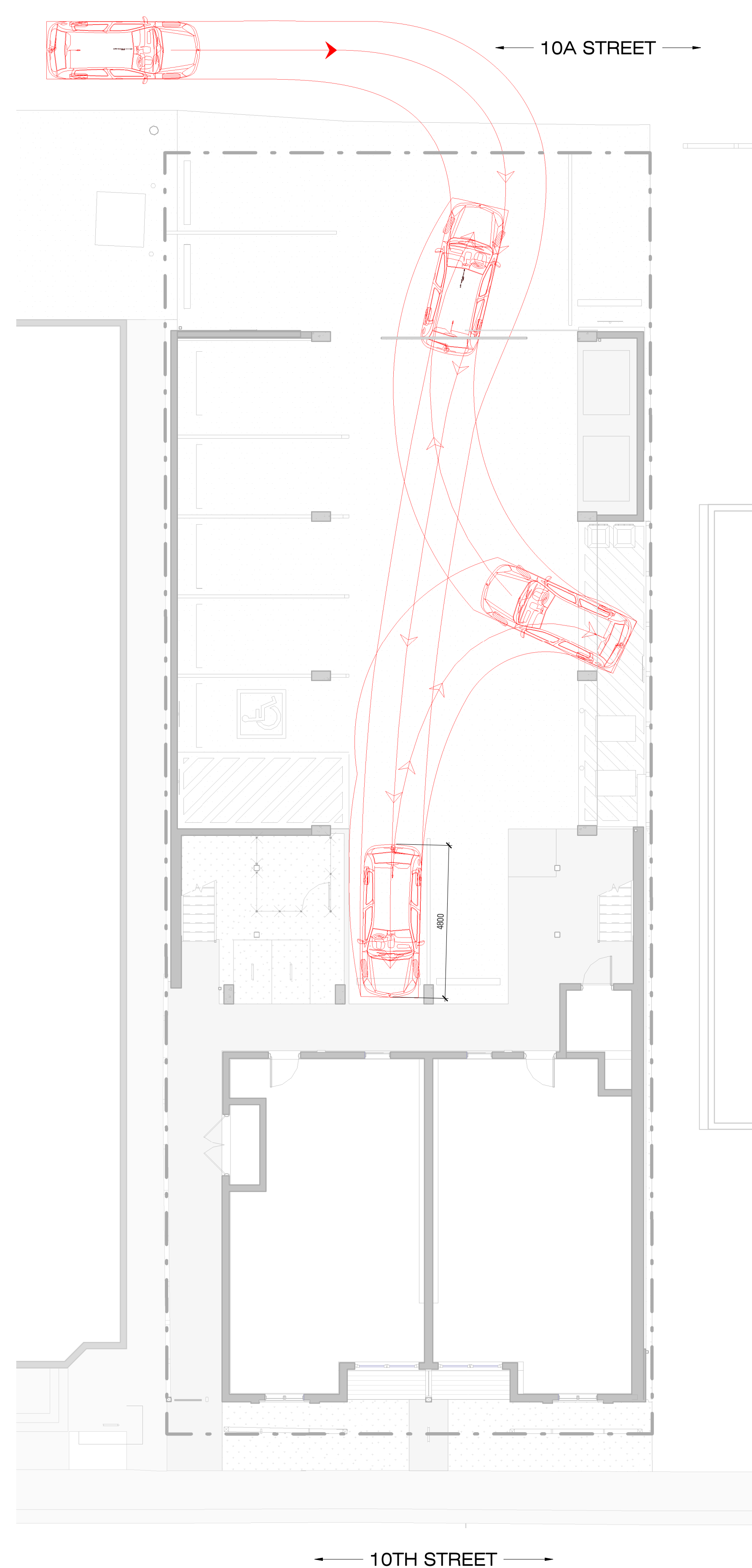
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- This drawing supersedes previous issues.

ARCHITECT'S SEAL

**PRELIMINARY
NOT FOR CONSTRUCTION**



2 CAR TURNING DIAGRAM
DP-1.2 1:100



1 CAR TURNING DIAGRAM
DP-1.2 1:100

1	DEVELOPMENT PERMIT	22-03-24
No.	Description	Date
		(YY-MM-DD)

ISSUED FOR / REVISIONS

Architect	OR
Project Lead	TJA
Drawn By	TJA
Scale	1:100
Project Number	2020-034_TSA
Site Civic	706, 10th STREET
Site Legal	LOT 2, BLOCK 65, PLAN 1095F
Development Permit	TO BE ASSIGNED
Building Permit	TO BE ASSIGNED

Project Name
**TENTH STREET
ACCOMMODATIONS**
CANNORE, AB
Drawing Title
**TURNING STUDY IN
PARKING AREA**

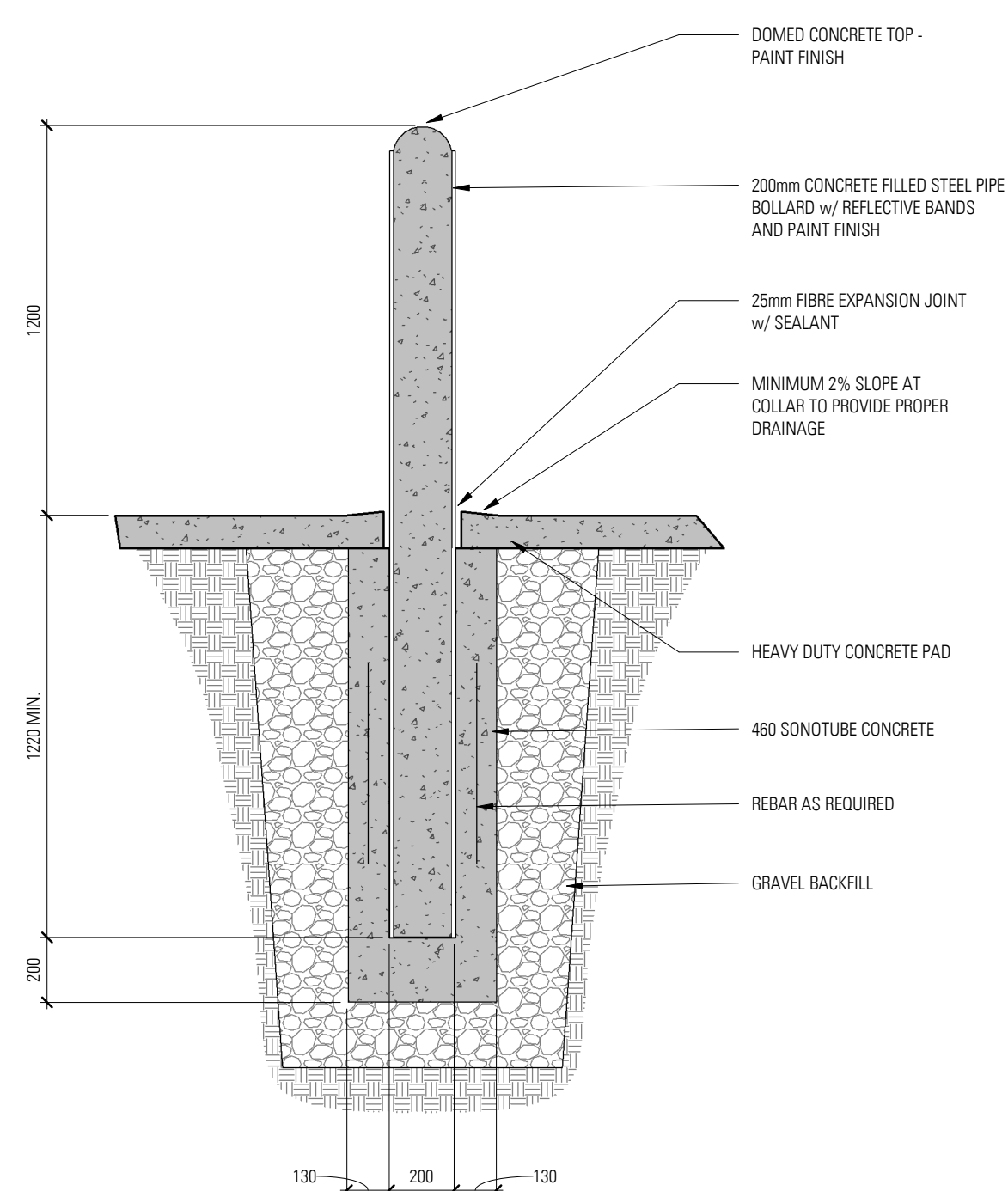
SYSTEMIC Architecture Inc.
203 - 2120 Kensington Road
Calgary, Alberta, Canada T2N 3R7
587.315.9001

Drawing
DP-1.2

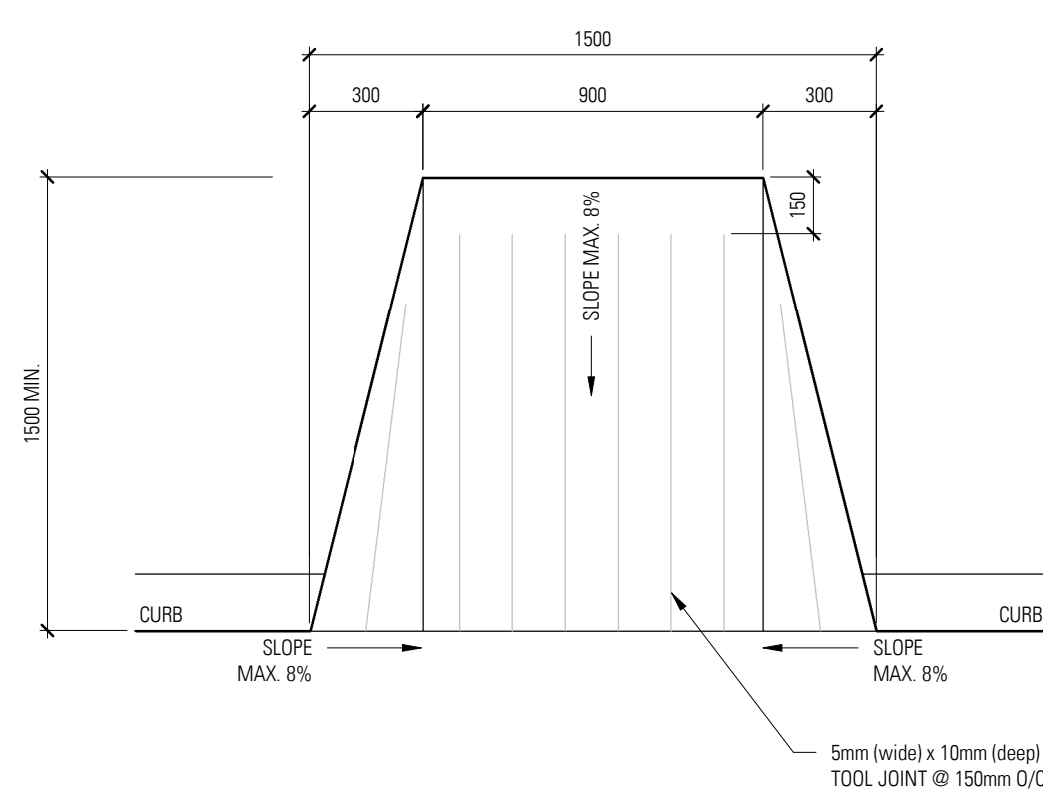
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ARCHITECT'S SEAL

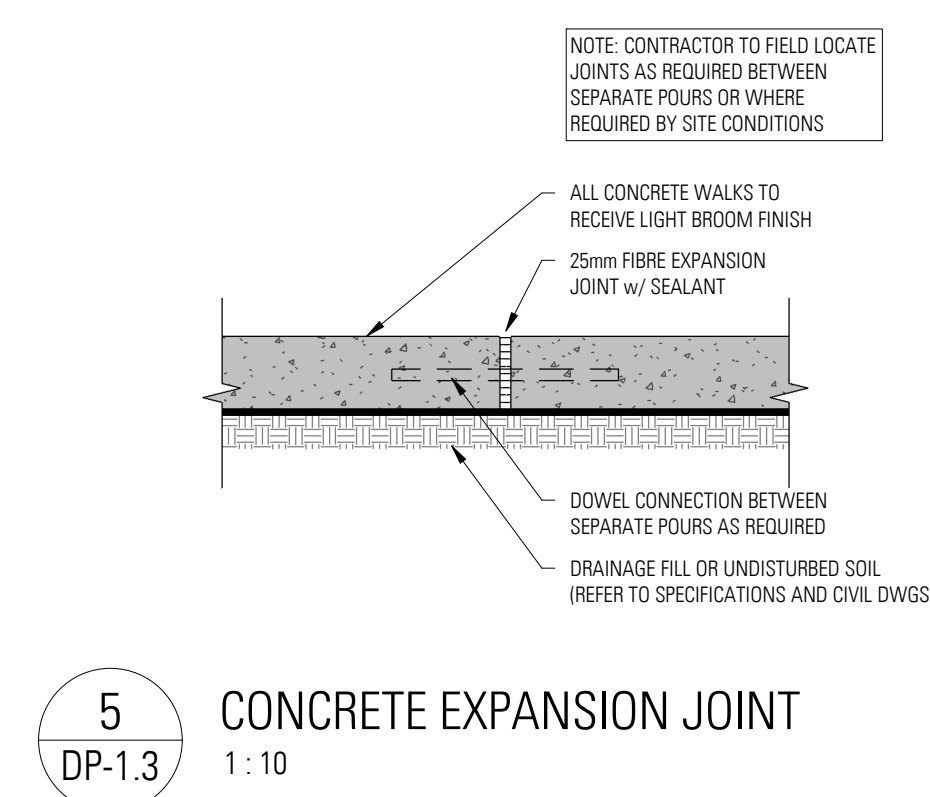
**PRELIMINARY
NOT FOR CONSTRUCTION**



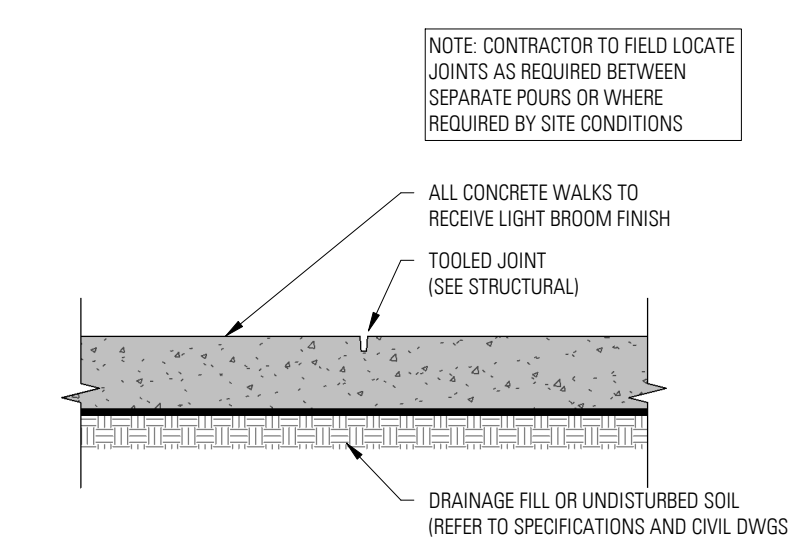
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DP-1.3 **BOLLARD DETAIL**
1: 20



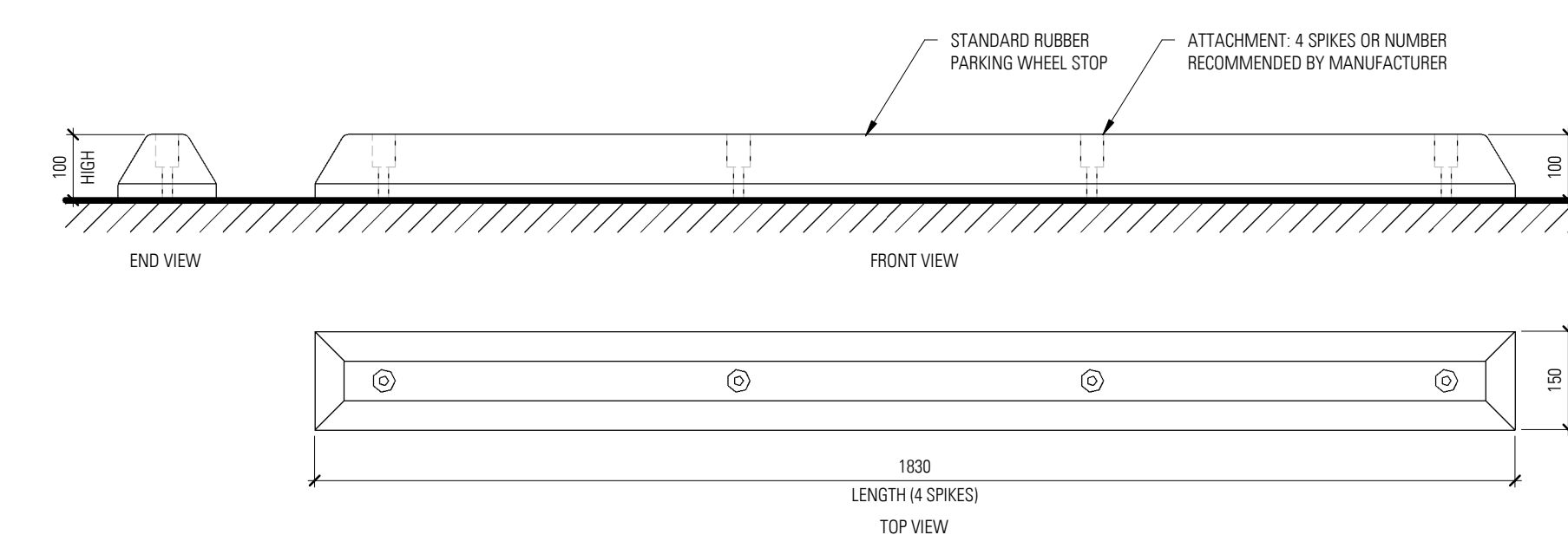
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DP-1.3 **BARRIER FREE RAMP**
1: 20



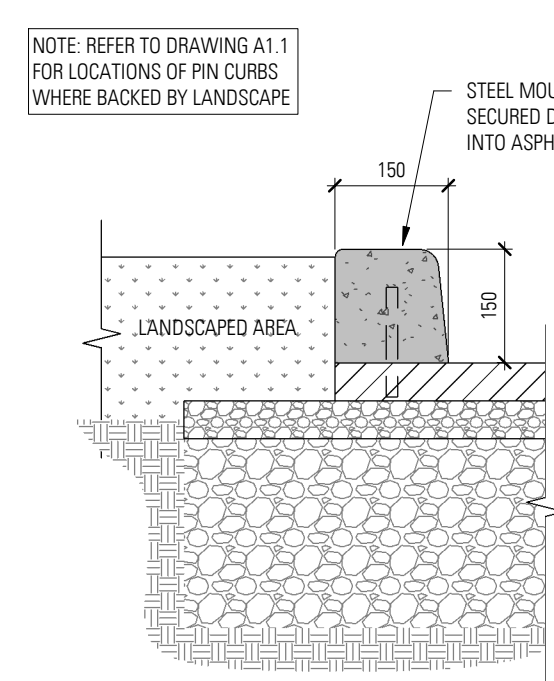
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DP-1.3 **CONCRETE EXPANSION JOINT**
1: 10



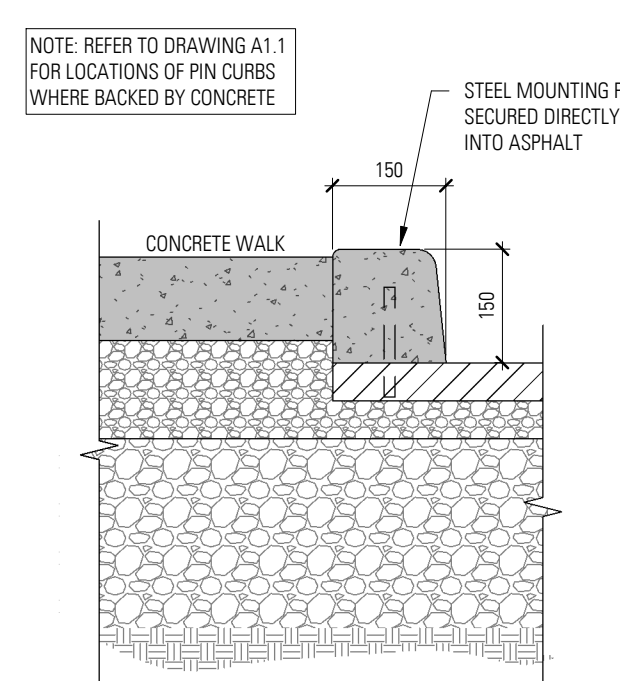
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DP-1.3 **TYPICAL CONCRETE CONTROL JOINT**
1: 10



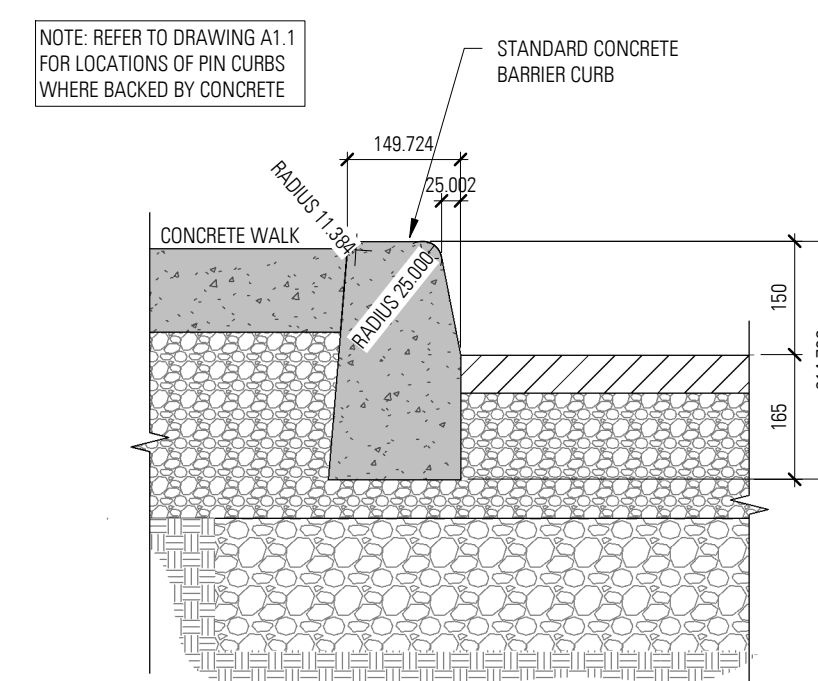
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DP-1.3 **TYPICAL RUBBER WHEEL STOP**
1: 10



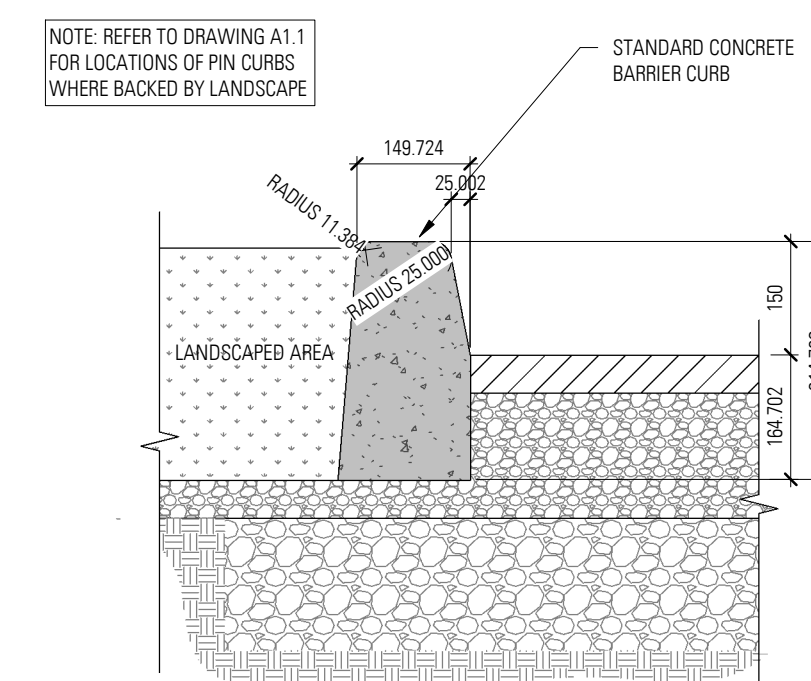
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DP-1.3 **PIN CURB DETAIL A BORDERING LANDSCAPE**
1: 10



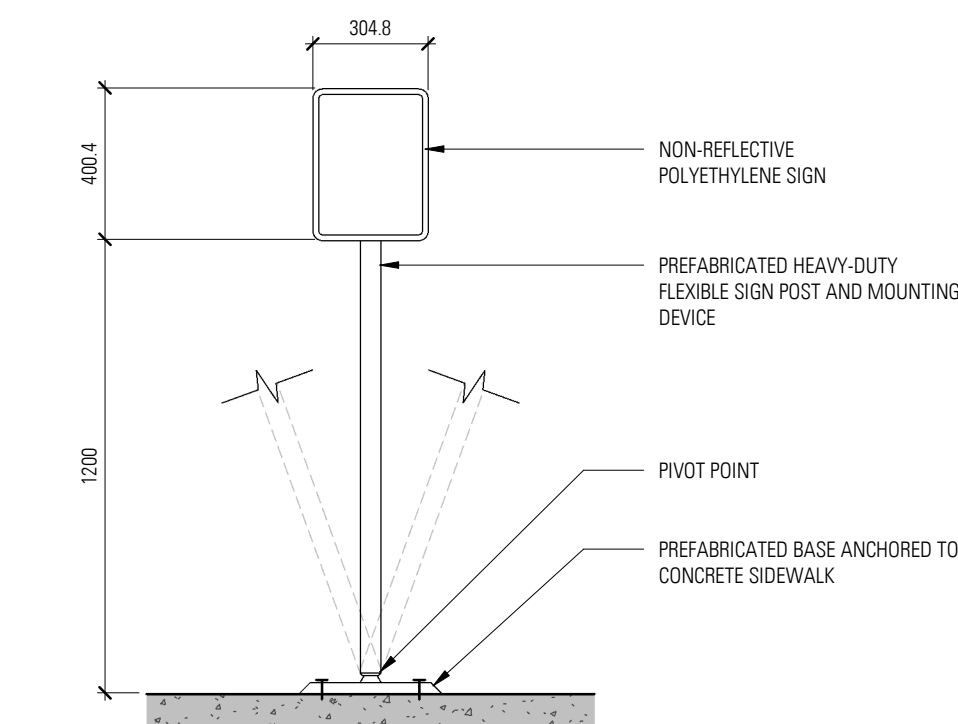
9
DP-1.3 **PIN CURB DETAIL B BORDERING CONCRETE**
1: 10



8
DP-1.3 **BARRIER CURB DETAIL B BORDERING CONCRETE**
1: 10



7
DP-1.3 **BARRIER CURB DETAIL A BORDERING LANDSCAPE**
1: 10



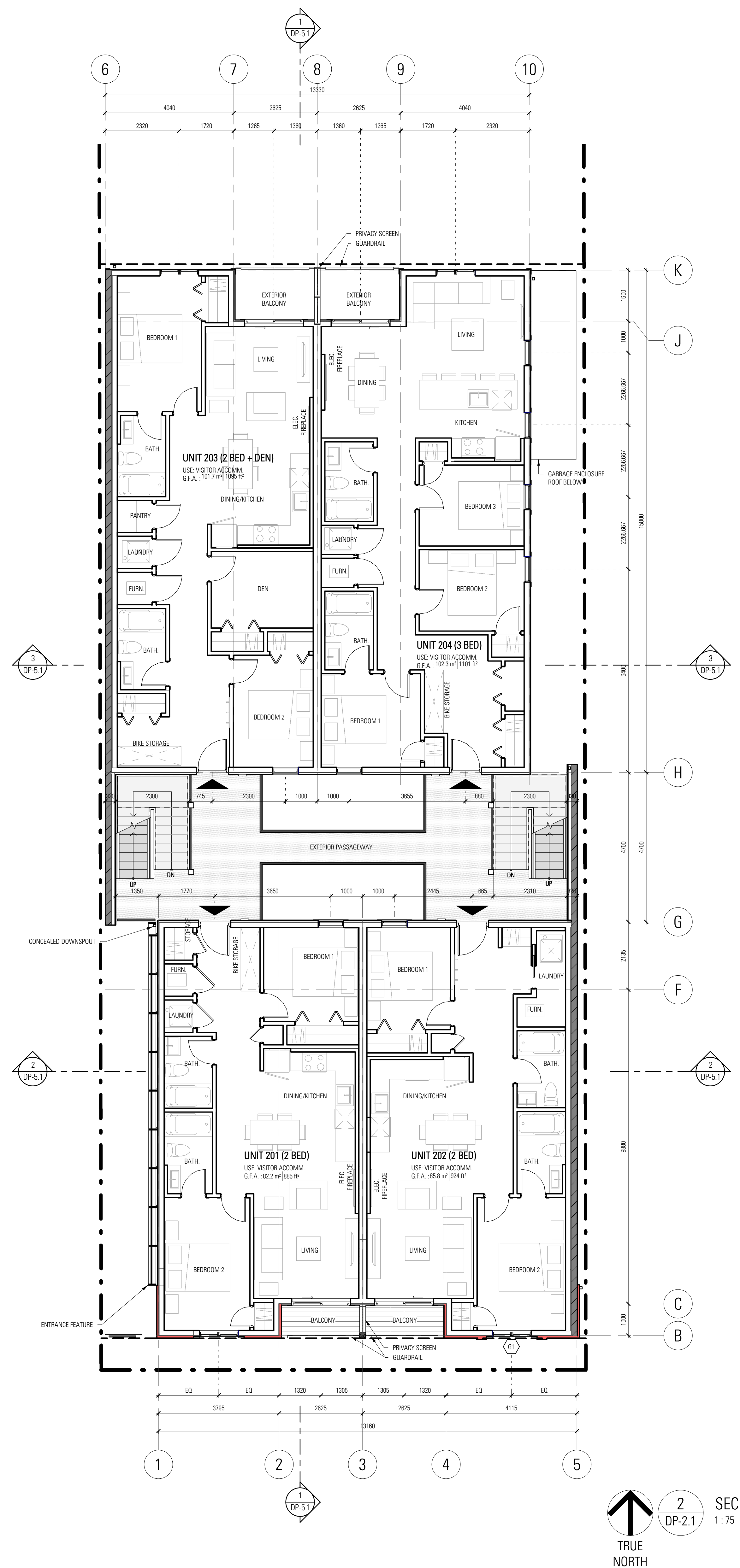
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DP-1.3 **SITE SIGNAGE DETAIL**
1: 20

1	DEVELOPMENT PERMIT	22-03-24
No.	Description	Issue (YY-MM-DD)

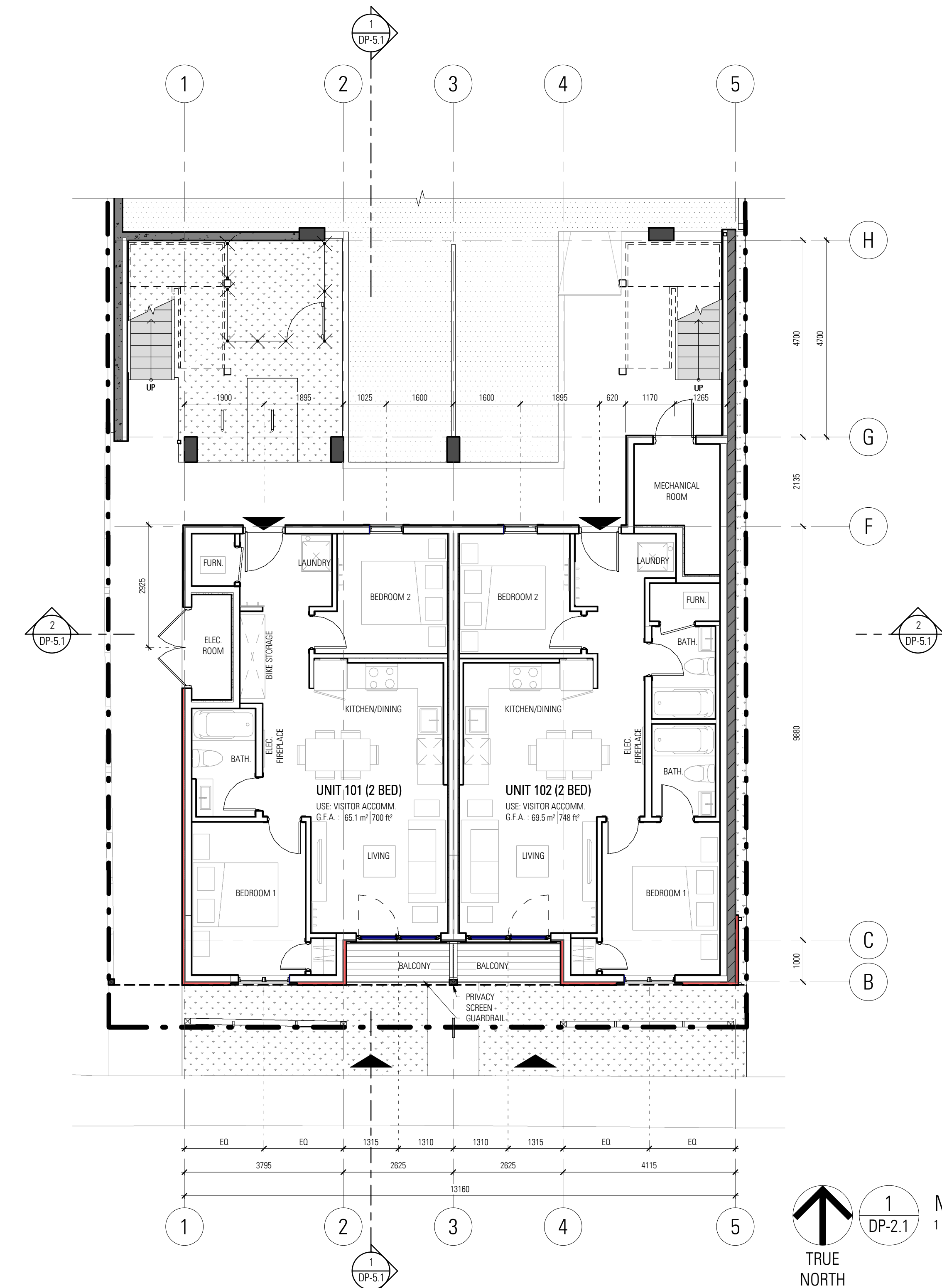
ISSUED FOR / REVISIONS	
Architect	OR
Project Lead	TJA
Drawn By	TJA
Scale	As Indicated
Project Number	2020-034_TSA
Site Civic	706, 10th STREET
Site Legal	LOT 2, BLOCK 65, PLAN 10595
Development Permit	TO BE ASSIGNED
Building Permit	TO BE ASSIGNED
Project Name	TENTH STREET ACCOMMODATIONS
Drawing Title	SITE DETAILS
	CANMORE, AB

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 203 - 2120 Kensington Road
 Calgary, Alberta, Canada T2N 3R7
 587.315.9001

Architect's Seal
DP-1.3



2 DP-2.1
SECOND FLOOR PLAN
 1:75



1 DP-2.1
TRUE NORTH
MAIN FLOOR PLAN
 1:75

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ARCHITECT'S SEAL
PRELIMINARY
NOT FOR CONSTRUCTION

FLOOR PLAN NOTES
 APPLIES TO THIS SHEET ONLY.

1	DEVELOPMENT PERMIT	22-03-24
No.	Description	Issue (YY-MM-DD)

ISSUED FOR / REVISIONS	
Architect	OR
Project Lead	TJA
Drawn By	TJA
Scale	As Indicated
Project Number	2024-03A_TSA
Site Civic	706, 10th STREET
Site Legal	LOT 2, BLOCK 65, PLAN 1095F
Development Permit	TO BE ASSIGNED
Building Permit	TO BE ASSIGNED
Project Name	TENTH STREET ACCOMMODATIONS
Location	CANMORE, AB

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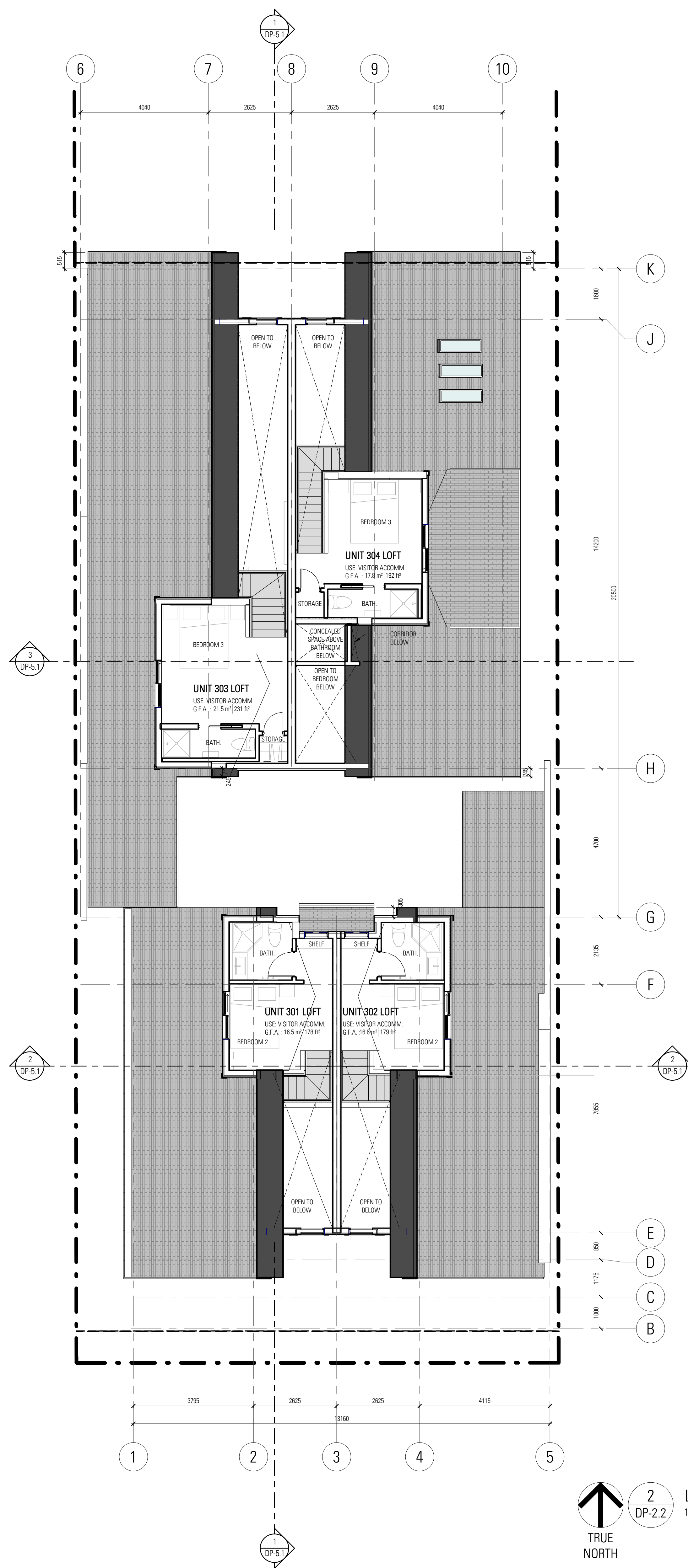
DP-2.1

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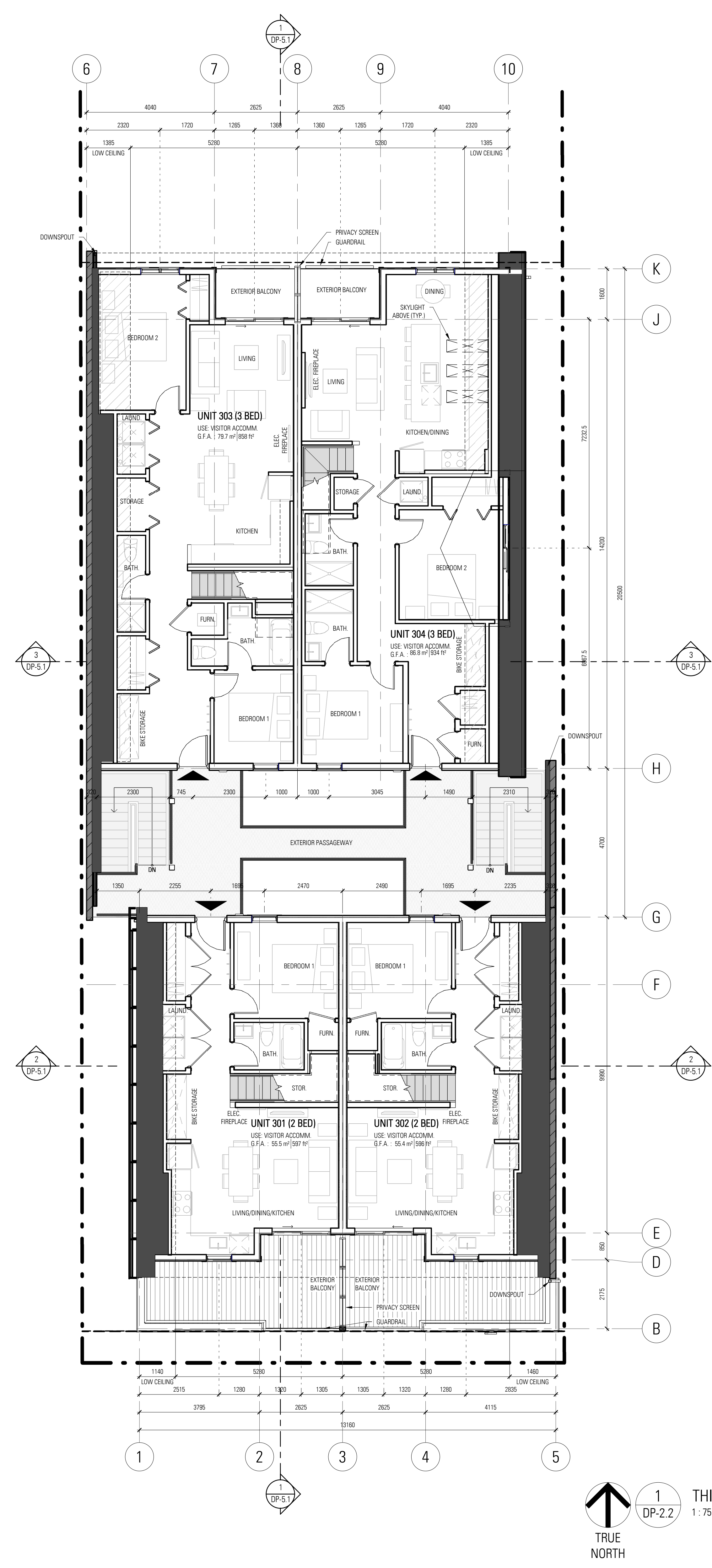
ARCHITECT'S SEAL

**PRELIMINARY
 NOT FOR CONSTRUCTION**

FLOOR PLAN NOTES
 APPLIES TO THIS SHEET ONLY.



2 LOFT FLOOR PLAN
 DP-2.2 1:75
 TRUE NORTH



1 THIRD FLOOR PLAN
 DP-2.2 1:75
 TRUE NORTH

No.	Description	Date
1	DEVELOPMENT PERMIT	22-03-24
2	ISSUE FOR / REVISIONS	22-03-24

Architect	OR
Project Lead	TJA
Drawn By	TJA
Scale	As Indicated
Project Number	2020-03A_TSA
Site Civic	706, 10th STREET
Site Legal	LOT 2, BLOCK 65, PLAN 1095F
Development Permit	TO BE ASSIGNED
Building Permit	TO BE ASSIGNED
Project Name	TENTH STREET ACCOMMODATIONS
Project Location	CANMORE, AB
Drawing Title	THIRD FLOOR & LOFT PLANS

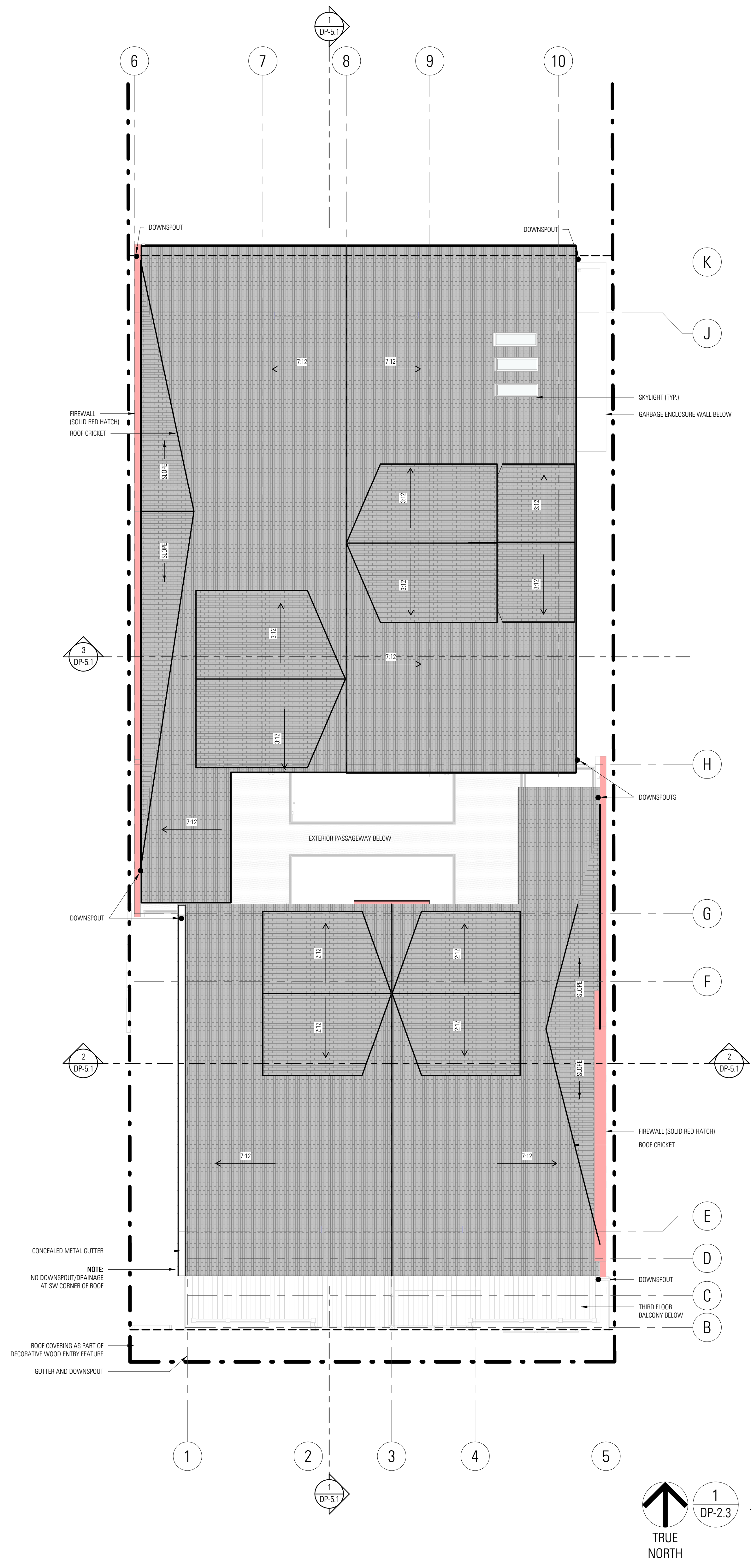
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 Calgary, Alberta, Canada T2N 3R7
 587.315.9001

DP-2.2

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ARCHITECT'S SEAL

**PRELIMINARY
 NOT FOR CONSTRUCTION**



No.	Description	Date
2	RESPONSE TO DP REVIEW COMMENTS (DEVELOPMENT PERMIT)	22-06-24
1		22-03-24

ISSUED FOR / REVISIONS	
Architect	OR
Project Lead	TJA
Drawn By	TJA
Scale	1:75
Project Number	2020-094_TSA
Site Civic	706, 10th STREET
Site Legal	LOT 2, BLOCK 65, PLAN 1095F
Development Permit	TO BE ASSIGNED
Building Permit	TO BE ASSIGNED
Project Name	
TENTH STREET ACCOMMODATIONS	
Architect	CANNORE, AB
Drawing Title	ROOF PLAN

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 587.315.9001

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NOT FOR CONSTRUCTION**

KEYNOTES

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- 1a SAC RUBBED FINISH ON CONCRETE FOUNDATION WALL
- 1b ARCHITECTURALLY DESIGNED CONCRETE FINISH w/ EXPRESSED JOINT LINES AND TE MARKS
- 2a REAL THIN STONE VENER MANUFACTURER K2 STONE TYPE TORINO DRY SQUARES & RECS MORTAR GREY VENER THICKNESS 1 1/4" AROUND WINDOWS (DENOTED BY DIAGONAL HATCH) 3/4" ALL OTHER LOCATIONS
- 2b 50.75mm PRECAST CONCRETE FASCIA PANEL IMPRINTED TO SAME MORTAR BED AS STONE BELOW MANUFACTURER TBD COLOUR GREY
- 3a EXTERIOR TRIM MATERIAL 1X8 WOOD BOARD COLOUR 2 COATS SANSIN SDF AUTUMN GOLD
- 3b EXTERIOR TRIM MATERIAL FIBRE CEMENT TRIM COLOUR MOUNTAIN BASE (HARDEE)
- 4 WINDOW INFILL PANEL MATERIAL WOOD PANEL OR 1/4" VERTICAL WOOD BOARDS COLOUR 2 COATS SANSIN SDF AUTUMN GOLD
- 5a GUARDRAIL POST MATERIAL WOOD COLOUR TO MATCH BALCONY STRUCTURE
- 5b RAIL MATERIAL WOOD COLOUR TO MATCH BALCONY STRUCTURE
- 5c BALUSTER MATERIAL METAL COLOUR BLACK
- 6 EXTERIOR DECORATIVE STRUCTURE MATERIAL WOOD COLOUR 2 COATS SANSIN SDF AUTUMN GOLD (OR SIMILAR)
- 7 STRUCTURAL COLUMN MATERIAL WOOD COLOUR 2 COATS SANSIN SDF AUTUMN GOLD (OR SIMILAR)
- 8 FASCIA MATERIAL 1X8 WOOD BOARD COLOUR 2 COATS SANSIN SDF AUTUMN GOLD
- 9 EXTERIOR GLASS DOOR MANUFACTURER TBD FRAME BLACK
- 10 WINDOW MANUFACTURER TBD FRAME BLACK
- 11 FIBRE CEMENT SHINGLE SIDING COLOUR DARK GREEN
- 12 FIBRE CEMENT LARCHARD SIDING COLOUR LIGHT
- 13 POLYCARBONATE TRANSLUCENT PANEL COLOUR CLEAR
- 14 EXTERIOR DOOR COLOUR DARK GREY
- 15 ROOF SHINGLES COLOUR DARK
- 16 CONCRETE BLOCK COLOUR DARK SURFACE SPLIT FACE
- 17 ROOF GUTTER & DOWNSPOUT MATERIAL METAL COLOUR BLACK
- 18 LIGHT FIXTURE (REFER TO ELECTRICAL DRAWINGS)
- 19 EXTERIOR DOOR MATERIAL FIBREGLASS OR SIMILAR COLOUR GOLD (TO MATCH DEVELOPER SIGNAGE)

FUTURE SIGNAGE

ALL EXTERIOR PROJECT SIGNAGE IS SUBJECT TO SEPARATE DP APPLICATION.

6	RESPONSE TO DP REVIEW COMMENTS	22-09-20
5	RESPONSE TO DP REVIEW COMMENTS	22-08-14
4	RESPONSE TO DP REVIEW COMMENTS	22-08-07
3	RESPONSE TO DP REVIEW COMMENTS	22-06-24
2	DEVELOPMENT PERMIT	22-03-24
1	ISSUE	21-11-01

ISSUED FOR / REVISIONS

Architect	OR
Project Lead	TJA
Drawn By	TJA
Scale	As Indicated
Project Number	2020-034_TSA
Site Civic	706, 10th STREET
Site Legal	LOT 2, BLOCK 65, PLAN 1055F
Development Permit	TO BE ASSIGNED
Building Permit	TO BE ASSIGNED
Project Name	

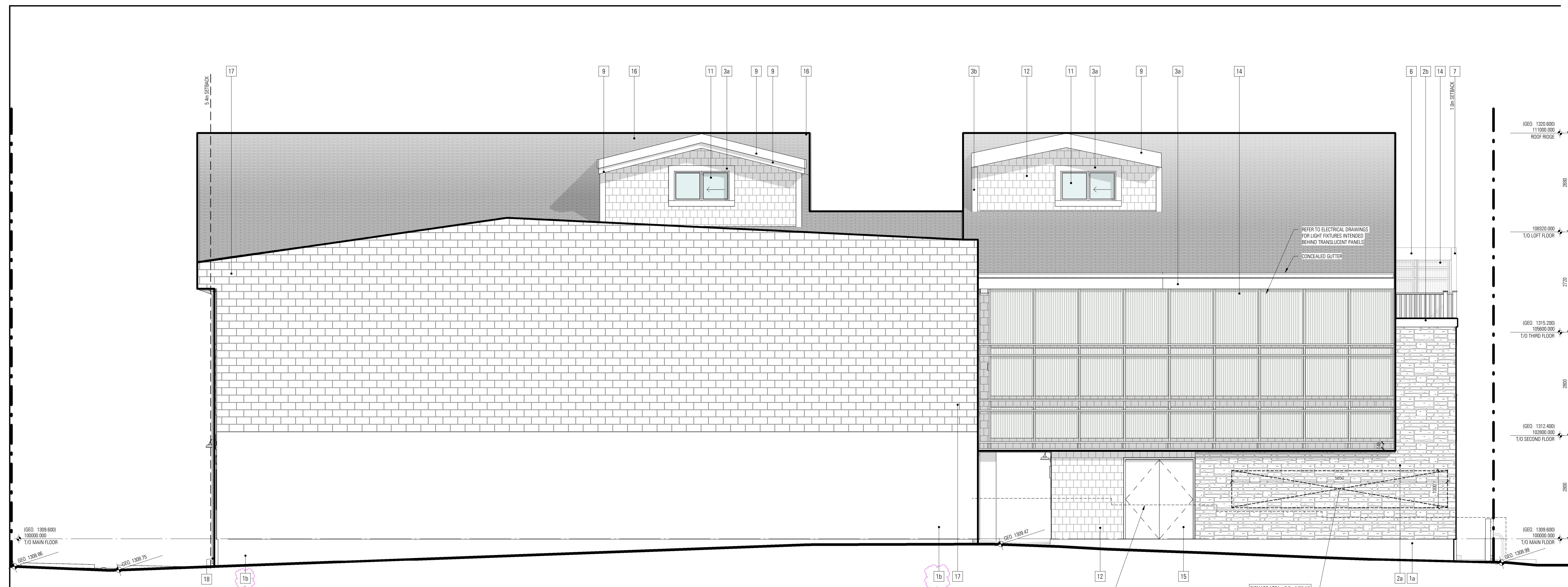
TENTH STREET ACCOMMODATIONS

EXTERIOR ELEVATIONS

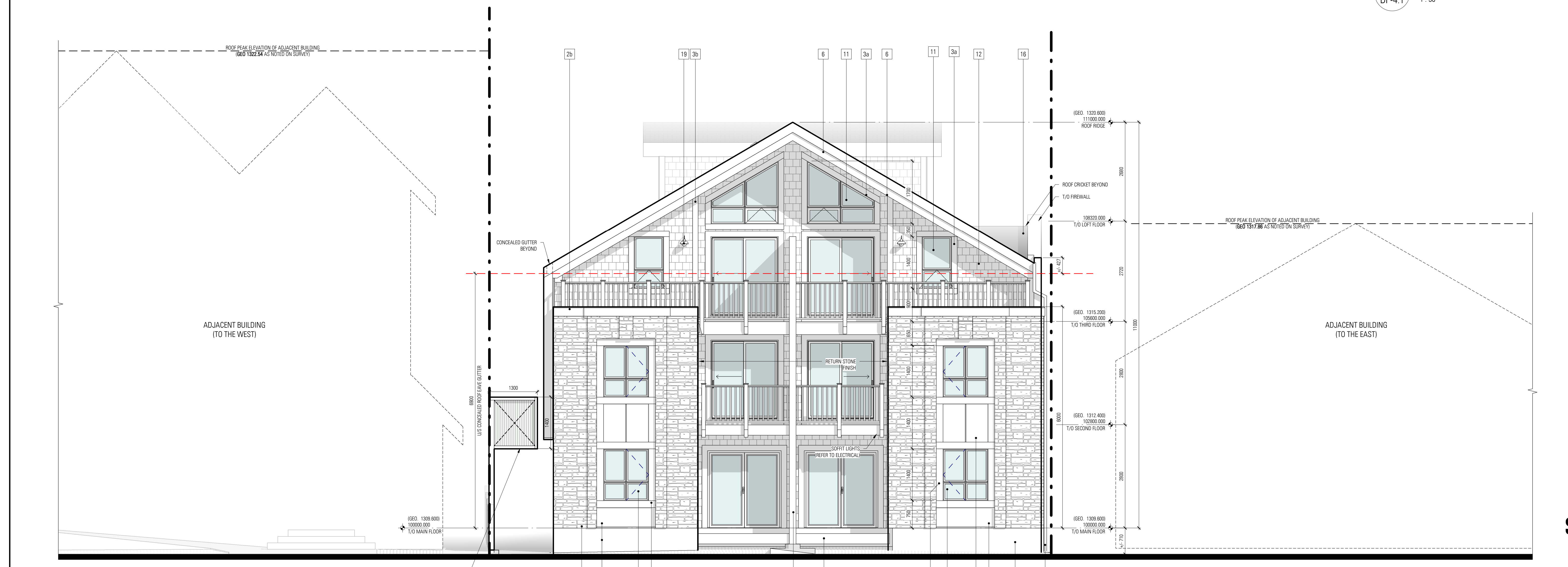
SYSTEMIC Architecture Inc.
 203 - 2120 Kensington Road
 Calgary, Alberta, Canada T2N 3R7
 587.315.9001

Drawing

DP-4.1



1 WEST ELEVATION
 DP-4.1 1:50



2 SOUTH ELEVATION
 DP-4.1 1:50

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ARCHITECT'S SEAL

**PRELIMINARY
NOT FOR CONSTRUCTION**

KEYNOTES

(SHOWN AS TRUS)

APPLIES TO THIS SHEET ONLY. TO BE READ IN CONJUNCTION WITH MATERIALS FINISH LIST & ARCHITECTURAL SPECIFICATIONS. ALL MATERIALS ARE NEW CONSTRUCTION UNLESS OTHERWISE NOTED. ALL EXPOSED CONCRETE FOUNDATIONS TO HAVE SACK RUB FINISH.

- 1a SAC RUBBED FINISH ON CONCRETE FOUNDATION WALL
- 1b ARCHITECTURALLY DESIGNED CONCRETE FINISH w/ EXPRESSED JOINT LINES AND TIE MARKS
- 2a REAL THIN STONE VENEER
MANUFACTURER: K2 STONE
TYPE: TORINO DRY SQUARES & RECS
MORTAR: GREY
VENNER THICKNESS: 1 1/4" AROUND WINDOWS (DENOTED BY DIAGONAL HATCH) 3/4" ALL OTHER LOCATIONS
- 2b 50.75mm PRECAST CONCRETE FASCIA PANEL
IMPLIED TO SAME MORTAR BED AS STONE BELOW
MANUFACTURER: TBD
COLOR: GREY
- 3a EXTERIOR TRIM
MATERIAL: 1X6 WOOD BOARD
COLOR: 2 COATS SANSIN SDF 'AUTUMN GOLD'
- 3b EXTERIOR TRIM
MATERIAL: FIBRE CEMENT TRIM
COLOR: MOUNTAIN BASE (HARDE)
- 4 WINDOW INFILL PANEL
MATERIAL: WOOD PANEL OR 1/4" VERTICAL WOOD BOARDS
COLOR: 2 COATS SANSIN SDF 'AUTUMN GOLD'
- 5a GUARDRAIL POST
MATERIAL: WOOD
COLOR: TO MATCH BALCONY STRUCTURE
- 5b RAIL
MATERIAL: WOOD
COLOR: TO MATCH BALCONY STRUCTURE
- 5c BALUSTER
MATERIAL: METAL
COLOR: BLACK
- 6 EXTERIOR DECORATIVE STRUCTURE
MATERIAL: WOOD
COLOR: 2 COATS SANSIN SDF 'AUTUMN GOLD' (OR SIMILAR)
- 7 STRUCTURAL COLUMN
MATERIAL: WOOD
COLOR: 2 COATS SANSIN SDF 'AUTUMN GOLD' (OR SIMILAR)
- 9 FASCIA
MATERIAL: 1X6 WOOD BOARD
COLOR: 2 COATS SANSIN SDF 'AUTUMN GOLD'
- 10 EXTERIOR GLASS DOOR
MANUFACTURER: TBD
FRAME: BLACK
- 11 WINDOW
MANUFACTURER: TBD
FRAME: BLACK
- 12 FIBRE CEMENT SHINGLE SIDING
COLOR: DARK GREEN
- 13 FIBRE CEMENT LAMBROGD SIDING
COLOR: LIGHT
- 14 POLYCARBONATE TRANSLUCENT PANEL
COLOR: CLEAR
- 15 EXTERIOR DOOR
COLOR: DARK GREY
- 16 ROOF SHINGLES
COLOR: DARK
- 17 CONCRETE BLOCK
COLOR: DARK
SURFACE: SPLIT FACE
- 18 ROOF GUTTER & DOWNSPOUT
MATERIAL: METAL
COLOR: BLACK
- 19 LIGHT FIXTURE
(REFER TO ELECTRICAL DRAWINGS)
- 20 EXTERIOR DOOR
MATERIAL: FIBREGLASS OR SIMILAR
COLOR: GOLD (TO MATCH DEVELOPER SIGNAGE)

FUTURE SIGNAGE

All EXTERIOR PROJECT SIGNAGE IS SUBJECT TO SEPARATE DP APPLICATION.

6	RESPONSE TO DP REVIEW COMMENTS	22-09-20
4	RESPONSE TO DP REVIEW COMMENTS	22-09-07
2	RESPONSE TO DP REVIEW COMMENTS	22-06-24
1	(DEVELOPMENT PERMIT)	22-03-24

ISSUED FOR / REVISIONS

No.	Description	Date
1	ISSUE	22-09-20

TENTH STREET ACCOMMODATIONS

CANMORE, AB

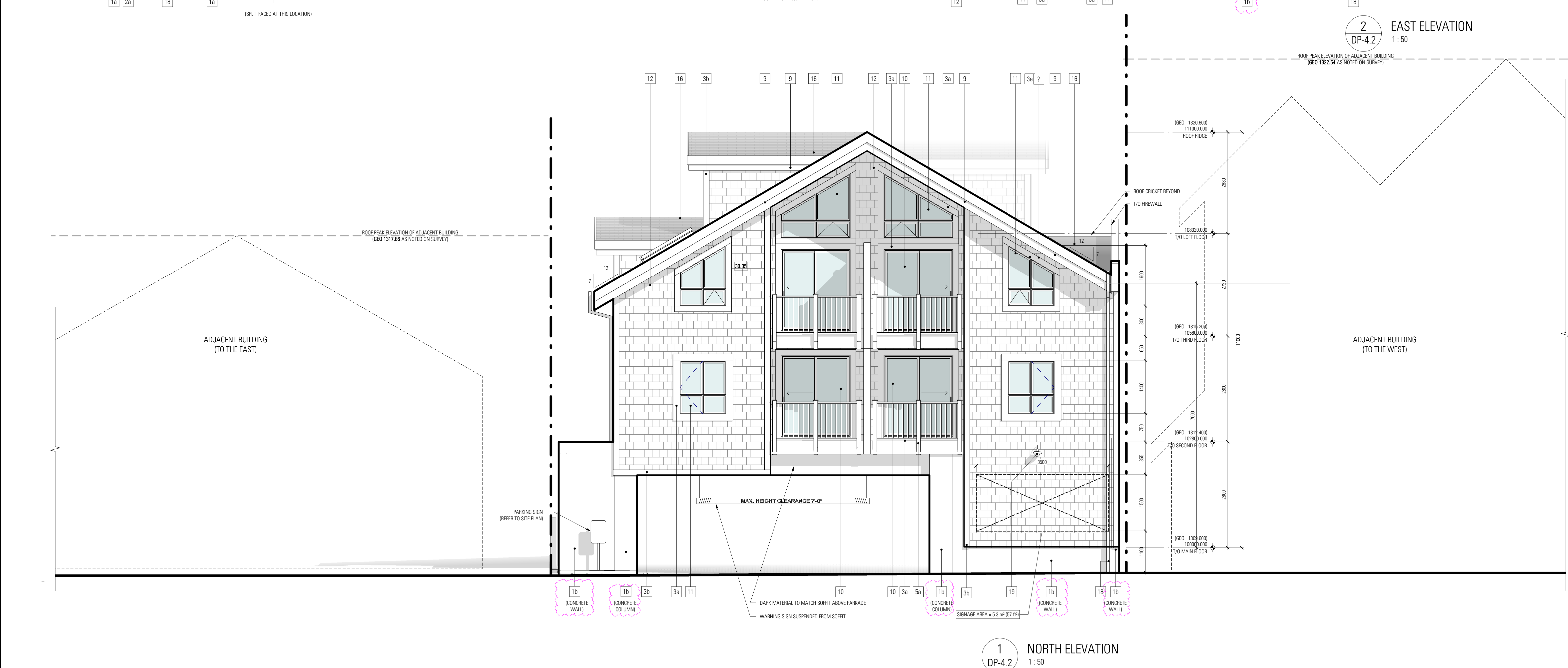
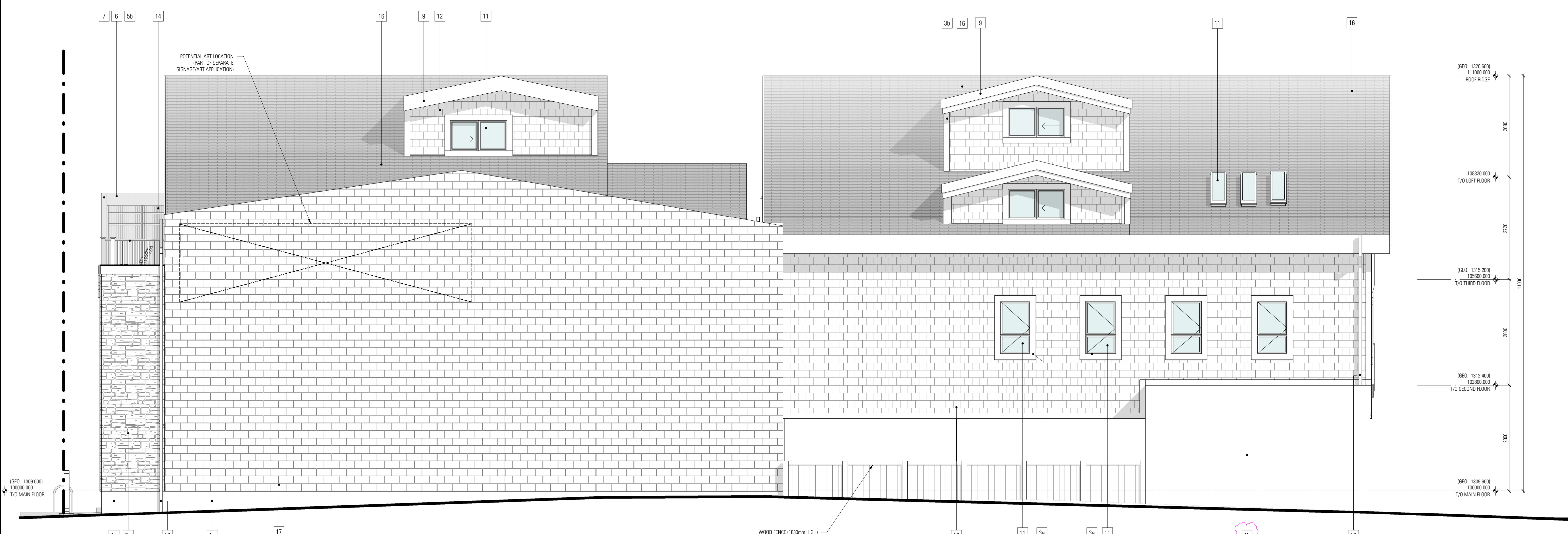
Drawing Title
EXTERIOR ELEVATIONS

Systemic Architecture Inc.

203 - 2120 Kensington Road
Calgary, Alberta, Canada T2N 3R7
587.315.9001

Drawing

DP-4.2



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ARCHITECT'S SEAL

**PRELIMINARY
NOT FOR CONSTRUCTION**

KEYNOTES

(SHOWN AS TRUS)

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- 1a SAC RUBBED FINISH ON CONCRETE FOUNDATION WALL
- 1b ARCHITECTURALLY DESIGNED CONCRETE FINISH w/ EXPRESSED JOINT LINES AND TIE MARKS
- 2a REAL THIN STONE VENER
MANUFACTURER: K2 STONE
TYPE: TORINO DRY SQUARES & RECS
MORTAR: GREY
VENER THICKNESS: 1 1/4" AROUND WINDOWS (DENOTED BY DIAGONAL HATCH) 3/4" ALL OTHER LOCATIONS
- 2b 50.75mm PRECAST CONCRETE FASCIA PANEL
IMPOSED TO SAME MORTAR BED AS STONE BELOW
MANUFACTURER: TBD
COLOUR: GREY
- 3a EXTERIOR TRIM
MATERIAL: 1X8 WOOD BOARD
COLOUR: 2 CGATS SANSIN SDF 'AUTUMN GOLD'
- 3b EXTERIOR TRIM
MATERIAL: FIBRE DEMENT TRIM
COLOUR: MOUNTAIN BASE (HARDEI)
- 4 WINDOW INFILL PANEL
MATERIAL: WOOD PANEL OR 1/4" VERTICAL WOOD BOARDS
COLOUR: 2 CGATS SANSIN SDF 'AUTUMN GOLD'
- 5a GUARDRAIL POST
MATERIAL: WOOD
COLOUR: TO MATCH BALCONY STRUCTURE
- 5b RAIL
MATERIAL: WOOD
COLOUR: TO MATCH BALCONY STRUCTURE
- 5c BALUSTER
MATERIAL: METAL
COLOUR: BLACK
- 6 EXTERIOR DECORATIVE STRUCTURE
MATERIAL: WOOD
COLOUR: 2 CGATS SANSIN SDF 'AUTUMN GOLD' (OR SIMILAR)
- 7 STRUCTURAL COLUMN
MATERIAL: WOOD
COLOUR: 2 CGATS SANSIN SDF 'AUTUMN GOLD' (OR SIMILAR)
- 9 FASCIA
MATERIAL: 1X8 WOOD BOARD
COLOUR: 2 CGATS SANSIN SDF 'AUTUMN GOLD'
- 10 EXTERIOR GLASS DOOR
MANUFACTURER: TBD
FRAME: BLACK
- 11 WINDOW
MANUFACTURER: TBD
FRAME: BLACK
- 12 FIBRE CEMENT SHINGLE SIDING
COLOUR: DARK GREEN
- 13 FIBRE CEMENT LAMBDA SIDING
COLOUR: LIGHT
- 14 POLYCARBONATE TRANSLUCENT PANEL
COLOUR: CLEAR
- 15 EXTERIOR DOOR
COLOUR: DARK GREY
- 16 ROOF SHINGLES
COLOUR: DARK
- 17 CONCRETE BLOCK
COLOUR: DARK
SURFACE: SPLIT FACE
- 18 ROOF GUTTER & DOWNSPOUT
MATERIAL: METAL
COLOUR: BLACK
- 19 LIGHT FIXTURE
(REFER TO ELECTRICAL DRAWINGS)
- 20 EXTERIOR DOOR
MATERIAL: FIBREGLASS OR SIMILAR
COLOUR: GOLD (TO MATCH DEVELOPER SIGNAGE)

FUTURE SIGNAGE

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6	RESPONSE TO DP REVIEW COMMENTS	22-09-20
4	RESPONSE TO DP REVIEW COMMENTS	22-09-07
2	RESPONSE TO DP REVIEW COMMENTS	22-06-24
1	(DEVELOPMENT PERMIT)	22-03-24

No.	Description	Date
1	ISSUED	22-09-20

ISSUED FOR / REVISIONS

Architect	OR
Project Lead	TJA
Drawn By	TJA
Scale	As Indicated
Project Number	2020-09A_TSA
Site Civic	706, 10th STREET
Site Legal	LOT 2, BLOCK 65, PLAN 1095F
Development Permit	TO BE ASSIGNED
Building Permit	TO BE ASSIGNED
Project Name	TENTH STREET ACCOMMODATIONS

TENTH STREET ACCOMMODATIONS

CANMORE, AB

Drawing Title
EXTERIOR ELEVATIONS

SYSTEMIC Architecture Inc.

203 - 2120 Kensington Road
Calgary, Alberta, Canada T2N 3R7
587.315.9001

Drawing

DP-4.3



2 EXTERIOR ELEVATION (COURTYARD SOUTH)
DP-4.3 1:50



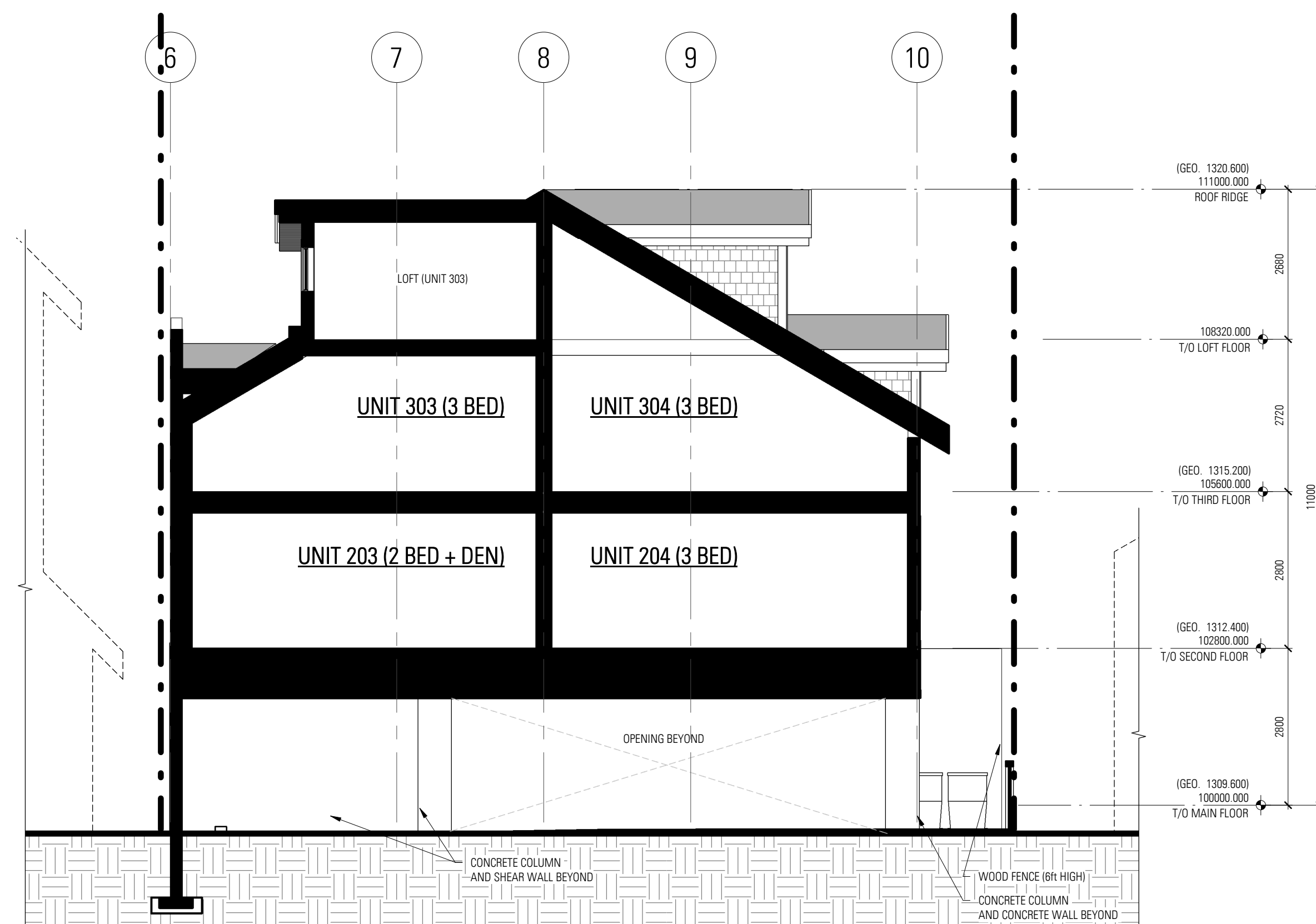
1 EXTERIOR ELEVATION (COURTYARD NORTH)
DP-4.3 1:50

DISCLAIMER

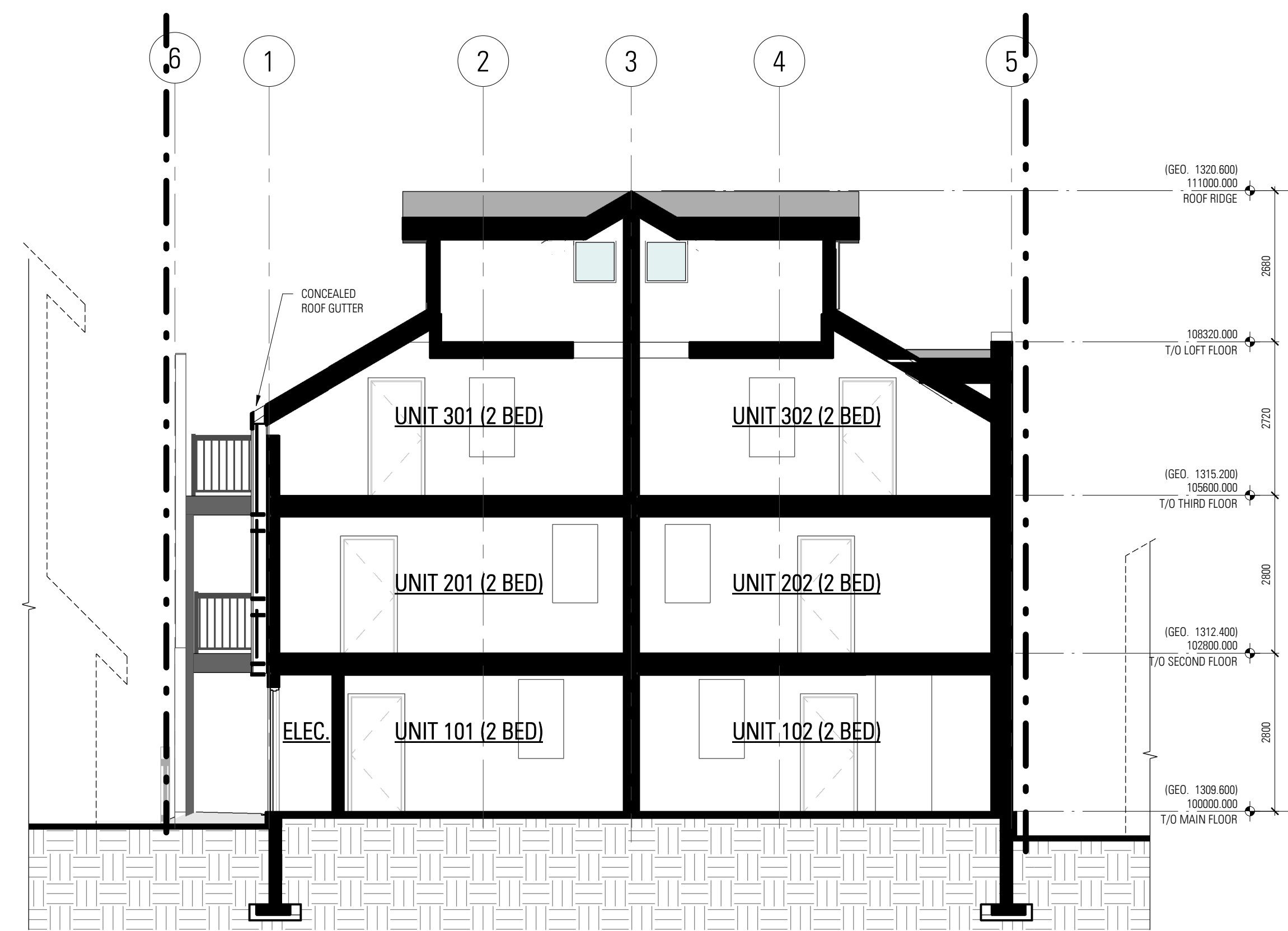
- All drawings, designs, and information herein remain the property of the Systemic Architecture Inc. and may not be reproduced or transmitted without express written consent.
- Unless noted otherwise, all dimensions are in Millimeters.
- Verify all dimensions, elevations, and datum prior to construction.
- Drawings are not to be scaled.
- This drawing supersedes previous issues.

ARCHITECT'S SEAL

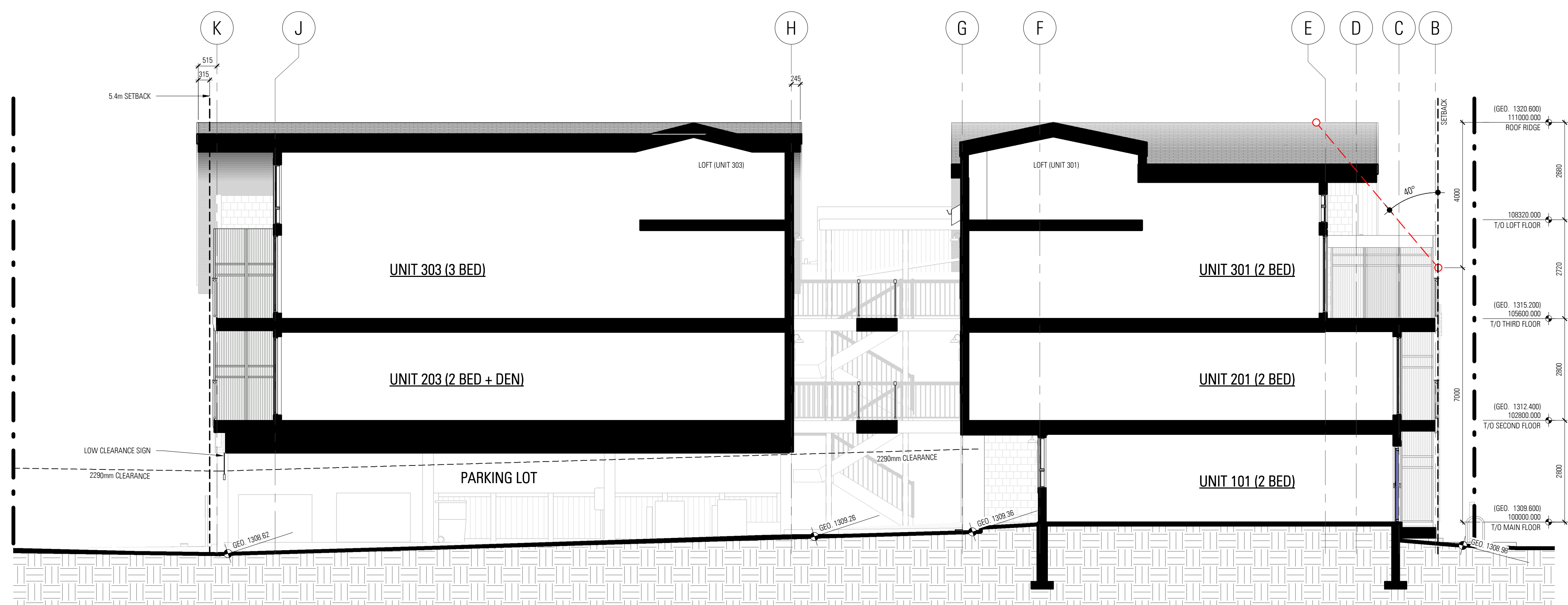
**PRELIMINARY
NOT FOR CONSTRUCTION**



3 BUILDING SECTION
DP-5.1 1:75



2 BUILDING SECTION
DP-5.1 1:75



1 BUILDING SECTION
DP-5.1 1:75

1 (DEVELOPMENT PERMIT)	22-03-24
No. Description	Issue (YY-MM-DD)

ISSUED FOR / REVISIONS

Architect	OR
Project Lead	TJA
Drawn By	TJA
Scale	1:75
Project Number	2024-04_TSA
Site Civic	706, 10th STREET
Site Legal	LOT 2, BLOCK 65, PLAN 1095F
Development Permit	TO BE ASSIGNED
Building Permit	TO BE ASSIGNED
Project Name	
TENTH STREET ACCOMMODATIONS	
Drawing Title	CANNON, AB
BUILDING SECTIONS	

SYSTEMIC Architecture Inc.
203 - 2120 Kensington Road
Calgary, Alberta, Canada T2N 3R7
587.315.9001

Drawing
DP-5.1

SITE STATISTICS

PROPERTY AREA - 612 SQ.M.
 BYLAW REQUIREMENTS
 YARD SETBACKS
 NORTH - 5.4M
 SOUTH - 1.0M
 EAST - 0M
 WEST - 0M

Plant List

SYMBOL	QTY	COMMON NAME	BOTANICAL NAME	SIZE	SPACING	REMARKS
PERENNIALS:						
	15	Blue Columbine	Aquilegia brevistyia	300mm ht.	AS SHOWN	container
	7	Prairie Sage	Artemisia ludoviciana	300mm ht.	AS SHOWN	container
	15	Gaillardia	Gaillardia aristata	300mm ht.	AS SHOWN	container



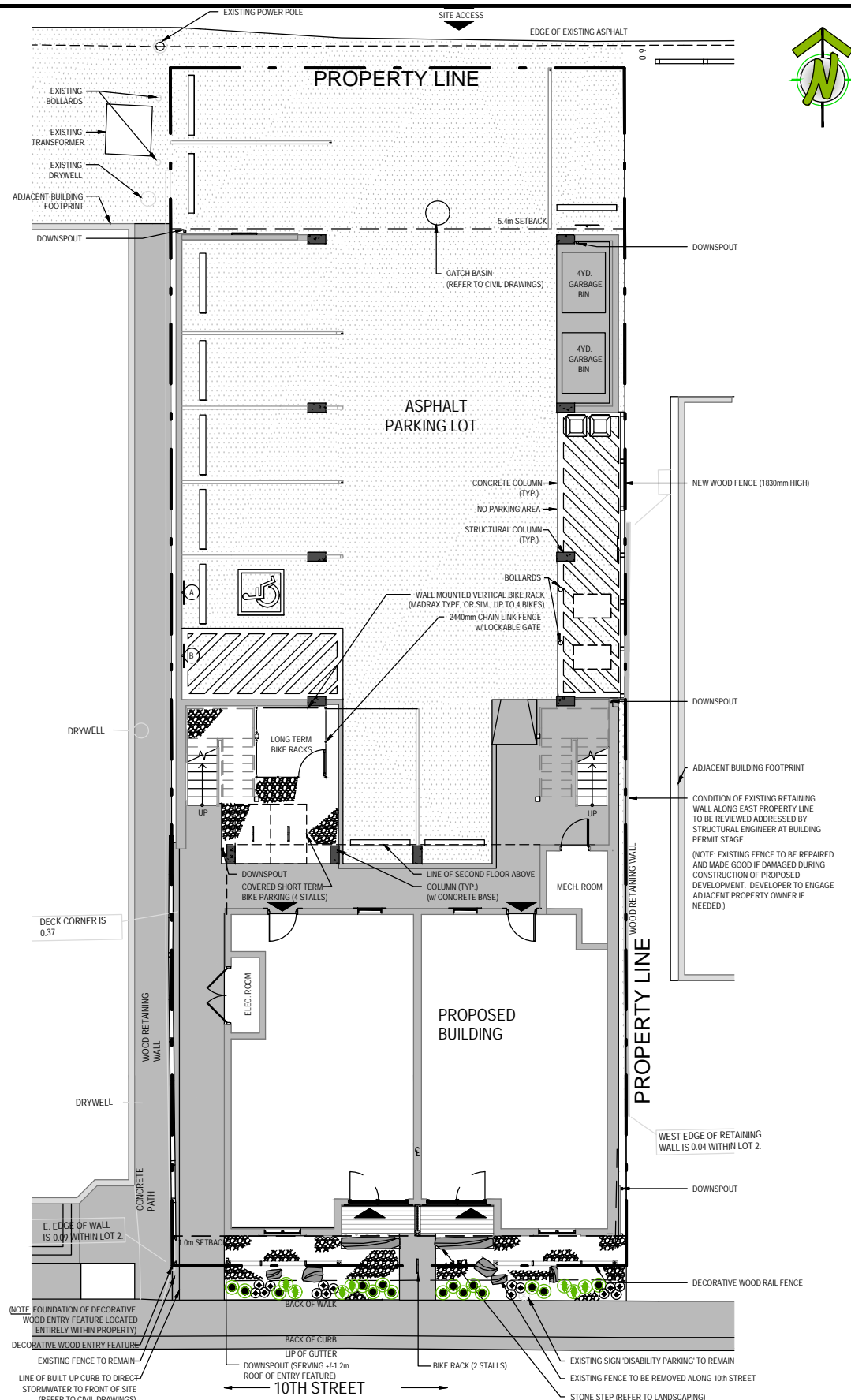
50mm DEPTH 40mm RUNDLE ROCK



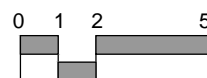
LANDSCAPE RUNDLE BOULDER
 .45-0.9m W. x .3-0.9m DEEP x .3-0.6m HT. SIZE
 VARIANCE. MINIMUM 500mm FROM BACK OF WALK

NOTE 1: CONDITION OF EXISTING
 RETAINING WALL ALONG WEST
 PROPERTY LINE TO BE REVIEWED
 ADDRESSED BY STRUCTURAL ENGINEER
 AT BUILDING PERMIT STAGE)

NOTE 2: EXISTING FENCE TO BE
 REPAIRED AND MADE GOOD IF
 DAMAGED DURING CONSTRUCTION OF
 PROPOSED DEVELOPMENT. DEVELOPER
 TO ENGAGE ADJACENT PROPERTY
 OWNER IF NEEDED.



Project Description: 10th STREET ACCOMMODATIONS
 Project Location: Canmore, AB
 Date: SEPT 7, 2022
 Scale: 1:200



**LANDSCAPE
 DEVELOPMENT PERMIT**



TENTH STREET ACCOMMODATIONS

706, 10th STREET CANMORE, AB

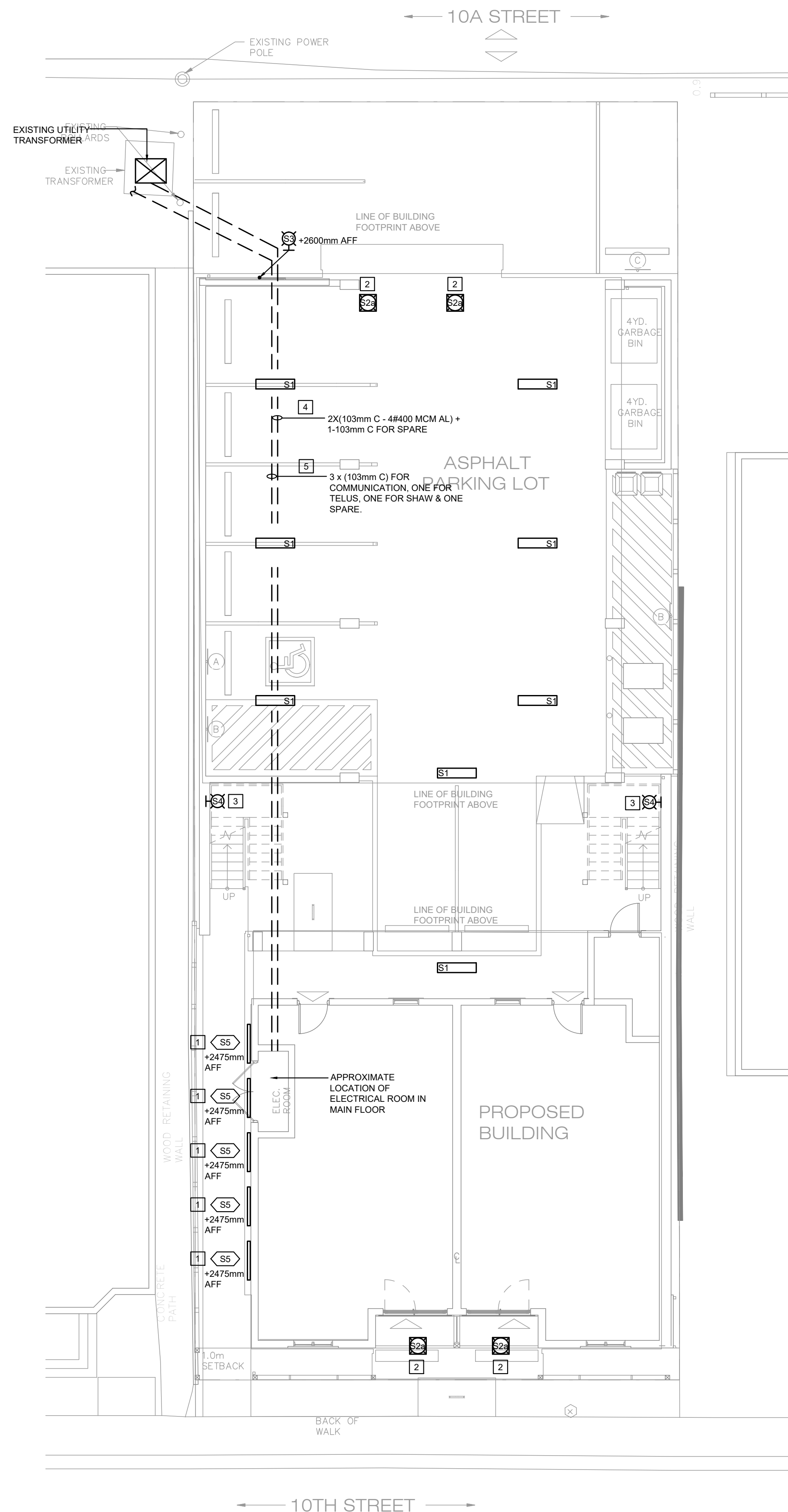
ISSUED FOR DEVELOPMENT PERMIT
22/06/16



EMBE CONSULTING ENGINEERS
SUITE 204, 110 12th AVENUE, S.W.
CALGARY, AB, T2R 0G7
403-460-2277
info@embeconsulting.ca

DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORKS.

NO.	ISSUED	DATE
1.	DP REVIEW	21-05-03
2.	DEVELOPMENT PERMIT	21-08-20
3.	RE-DEVELOPMENT PERMIT	21-08-25
4.	RE-DEVELOPMENT PERMIT	22-03-23
5.	RE-DEVELOPMENT PERMIT	22-06-16



01 ES101 ELECTRICAL SITE PLAN
SCALE: 1:100

GENERAL NOTES

- ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTURAL AND MECHANICAL DRAWINGS. WHERE DISCREPANCIES ARE FOUND, THEY SHOULD BE BROUGHT FORWARD PRIOR TO TENDER CLOSE.
- CONDUCTOR SIZES INDICATED IS MINIMUM REQUIRED. INCREASE CONDUCTOR SIZE (AND CONDUIT SIZE WHERE APPLICABLE) TO ACCOMMODATE VOLTAGE DROP PER CEC REQUIREMENTS.

NOTES

- LIGHTING FIXTURE TO BE MOUNTED BEHIND WOOD DECORATIVE CANOPY. EXACT MOUNTING HEIGHT TO CONFIRM WITH ARCHITECT PRIOR TO ROUGH-IN.
- RECESSED POT LIGHT TO BE INSTALLED IN EACH BALCONY CANOPY EXCEPT TOP FLOOR.
- EXTERIOR STAIRWELL LIGHT TO BE MOUNTED AT EACH LANDING.
- NEW SERVICE TO BE BROUGHT FROM EXISTING TRANSFORMER. CONTRACTOR TO COORDINATE WITH FORTIS FOR NEW SERVICE. LOCATION TO BE CONFIRMED ON SITE.
- NEW TELEPHONE/CALEVISION SERVICES. CONTRACTOR TO COORDINATE WITH TELUS/SHAW SERVICE FOR NEW SERVICES FROM NEAREST COMMUNICATION BOX. LOCATION OF COMMUNICATION BOX TO BE CONFIRMED ON SITE.

SYMBOL LEGEND

SYMBOL	DESCRIPTION	MOUNTING
LIGHTING LEGEND		
	WALL SCONCE LUMINAIRE	SEE SCHEDULE
	DOWNLIGHT	SEE SCHEDULE
	LINEAR SURFACE MOUNT LUMINAIRE	SEE SCHEDULE
TAGS/OTHER		
MH	MOUNTING HEIGHT	
WP	WEATHERPROOF	

DRAWING LIST

SHEET NUMBER	SHEET NAME
ES1	ELECTRICAL SITE PLAN
ES2	POINT BY POINT LIGHTING CALCULATION & RENDERING

LEGAL DESCRIPTION

LOT 2, BLOCK 65, PLAN 1095F

MUNICIPAL ADDRESS

706, 10th STREET, CANMORE, AB

DEVELOPMENT PERMIT NO.

LUMINAIRE SCHEDULE

TAGS	DESCRIPTION	MOUNTING	MANUFACTURER
S1	LOW PROFILE ENCLOSED AND GASKETED PARKING LOT LIGHT	CEILING MOUNTED	LITHONIA LIGHTING, FEM LED SERIES, MODEL NO: FEM L48-6000LM-LPACL-PGD-120-GZ10-40K-80CRI
S2a	RECESSED DOWNLIGHT	CEILING RECESSED	LITHONIA LIGHTING, LDN4 SERIES, MODEL NO: LDN4-35/07-L04-AR-LSS-120-EZ1
S2b	6" SLOPE CEILING DOWNLIGHT	CEILING RECESSED	JUNO LIGHTING, IC926LED SERIES, MODEL NO: IC926LED-G4-14LM-35K-90CRI-MVOLT
S3	MONTEREY FULL CUT OFF OUTDOOR WALL LANTERN	WALL MOUNTED	HDSUPPLY MODEL #: 224291
S4	FULL CUT OFF WALL SCONCE	WALL MOUNTED	LITHONIA LIGHTING, WDGE1 LED SERIES, MODEL NO: WDGE1 LED-P2-35K-80CRI-VF-MVOLT-PE
S5	ARCHITECTURAL FACADE LIGHT CW GLARE VISOR LINEAR SURFACE OPTION FOR FULL CUT OFF.	WALL MOUNTED	HYDREL LIGHTING, HLF501 SERIES, MODEL NO: WDGE1 LED-P2-35K-80CRI-VF-MVOLT-PE CW GLARE VISOR LINEAR SURFACE. FINISH TO MATCH HOUSING (#HVSR)

** CONTRACTOR TO PROVIDE COMPATIBLE DIMMER SWITCH BASED ON LIGHT FIXTURE SELECTION AND FROM THE LISTED DIMMER SWITCHES ON FIXTURE SHOP DRAWINGS.

STAMP & SEAL

CLIENT

SYSTEMIC
ARCHITECTURE INC.

PROJECT

10th STREET
ACCOMMODATION

706, 10TH STREET CANMORE, AB

TITLE

ELECTRICAL
SITE PLAN

PROJECT NUMBER

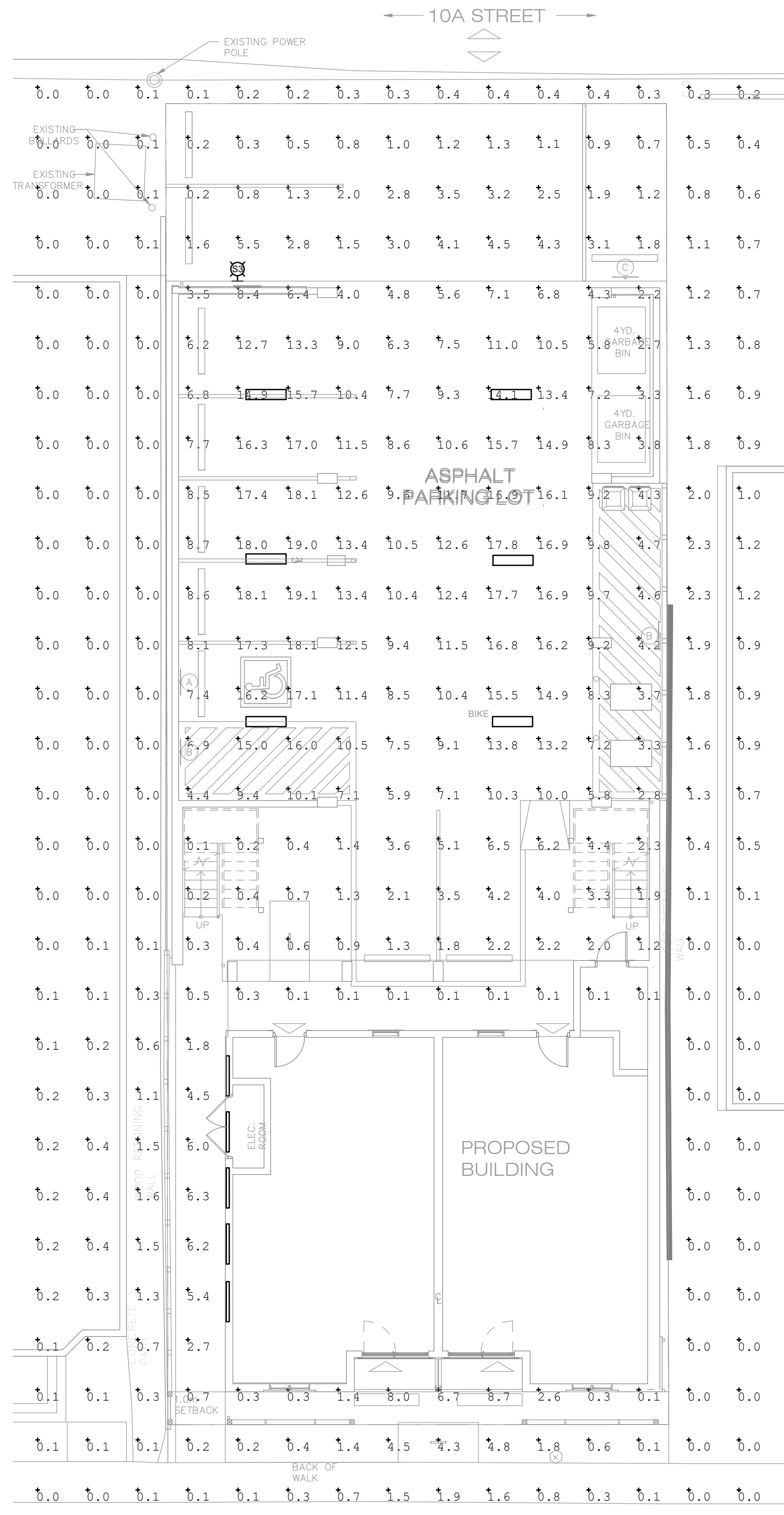
21083

DRAWING NUMBER

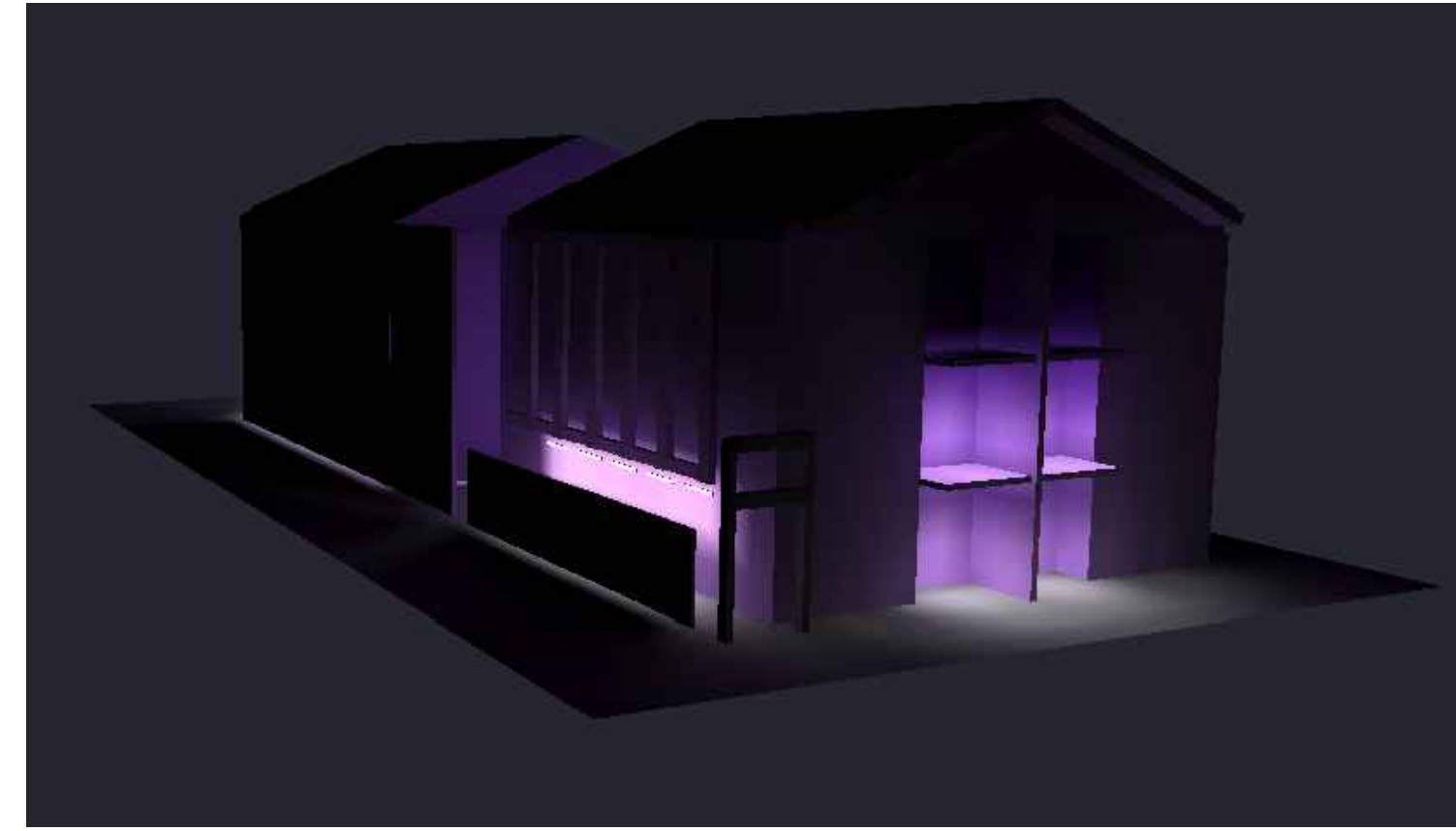
JL/DK

ES101

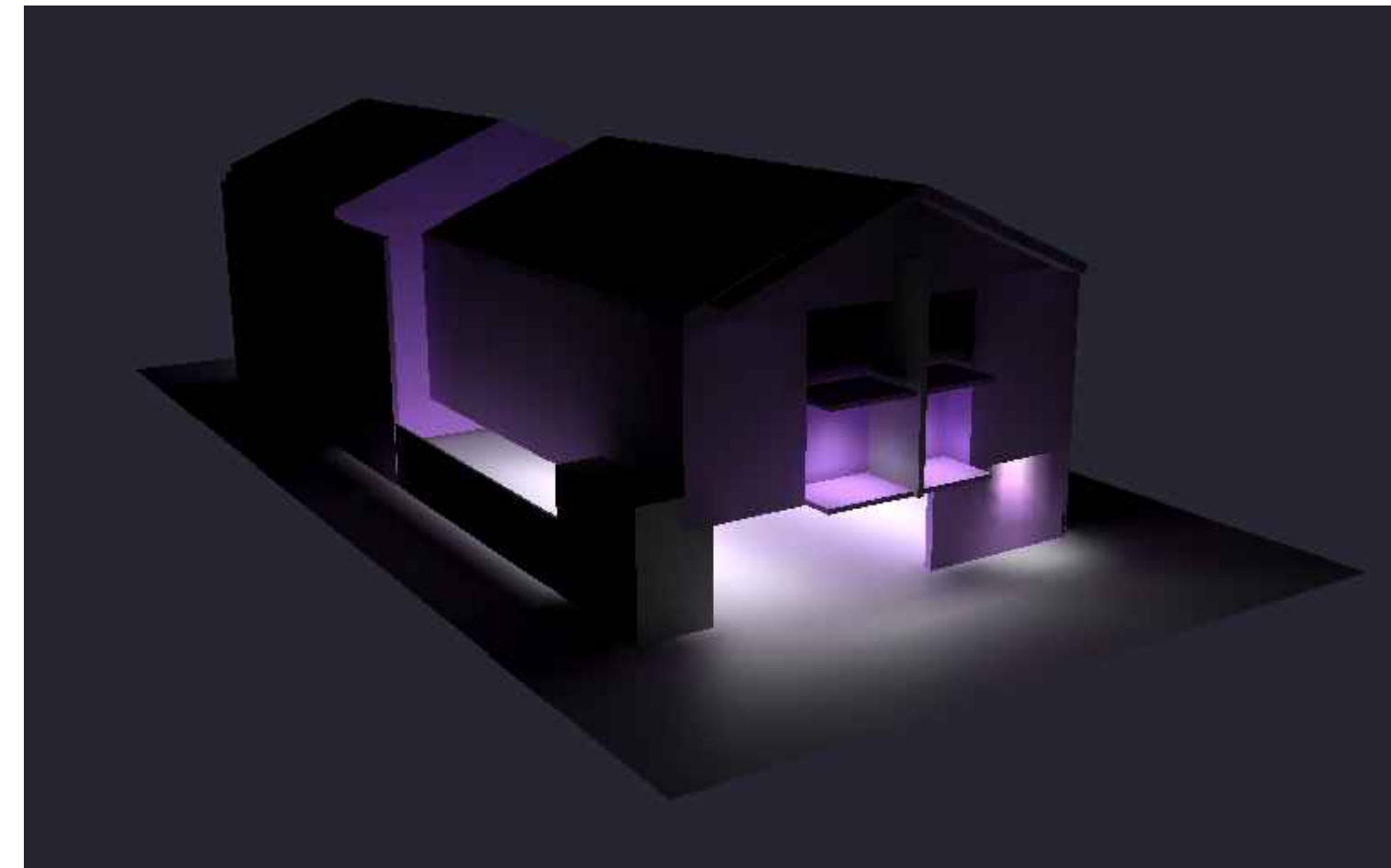
ILLUMINANCE CALCULATION SUMMARY				
LABEL	UNITS	AVG	MAX	MIN
NORTH SIDE	FC	2.0	5.5	0.2
SOUTH SIDE	FC	1.6	4.8	0.1
WEST SIDE (WOOD DECORATIVE CANOPY AREA)	FC	3.8	6.3	0.5
PARKING LOT	FC	11.8	19.1	4.4



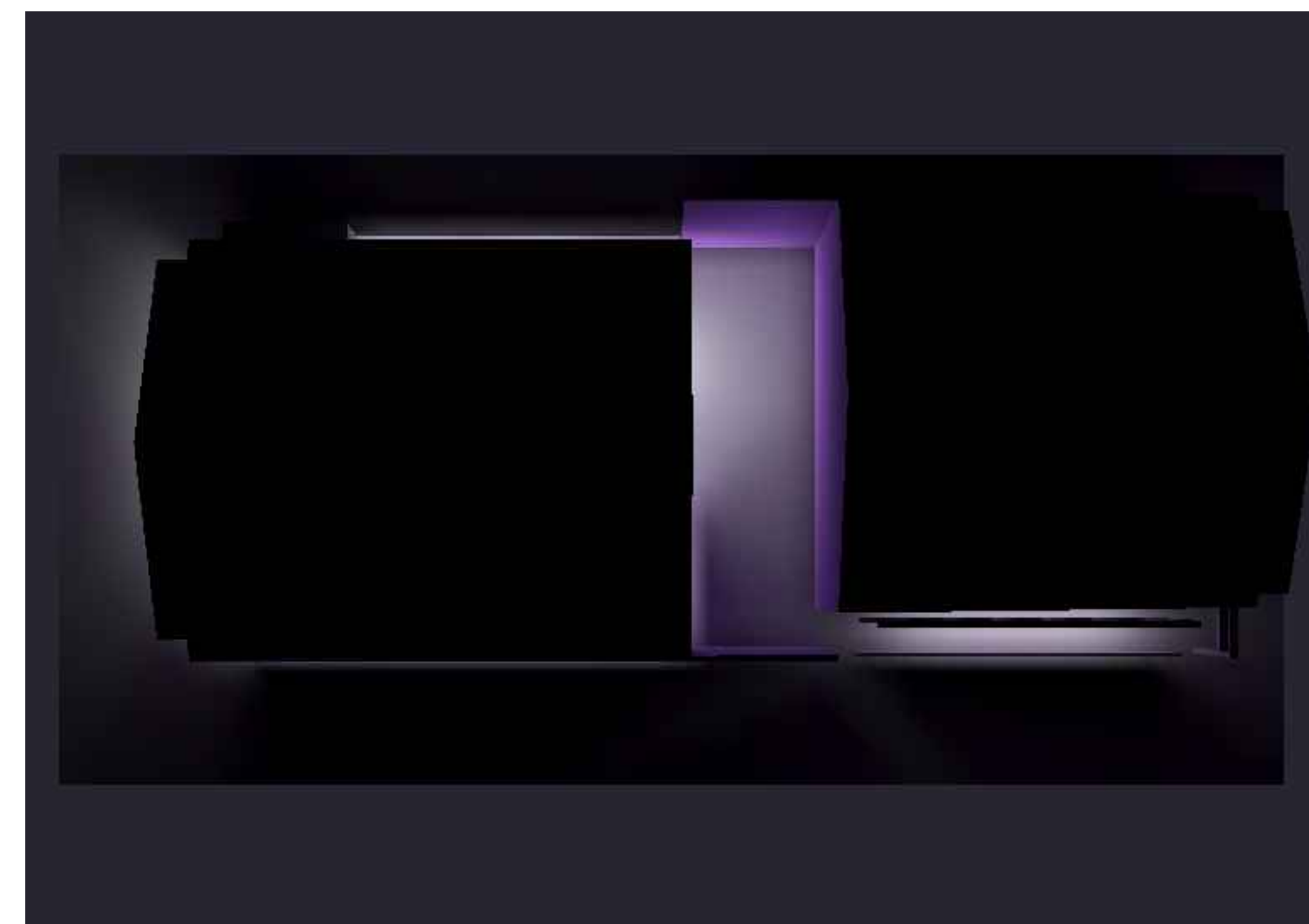
01 POINT BY POINT SITE LIGHTING CALCULATION
SCALE: N.T.S.



02 RENDERING 1
SCALE: N.T.S.



03 RENDERING 2
SCALE: N.T.S.



04 RENDERING 3
SCALE: N.T.S.

DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORKS.

NO.	ISSUED	DATE
1.	DP REVIEW	21-05-03
2.	DEVELOPMENT PERMIT	21-05-20
3.	RE-DEVELOPMENT PERMIT	21-08-25
4.	RE-DEVELOPMENT PERMIT	22-03-23
5.	RE-DEVELOPMENT PERMIT	22-06-16

STAMP & SEAL

CLIENT
SYSTEMIC ARCHITECTURE INC.

PROJECT
10th STREET ACCOMMODATION

706, 10TH STREET CANMORE, AB

TITLE
POINT BY POINT LIGHTING CALCULATION & RENDERINGS

PROJECT NUMBER 21083	DRAWING NUMBER ES102
DRAWN/CHECKED JL/DK	

ATTACHMENT 5 – SCHEDULE A – CONDITIONS OF APPROVAL

DEVELOPMENT PERMIT No.: PL20220090

LAND USE DISTRICT: Town Centre District

APPROVED USE(S): Visitor Accommodation

APPROVED VARIANCE(S): None

MUNICIPAL ADDRESS: 706 10th Street

LEGAL ADDRESS: Lot 2 Block 65 Plan 1095F

APPROVED VARIANCES

1. None

STANDARD CONDITIONS:

1. Prior to the release of the Development Permit, the applicant shall enter into a Development Agreement with the Town of Canmore to do the following:
 - a. construct or pay for the construction of the municipal improvements, infrastructure and services required by the development, which may include but shall not be limited to:
 - Transportation;
 - Water;
 - Sanitary;
 - Storm; and
 - Fire
 - b. pay the off-site levies imposed by the Off-Site Levy Bylaw; and
 - c. provide security in accordance with the Engineering Design and Construction Guidelines (EDCG) to ensure the terms of the Development Agreement are carried out.
2. All construction associated with the approval of this Development Permit shall comply with the regulations of the Land Use Bylaw (LUB) 2018-22, unless otherwise stated under the approved variances section of this document.
3. All construction associated with the approval of this Development Permit shall comply with the Town of Canmore Engineering requirements as outlined in the Engineering Design and Construction Guidelines (EDCG).
4. All construction associated with the approval of this Development Permit shall comply with the Tree Protection Bylaw and ensure all tree protection measure are appropriately put in place prior to the development of the site, where determined necessary by the Town of Canmore Parks Department.
5. All construction, landscaping and exterior finishing materials are to be as shown on the approved plans and other supporting material submitted with the application.
6. Any trees, shrubs or other plant material installed as part of the landscaping plan which may die or are blown over, shall be replaced on an ongoing basis, prior to receipt by the developer of a Development Completion Certificate.
7. Any roof top mechanical apparatus, including chimneys and vents, shall be screened to the satisfaction of the Development Authority.
8. Access to the site for emergency vehicles shall be to the satisfaction of the Manager of Emergency Services.
9. All signs shall require a separate development permit.

10. **No occupancy** shall be permitted until an Occupancy Certificate has been issued by the Town of Canmore.

SPECIFIC CONDITIONS:

1. The applicant shall provide security to the Town of Canmore to ensure the completion of the project, in the form of cash or an irrevocable Letter of Credit. The amount should be equal to or no less than 1.25 (125%) of the estimated project costs for the project for landscaping and all hard surfacing, paving; and site servicing; both to the satisfaction of the Town. The Letter of Credit shall be supplied at the time of signing of the Development Agreement, and shall be in a format acceptable to the Town of Canmore.
2. The Developer shall pay off site levies according to the approved bylaw adopted by Council at the time of the signing of the Development Agreement. The Development Agreement shall specify the manner of the payment of these monies and all other relevant fees and contributions as determined by approved Town of Canmore policy(ies).
3. The Developer is required to provide a minimum of 10 vehicle parking stalls, 3 long-term bicycle parking stalls, and 2 short-term bicycle parking stalls, all designed and located as shown in the approved plans, and calculated as:

Automobile Parking

1.00 stalls per 1 visitor accommodation unit = 10 units x 1 stall = 10 parking stalls
10 parking stalls provided

Short-term Bicycle Parking

10 visitor accommodation units x 0.15 = 1.5 = 2 short-term bicycle parking stalls.
4 short-term bicycle parking stalls provided

Long-term Bicycle Parking

10 visitor accommodation units x 0.30 = 3 = 3 long-term bicycle parking stalls
4 long-term bicycle parking stalls provided

Loading Stall

Not required

4. The Developer shall manage on-site parking to ensure the use of on-site parking stalls by employees or for the purpose of loading does not at any time result in a situation where parking is not available for customers scheduled to stay at the visitor accommodation facility.
5. All on-site parking stalls shall be graded and constructed to dispose of drainage to the satisfaction of the Town of Canmore.
6. Commitments expressed in the Developer's Sustainability Screening Report become conditions of approval upon the signing of this Schedule A and will be included in the development agreement.
7. The Developer shall landscape the site generally in accordance with the Landscaping Plan. If there are any landscaping discrepancies between the Site Plan and the Landscaping Plan, the Landscaping Plan shall prevail.
8. Any plant material proposed between 0.0m and 1.5m from the building shall be non-combustible, low growing and of low fire risk.
9. The development is approved for **Visitor Accommodation** use, which is defined in the Town of Canmore's Land Use Bylaw 2018-22 as, "a building or group of buildings not intended for residential use where sleeping facilities are provided for persons for periods of up to 30 days and which may also contain a variety of services and amenities for the benefit of guests". A visitor accommodation development shall:
 - a. Provide a central management and reservation service
 - b. Have a single address for mail (not for individual units);
 - c. Not serve as a residential address for utility billing or electoral enumeration purposes; and
 - d. Provide signage designating the development as a "hotel" or similar visitor use.

Prior to Commencement of Construction Conditions

10. Prior to commencement of construction, the Developer shall submit and have approved a Construction Management Plan. The construction management plan submitted shall be followed through all stages of construction.

Prior to Occupancy and Operation Conditions

11. Prior to occupancy of the building, the Developer shall apply for, receive approval for, and install signage for the development that designates the development as a hotel or similar use, to the satisfaction of the Development Officer.
12. Prior to occupancy of the building, the applicant shall apply for and obtain approved construction completion certificates for water and sanitary services.
13. Prior to occupancy of the building, the applicant shall submit and have approved a maintenance agreement satisfactory to the Town regarding the proposed landscaping and bicycle rack located within the municipal Road Right-of-Way. This agreement shall include construction/installation, maintenance, replacement, and any other matters the Town deems necessary.

ATTACHMENT 6 – TOWN CENTRE DISTRICT

04 COMMERCIAL LAND USE DISTRICTS

4.1 TC TOWN CENTRE DISTRICT

Purpose

To provide for a broad range of commercial, entertainment, cultural, and residential uses in mixed-use buildings and to serve as a focal point for community business and civic activities.

4.1.1 Permitted Uses

Amusement Arcade
Apartment Building
Arts and Crafts Studio
Convention Facility
Cultural Establishment
Dwelling Unit (above the ground floor)
Eating and Drinking Establishment
Employee Housing
Entertainment Establishment
Financial Institution
Home Occupation – Class 1
Laundry Facility
Medical Clinic
Open Space
Personal Service Business
Public Building
Public Utility
Retail Sales
Visitor Accommodation

4.1.2 Discretionary Uses

Accessory Building
Administrative/Sales Office
Athletic and Recreational Facility, Indoor
Cannabis Retail Store
Common Amenity Housing
Day Care
Educational Institution
Home Occupation – Class 2
Hostel
Liquor Store
Logging Operation
Office
Printing Establishment
Taxi Stand
Temporary Business
Tourist Home
Transportation Terminal

4.1.3 Regulations

- 4.1.3.1 The minimum site area shall be 300.0 m².
- 4.1.3.2 The minimum site width shall be 7.6 m.
- 4.1.3.3 The maximum FAR shall be 2.0.
- 4.1.3.4 The minimum FAR shall be 1.25.
- 4.1.3.5 The front yard setback shall be 1.0 m, as illustrated in Figure 4.1-1.
- 4.1.3.6 The minimum rear yard setback shall be 5.4 m except for double-frontage lots, where the rear yard setback shall be determined by the Development Authority.
- 4.1.3.7 The minimum side yard setback shall be zero except when adjacent to a residential district, where the setback shall be 1.5 m for portions of the building above the ground floor.
- 4.1.3.8 The maximum building height shall be 11.0 m with a maximum eaveline height of 7.0 m.
- 4.1.3.9 Floor area above the eaveline shall be incorporated into the roof structure and shall step back from the main building face for a minimum of 70% of the elevation.

4.1.4 Use-Specific Regulations

- 4.1.4.1 An Apartment Building development shall feature a ground-floor commercial use with Dwelling Units located above.
- 4.1.4.2 The maximum GFA of a Retail Sales store shall be 500 m².
- 4.1.4.3 Applications for a development with an Office on the ground floor will be evaluated in accordance with the following criteria in determining a proposal's effect on the streetscape:
 - a. At least 66% of the GFA for an Office use shall be located on the second floor of a building;
 - b. If more than 25% of the existing block face on which the proposed development is located does not have Retail Store or Eating and Drinking Establishment uses located at grade, an Office use shall not be located at the ground floor;
 - c. Notwithstanding (a) and (b) above, a development with an Office use located on the ground floor may be approved above under the following circumstances and subject to the Development Authority:
 - i. If the development faces an alley; or
 - ii. If more than 25% of the existing block face on which the proposed development is located is vacant at the time of the application; or
 - iii. If the development proposes a substantial enhancement to the public/private realm adjacent to the building, as determined by the Development Authority.
- 4.1.4.4 A Tourist Home shall only be located above the ground floor of a building.
- 4.1.4.5 A Tourist Home shall have an entrance that is separate and distinct from the entrance to any commercial use in a building.

04 COMMERCIAL LAND USE DISTRICTS

- 4.1.4.6 Dwelling Units that have a Tourist Home designation shall have a separate entrance and circulation area from Dwelling Units that do not have a Tourist Home designation, to the satisfaction of the Development Authority.
- 4.1.4.7 A Tourist Home may be located on the same floor as commercial uses where there is a physical separation of uses, to the satisfaction of the Development Authority.
- 4.1.4.8 Parking for a Tourist Home shall be provided in the same location as parking for any other residential Dwelling Units on-site.
- 4.1.4.9 Where contemplated, Employee Housing units shall be accessory to a principal use of a building. When that principal use is commercial, Employee Housing units shall be located above the ground floor.
- 4.1.4.10 When Employee Housing units are located on the same floor as a non-residential use, there shall be a physical separation of uses and separate entrances to the Employee Housing units, to the satisfaction of the Development Authority.

4.1.5 Design Requirements

- 4.1.5.1 Developments within this District shall comply with the regulations in Section 11: Community and Architectural Design Standards of this Bylaw.
- 4.1.5.2 A pedestrian-oriented streetscape shall be established incorporating such design elements as: wide sidewalks, arcades, pedestrian scale street lighting, bicycle parking, canopies, vestibules, façade treatments that are sensitive to sidewalk location on a site specific basis and permeability of façades by the use of glass and doors.
- 4.1.5.3 All businesses adjacent to a public street and/or sidewalk shall have a functional entrance that faces that street/sidewalk.
- 4.1.5.4 Where businesses have multiple street frontages, functional entrances may be required for each frontage at the discretion of the Development Authority.
- 4.1.5.5 Buildings on corner lots shall be designed to retain the key views as described in Section 11: Community Architectural and Urban Design Standards.
- 4.1.5.6 Applicants shall demonstrate that any proposed building preserves these views which will normally require that roof areas close to the corner are designed to be below the maximum permitted height. Buildings subject to this regulation will be allowed to achieve the maximum FAR of 2.0. Where variances to the District regulations may be required to achieve the maximum FAR, such variances may be supported by the Town provided the building and site design meet the relevant requirements of Section 11: Community Architectural and Urban Design Standards.
- 4.1.5.7 Where the Development Authority is satisfied that the architectural integrity of a building would be enhanced, variances may be granted to allow 20% of the building to exceed the maximum height by up to 20%. No height variances shall be granted beyond the 20% relaxation.
- 4.1.5.8 In order to achieve a pedestrian oriented streetscape, parking and loading shall be designed

to minimize the visual impact and impacts on pedestrian activity. Techniques to achieve this may include structured parking, shared parking and intensive landscaping. Where structured parking is provided, it shall be integrated into the building design, preferably underground. Parking Structure buildings shall include retail, office and commercial service on a portion of the ground floor with direct access to the public sidewalk.

- 4.1.5.9 Developments abutting residential districts shall be designed to minimize the impacts of parking, loading, garbage storage, sun shadow, lighting, noise and business hours of operation on the residential environment to the satisfaction of the Development Authority. Specifically, such developments shall be designed and constructed as follows:
- a. No more than four (4) parking stalls, or two (2) parking stalls and a loading bay, shall have direct access to a lane from the rear of a development. Additional parking stalls or loading bays shall be accessed by a driveway and be screened from the lane to the satisfaction of the Development Authority.
 - b. Where a proposed development is adjacent to or across a lane from a residential district, the façade facing the residential district shall be considered an additional “frontage” for the purposes of architectural design and materials.
 - c. Mechanical equipment may not be mounted on walls adjacent to or across a lane from a residential district.
- 4.1.5.10 Signage shall be oriented to the pedestrian sidewalk.
- 4.1.5.11 Garbage containers and waste material shall be stored either inside a principal building or, at the discretion of the Development Authority, in a weatherproof and animal-proof garbage enclosure as outlined in the Engineering Design and Construction Guidelines.
- 4.1.5.12 Garbage enclosures shall be designed and located to be visually integrated with the site.
- 4.1.5.13 Outdoor Storage is prohibited.

4.1.6 Parking Alternatives

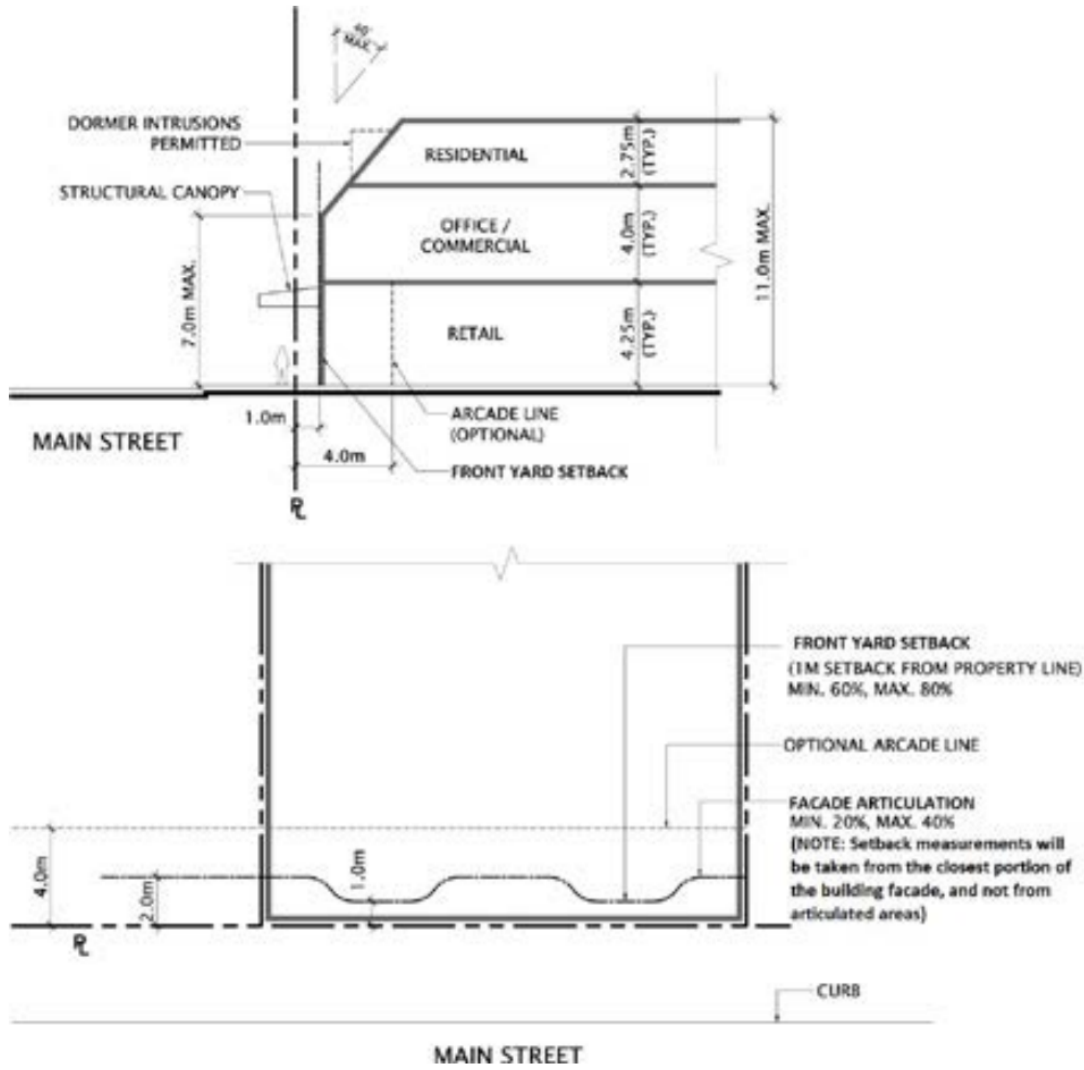
- 4.1.6.1 The Development Authority may, at its discretion, approve cash-in-lieu of parking for the difference between the total number of required parking stalls and the number of parking stalls provided within the development.
- 4.1.6.2 The Development Authority may allow a portion of the parking required by a development to be provided in an off-site location within the TC District only.

4.1.7 Historic Resources

- 4.1.7.1 Properties identified in Schedule “A”, as well as the properties adjacent to them are subject to the development regulations in Subsection 7.7 of this Bylaw.

4.1.8 Illustrations for Developments Located in the Town Centre

Figure 4.1-1



**Written submissions received in support of the appeal against
PL20220090**

Please be advised that written submissions were received in support of this appeal from the following parties:

- Drew & Katrina Osborne 711 Mallard Alley
- Michael Shugarman & Phillip van der Merwe 705 Mallard Alley
- Robin & Nicola Gardiner 719 Mallard Alley
- Douglas Proll & Sylviane Lippert 727 Mallard Alley
- K. Gordon Schultz (Appellant) & K. Coreen Schultz 713 Mallard Alley
- William Lawes & Julie Bradner 725 Mallard Alley

Louise Bates

From: [REDACTED]
Sent: November 23, 2022 8:28 AM
To: Shared.Planning
Cc: [REDACTED]
Subject: 706 10 Street (PL20220090): Written Submission

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Please accept the below as a written submission of Opposition in advance of the December 5th Hearing.

Our family lives at 711 Mallard Alley, across from the proposed development.

We were involved in the initial appeal of the development one year ago and subsequent denial of the prior DP decision.

While the revised plans eliminates a number of variances, a primary justifications for the revocation remains unchanged (snapshot below).

A 10 unit (20-25? bed) short-term accommodation development directly buttressing residential street is not suitable in our opinion. The project will negatively impact the use, enjoyment and safety of our property in the following ways:

- Mallard Alley is unique in that it does **not have sidewalks** and the street/laneway is very narrow (around 14-16 feet in a few places). Cars cannot pass each other in multiple locations on the street, particularly in front of the proposed development. Cars often pull onto private property (including our driveway) to allow other cars to pass by. We realize there are other streets in Canmore with no sidewalks, but Mallard is significantly narrower providing no buffer from property lines to the street.
- We have two small children that use the street as their **only** walkway. The development will materially increase traffic on the street, increasing the risk to our children. Also, no sidewalks and a narrow street means no buffer from our driveway should kids play inadvertently spill onto the alley.
- A very comparable project to this was finished last year near the Town Civic Centre (Basecamp on 9th street). It too is on a narrow street, however please note three main differences: 1) the street is one-way only 2) there is a sidewalk for safe passage of pedestrians (including a physical barrier) 3) project doesn't buttress residential homes. Some broader considerations around public safety need to be in place (ex. sidewalks, one-way, blind corners) before a such a development should be approved in our opinion.



- The corner of 6th Ave and Mallard Alley is a **Blind one**. We have had a number of close calls with folks coming around that corner quickly not realizing it's a narrow, residential street. This will be the main access point for the development.



- The closure of Main Street has meant a notable increase in traffic on Mallard for many months of the year with folks searching for parking, this will exacerbate the problem.
- A ten unit (20+bed) Airbnb development likely means ten+ cars coming and going each day. Ie. hundreds of more cars traveling the street on a weekly/monthly basis; and
- This decision sets a poor precedent for future development down the alley where Basecamp/others are considering a similar project, which is much larger in scale.

We are not against development of that location, it will happen, however, a large Airbnb project doesn't fit within this community setting.

Thanks,

Drew and Katrina Osborne

THE BOARD THEREFORE ORDERS THAT:

The appeal be APPROVED and Development Permit PL20210215 be DENIED.

REASONS:

Commercial Developments Abutting Residential Districts

1. Sections 4.1.5.9, 4.1.5.1 and 11.4.1.6 of the LUB provide as follows:

“4.1.5.9 Developments abutting residential districts shall be designed to minimize the impacts of parking, loading, ... noise and business hours of operation on the residential environment to the satisfaction of the Development Authority...”

“4.1.5.1 Developments within this District shall comply with the regulations in Section 11: Community and Architectural Design Standards of this Bylaw.”

“11.4.1.6 Commercial developments adjacent to residential districts must be designed and intensively landscaped to mitigate their impact on residential properties to the satisfaction of the Development Authority.”

The SDAB has concluded that this requirement has not been met and the proposed change of use, proposed change in intensity of use and proposed building (the “proposed Development”) should not be approved because:

- Parking for the proposed Development is likely to be insufficient for the proposed use leading to increased parking on Mallard Alley and blocking of residential driveways.
- Traffic on Mallard Alley will increase because the sole vehicular access to the proposed Development is via Mallard Alley, which is narrow.
- Increased traffic on this narrow road that has no sidewalks is likely to cause safety concerns for residents of Mallard Alley, particularly children.
- Noise will likely increase in the neighbourhood due to the 24-hour operation nature of the proposed Visitor Accommodation development, negatively impacting residential homeowners.
- There is no rear yard landscaping shown on the Development Permit application nor required by the Development Permit.

Building Height Variance

Drew Osborne, CFA | Portfolio Manager

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Pour obtenir la traduction en français, [cliquez ici](#).

November 28, 2022

Att: Louise Bates
Clerk – SDAB
Town of Canmore
sdab@canmore.ca

Hello Louise,

Re: Subdivision & Development Appeal Board Hearing
PL20220090 – 706 10 Street

Please confirm receipt of this submission in support of my appeal.

PL2022-0090 – 706 10 Street, Canmore AB
Concerns regarding development for 706 10th Street
Reference file: PL20210215

To whom it may concern,

Our address is 705 Mallard Alley.

I wish to formally submit my concerns and objections regarding the development at 706 10th Street which is immediately across Mallard Alley from my primary residence.

I make these comments with an appeal to good planning principals, consideration for our reasonable enjoyment and safe use of our property.

And Although I do not presume to make comment with specific reference to the Land Use Bylaw, I do point toward 4.1.5.9 > 12 which reads as follows:

4.1.5.9 Developments abutting residential districts shall be designed to minimize the impacts of parking, loading, garbage storage, sun shadow, lighting, noise and business hours of operation on the residential environment to the satisfaction of the Development Authority. Specifically, such developments shall be designed and constructed as follows:

- a. No more than four (4) parking stalls, or two (2) parking stalls and a loading bay, shall have direct access to a lane from the rear of a development. Additional parking stalls or loading bays shall be accessed by a driveway and be screened from the lane to the satisfaction of the Development Authority.
- b. Where a proposed development is adjacent to or across a lane from a residential district, the façade facing the residential district shall be considered an additional “frontage” for the purposes of architectural design and materials.
- c. Mechanical equipment may not be mounted on walls adjacent to or across a lane from a residential district.

4.1.5.10 Signage shall be oriented to the pedestrian sidewalk.

4.1.5.11 Garbage containers and waste material shall be stored either inside a principal building or, at the discretion of the Development Authority, in a weatherproof and animal-proof garbage enclosure as outlined in the Engineering Design and Construction Guidelines.

4.1.5.12 Garbage enclosures shall be designed and located to be visually integrated with the site.

It is specifically because this project abuts our Lane (Mallard Alley) and specifically because Mallard Alley is our ONLY vehicular and pedestrian access to our residences, that I believe the interpretation of all bylaws that pertain to this development, as well as design guidelines related to access to parking, need to be interpreted through the lens of how they impact our Residences. And furthermore, that material weight should be given to the interpretations that protect our use and enjoyment, especially when compromised by commercial interests.

In no specific order the following are our concerns;

1. Onsite Parking Access.

Using the alley for parking access guarantees that all vehicles accessing or looking for onsite parking drive will drive into and out of the alley. We can expect this traffic flow at least twice a day for most of the 10 units, certainly at peak times

Given this is a de facto hotel, we can expect all spots to be used as very few visitors to Canmore that rent nightly accommodation come without a vehicle (especially in peak season). That means 10 additional cars at a minimum per day travelling in the alley at full occupancy. But in fact, often multiple individuals share double bed rooms and it is possible we will have more than 10 cars looking for spots. Given the number of bedrooms we could in fact see double this quite easily. That means a potential of 10 additional cars with no spots to park in.

All this traffic, at least twice a day, will travel in and out of the alley.

This alley is a transitional vehicular route between commercial and residential zoning. It is the primary (and only) access for all residential vehicular parking. It is also the “alley” in which children play. And it is also the alley in which all waste disposal from both commercial and residential is stored and collected.

And it is just that – an Alley. With no sidewalks, no curbs defining edges, and in fact no pavement throughout. In winter the alley is often down to a single lane.

It is understood that for the commercial zoning in question the existing bylaw strongly encourages rear parking and loading access.

However, this bylaw was not written to address the specific issues of edge or transitional alleys between residential and commercial zoning, where the residential properties only access is in that same alley. Hence the governing reference to 4.5.1.9

2. Number of Onsite Parking Stalls

Recognizing that at Peak Times all 10 spots will be filled, and that likely more will be required, I have a concern that the parking demand is very high for this scale of site. And that this number, driven by the density of units on the site, is more than the site can bear given the surrounding lack of on street parking. As a consequence of this fact, and the fact that there is no onsite

management of the hotel at all, it is fair to assume visitors will look to park vehicles wherever they can squeeze into. This will inevitably happen, especially given the lack of sufficient parking by the skating pond and on 10th Street inevitably conflict will arise but because of the new model of no onsite staff we will have no one to call to address the issue in a reasonable timeframe.

This issue stems from the fact that the use designation is Visitor Accommodation.

If the designation was either Residential as the development was initially marketed, or a hotel, as it is de facto acting as – parking requirements would preclude the development as designed due to insufficient parking.

So due to an artificial designation, we as residence face a serious parking imposition.

Once again this may not pose such a serious negative impact on a larger street further away from the parking constraints of an already highly pressured downtown. but that is why 4.5.1.9 is so relevant in this case as a lens through which to interpret the LUB.

3. Balconies facing alley

There are 4 balconies facing the alley. Given that there is no onsite management and given that this is a hotel and individuals of all ages will stay for as little as a day or two, it is reasonable and in fact inevitable that the balconies will at times be used for loud partying. Given that we cannot call an onsite manager, and despite noise bylaws, it is reasonable to assume this will often become a problem for us as homeowners. It is fair to assume that we could have all four balconies with people making more than a reasonable amount of noise, with no concern for surrounding residents, especially given they are only there for a night or two without any supervision. We also have multiple families with young children on the alley that use the alley as a place to play, as do most young kids. Is it appropriate to have balconies with no onsite management to lend an air of supervision. These are lower cost units and will invite younger individuals. And again, there is no onsite management for quick recourse. If this was private residential proposal it would not be an issue

As one can go talk to a neighbor and try to resolve ongoing issues if they occur. But this is a hotel.

Most hotel rooms do not have balconies. They are not necessary.

Again given our circumstance as a residential zone abutting a commercial one, we ask that 4.1.5.9 be used for exactly its intended purpose: namely to protect our interests as residential owners.

I trust this helps clarify my objections.

I would like this letter included in any future committee meetings.

Thank you for your time to date,

Best

Michael Shugarman and Phillip van der Merwe

705 Mallard Alley

Canmore

Louise Bates

From: [REDACTED]
Sent: November 24, 2022 1:21 PM
To: Shared.Planning
Cc: 'K. Gordon Schultz'; 'Rob and Nicki Gardiner'
Subject: SDAB Appeal Hearing - PL20220090 - 706 10th Street

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir/Madam,

I (Robin Gardiner) am writing in support of appeal to planning permission for 706 10th Street.

I would also like to register to speak at the 5th December hearing to explain the points below – please send me a calendar invite

I note that based on last appeal that the height exemptions have been adequately resolved however there remain 3 issues that I don't believe have been resolved and hence the appeal should be upheld.

- 1) Parking stall for services still not provided
- 2) Additional traffic in Mallard Alley not been resolved
- 3) (Most important in my mind) Planning rules require 'Retail' on ground floor to be in line with other developments – AirBnB Rental is not retail – retail is selling a product to the public, see below definition of retail.

[Retail - Wikipedia](#)

Point 3 appears to have been glossed over and not adequately discussed during last appeal and I believe this alone should support appeal being upheld and planning permission denied.

I do not believe that a planning department can re-define a well defined term to mean 'short term rental property' as it quite simply doesn't. I also believe this is a dangerous precedent to set on what is Canmore's second most prominent retail street – allowing non retail developments in a retail street.

Regards,

Robin and Nicola Gardiner 719 Mallard Alley



re·tail

/ˈrē,tāɪ/

noun

the sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

"the product's retail price"



adverb

being sold by retail or at a retail price.

"it is not yet available retail"

verb

1. sell (goods) to the public by retail.
"the difficulties in retailing the new products"
2. relate or repeat (a story) in detail.
"his inimitable way of retailing a diverting anecdote"

November 28, 2022

To: Subdivision and Development Appeal Board (SDAB)

Re: Appeal of the Visitor Accommodation, 706 10 Street

Dear Members of SDAB:

We are permanent Residents and property owners on Mallard Alley and respectfully submit for your consideration our support for the appeal of the Canmore Planning Department's decision approving the proposed Visitor Accommodation development at 706 10 Street Canmore.

The Reasons For Appeal

We respectfully request that the SDAB accept the appeal filed on October 17, 2022 and overturn the decision of the Canmore Planning Department (CPD) to approve the subject proposed Visitor Accommodation, on the grounds that:

1. The CPD did not give proper consideration to the Order of the SDAB issued on September 23, 2021 denying the approval for the same property address and similar application for a Visitor Accommodation.
2. The CPD did not give proper and due consideration of the proposed development's impact on the abutting residential neighbourhood of Mallard Alley, specifically to Clause 4.1.5.9 and the impact of parking, loading, noise and business hours of operation on the residential environment.
3. That Mallard Alley is not designed or maintained as a "Street", and simply cannot safely accommodate increased traffic flows which conflict with pedestrian, children, cyclists and the residents' right to quiet enjoyment of the lane way and safe pedestrian access to Canmore streets at all times.
4. Our overriding concern is Safety and Security of the residents of Mallard Alley, the impact on the right to quiet enjoyment and the unknown mix of clientele that may frequent the subject downtown Visitor Accommodation at all hours of the day or night. The proximity of a Visitor Accommodation to a residential community has no comparable precedent in the Town Centre and as such should be well researched and understood by the Town and the residents of Mallard Alley before any approval is given.

Supporting Arguments

1. The Developers and the CPD have not responded to each of the reasons given by the SDAB in previously denying the proposed development in the Order dated September 23, 2021. These were specifically addressed in the decision and referenced in the Reasons 1 and 4 of the Order. We have not included these in this submission as they are appropriately set out in the Order.
2. We submit that the CPD did not give proper and due consideration to the impact of the proposed Visitor Accommodation on the abutting residential neighbourhood along Mallard Alley and the unintended consequences to the permanent residents if the Visitor Accommodation development is allowed to proceed:

Clause 4.1.5.9 provides that developments abutting residential districts shall be designed to minimize the impacts of, among other things, parking, loading, noise and business hours of operations on the residential environment.

The CPD approval chose to largely underestimate the impact of the Visitor Accommodation development, as if an invisible wall exists between the Visitor Accommodation development and the residential community along Mallard Alley (zoned R2A).

a) Inadequate Parking

The planned Visitor Accommodation development providing for 10 parking spaces for 10 units with an estimated 27 bedrooms is clearly inadequate. With an estimated 27 bedrooms potentially providing accommodation for 54 plus people, it is highly probable that the visitors will regularly arrive in more than 10 vehicles, resulting in vehicle overflow to park along Mallard Alley. As well, there is no planned on-site parking for oversized or alternatively powered vehicles (as contemplated in Section 4.6 sub clause 4.6.7.3 of the Bow Valley Trail General Commercial District).

The Town's Engineering Department have already had to erect "No Parking" signage to discourage increasing parking on Mallard Alley because of limited street parking. The Downtown Canmore BIA has expressed strong concerns that Parking in the TC is a major concern with developments such as Basecamp, projects on Main Street; the proposed Visitor Accommodation is moving forward without due consideration or long-term vision.

The Canmore Fire Department has long considered Mallard Alley as a Fire & Safety emergency access. As a result parking and other enhancements to the lane are precluded.

As the parking entrance of the planned Visitor Accommodation is by way of Mallard Alley, a residential community, this will unduly increase traffic, noise, loading and unloading restrictions, etc. It is submitted that all future parking facilities for the North side of 10th Street should be accessed from the 10th Street side of any structure, a point the CPD has previously rejected.

b) Inadequate Loading Facilities

The planned Visitor Accommodation development will require a tenant arrival and departure area, daily cleaning and laundry services, regular garbage pickup services, regular and irregular maintenance and repair services, and other related activities for a business operation of this size and nature. A loading area is essential. The variance of a no loading area granted by CPD results in further and unnecessary traffic congestion and parking issues, all having an unnecessary burden on the permanent residents of Mallard Alley. That variance approval is little more than unfairly compromising permanent Mallard Alley residents in order to justify an ill-conceived design of the proposed Visitor Accommodation development.

c) Unacceptable Noise and Continuous Business Hours of Operation

The Visitor Accommodation development is a 24 hour a day, 7 day a week, 365 day operation a year, similar to a Hotel operation. The nature of short-term visitors is, in part, to party with friends. It is inconceivable that the occupants of the structure will not be coming and going at all hours of the day and night. With planned room balconies

facing Mallard Alley (a place to party), high noise levels into the late hours are inevitable. With no on-site supervision or management presence there is no one to take regular responsibility to deal with inappropriate noise, parking, and garbage issues. CPD approval leaves the permanent residential neighbours along Mallard Alley to live with the continuous consequences and fallout of this Visitor Accommodation operation with no compensation and no means to rectify the inevitable and on-going problems, other than police and by-law officials available only on a non-emergency and an “as available” basis.

3. Traffic flows on Mallard Alley have increased significantly over the last several years, as increased vehicle traffic on 10th Street has picked up sharply as Canmore is increasingly seen as a very viable destination by Calgarians, Albertans and other national and international visitors. This has resulted in a noticeable increase in “cut-through” traffic on Mallard Alley as vehicles attempt to avoid the congestion on 10th Street. This has been acknowledged by the Town’s Engineering Department who have posted “Local Traffic Only” signage, which has resulted in an imperceptible impact on reducing the “cut-through” vehicle traffic.

Mallard Alley was not designed as a residential street and does not allow for sidewalks for safe passage of pedestrians and children, residential frontages for personal enjoyment, or passable two-way traffic. It also does not receive the maintenance or service (pothole repair and snow removal) attention afforded Streets in the Town. This is not a complaint, simply a statement of fact helping to understand the concerns of the residents and to alert the SDAB that increased traffic and Alley entrance to the Visitor Accommodation parking are not viable alternatives given the risks to pedestrians (some of whom are seniors) and children using the lane way.

Also of significant concern is the “blind corner” at the east end of Mallard Alley which makes vehicular traffic more hazardous, leading to near-miss incidents over the years between vehicles, and pedestrians, children and cyclists. Increased traffic will exacerbate this unsafe situation.

The current demographics along Mallard Alley have changed significantly over recent years with strong components of young families, retired and semi-retired people and an increase in home/ condo ownership. This raises many issues and concerns relating to traffic, parking issues and pedestrians not to mention an influx of accommodation for 54 + people on short term stays.

The additional traffic from the subject Visitor Accommodation will simply add to the traffic problem on Mallard Alley.

4. Our overriding concern is Safety and Security of the residents of Mallard Alley, the impact on the right to quiet enjoyment and the unknown mix of clientele that may frequent the subject downtown Visitor Accommodation at all hours of the day or night. The proximity of a Visitor Accommodation to a residential community has no comparable precedent in the Town Centre and as such should be well researched and understood by the Town and the residents of Mallard Alley before any approval is given. A concern is that you cannot retroactively rectify or make changes to the Visitor Accommodation operation once it is approved, constructed and in operation. As a result, the CPD approval has not properly considered the rights of enjoyment to be afforded the residents of Mallard Alley.

We note that:

Clause 4.1 - Town Centre District provides no stated purpose or specific regulation and guidance for Visitor Accommodation. This seems to confirm that Visitor Accommodation are not desired in the Town Centre, particularly as they would about a residential community, and should be restricted to those areas where specific regulation and guidance is provided.

Clause 4.6 - Bow Valley Trail General Commercial District provides that the purpose of the district is intended “to form the core of Canmore’s Visitor Accommodation outside the resorts and provide a variety of commercial uses including visitor-oriented services and activities, and small retail outlets that serve both residents and visitors”. Additionally, Clause 4.6 provides specific regulations and guidance for Visitor Accommodation developments.

We also note that:

There are currently 4 vacant lots on 10th Street plus several other properties that are considered prime for future developments. Consider a continuous strip of Visitor Accommodation along 10th Street bordering Mallard Alley - which would conceivably turn 10th Street abutting Mallard Alley into an area similar to Bow Valley Trail with Mallard Alley being comparable to the railway tracks.

Summary

We, permanent residents of Mallard Alley, respectfully request that the SDAB accept the appeal filed on October 17, 2022 and overturn the decision of the Canmore Planning Department on the grounds that:

1. The proposed Visitor Accommodation was previously denied by Order of the SDAB in it’s decision dated September 23, 2021 with no subsequent changes or considerations made by the Developers other than the number of Variances requested.
2. The Canmore Planning Department did not give proper and due consideration to the proposed development on the abutting residential neighbourhood of Mallard Alley, specifically Clause 4.1.5.9 and the impact of parking, loading, noise and business hours operation on the residential environment.
3. That Mallard Alley is not designed or maintained as a “Street”, and simply cannot safely accommodate increased traffic flows which conflict with pedestrian, children, cyclists and the residents right to quiet enjoyment of the lane way and safe pedestrian access to Canmore streets at all times.
4. Our overriding concern is Safety and Security of the residents of Mallard Alley, the impact on the right to quiet enjoyment and the unknown mix of clientele that may frequent the subject downtown Visitor Accommodation at all hours of the day or night. The proximity of a Visitor Accommodation to a residential community has no comparable precedent in the Town Centre and as such should be well researched and understood by the Town and the residents of Mallard Alley before any approval is given.

RESPECTFULLY SUBMITTED BY:

Douglas Proll & Sylviane Lippert, 727 Mallard Alley
[REDACTED]

November 28, 2022

Att: Louise Bates
Clerk – SDAB
Town of Canmore
sdab@canmore.ca

Hello Louise,

Re: Subdivision & Development Appeal Board Hearing
PL20220090 – 706 10 Street

Please confirm receipt of this submission in support of my appeal.

PL2022-0090 – 706 10 Street, Canmore AB

- 1) Contravenes Land Use Bylaw (LUB) Section 4.1.5.9 which clearly states “Developments abutting residential districts shall be designed to minimize the impacts of parking, loading, garbage storage, sun shadow, noise and business hours of operation on the residential environment ...” as follows:
 - a. Parking
 - i. 10 parking stalls for 10 units may meet the LUB requirements, but the reality is 10 parking stalls is grossly inadequate. The property currently is a 3-bedroom home which is rented short term. On several occasions the property was rented, and three (3) vehicles or four (4) vehicles were used by the occupants. With 27 bedrooms proposed in PL20220090, this would suggest parking would be required for upwards of 30 vehicles at any given time.
 - b. Loading
 - i. The development was approved with the variance that no loading bay is required. Where then will cleaners, laundry delivery and maintenance vehicles park?
 - c. Noise
 - i. The development will be a 24 hour a day, seven day a week, 365 days a year operation with traffic being generated at all hours of the day and night with short term visitors arriving late into the evening and departing at times before dawn to meet flights departing Calgary.
 - ii. With four (4) balconies directly facing the Mallard Alley residences adjacent, they will become a major source of late-night parties and noise.
 - iii. With no on-site office nor consolidated management, when noise issues inevitable arise, to whom will the Mallard Alley resident turn to for resolution?
 - d. Business hours of operation
 - i. The development will be a 24 hour a day, seven day a week, 365 days a year operation which will have a significant impact on the use, enjoyment, and value of the Mallard Alley neighborhood.

- 2) Development is a condominium development masquerading as a hotel. The 10 units which will provide for a total of 27 bedrooms, accommodating up to 54 guests or more, was advertised for sale as a “single family” “strata” development, neither of which are permitted uses in commercial land use district of Town Centre District (TCD). The real estate listing has been taken down.
- 3) The intent for the permitted use of Visitor Accommodation in TCD is clearly envisioned in Section 4.1.8 and Figure 4.1.1, where any visitor accommodation is provided only on the third floor of a development. Nowhere within the details of TCD is there an allowance for a development that is 100% visitor accommodation.
- 4) TCD Section 4.1.4 Use-Specific Regulations speaks to Apartment Building, Retail Sales, Office, Retail Store, Eating and Drinking Establishment, Tourist Home, Dwelling Units, Employee Housing but nowhere does it provide for Visitor Accommodation as a development that consists only of Visitor Accommodation and no retail nor commercial component.
- 5) TCD Section 4.1.4.1 referring to Apartment Buildings demands ground-floor commercial use with dwelling units located above. What this suggests is any development proposed for Town Centre must have on the ground level / street level commercial uses. The PL20220090 has none.
- 6) Mallard Alley is unique as a neighborhood in Canmore. It is distinctive in nature in that it is R2A land use offering low density residential, facing high density commercial in TCD. Nowhere else is there another example of such a significant step down in use for land use districts adjacent to the TCD. Additionally, as the Mallard Alley neighborhood is accessed by lane only, the development proposed for the adjacent TCD amplifies the impact of insufficient parking, noise and business hours of operation. See SDAB decision regarding appeal #2020-003 of DP2020-012 dated May 20, 2020.
- 7) If the Canmore Development Authority’s decision prevails, it will set a perilous precedent for Mallard Alley, specifically to the 200 feet of frontage at Mallard Alley and 7th Avenue. We are aware of several developments that are similar in nature to PL20220090 that have proposed in excess of 45 units and 90 to 105 bedrooms. The magnitude of such a development would have a profound, deleterious effect on the Mallard Alley Neighborhood.
- 8) It is important to refer to the following section of the Municipal Government Act as it relates to Subdivision & Development Appeal Boards.
 - a. Section 6871.3.
 - i. “must have regard to but is not bound by the subdivision and development regulations.”

This implies that although a development abides by the Town of Canmore LUB, that does not guarantee it must be approved.

It is important to state here unequivocally that the Mallard Neighborhood is not opposed to commercial development on the 700 block of 10th Street.

In the late 80's, early 90's, the Town of Canmore undertook an extensive Land Use Bylaw review which resulted in the 700 block of 10th Street being rezoned from R4 to CB (SDA). This redesignation was done in extensive consultation with the residents of Mallard Alley to minimize the impact of future commercial developments. Subsequent revisions to the LUB and TC Town Centre District as it now exists, has enshrined how all commercial development must minimize any impact on adjacent resident neighborhoods as specifically stated in 4.1.5.9.

The result? The Mallard Alley Neighborhood has successfully cohabitated with its adjacent commercial neighbors now for more than 30 years. We have minimal issues with respect to parking, public access, garbage management and noise, primarily because the commercial operations in place are active during the day during normal business hours while Mallard Alley residents are at school and work. Our existing commercial neighbors have no impact on us in the evening and overnight. That absolutely will not be the case if PL20220090 is allowed to proceed.

Let me be clear, if the proponents of PL20220090 had brought forward a development similar to our existing commercial neighbors, we would have supported it enthusiastically.

Additionally, this is the second time this development has been proposed. It is identical to PL20210215 with the exception of variances, that was subsequently denied by the SDAB on September 23, 2021. And the principal reason for denying PL20210215 was because it completely ignored Sections 4.1.5.9, 4.1.5.1 and 11.4.4.1.6 of the LUB specifically related to parking, traffic, safety, noise and year yard landscaping. PL20220090 has again completely ignored these sections of the LUB.

We would encourage the SDAB to review its decision on PL20210215 and apply the same rigor to its deliberations of our appeal of PL20220090.

We have clearly demonstrated thru our presentation that indeed PL20220090 will adversely affect the residential neighborhood of Mallard Alley and will unduly interfere with the amenities of the neighborhood and materially interfere with and affect the use, enjoyment of the Mallard Alley Neighborhood.

It is therefore our request the development permit for PL20220090 as approved by the Canmore Development Authority be refused and that our appeal be allowed.

Yours sincerely,

K. Gordon Schultz
K. Coreen Schultz
713 Mallard Alley
Canmore AB T1W 2A8



Louise Bates

From: [REDACTED]
Sent: November 28, 2022 11:45 AM
To: Shared.Planning
Subject: SDAB PL20220090

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November 28, 2022

Attn.: SDAB Clerk

Town of Canmore

Dear Louise Bates,

Re: SDAB Appeal Board Meeting

PL20220090 re. 706-10Th Street, Canmore

This submission is in support of the appeal against PL20220090.

PL20220090 does not address a substantial number of the reasons why the almost identical application, PL20210215 was denied by the SDAB in September, 2021.

Specifically, SDAB inclusion in reasons for their decision in PL20210215 that sections 4.1.5.9, 4.1.5.1 and 11.4.1.6 of the Land Use Bylaw had not been met, do not appear to have been addressed.

Again, 4.1.5.9 requires developments abutting residential areas shall be designed to minimize the impact of parking, loading, noise and business hours of operation.

I have never observed more than three vehicles at that property, but with 27 bedrooms proposed by PL20220090, the increase in vehicles there would be in the region of 1000%. As previously stated, Mallard Alley is a narrow alley with no sidewalk, and residents using the alley include a number of young children, not to mention those of all ages negotiating the alley with considerable difficulty when it frequently ices up.

I would question any assertion that issues arising from the proposed development, relating to traffic and parking, would necessarily be addressed by the town at a later date. Having been residents of Mallard Alley for a year and a half, we have not observed enforcement of the frequent violations of the existing traffic and parking regulations in the Alley. We would also question whether, in the current recession, any funds would be available to the Town in the foreseeable future for required traffic and parking amelioration resulting from permitting this development. Of course, there has been no opportunity for identification of specific traffic and parking measures that would be required by the Town as a result of this development, and therefore no assessment of the feasibility, including resources, to implement these measures.

As to noise, we note that balconies from a number of suites in PL20220090 face out towards Mallard Alley, visitors to these suites would have no vested interest in the long-term reputation of the suites, and there is no onsite management to help quickly resolve any noise or other issues.

We note that, as far back as the July 28, 2021 planning commission meeting for this property, it was made clear that the existing Town Centre Master Plan (TCMP) was in need of update and that this update was ‘pending budget considerations’. While action on the TCMP may indeed be pending, we believe this underlines the importance for Town of Canmore administration, and others, to ensure that bylaws and policies are interpreted to respect the interests of all stakeholders. To clarify, it would be somewhat disastrous for a development project to be pushed through now, only to discover later that the development was offside of the emerging TCMP.

If PL20220090 was allowed, there are a number of sites on the same block for which PL20220090 could serve as a precedent for similar development. As has been previously mentioned by us in PL20210215, Mallard Alley is fairly unique in that it is ‘transitional’ between purely residential development on one side, and what I would classify as ‘mixed commercial’ development on the other side (not including, at present, any development of the kind proposed by PL20220090). I feel it is therefore vital that the full impact of this kind of development on the immediate neighborhood be considered before it is allowed. I believe this would best be done by an updated Town Centre Master Plan – which I believe may be in the ‘pipeline’

As was previously noted at the previous SDAB hearing on this proposed development, we are not against commercial development on the Mallard Alley side of 10th Street. I sincerely believe that appropriate commercial/retail development for that portion of 10th Street which backs on to Mallard Alley may be inevitable and desirable.

Regards

William Lawes & Julie Bradner

725 Mallard Alley

**Verbal submissions to be heard in support of the appeal against
PL20220090**

Please be advised that the following individuals will be making a verbal submission in support of this appeal:

- Katrina & Drew Osborne of 711 Mallard Alley
- Michael Shugarman of 705 Mallard Alley
- Robin & Nicola Gardiner of 719 Mallard Alley
- Douglas Proll of 727 Mallard Alley
- K. Gordon Schultz (Appellant) of 713 Mallard Alley
- William Lawes of 725 Mallard Alley

Written submissions in support of the development and non-support of the appeal against PL20220090

Please be advised that written submissions were received in non-support of this appeal from the following parties:

- Marianne Winz & Xauer Schurtenberger
- Kevin Ma
- Sky McLean
- Mandy Gia

November 23, 2022

To the Canmore Subdivision and Development Appeal Board,

RE: SDAB Development Permit Appeal No. PL20220090
706 - 10 Street, Canmore AB (the "Property")

We are the owner of 702 – 10 Street in Canmore, AB, located immediately east of the Property. We are writing this letter in support of permit application PL2022 0090 and request the SDAB approve the development and dismiss the appeal.

Projects such as the one proposed would be a good fit for the area and we understand that this is an example of what the Town of Canmore zoning is encouraging. This appears to be a great opportunity to utilize the parcel of land in Canmore that will contribute to the local economy.

The proposed size and style appear to fit into the surrounding buildings very well. We believe that the proposed development will add value to the neighbourhood, and not negatively affect the use, enjoyment, or value of our property. Additionally, we do not believe that the relaxation to zero loading stalls will materially impact the traffic in the area nor have any impact on our property. We are proud to support any development of this nature in our great community.

Please support this permit application by approving the development and denying the appeal against PL2022 0090. We are available for further questions, should you have any.

Thank you,

The image shows two handwritten signatures in black ink. The first signature on the left is 'M. Winz' and the second signature on the right is 'Xauer Schurtenberger'. Both are written in a cursive, flowing style.

Marianne Winz & Xauer Schurtenberger

702 – 10th Street, Canmore, AB

November 25, 2022

To the Canmore Subdivision and Development Appeal Board,

**RE: SDAB Development Permit Appeal No. PL20220090
706 - 10 Street, Canmore AB (the “Property”)**

We are the tenants of 702 – 10 Street in Canmore, AB, located immediately east of the Property. We have operated a local business, Famous Chinese Restaurant, at 702 – 10 Street for the past 8 years. We are writing this letter in support of permit application PL2022 0090 and request the SDAB approve the development and dismiss the appeal.

Past years have been extremely challenging for businesses, both locally and in the greater context. COVID has created considerable pressures to successfully running a small business. This is regarding supply chain issues, the available work force, and the local economy. Supporting both existing businesses and proposed ones is of paramount importance in Canmore for a healthy community.

The proposed development is a perfect example of what the TC – Town Centre commercial zoning envisions and encourages. Furthermore, the development at this location is long overdue. It will bring crucial dollars into the Town of Canmore and significantly elevate the overall streetscape on 10th Street. The proposed size and style are well done. It appropriately interfaces with its surroundings and the architecture is complimentary with the Town guidelines. We are eager to support any development of this nature, that is as thoughtful and creative as this one, in our great Town.

We do not believe that the new development, including the proposed relaxation to have zero onsite loading stalls, will materially affect traffic or interfere with the use, enjoyment, or value of our property and business. We believe that the traffic generation from the proposed development is very small and will not impact traffic operations or safety along Mallard Alley. We understand that the development and proposed business are designed so that parking for cleaners or staff who would typically use a loading stall can be accommodated with the proposed parking onsite. Further, there is plenty of on-street parking within walking distance of the proposed development to accommodate any additional parking requirements and we support any development that will increase commercial and tourist foot traffic in the area.

Please support this permit application by approving the development and denying the appeal against PL2022 0090. We are available for further questions, should you have any.

Thank you,



[zhongqing ma \(Nov 25, 2022 13:12 MST\)](#)

Kevin Ma
Owner of Famous Chinese Restaurant
702 – 10th Street, Canmore, AB



BASECAMP

PROPERTIES

November 23, 2022

To the Canmore Subdivision and Development Appeal Board,

**RE: SDAB Development Permit Appeal No. PL20220090
706 - 10 Street, Canmore AB (the "Property")**

I am a businessowner and resident of Canmore and am writing this letter in support of permit application PL2022 0090. I request the SDAB approve the development and dismiss the appeal. I am the CEO and owner of Basecamp Resorts Ltd. Basecamp Resorts is a hospitality company based out of Canmore, AB and operates nine hospitality properties throughout the Rocky Mountains, including Basecamp Resorts, Lamphouse, Northwinds, Basecamp Lodge, and Basecamp Suites in Canmore.

As the CEO and Owner of Basecamp Resorts Ltd., I am very familiar with this building typology and the functionality for this style of project. I have reviewed the approved application. It is similar in format and size of Basecamp Suites, which is located at 721 10 Street, just across the street and slightly west of the Property. Basecamp Suites is an 11-unit development that was approved by the Town of Canmore in in 2019 and opened in 2020. Each unit in Basecamp Suites is a standalone suite (similar to the proposed development). The units are operated as short-term rentals; check-in and check-out of the units is virtual and there are no onsite staff. Each visitor accommodation unit has a dedicated parking stall and, similar to the proposed development, no loading stall was required. In our experience, the onsite parking supply is adequate for the demand from the suites, traffic has not been materially impacted by the development or its lack of a loading stall, and the project continues to operate as designed.

As such, I support the development as proposed at this location. Furthermore, I am happy to see other individuals investing in the Town of Canmore, especially during increasingly difficult times in the construction industry.

Best regards,

Sky McLean
Big Moose Realty, Basecamp Resorts
403.390.8183

November 25, 2022

To the Canmore Subdivision and Development Appeal Board,

**RE: SDAB Development Permit Appeal No. PL20220090
706 - 10 Street, Canmore AB (the "Property")**

I am Canmore resident and a businesswoman in town. I am a cleaner of short-term rental units in Canmore, which I have been doing for the past 2 years. Prior to this, I was the manager of the Akai Motel at 1717 Mountain Ave, Canmore AB. I am writing this letter in support of permit application PL2022 0090 and request the SDAB approve the development and dismiss the appeal.

With my current job, I am the cleaner for five different short-term rentals. The frequency of how often I clean the units changes with the time of year and the length of stays.

When I clean a short-term rental unit I park in the building's parking lot or specifically in the space assigned to the unit I am cleaning. Unlike a hotel, I only come to clean units after the guests have checked out and before new guests have checked in, so the parking space is otherwise unoccupied. In my experience, a dedicated loading stall is not required for the type of cleaning required by a short-term rental, because (a) I am able to use the parking space for the unit, (b) I use my personal vehicle, which fits in a standard parking stall, and (c) I am not making multiple trips between my car and the unit to load/unload things.

With the short-term rental units I clean, the guests are supposed to take out the garbage before they leave. If they do not, I take the garbage from the unit to the dedicated garbage bins for the building (if it is a multi-unit building) or to the garbage can (if it is a house). The units I clean all have laundry machines, so I do the laundry in the unit while I am cleaning. In certain situations, if the laundry is not dry when I am done, I will carry the laundry to my car to dry the laundry at my house, and then bring it back when I return next to clean the unit. Typically, it will take me 1-2 hours to clean a unit.

I believe that this development, with in-suite laundry, dedicated garbage facilities, spaces for owners to store cleaning supplies, and one dedicated parking stall per unit, does not require any additional parking to permit a cleaner like me to access the units for cleaning without parking offsite.

Best regards,



Amanda Giannandrea (Nov 25, 2022 17:12 MST)

Mandy Gia
121 Grotto Terrace, Canmore AB

Verbal submissions to be heard in support of the development and non-support of the appeal against PL20220090

Please be advised that verbal submission will be made in non-support of this appeal from the following parties:

- Stacy McFarlane of Borden Ladner Gervaise, on behalf of the Applicant
- Chad Russell of Systemic Architecture Inc., on behalf of the Applicant
- Brendan Stevenson of Watt Consulting Group, on behalf of the Applicant

Submissions on behalf of the Applicant

Please be advised that the following submissions were received on behalf of the applicant in support of the development, non-support of the appeal against PL20220090:

- Email Correspondence
- BLG Letter to SDAB re: Scope of Hearing
- Schedules to BLG Letter
- SDAB Presentation – BLG
- SDAB Presentation - Systemic Architecture
- SDAB Presentation - Watt Consulting
- Watt Consulting Report
- Resume of Brendan Stevenson

Louise Bates

From: [REDACTED]
Sent: November 28, 2022 11:20 AM
To: Shared.Planning
Cc: [REDACTED]
Subject: DP Appeal - Dec 5, 2022 - PL2022 0090

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am counsel for the owner of 706 10 Street, which is subject to DP Appeal no. PL2022 0090. Further to the Board's email of November 22, 2022, I write to advise the Board of attendees, speakers, and submissions at the upcoming hearing on December 5, 2022.

The following people will be attending the SDAB hearing on behalf of the Applicant:

1. Stacy McFarlane, Borden Ladner Gervais LLP: [REDACTED]
2. Logan Hale, Borden Ladner Gervais LLP: [REDACTED]
3. Linjun Han, owner: [REDACTED]
4. Merlin Ma, owner: [REDACTED]
5. David Cassidy, Altus Group: [REDACTED]
6. David Yu, Altus Group: [REDACTED]
7. Chad Russill, Systemic Architecture Inc.: [REDACTED]
8. Tanner Allred, Systemic Architecture Inc.: [REDACTED]
9. Brendan Stevenson, Watt Consulting Group: [REDACTED]

While all listed attendees will be available to speak and answer questions raised by the SDAB or the appellants, the following attendees intend to speak at the hearing:

1. Stacy McFarlane, Borden Ladner Gervais
2. Chad Russill, Systemic Architecture Inc.
3. Brendan Stevenson, Watt Consulting Group.

My assistant, Karel Zambrano, will be sending a separate email containing the submission documents from the listed attendees. It will contain 11 documents, including 4 letters in support of the development and dismissal of the appeal, as follows:

1. BLG Letter to SDAB re: Scope of Hearing
2. Schedules to BLG Letter
3. SDAB Presentation – BLG
4. SDAB Presentation - Systemic Architecture
5. SDAB Presentation - Watt Consulting
6. Watt Consulting Report
7. Resume of Brendan Stevenson
8. Letters of support:
 - a. Marianne Winz & Xauer Schurtenberger
 - b. Kevin Ma
 - c. Sky McLean
 - d. Mandy Gia

If you have any questions or trouble with the documents, please do not hesitate to contact me.

Yours truly,
Stacy



Stacy McFarlane

Lawyer

Pronouns: she/her/hers

T 403.232.9407 | stmcfarlane@blg.com

Centennial Place, East Tower, 1900, 520 – 3rd Ave. SW, Calgary, AB, Canada T2P 0R3

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Borden Ladner Gervais LLP

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November 28, 2022

File No. 446530.000001

Delivered via E-mail to sdab@canmore.ca

SDAB No. PL2022 0090

Town of Canmore
Subdivision & Development Appeal Board
902 7th Avenue
Canmore, AB T1W 3K1
c/o Louise Bates, Clerk

ATTENTION: Canmore Subdivision & Development Appeal Board (“SDAB”)

**Re: Development Permit Appeal – Visitor Accommodation (the “Development”)
706 10th Street, Canmore AB (the “Property”)
Lot 2, Block 65, Plan 1095F
Ref. No. PL20220090**

We are counsel to the owner of the Property, Sunnyland Homes Inc. (our “client” or “Sunnyland”). Through its agent, Systemic Architecture Inc., our client has applied for development permit approval for the Development on the Property. The permitted use development permit (the “DP”) was conditionally approved by the Town of Canmore on September 26, 2022 and appealed by various neighbours to the SDAB on October 17, 2022 (the “Appeal”). The Appeal is scheduled to be heard by the SDAB virtually on December 5, 2022. As a preliminary matter at the hearing of the Appeal we intend to request the SDAB confirm the scope of the appeal for the DP. We are submitting this letter in support of our request, and are intending to speak to it at the hearing itself.

Development Permit Appeals – Permitted Use

The Property is designated **TC Town Centre** in the Town of Canmore Land Use Bylaw No. 2018-22, as amended (the “LUB”).¹ The DP application subject to the Appeal is for a **Visitor Accommodation** use, which is a permitted use in the TC district pursuant to LUB, s. 4.1.1.²

Section 685(3) of the *Municipal Government Act*³ states that an approved development permit for a permitted use may only be appealed to the SDAB if the provisions of the LUB were (1) relaxed, (2) varied, or (3) misinterpreted:

685 (3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use

¹ Town of Canmore Land Use Bylaw No. 2018-22, Land Use Bylaw Map #1 [LUB]. **TAB A**

² LUB, supra note 1, s. 4.1: TC Town Centre District. **TAB B**

³ RSA 2000, c M-26 [MGA].

bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).⁴

The Appeal – Limited Grounds

In *Planning Law and Practice In Alberta*,⁵ Professor Laux and Ms. Stewart-Palmer clearly explain that on a permitted use development permit appeal, unless the variance power of the SDAB under MGA, s. 687(3)(d) is invoked, the SDAB steps into the shoes of the Development Authority and has the same rights, duties, and limitations:

In exercising its appeal functions in respect of development proposals in conventional districts, a board steps into the shoes of the development authority and, except for cases where the variance power of the board is invoked, is subject to the same rights, duties and limitations as is the development authority. Consequently, where an application is for a permitted use that conforms to all the development standards and other provisions of the land use bylaw, a subdivision and development appeal board is duty-bound to issue a permit in the same was as is the development authority.⁶

Sunnyland submits, and will provide evidence that, the proposed DP complies with the provisions of the LUB. No variances were requested or granted by the Development Authority, nor have the Appellants alleged a variance to the LUB. As a result, the SDAB's variance power, and the associated legal test, in MGA s. 697(3)(d) is not invoked on this appeal, because the proposed DP fits within the confines of the LUB.

Sunnyland acknowledges the SDAB's authority, as identified by the ABCA in *Rau v Edmonton (City)*, to determine on appeal pursuant to MGA s. 685(3) whether or not the LUB has been misinterpreted.⁷ However, in the Appeal, the Appellants have not alleged a misinterpretation of the LUB; instead, they are state they are unhappy with the Council-adopted provisions of the LUB (e.g. that only 10 parking stalls are required, or that the access be from the alley and not 10 Street). This does not amount to a misinterpretation of the LUB. Sunnyland requests that the SDAB summarily deal with this ground of appeal, or lack thereof, in accordance with the statement of the ABCA in *Rau*:

[17] There may of course be appeals that do not even allege a relaxation, variation or misinterpretation. Those appeals can be summarily dealt with, but that does not mean the Board has "no jurisdiction". The very fact that the Board would dismiss such an appeal demonstrates that it does have jurisdiction over the appeal, but that the appeal is without merit.⁸

Although there is no variance and no alleged misinterpretation of the LUB, Sunnyland agrees that the DP does include a relaxation to the development standard in the LUB which is appealable

⁴ MGA, supra note 3, s. 685(3). **TAB C**

⁵ Laux, Frederick A. and Gwendolyn Stewart-Palmer, *Planning Law and Practice in Alberta*, 4ed (Juriliber, Edmonton AB: 2019) [**Laux**].

⁶ Laux, supra note 5, p. 10-54, s. 10.7(1)(a). **TAB D**

⁷ *Rau v Edmonton (City)*, 2015 ABCA 136 [**Rau**], para 16. **TAB E**

⁸ *Rau*, supra note 7, para 17. **TAB E**

pursuant to *MGA* s. 685(3). LUB s. 2.7.3.1 sets as the development standard that a non-residential development, like the Development, requires a minimum of 1 loading stall.⁹ Section 2.7.3.1 also permits the Development Authority, or the SDAB on appeal, to relax the standard to 0 loading stalls if it can be demonstrated “that loading can reasonably take place without a dedicated stall on-site, or that it can be shared ...”.¹⁰

In *Maria Cozarescu v Development Authority of the City of Edmonton*, 2020 ESDAB 10024, the Edmonton SDAB recognized that the scope of an appeal pursuant to *MGA* s. 685(3) is limited to the specific provision that has been varied, relaxed, or misinterpreted:

*Accordingly, because the proposed development is a Permitted Use, the only matter at issue in this appeal is the extent to which the required variance will negatively impact the neighbourhood or neighbouring parcels of land or whether the Development Authority misinterpreted the development regulations.*¹¹

In this instance, but-for the relaxation, the SDAB would be required to approve the DP because it is a permitted use that otherwise meets all the development standard requirements in the LUB.¹² With respect to the relaxation, the scope of the SDAB’s authority and ability to issue a remedy is limited to the discretion delegated to the Development Authority in LUB s. 2.7.3.1: whether the development standard for loading stalls should be 1 loading stall or 0 loading stalls. If the SDAB agrees that it is satisfied no loading stall is required, or that the loading stall can be shared, it must issue the DP pursuant to *MGA* s. 642(1).

As there appears to be some confusion in the Appeal documents, we will be requesting the SDAB confirm the scope of the Appeal at the outset of the hearing.

Yours truly,

BORDEN LADNER GERVAIS LLP



Stacy McFarlane
Enclosures

cc: client

⁹ LUB, supra note 1, s. 2.7.3.1. **TAB B**

¹⁰ LUB, supra note 1, s. 2.7.3.1. **TAB B**

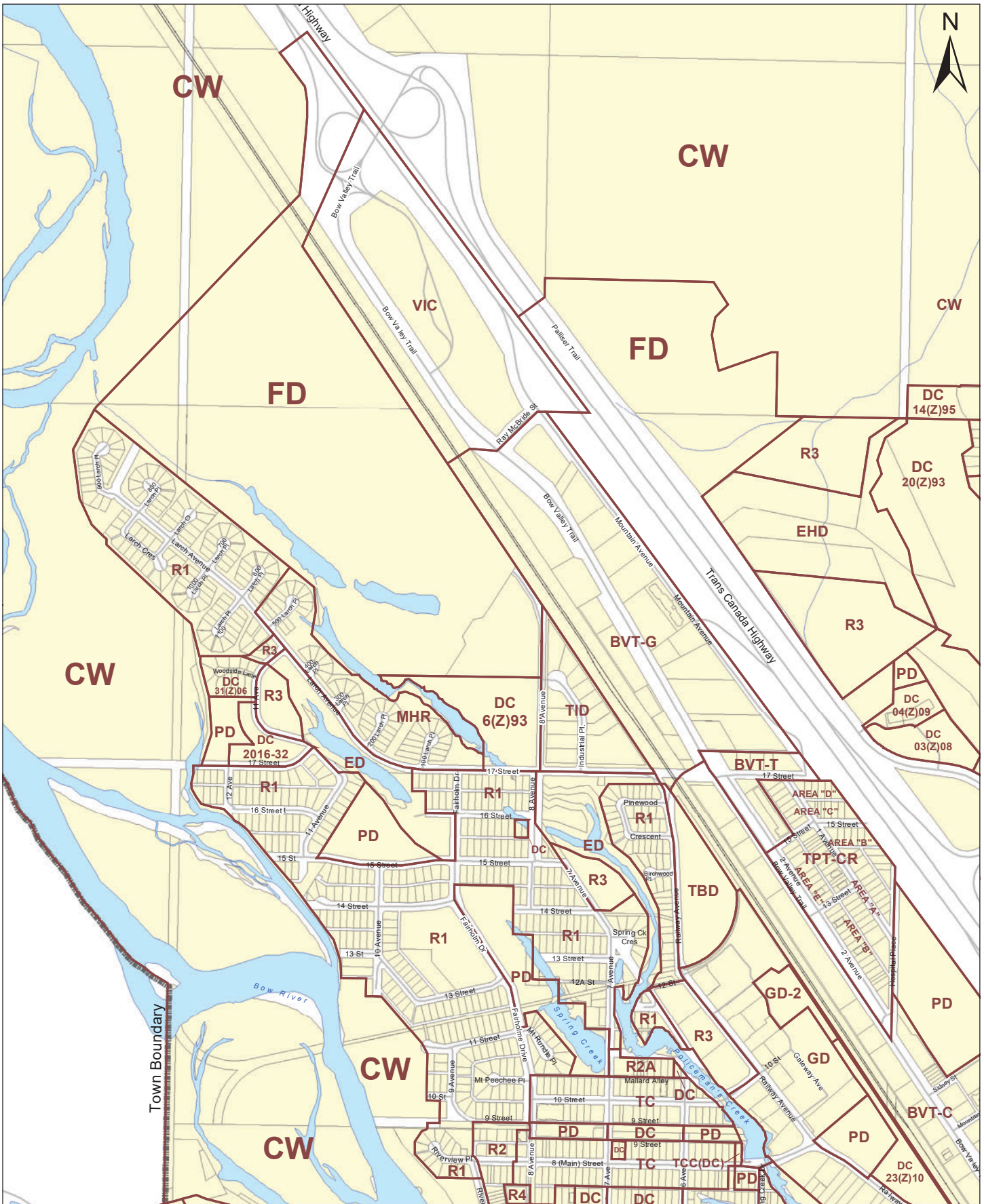
¹¹ *Maria Cozarescu v Development Authority of the City of Edmonton*, 2020 ABESDAB 10094 (Canlii) [*Cozarescu*], para 42. It is important to note that in *Cozarescu* at issue was a true variance that invoked the SDAB’s authority and the associated legal test to permit a variance (i.e. whether the variance would affect the use, enjoyment, or value of neighbouring properties), as opposed to the issue on appeal in this instance, which is a relaxation of the LUB within the confines of the discretion delegated by Council. **TAB F**

¹² *MGA*, supra note 3, s. 642(1). **TAB C**. On appeal, the SDAB has stepped into the role of the Development Authority barring statutory authority to act otherwise: Laux, supra note 5, p. 10-54, s. 10.7(1)(a). **TAB D**

MATTER	Canmore SDAB: Appeal of Permitted Use Development Permit
APPEAL NO.	PL2022 0090
APPELLANT	K. Gordon Schultz et al
APPLICANT	Systemic Architecture
PROPERTY	706 10st Street, Canmore AB
HEARING DATE	December 5, 2022
DOCUMENT	Applicant: Schedules to Legal Submissions from BLG
COUNSEL	Stacy McFarlane Borden Ladner Gervais LLP 520 – 3 Ave SW, Suite 1900 Calgary AB T2P 0R3 T : (403) 232-9407 E : stmcfarlane@blg.com

TAB A

LAND USE BYLAW MAP # 1



TAB B



CONTENTS

- 1. Administration**
- 2. General Regulations**
- 3. Residential Land Use Districts**
- 4. Commercial Land Use Districts**
- 5. Industrial Land Use Districts**
- 6. Miscellaneous Land Use Districts**
- 7. Development Overlays**
- 8. Use Specific Regulations**
- 9. Signage**
- 10. Green Building Regulations**
- 11. Community Architectural & Urban Design Standards**
- 12. Density Bonus Regulations**
- 13. Definitions**
- 14. Direct Control Districts**
- 15. Land Use District Maps**

owner of the site in which the parking is required, and registered on the title of the property providing the shared parking.

2.7.3 Loading Stalls

- 2.7.3.1 A minimum of one (1) loading stall shall be required per multi-unit residential building or non-residential building, unless it can be otherwise demonstrated to the Development Authority that loading can reasonably take place without a dedicated stall on-site, or that it can be shared amongst multiple developments and/or tenants to minimize the number of loading stalls required.
- 2.7.3.2 All loading stalls shall be designed and located so that all automobiles using them can be parked and maneuvered entirely within the bounds of the site.
- 2.7.3.3 All loading stalls required by this Bylaw shall have direct access to a public roadway or to a maneuvering aisle with adequate access to a public roadway, to the satisfaction of the Development Authority.
- 2.7.3.4 Loading stalls shall not be provided in a tandem configuration.

2.7.4 Bicycle Parking Stall Design

- 2.7.4.1 The design of all bicycle parking stalls shall be in accordance with the Engineering Design and Construction Guidelines.

2.7.5 Automobile Parking Stall Design

- 2.7.5.1 The minimum dimensions for the design of Parking Areas shall be in accordance with the Engineering Design and Construction Guidelines.
- 2.7.5.2 **[Repealed by 2020-16]**
- 2.7.5.3 All automobile parking stalls and loading spaces required by this Bylaw shall have direct access to a public roadway or to a maneuvering aisle with adequate access to a public roadway to the satisfaction of the Development Authority. Parking stalls and loading spaces shall not be provided in a tandem or stacked configuration unless such a configuration is specifically allowed for elsewhere within these regulations.

2.7.6 Parking Stall Requirements – Non-Residential Developments

- 2.7.6.1 All uses within the Bylaw are included within a “Class.” Each use and its corresponding Class shall be as outlined in Table 2.7-1 below.

TABLE 2.7-1 - NON-RESIDENTIAL PARKING CLASSES [2020-16]		
Class	Land Uses	
A	Arts and Crafts Studio Cannabis Retail Store Eating and Drinking Establishment Financial Institution	Personal Service Business Office Retail Sales with less than 500 m ² of GFA

4.1 TC TOWN CENTRE DISTRICT

Purpose

To provide for a broad range of commercial, entertainment, cultural, and residential uses in mixed-use buildings and to serve as a focal point for community business and civic activities.

4.1.1 Permitted Uses

Amusement Arcade
Apartment Building
Arts and Crafts Studio
Convention Facility
Cultural Establishment
Dwelling Unit (above the ground floor)
Eating and Drinking Establishment
Employee Housing
Entertainment Establishment
Financial Institution
Home Occupation – Class 1
Laundry Facility
Medical Clinic
Open Space
Personal Service Business
Public Building
Public Utility
Retail Sales
Visitor Accommodation

4.1.2 Discretionary Uses

Accessory Building
Administrative/Sales Office
Athletic and Recreational Facility, Indoor
Cannabis Retail Store
Common Amenity Housing
Day Care
Educational Institution
Home Occupation – Class 2
Hostel
Liquor Store
Logging Operation
Office
Printing Establishment
Taxi Stand
Temporary Business
Tourist Home
Transportation Terminal

4.1.3 Regulations

- 4.1.3.1 The minimum site area shall be 300.0 m².
- 4.1.3.2 The minimum site width shall be 7.6 m.
- 4.1.3.3 The maximum FAR shall be 2.0.
- 4.1.3.4 The minimum FAR shall be 1.25.
- 4.1.3.5 The front yard setback shall be 1.0 m, as illustrated in Figure 4.1-1.
- 4.1.3.6 The minimum rear yard setback shall be 5.4 m except for double-frontage lots, where the rear yard setback shall be determined by the Development Authority.
- 4.1.3.7 The minimum side yard setback shall be zero except when adjacent to a residential district, where the setback shall be 1.5 m for portions of the building above the ground floor.
- 4.1.3.8 The maximum building height shall be 11.0 m with a maximum eaveline height of 7.0 m.
- 4.1.3.9 Floor area above the eaveline shall be incorporated into the roof structure and shall step back from the main building face for a minimum of 70% of the elevation.

4.1.4 Use-Specific Regulations

- 4.1.4.1 An Apartment Building development shall feature a ground-floor commercial use with Dwelling Units located above.
- 4.1.4.2 The maximum GFA of a Retail Sales store shall be 500 m².
- 4.1.4.3 Applications for a development with an Office on the ground floor will be evaluated in accordance with the following criteria in determining a proposal's effect on the streetscape:
 - a. At least 66% of the GFA for an Office use shall be located on the second floor of a building;
 - b. If more than 25% of the existing block face on which the proposed development is located does not have Retail Store or Eating and Drinking Establishment uses located at grade, an Office use shall not be located at the ground floor;
 - c. Notwithstanding (a) and (b) above, a development with an Office use located on the ground floor may be approved above under the following circumstances and subject to the Development Authority:
 - i. If the development faces an alley; or
 - ii. If more than 25% of the existing block face on which the proposed development is located is vacant at the time of the application; or
 - iii. If the development proposes a substantial enhancement to the public/private realm adjacent to the building, as determined by the Development Authority.
- 4.1.4.4 A Tourist Home shall only be located above the ground floor of a building.
- 4.1.4.5 A Tourist Home shall have an entrance that is separate and distinct from the entrance to any commercial use in a building.

- 4.1.4.6 Dwelling Units that have a Tourist Home designation shall have a separate entrance and circulation area from Dwelling Units that do not have a Tourist Home designation, to the satisfaction of the Development Authority.
- 4.1.4.7 A Tourist Home may be located on the same floor as commercial uses where there is a physical separation of uses, to the satisfaction of the Development Authority.
- 4.1.4.8 Parking for a Tourist Home shall be provided in the same location as parking for any other residential Dwelling Units on-site.
- 4.1.4.9 Where contemplated, Employee Housing units shall be accessory to a principal use of a building. When that principal use is commercial, Employee Housing units shall be located above the ground floor.
- 4.1.4.10 When Employee Housing units are located on the same floor as a non-residential use, there shall be a physical separation of uses and separate entrances to the Employee Housing units, to the satisfaction of the Development Authority.

4.1.5 Design Requirements

- 4.1.5.1 Developments within this District shall comply with the regulations in Section 11: Community and Architectural Design Standards of this Bylaw.
- 4.1.5.2 A pedestrian-oriented streetscape shall be established incorporating such design elements as: wide sidewalks, arcades, pedestrian scale street lighting, bicycle parking, canopies, vestibules, façade treatments that are sensitive to sidewalk location on a site specific basis and permeability of façades by the use of glass and doors.
- 4.1.5.3 All businesses adjacent to a public street and/or sidewalk shall have a functional entrance that faces that street/sidewalk.
- 4.1.5.4 Where businesses have multiple street frontages, functional entrances may be required for each frontage at the discretion of the Development Authority.
- 4.1.5.5 Buildings on corner lots shall be designed to retain the key views as described in Section 11: Community Architectural and Urban Design Standards.
- 4.1.5.6 Applicants shall demonstrate that any proposed building preserves these views which will normally require that roof areas close to the corner are designed to be below the maximum permitted height. Buildings subject to this regulation will be allowed to achieve the maximum FAR of 2.0. Where variances to the District regulations may be required to achieve the maximum FAR, such variances may be supported by the Town provided the building and site design meet the relevant requirements of Section 11: Community Architectural and Urban Design Standards.
- 4.1.5.7 Where the Development Authority is satisfied that the architectural integrity of a building would be enhanced, variances may be granted to allow 20% of the building to exceed the maximum height by up to 20%. No height variances shall be granted beyond the 20% relaxation.
- 4.1.5.8 In order to achieve a pedestrian oriented streetscape, parking and loading shall be designed

to minimize the visual impact and impacts on pedestrian activity. Techniques to achieve this may include structured parking, shared parking and intensive landscaping. Where structured parking is provided, it shall be integrated into the building design, preferably underground. Parking Structure buildings shall include retail, office and commercial service on a portion of the ground floor with direct access to the public sidewalk.

- 4.1.5.9 Developments abutting residential districts shall be designed to minimize the impacts of parking, loading, garbage storage, sun shadow, lighting, noise and business hours of operation on the residential environment to the satisfaction of the Development Authority. Specifically, such developments shall be designed and constructed as follows:
- a. No more than four (4) parking stalls, or two (2) parking stalls and a loading bay, shall have direct access to a lane from the rear of a development. Additional parking stalls or loading bays shall be accessed by a driveway and be screened from the lane to the satisfaction of the Development Authority.
 - b. Where a proposed development is adjacent to or across a lane from a residential district, the façade facing the residential district shall be considered an additional “frontage” for the purposes of architectural design and materials.
 - c. Mechanical equipment may not be mounted on walls adjacent to or across a lane from a residential district.
- 4.1.5.10 Signage shall be oriented to the pedestrian sidewalk.
- 4.1.5.11 Garbage containers and waste material shall be stored either inside a principal building or, at the discretion of the Development Authority, in a weatherproof and animal-proof garbage enclosure as outlined in the Engineering Design and Construction Guidelines.
- 4.1.5.12 Garbage enclosures shall be designed and located to be visually integrated with the site.
- 4.1.5.13 Outdoor Storage is prohibited.

4.1.6 Parking Alternatives

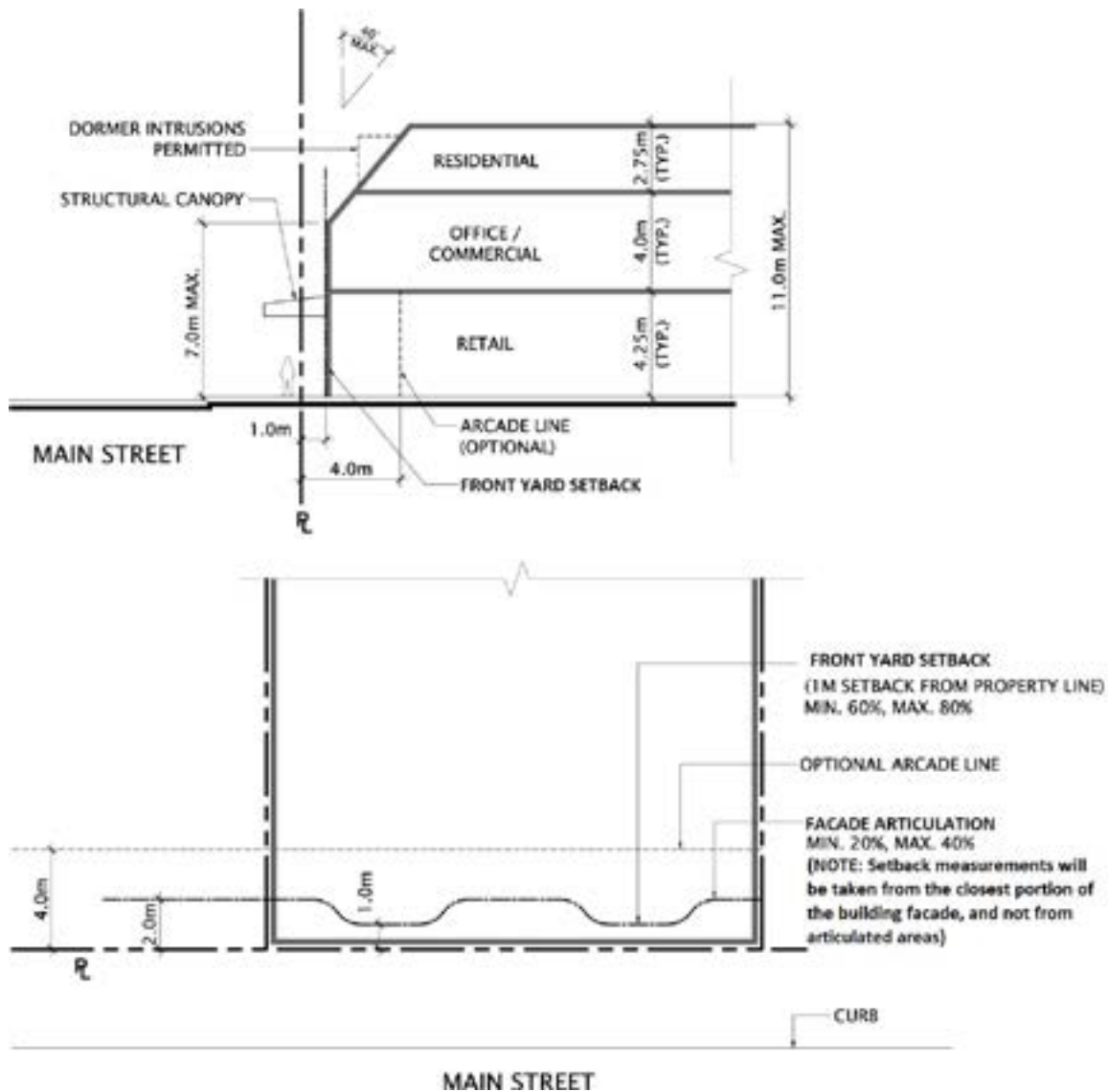
- 4.1.6.1 The Development Authority may, at its discretion, approve cash-in-lieu of parking for the difference between the total number of required parking stalls and the number of parking stalls provided within the development.
- 4.1.6.2 The Development Authority may allow a portion of the parking required by a development to be provided in an off-site location within the TC District only.

4.1.7 Historic Resources

- 4.1.7.1 Properties identified in Schedule “A”, as well as the properties adjacent to them are subject to the development regulations in Subsection 7.7 of this Bylaw.

4.1.8 Illustrations for Developments Located in the Town Centre

Figure 4.1-1



4.1.9 Schedule A

Schedule "A" Historic Resources in TC District



TAB C

Municipal Government Act, RSA 2000, c M-26

Permitted and discretionary uses

642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

Grounds for appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

...

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

...

Hearing and decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

TAB D

**PLANNING LAW
AND
PRACTICE
IN
ALBERTA**

FOURTH EDITION

**FREDERICK A. LAUX, Q.C.
GWENDOLYN STEWART-PALMER**

Juriliber

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of the courts to read down statutory plans where they conflict with a land use bylaw.²⁵² Thus, if an appeal involves a permitted use development authorized by, and conforming with, the land use bylaw in all respects, the board should issue a permit even though the development may conflict with a statutory plan.²⁵³

Note, there is some authority for the proposition that a board may be obliged to presume a land use bylaw provision to be valid and cannot entertain, and act upon, arguments pertaining to validity.²⁵⁴

§10.7(1)(a) Permitted Uses

In exercising its appeal functions in respect of development proposals in conventional districts,²⁵⁵ a board steps into the shoes of the development authority and, except for cases where the variance power of the board is invoked, is subject to the same rights, duties and limitations as is the development authority.²⁵⁶ Consequently, where an application is for a permitted use that conforms to all the development standards and other provisions of the land use bylaw, a subdivision and development appeal board is duty-bound to issue a permit in the same way as is the development authority.²⁵⁷

252 See §5.6(3)(a) for a discussion of the subject of judicial deference vis-à-vis the interpretations placed on plans by planning authorities. The courts may defer to an interpretation given a statutory plan by a board where the interpretation is one that the plan can reasonably bear and results in a consistency between the plan and the land use bylaw.

253 See *dicta* of Wilson J. in *Hartel Holdings Co. v. Calgary City Council*, [1984] 1 S.C.R. 337 [Alta.]. See also, 2890828 *Canada Ltd. v. Edmonton (City) Development Appeal Board* (1994), 20 M.P.L.R. (2d) 315, 19 Alta. L.R. (3d) 137, 149 A.R. 308, 63 W.A.C. 308 (C.A.).

254 *Coffman v. Ponoka (County No. 3)*, [1998] A.J. No. 912, 1998 ABCA 269, 219 A.R. 127, 81 A.C.W.S. (3d) 889. See also *Marrazzo v. Leduc County (Subdivision and Development Appeal Board)*, [2016] A.J. No. 1350, 2016 ABCA 409, 274 A.C.W.S. (3d) 182, 60 M.P.L.R. (5th) 190, 2016 CarswellAlta 2434 in which the court held that the board did not have the jurisdiction to determine the correctness of the County's Off-site Levy Bylaw. Nonetheless, there are cases where the vires of a bylaw has been successfully challenged in the Court of Appeal on appeal from a subdivision and development appeal board decision: e.g., 274099 *Alberta Ltd. v. Sturgeon No. 90 (Municipal District) Development Appeal Board* (Alta. C.A.), [1990] A.J. No. 1067, 75 D.L.R. (4th) 326, 112 A.R. 122, 3 M.P.L.R. (2d) 265, 24 A.C.W.S. (3d) 92. See also *Boll v. Woodlands (County)*, [2016] A.J. No. 1148, 2016 ABCA 344. This implies that the validity of a bylaw may be challenged before a board. For more detailed discussion of this topic see §16.3(4)(a)(i).

255 As distinct from direct control districts.

256 *Furnival v. Calgary (City)* (1979), 10 Alta. L.R. (2d) 289 at 292, 18 A.R. 67, 103 D.L.R. (3d) 303 (C.A.). Theoretically, it is possible for a land use bylaw to be drafted in such a way that the bylaw gives more authority to a subdivision and development appeal board than to a development authority, in which case the statement in the text would be overly broad. For example, it may be possible for a council to add additional uses to the list of discretionary uses in a given district, but expressly limit the jurisdiction to grant a permit for such uses to the development appeal board only.

257 *Chrumka v. Calgary (Development Appeal Board)* (1981), 16 Alta. L.R. (2d) 328 at p. 334, 18 M.P.L.R. 95, 130 D.L.R. (3d) 61, 33 A.R. 233 (C.A.). In this case the court found that the development proposal before the board was a conforming permitted use and that the board erred in denying a permit. Instead of sending the matter back to the board for reconsideration, the court substituted an order affirming approval of the development permit that had been issued by the development officer

TAB E

In the Court of Appeal of Alberta

Citation: Rau v Edmonton (City), 2015 ABCA 136

Date: 20150414
Docket: 1403-0240-AC
Registry: Edmonton

2015 ABCA 136 (CanLII)

Between:

John Paul Rau and Denise Marie Courteau

Appellants

- and -

**The City of Edmonton and the City of Edmonton
Subdivision and Development Appeal Board**

Respondents

- and -

Kelly Clarke

Respondent by Order

The Court:

**The Honourable Mr. Justice Ronald Berger
The Honourable Mr. Justice Jack Watson
The Honourable Mr. Justice Frans Slatter**

Memorandum of Judgment

Appeal from the Decision by the
Edmonton Subdivision and Development Appeal Board
Dated the 29th day of August, 2014
(SDAB-D-14-220; SDAB-D-14-221)

Memorandum of Judgment

The Court:

[1] The issue on this appeal is the maximum permitted height of a house constructed in a zone in which development is governed by the City of Edmonton's *Mature Neighbourhood Overlay*. The appellants assert that the house being built by the respondent by order exceeds the maximum permitted height.

Facts

[2] The respondent by order owns a lot in the Highlands neighbourhood. That neighbourhood contains a number of houses of some vintage, and has accordingly been made subject to the *Mature Neighbourhood Overlay*. The respondent by order obtained a development permit permitting the construction of a large house with a pitched or sloping roof. It is not disputed that the elevation of the midpoint of the roof is 8.58 m, and that the elevation of the top of the peak of the roof is 10.33 m. The Development Officer concluded that the proposed house complied with the requirements of the *Edmonton Zoning Bylaw 12800*, and did not require any variations or dispensations from those requirements. The Officer accordingly issued a development permit.

[3] The appellants, who are neighbours of the respondent, took the position that the house was higher than permitted, and launched an appeal to the Subdivision and Development Appeal Board. The Board agreed with the interpretation placed on the bylaw by the Development Officer, and so declined to grant any relief to the appellants. The appellants obtained leave to appeal to this Court on the following issue:

Did the SDAB err in its interpretation of the *Zoning Bylaw*, in particular the interplay between the provisions of the RF1 Zone and the Mature Neighbourhood Overlay, in considering that the proposed home complies with the maximum allowable height under the *Bylaw*?

See *Rau v Edmonton (City)*, 2015 ABCA 5.

The Bylaw

[4] The lot in question is zoned RF1, which permits single family housing. It is not disputed that the RF1 zoning mandates a maximum height of construction of 10.0 m. The method of measuring the height is set out in the *Zoning Bylaw*:

49: **Height** means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through: . . .

- b. the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of the Bylaw.

Thus, a building with a pitched roof is subject to a “double” standard of height. First, the height to the midpoint of the pitched roof must not exceed the maximum permitted in the zone (10.0 m in the RF1 zone). Second, the height to the top of the peak cannot be more than 1.5 m above that maximum (10.0 m + 1.5 m = 11.5 m in the RF1 zone).

[5] Where the *Mature Neighbourhood Overlay* is in place, it “substitutes” some of the requirements normally found in the RF1 Zone:

800.4.1 The regulations provided in the Overlay shall be substituted for the specified regulations of the underlying Zone. Where there appears to be a conflict between the provisions of the Overlay and those of the underlying Zone, the provisions of the Overlay shall take precedence and effect. [emphasis added] . . .

800.4.3 The Overlay may change or specify regulations and submission requirements, as provided below, and may specify the conditions under which such changed or specified regulations would apply: . . .

- c. The building Height.

It is not disputed that the *Mature Neighbourhood Overlay* provides for a maximum height of 8.6 m. In other words, it is conceded that the first standard of height called for by the *Zoning Bylaw*, that is the height to the midpoint of the roof, is a maximum of 8.6 m. The house of the respondent by order complies with that standard.

[6] The Development Officer, however, concluded that the *Mature Neighbourhood Overlay* had no effect on the second standard of height called for in the *Zoning Bylaw*. Even though the height to the midpoint of the roof could not exceed 8.6 m (compared to 10.0 m under normal RF1 zoning), the overall height to the top of the peak of the roof could still be 1.5 m above the ordinary RF1 standard of 10.0 m (in other words, 11.5 m). The appellants argue

that the effect of the *Mature Neighbourhood Overlay* is that the overall height cannot exceed 8.6 m + 1.5 m = 10.1 m. The house being constructed by the respondent by order is 10.33 m high, and so exceeds that standard.

[7] The issue comes down to the scope of the phrase “shall be substituted”. When the *Mature Neighbourhood Overlay* “substitutes” the maximum height of 8.6 m, does it do so for all purposes, or only for the purposes of the first standard of height called for in the *Bylaw*? A plain reading of the *Bylaw* supports the appellants’ position. There is nothing in the wording of the *Bylaw* to support the interpretation that “the maximum permitted building Height of the Zone” means one thing under the first part of the test for “Height”, but something else under the second part of the test for “Height”. Once the *Mature Neighbourhood Overlay* substitutes the maximum height for the zone, it does so for all purposes, and the secondary test for overall height to the top of the peak, of an extra 1.5 m, must be added to the “substituted” standard of 8.6 m. This is consistent with the overall philosophy that the *Mature Neighbourhood Overlay* takes precedence and effect in case of any conflict.

[8] This interpretation is consistent with the grammatical and ordinary sense of the words “shall be substituted” in s. 800.4 of the *Zoning Bylaw*. Section 110.4.5 of the “Development Regulations for Permitted and Discretionary Uses” in the RF1 zone reads: “The maximum Height shall not exceed 10.0 m nor 2 1/2 Storeys.” This is one of the “regulations” therein. The *Mature Neighbourhood Overlay* “substitutes” in s. 110.4 of the *Zoning Bylaw*, for RF1 zones covered by the *Overlay*, the regulation: “The maximum Height shall not exceed 8.6 m nor 2 1/2 Storeys”. The effect is to stipulate that the “the maximum permitted building Height of the Zone”, meaning the RF1 zone, is by regulation 8.6 m for all purposes of the height measurement referred to in s. 6.1(49) of the *Zoning Bylaw*.

[9] It follows that the house being constructed by the respondent by order does not comply with the bylaw, and the appeal must be allowed.

Procedural History

[10] It will perhaps be helpful for the Court to make some observations about the procedural course of this appeal. The Development Officer was able to issue the development permit because he concluded that the proposed house did not exceed the maximum height requirements. If he had held otherwise, he would have had to decline the permit, and the respondent by order would have had to appeal to the Subdivision and Development Appeal Board for a relaxation of the requirement. The appellants and other stakeholders would have been entitled to notice, and would have been respondents, not appellants.

[11] As it turned out, the Development Officer (no doubt in good faith) concluded that the proposed house complied with the *Zoning Bylaw*. The immediate procedural effect was that

the appellants had to appeal to the Subdivision and Development Appeal Board under s. 685 of the *Municipal Government Act*, RSA 2000, c. M-26:

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

The fundamental basis of the appellants' appeal was that the *Zoning Bylaw* had been "misinterpreted".

[12] When the appeal reached the Subdivision and Development Appeal Board, the Presiding Officer opined that a preliminary issue had to be resolved, namely whether "the Board has jurisdiction to hear the appeal". The theory was that if the *Zoning Bylaw* had not been misinterpreted, then "no appeal lies" under s. 685(3). Counsel for the respondent by order attempted to concede the point:

Mr. Laux interjected to indicate that his client was prepared, to avoid the possibility of a Court of Appeal challenge, to concede that the Board has jurisdiction to hear the merits of this appeal.

Counsel obviously realized the circularity of the whole argument. It was not possible to tell whether "an appeal lay" until it could be decided if the *Bylaw* had been "misinterpreted", and one could not decide if the *Bylaw* had been "misinterpreted" without hearing the whole appeal. Sterile and formalistic arguments about "jurisdiction" were not likely to accomplish anything other than additional delay and expense.

[13] The Board, however, decided that jurisdiction did not depend on consent, and it would “not assume jurisdiction”. Notwithstanding that conclusion, the Board went on to consider the merits of the whole appeal, because, as noted, it was not possible to tell if there was a “misinterpretation” without doing so. The Board did in fact assume jurisdiction, despite its disclaimer. The Board had discretion under s. 687(3)(d) to permit a variance if the height of the roof did not unduly interfere with the amenities of the neighbourhood or the use, enjoyment, or value of neighbouring land. However, the Board did not consider whether it would exercise this discretion, perhaps because of its view that there was no appeal before it.

[14] The provisions of s. 685 should not be regarded as being “jurisdictional”, a word not found in that section. That section sets out which types of appeals are permitted, but does not limit the authority of the Board (its “jurisdiction”) to hear all development appeals. The law has generally been moving away from the idea of a preliminary jurisdictional question in such circumstances.

[15] The Board’s jurisdiction is not limited to hearing meritorious appeals: it can also hear appeals that are flawed, even seriously flawed. The phrase “no appeal lies” found in s. 685(3) effectively means that “no appeal will be successful”, unless there is a relaxation, variation, or misinterpretation. In other words, the Board has no plenary authority to disallow developments which comply with the *Zoning Bylaw*. Any appeal which merely implores the Board to “do what is fair”, notwithstanding what the *Bylaw* authorizes, will be unsuccessful.

[16] Under the statute the Board has wide powers. **It can decide if one of the preconditions in s. 685(1) has been met. It can decide if there has been a relaxation, variation, or misinterpretation under s. 685(3).** In effect, the Board has jurisdiction to decide if it has jurisdiction in the particular appeal (if one insists on using the “J” word). There is little point in engaging in preliminary debates about whether an appeal even lies, when the answer to that question cannot be found unless the merits of the appeal are decided. The Board should have accepted counsel’s concession that it had “jurisdiction” to hear the appeal. That concession did not give the Board “jurisdiction by consent”, it merely recognized that the Board had the legal authority to dismiss an appeal that was ultimately found to be without merit.

[17] **There may of course be appeals that do not even allege a relaxation, variation or misinterpretation. Those appeals can be summarily dealt with, but that does not mean the Board has “no jurisdiction”. The very fact that the Board would dismiss such an appeal demonstrates that it does have jurisdiction over the appeal, but that the appeal is without merit.** The concept of jurisdiction can refer either to the Board’s capacity to inquire into the subject matter, or to the power to give a remedy; recognizing that the Board had the capacity to decide if there had been a misinterpretation does not risk the Board granting remedies that it ought not to. If no misinterpretation occurred, the appeal is just dismissed.

Conclusion

[18] In conclusion, the appeal is allowed. The maximum height to the peak of the roof permitted under the *Mature Neighbourhood Overlay* in RF1 zoning is 10.1 m. The matter is remitted back to the Board to reconsider the merits of the appeal based on that interpretation of the *Zoning Bylaw*. In the circumstances, the parties would be well advised to give careful thought to which stakeholders should be given notice of the new hearing.

Appeal heard on April 1, 2015

Memorandum filed at Edmonton, Alberta
this 14th day of April, 2015

Berger J.A.

Watson J.A.

Slatter J.A.

Appearances:

R. Noce, Q.C.
for the Appellants

J. Johnson (No appearance)
for the Respondent The City of Edmonton

P.A. Smith, Q.C. and K.L. Hurlburt (No appearances)
for the Respondent Subdivision and Development Appeal Board of the City of
Edmonton

K.D. Wakefield, Q.C.
for the Respondent Kelly Clarke

TAB F

EDMONTON SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Citation: Maria Cozarescu v Development Authority of the City of Edmonton, 2020 ABESDAB 10024

Date: March 11, 2020
Project Number: 342079736-002
File Number: SDAB-D-20-024

Between:

Maria Cozarescu

and

The City of Edmonton, Development Authority

Board Members

Mark Young
Gwen Harris
Lyll Pratt
Debby Kronewitt Martin
Melanie McCallum

DECISION

[1] On February 27, 2020, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **February 3, 2020** for an application by Five Star Homes Inc. The appeal concerned the decision of the Development Authority, issued on January 6, 2020 to approve the following development:

To construct an 8 Dwellings of Multi-Unit Housing

[2] The subject property is on Plan 1720738 Blk 11 Lot 36, located at 2523 - Price Way SW and Plan 1720738 Blk 11 Lot 37, 2521 - Price Way SW and Plan 1720738 Blk 11 Lot 38, 2519 - Price Way SW and Plan 1720738 Blk 11 Lot 39, and 2517 - Price Way SW within the HVRH Heritage Valley Row Housing Zone. The Paisley Neighbourhood Area Structure Plan applies to the subject property.

[3] The following documents were received prior to the hearing and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the approved Development Permit;
- The Development Officer's written submissions;
- The Appellant's written submissions and photographs;
- The Appellant's postponement Request;
- The Respondent's reply to the postponement request;
- One email in opposition to the proposed development; and
- Three online responses in opposition to the proposed development.

Preliminary Matters

- [4] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26 ("MGA").
- [7] The Presiding Officer explained that the Board is bound by Section 685(3) of the MGA, which states that despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).
- [8] The proposed development is a Permitted Use in the HVRH Heritage Valley Row Housing Zone. The only variance granted by the Development Officer was to allow two coniferous trees to have a Height of 2.5 metres, one metre below the minimum Height of 3.5 metres prescribed by section 55.3(1)(c)(iii) of the *Edmonton Zoning Bylaw* ("Bylaw").

Summary of Hearing

i) Position of the Appellants, L. Espinosa and P. Goddard, representing M. Cozrescu:

- [9] Mr. Espinosa indicated that the Appellants were prepared to proceed with the hearing and would not pursue a postponement.
- [10] It is their opinion that the proposed development will unduly interfere with the amenities of the neighbourhood and materially interfere with and affect the use, enjoyment and value of neighbouring parcels of land.
- [11] The residents of this area disputed the developer's plan with City Council in May of 2018 when they proposed the initial plan to build a six unit stacked townhouse building.

- [12] At that time, they expressed concern that they were sold their houses based on a plan that this would be a family oriented neighbourhood with a mix of row townhomes, row duplexes and single family homes.
- [13] This is no longer the case and will result in a decrease in property values because the aesthetic appearance of an eight dwelling stacked housing development is not appealing and is not characteristic of the single family houses on the street.
- [14] The developer held an open house in 2018 for the residents of Price Way, at which time they were informed that the multi-stacked houses would no longer be built on the lot next to their house because it was too expensive and that they would proceed with the original plan to develop four town houses on that site.
- [15] None of the residents were advised of the change in zoning that allows the development of an eight unit apartment building on that site, as evidenced by the petition that has been submitted in support of the appeal.
- [16] The proposed development does not fit into this neighbourhood. The building is very large and uncharacteristic of this area. The owners or tenants of each unit will most likely have two cars, which will create more traffic on the narrow street and generate a higher demand for street parking, which is already limited.
- [17] Photographs were referenced to illustrate the location of the subject site in relation to the Appellant's house and the other single family houses on this street.
- [18] This neighbourhood is comprised of young families with children who play at the park located directly across from the subject site and the proposed development creates a safety concern.
- [19] The residents in this area are on the losing end of this process because of the negative impact that the proposed development will have on property values. Several real estate agents were consulted and advised that property values in this area would be reduced by as much as 15 percent as a result of the proposed development.
- [20] On-street parking is limited because of a fire hydrant located in front of the subject site and a utility box on another portion of the street.
- [21] The Appellants questioned how this site could have been re-zoned to accommodate the proposed development.
- [22] The proposed development is not in keeping with the overall neighbourhood plan that the developer provided before they purchased their houses.
- [23] They do not have a concern with the variance that was granted for the size of two coniferous trees that are part of the landscaping plan. The size of the proposed building is their primary concern.

- [24] The developer owns another lot located across the street from this site that will probably be developed in the same way with a building that is also not characteristic of this neighbourhood.
- [25] The residents want these lots to be developed but not at the cost of the rest of the neighbourhood.
- [26] The process is not fair because developers have resources at their disposal that the young working families in this neighbourhood do not have. This has been a very stressful situation for all of the residents. The residents of the neighbourhood are not targeting the developer even though they oppose the type of building proposed.
- [27] Mr. Espinosa, and Mr. Goddard provided the following information in response to questions from the Board;
- a) The Appellants and several other neighbours appeared before City Council at the Public Hearing for the proposed rezoning in 2018.
 - b) City Council approved the re-zoning application but asked the developer to work more closely with the neighbourhood.
 - c) It was their opinion that the proposed development is an apartment building and not what is contemplated when the re-zoning application was approved.
 - d) They expressed disappointment in the entire process and reiterated their opinion that the proposed development does not fit into this family oriented neighbourhood.

ii) Position of the Development Officer:

- [28] The Development Officer did not attend the hearing but provided a written submission that was considered by the Board.

iii) Position of the Respondent, D, Virdi, representing Five Star Homes:

- [29] Mr. Virdi stated that it was his understanding when the lots were purchased from Brookfield that the Area Structure Plan and Neighbourhood Area Structure Plan both contemplated higher density housing on the lots.
- [30] Their designer works very hard to ensure that all of the development regulations are met. The variance required for this development was the result of an oversight on the part of their landscape architect.
- [31] Extensive work was done with the developer to ensure that the proposed development complies with the architectural guidelines for this neighbourhood so that the proposed building is complimentary and consistent with the rest of the neighbourhood.

- [32] Development permits have already been issued for the lot located south of the subject lot as well as another lot in this neighbourhood. Those development permits were issued as Class A permits without variances.
- [33] He is willing to address the concerns of the neighbours and discuss the proposed development even though it complies with the development regulations and architectural controls.
- [34] Mr. Viridi provided the following information in response to questions from the Board:
- a) Some residents have contacted him directly to discuss the development and he is still open to discussions with any of the neighbours.
 - b) Five Star Homes is in the process of developing four lots in this neighbourhood. All of the other development permits have been issued as Class A permits.
- v) *Rebuttal of the Appellants:*
- [35] The Appellants had nothing to add in rebuttal.

Decision

- [36] The appeal is **DENIED** and the decision of the Development Authority is **CONFIRMED**. The development is **GRANTED** as approved by the Development Authority.

Reasons for Decision

- [37] Multi-unit Housing is a Permitted Use in the (HVRH) Heritage Valley Row Housing Zone, pursuant to section 981.3(c) of the *Bylaw*.
- [38] Section 7.2(4) of the *Bylaw* states that Multi-unit Housing means:
- Development that consists of three or more principal Dwellings arranged in any configuration and in any number of buildings. This Use does not include Blatchford Townhousing or Blatchford Stacked Row Housing.
- [39] Section 981.1 states that the General Purpose of the (HVRH) Heritage Valley Row Housing Zone is:
- To provide for medium density housing with the opportunity for Row Housing, Multi-Unit Housing and Paisley Laneway Housing, in accordance with the design objectives of the paisley Neighbourhood Area Structure Plan.
- [40] This appeal relates to the proposed development of eight Dwellings of Multi-Unit Housing, which was approved with a variance to section 55.3(1)(c)(iii) of the *Bylaw* to

allow two of the proposed coniferous trees to be 2.5 metres high instead of 3.5 metres high.

[41] Section 685(3) of the *MGA* states:

Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

[42] Accordingly, because the proposed development is a Permitted Use, the only matter at issue in this appeal is the extent to which the required variance will negatively impact the neighbourhood or neighbouring parcels of land or whether the Development Authority misinterpreted the development regulations.

[43] The Appellants stated that the variance granted to allow a deficiency of 1.0 metre in the height of two required coniferous trees was not a concern to them. The main reason for the appeal was the incompatibility of this type of development with this neighbourhood, which is comprised primarily of single detached houses. The written objections received from other affected neighbours also focused on the unsuitability of the type of proposed development rather than the required variance. The Appellant also expressed concerns regarding the impact of parking and increased traffic.

[44] The Board notes that the Appellant and other residents raised all of these concerns before Council at the public hearing that was held for the re-zoning application. Notwithstanding these concerns, Council re-zoned this land to accommodate Multi-unit Housing as a Permitted Use. The Board does not have the authority to refuse a development that is a Permitted Use.

[45] Based on all of the above, the Board finds that the proposed development with the required variance will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land. The appeal is dismissed.

Mark Young, Presiding Officer
Subdivision and Development Appeal Board

c.c.: Five Star Homes Inc.
P. Goddard
City of Edmonton, Development & Zoning Services, Attn: K. Bauer/ A. Wen

Important Information for the Appellants

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
 - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
 - b) the requirements of the *Alberta Safety Codes Act*,
 - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

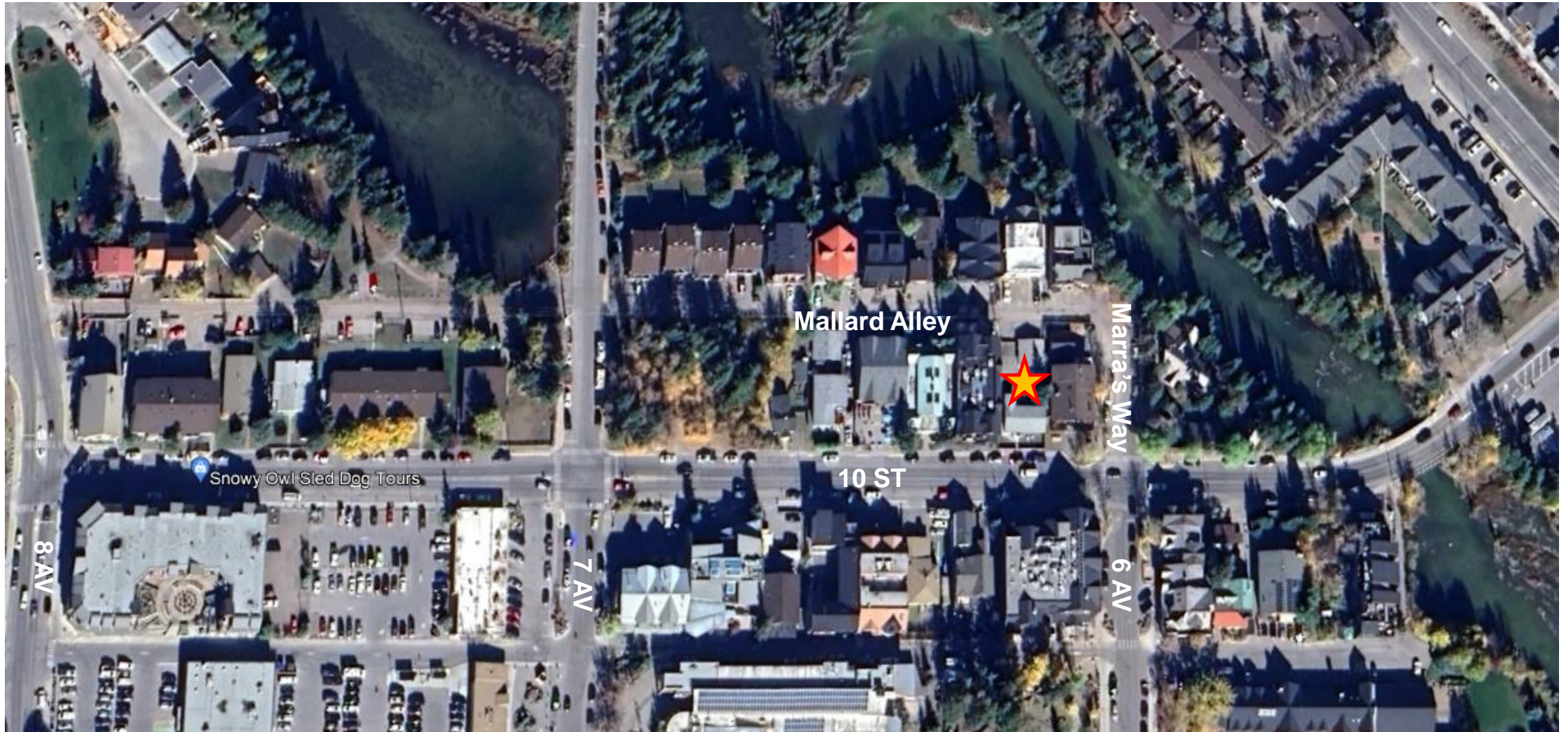
Submissions of the Applicant

APPEAL NO.	PL2022 0090
APPELLANT	K. Gordon Schultz et al
APPLICANT	Systemic Architecture Inc.
PROPERTY	706 10 th Street, Canmore AB
HEARING DATE	December 5, 2022
COUNSEL	Stacy McFarlane Borden Ladner Gervais LLP

Agenda

- 1. Development Context: MDP, LUB**
- 2. Development: Systemic Architecture**
- 3. Issues on Appeal**
- 4. Traffic and Parking: Watt Consulting**

Context – Aerial

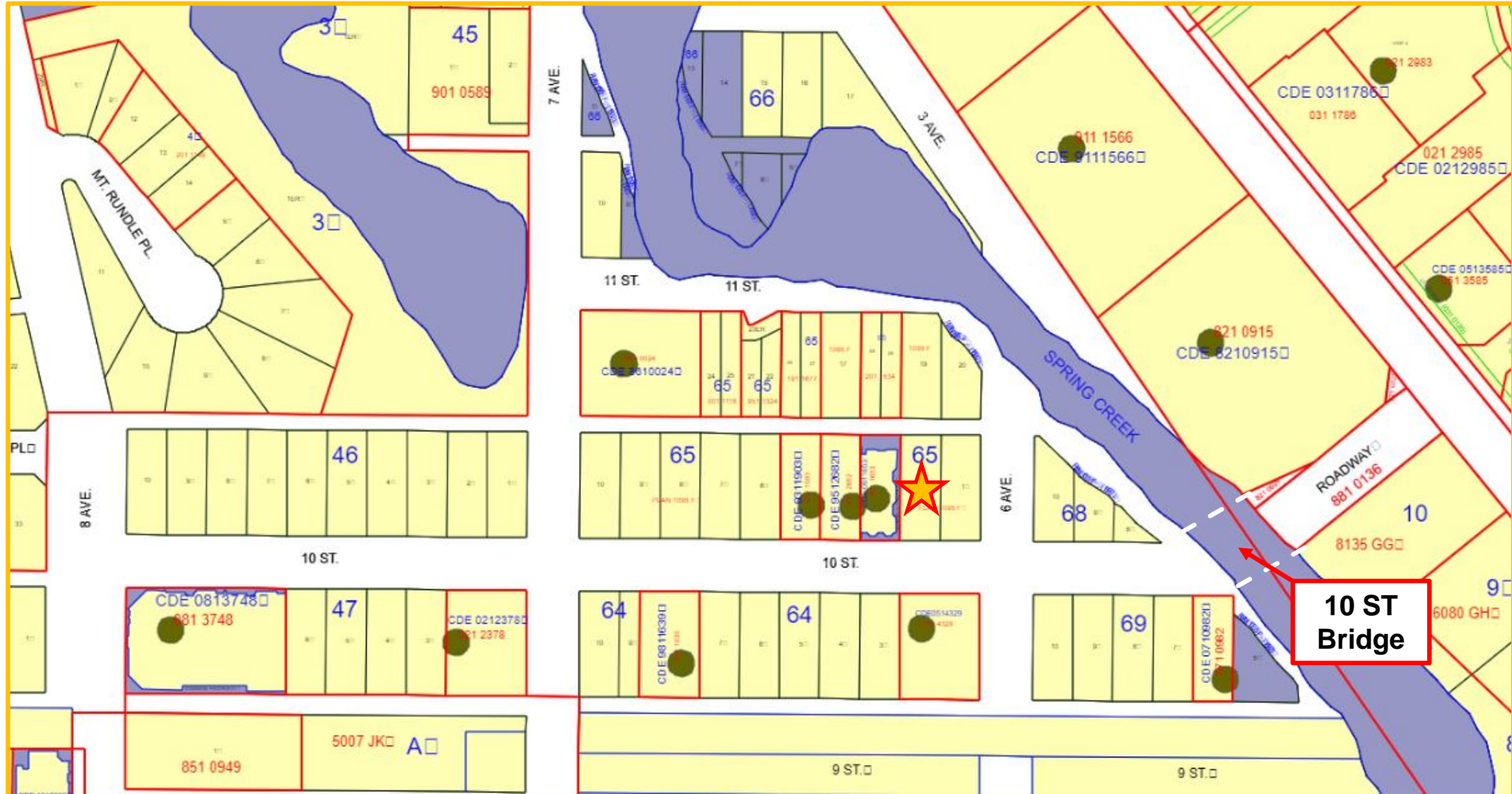


Context - Appellants

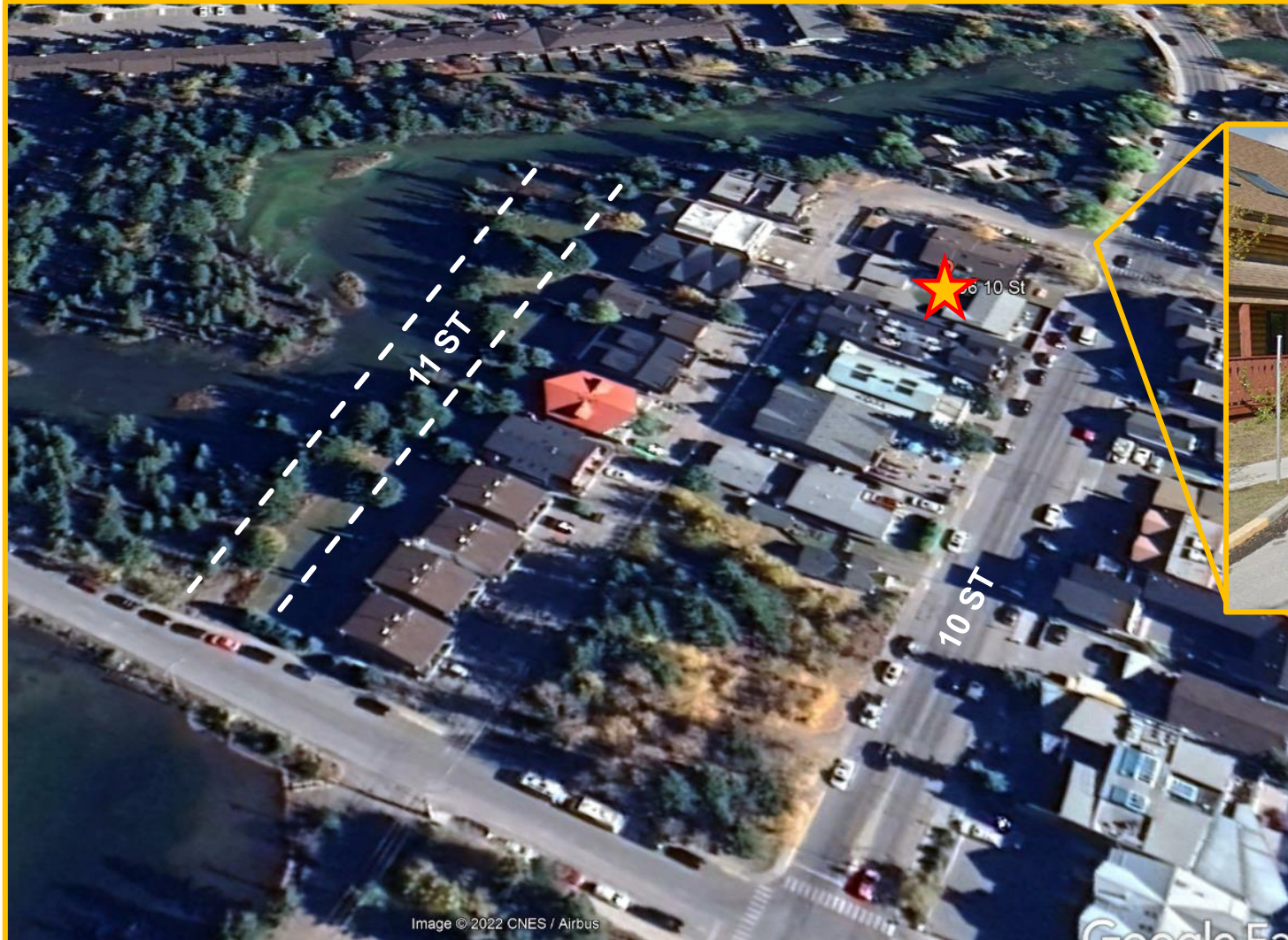


1. Randy & Beth Vandervoort
2. Michael Shugarman & Phillip van der Merwe
3. Justin & Janice Barbour
4. Drew & Katrina Osborne
5. K. Gordon & K. Coreen Schultz
6. Deanna & Rob Hawley
7. Robin & Nicola Gardiner
8. William Lawes & Julie Bradner
9. Doug Proll & Sylviane Lipper
10. Jodi Musgrove
11. Janet M. Amy
12. David Lefebvre & Nichole Allen

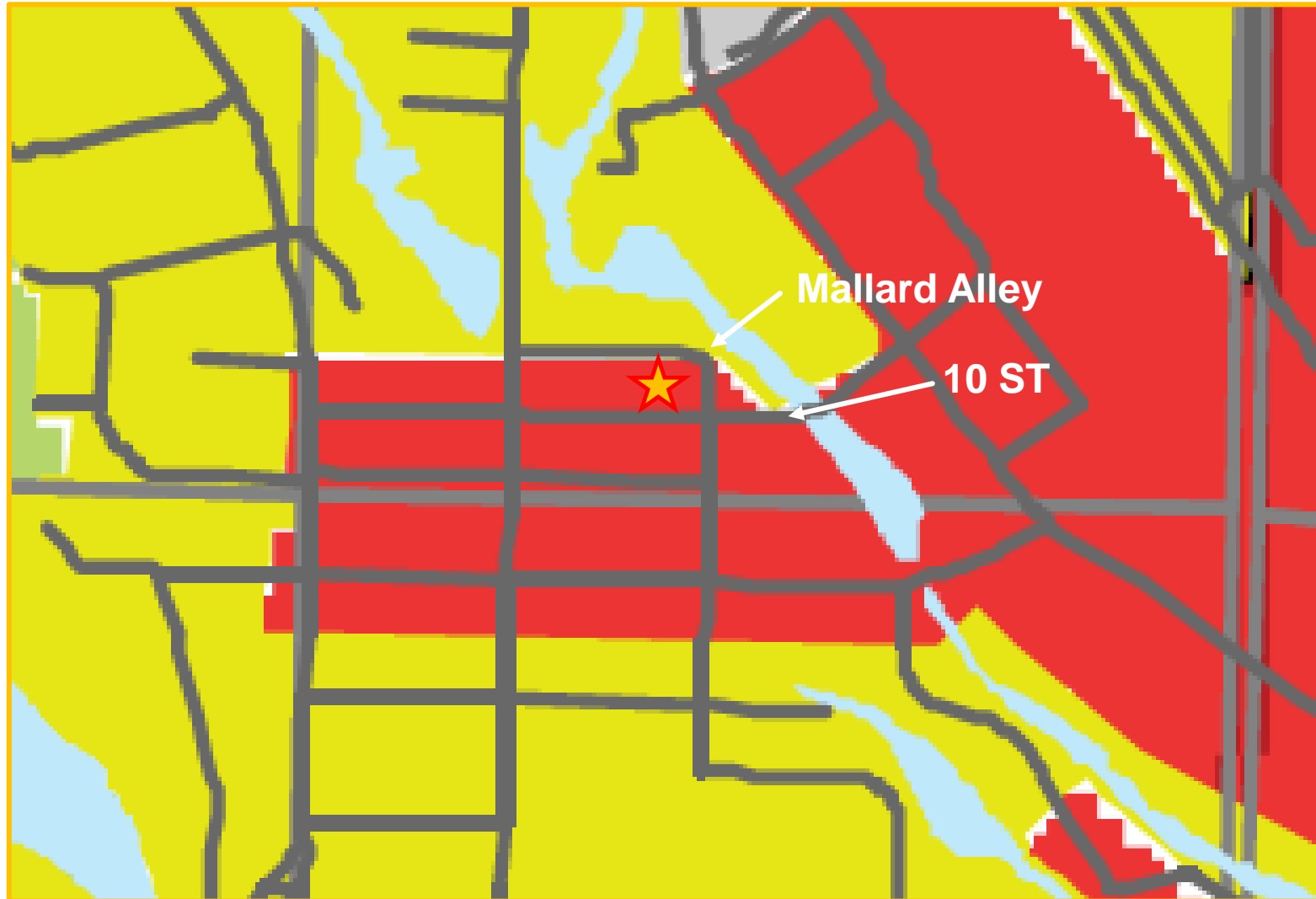
Context – Legal Plan



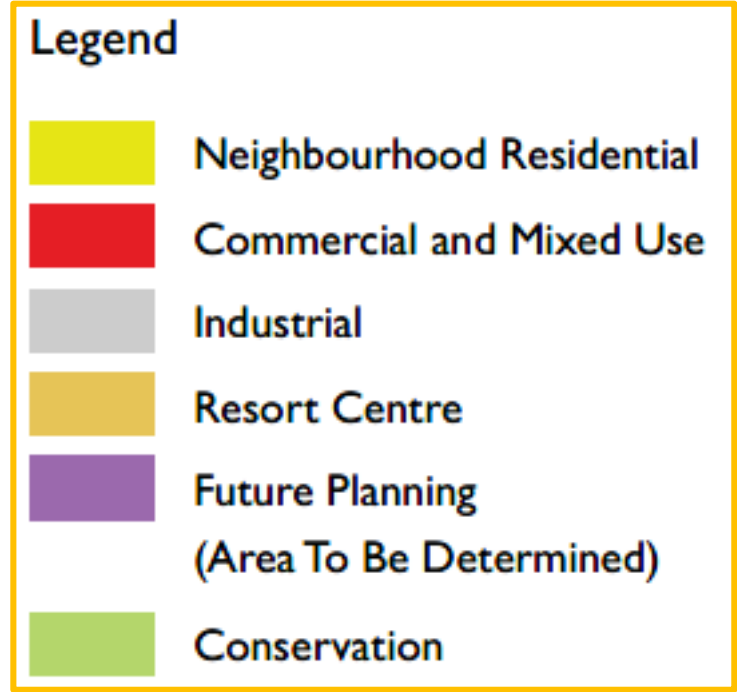
Context – 11 Street



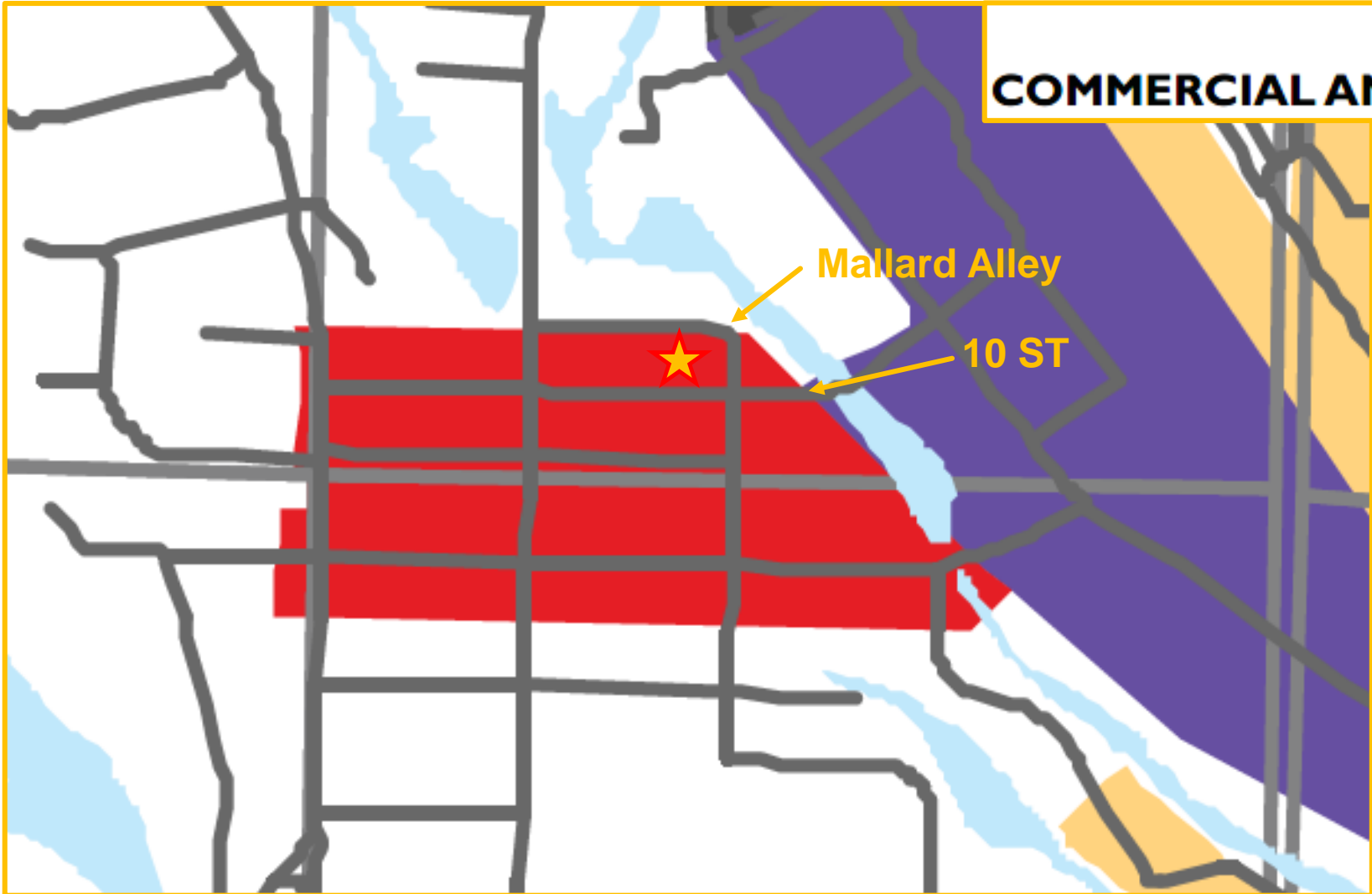
MDP: Commercial Mixed Use



MAP 2
CONCEPTUAL LAND USE



**MAP 5
COMMERCIAL AND INDUSTRIAL LAND USE**



Legend

- Commercial and Mixed Use
- Gateway Mixed Use
- Tourist Service
- Town Centre

MDP: Town Centre / Commercial and Mixed Use

A key principle of sustainable development is the need to re-introduce a mix of uses within key areas of a municipality. Clearly defined commercial/residential land use separations do not result in lively and sustainable commercial areas. Introducing appropriate mixed uses to select areas of town will facilitate having neighbourhood level commercial services within walking distance and foster the mountain town character. Commercial areas should complement the Town Centre to ensure maintenance of the Town Centre as the primary commercial centre and the cultural heart of Canmore.

10.1 GENERAL COMMERCIAL POLICIES

Commercial Areas

- 10.1.2 The Town will accommodate and regulate through land use districting a variety of forms of commercial development as shown on Map 5 - Commercial and Industrial Land Use, including the following:

Town Centre is the dominant commercial node and the primary focal point for the town. The Town Centre has a pedestrian-oriented, mixed use form and accommodates a range of commercial, residential, entertainment and cultural uses.

Building Orientation and Massing

- 10.1.4 Front yard parking areas are discouraged, but may be accommodated on a site-specific basis.

MDP: Town Centre / Commercial and Mixed Use

10.2 TOWN CENTRE

10.2.1 The Town Centre is the primary focal point of commerce and cultural activity. This will be maintained and enhanced by:

- d. Providing an engaging and comfortable pedestrian environment,

Town Centre Plan

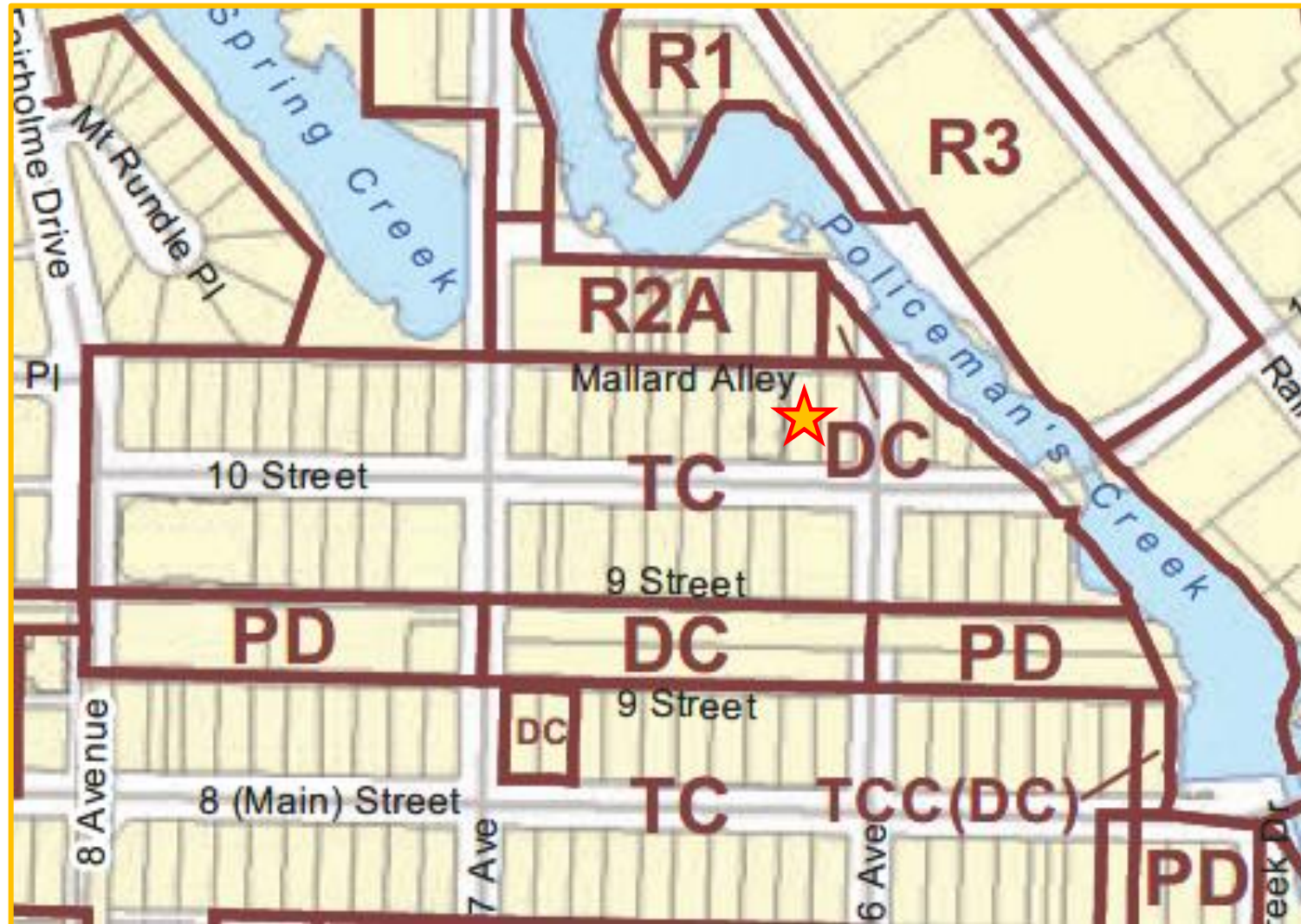
10.2.2 The Town will create and implement a vision and conceptual plan to guide development in the Town Centre that:

- a. Supports a mix of land uses, including a range of residential types,
- b. Promotes increases in density, while respecting the mountain town character through regulations for building height, massing, setbacks and floor area ratio (FAR),
- c. Provides architectural and signage controls that reflect the mountain town character,

Town Centre Parking

10.2.4 New commercial development within the Town Centre will be encouraged to provide cash-in-lieu of parking.

Canmore Land Use Bylaw: Town Centre



LUB: TC Town Centre District

4.1 TC TOWN CENTRE DISTRICT

Purpose

To provide for a broad range of commercial, entertainment, cultural, and residential uses in mixed-use buildings and to serve as a focal point for community business and civic activities.

4.1.1 Permitted Uses

Visitor Accommodation

Summary of Development:

1. Permitted Use DP
2. No Variances
3. One Relaxation, permitted in LUB s. 2.7.3.1:
0 Loading Stalls instead of **1** Loading Stall

Appeal No.1

CONCERN ON APPEAL	RESPONSE
<p>Parking for the proposed Development is likely to be insufficient for the proposed use leading to increased parking on Mallard Alley and blocking of residential driveways.</p>	<ul style="list-style-type: none"> Complies with LUB, s. 2.7.6.2: 10 parking stalls (min and max) Street parking on 10 St, 7 Av, 6 Av, Marra's Way; nearby parking lots
<p>Traffic on Mallard Alley will increase because the sole vehicular access to the proposed Development is via Mallard Alley, which is narrow.</p>	<ul style="list-style-type: none"> Access from Mallard Alley required per MDP s. 10.1.4 Watt Consulting Report
<p>Increased traffic on this narrow road that has no sidewalks is likely to cause safety concerns for residents of Mallard Alley, particularly children.</p>	<ul style="list-style-type: none"> Mallard Alley is typical lane size: 6 m, sufficient capacity Watt Consulting Report
<p>Noise will likely increase in the neighbourhood due to the 24-hour operation nature of the proposed Visitor Accommodation development, negatively impacting residential homeowners.</p>	<ul style="list-style-type: none"> Permitted Use <i>Community Standards Bylaw</i> No. 2022-16: quiet from 10 pm – 7 am
<p>There is no rear yard landscaping shown on the Development Permit application nor required by the Notice of Decision.</p>	<ul style="list-style-type: none"> Consistent with Mallard Alley landscaping; complies with LUB s. 2.16 Parking stalls to increase parking, consistent with Mallard Alley

Appeal No. 2

CONCERN ON APPEAL	RESPONSE
<p>No loading stalls have been provided for the proposed Development.</p>	<ul style="list-style-type: none"> Permitted through LUB s. 2.7.3.1: A minimum of one (1) loading stall shall be required ... unless it can be otherwise demonstrated to the DA that loading can reasonably take place without a dedicated loading stall on-site, <u>or</u> that it can be shared ... Watt Consulting Report
<p>No evidence was provided that a loading stall can be shared with another development.</p>	<ul style="list-style-type: none"> Not required: LUB s. 2.7.3.1 permits 0 loading stalls <u>or</u> shared stalls if DA is satisfied proposal is sufficient Watt Consulting Report
<p>A loading zoning is a practical requirement that would offset issues resulting from limited parking at the proposed Development, particularly with respect to guests arriving in multiple vehicles or large vehicles that will not fit into the covered parking area, and building maintenance and cleaning personnel.</p>	<ul style="list-style-type: none"> Loading stall is <u>not</u> a parking stall: LUB s. 13.2, definition of Loading Space: “means a space to accommodate a commercial vehicle while it is being loaded or unloaded” Complies with required number of parking stalls: LUB s. 2.7.6.2 Not necessary for building maintenance / cleaning personnel for this type of (permitted) use Street parking on 10 St, 7 Av, 6 Av, Marra’s Way; nearby parking lots

Appeal No. 3

CONCERN ON APPEAL	RESPONSE
<p>The proposed Development abutting Mallard Alley which has no sidewalks will create significant safety risks to the neighbourhood, particularly as it relates to pedestrians.</p>	<ul style="list-style-type: none">• Mallard Alley not in Town Centre• Town Centre to be pedestrian-oriented (MDP s. 10.2.1(d)): pedestrian realm on 10 St, 7 AV, 6 AV<ul style="list-style-type: none">• Property has two frontages: 10 St and Mallard Alley• No driveways onto 10 St (Collector road)• Pedestrian use on Mallard Alley local: Watt Consulting Report

Appeal No. 4

CONCERN ON APPEAL	RESPONSE
<p>The proposed development does not provide for any onsite management to control noise, insufficient parking nor garbage mishaps leaving the adjacent residential district alone to deal with such issues.</p>	<ul style="list-style-type: none">• Not required for Visitor Accommodation use• DA proposed Condition No. 9: central management• Control of user, not use<ul style="list-style-type: none">• <i>Community Standards Bylaw No. 2022-16</i>• RCMP
<p>The intensity of use as proposed will have significant negative impact on the adjacent residential district's use, value and enjoyment of property.</p>	<ul style="list-style-type: none">• Permitted use• No variances = no variance test• Relaxation for loading stall only: Watt Consulting Report• Loading stall not necessary for scale and operation of development



SDAB HEARING

**PL2022 0090
706 10th STREET CANMORE
LOT 2 BLOCK 65 1095F
VISITOR ACCOMMODATION (10 units)**

**APPEAL AGAINST AN APPROVAL BY
PLANNING AUTHORITY**

PRESENTATION OVERVIEW:

- CONTEXT GEN. INFORMATION**
- CONTEXT PHOTOGRAPHS**
- DESIGN OVERVIEW**
- COMMUNITY ENGAGEMENT**
- SCHEDULE REVIEW**
- APPROVED PLANS & ELEVATIONS**

GENERAL INFORMATION
EXISTING CONTEXT

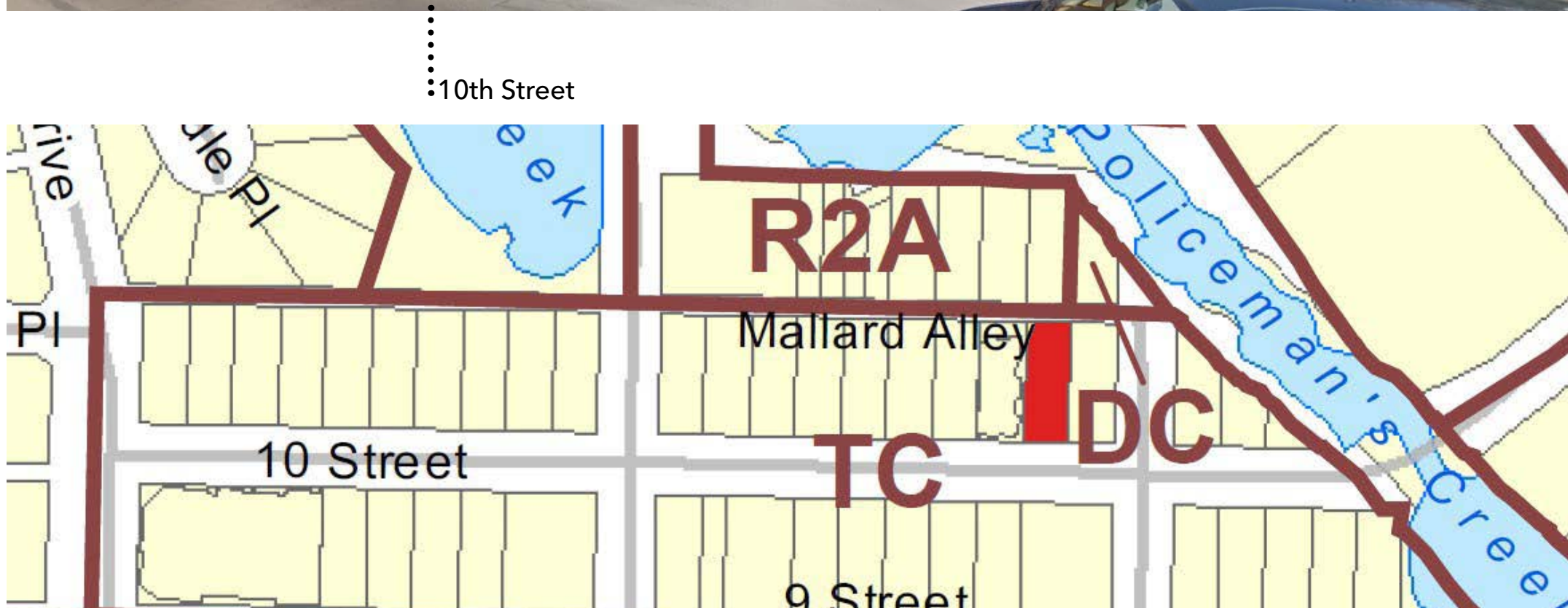


SITE INFO

Address: 706 - 10th Street, Canmore, AB

Site Area: 612.0 m² (6,588 ft²)

Existing Building: Single Level Dwelling (To be demolished)



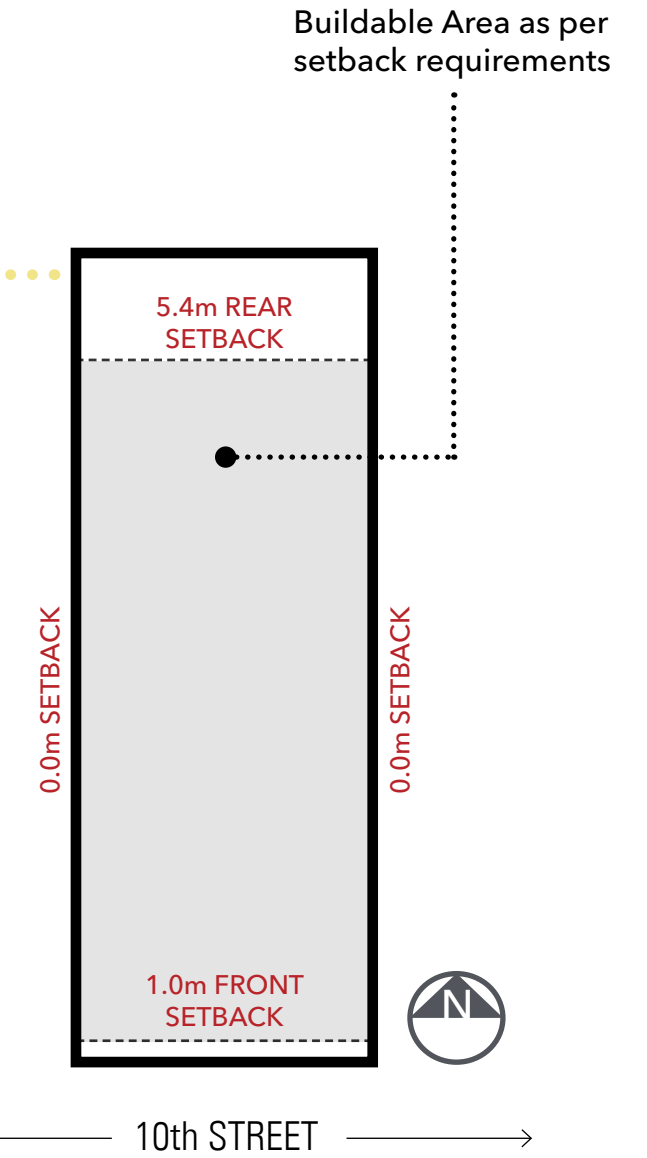
BYLAW INFO

Applicable Bylaw: BYLAW 2018-22

Land Use Designation: TC -Town Centre District

Proposed Land Use Description: Visitor Accommodations (Permitted)

GENERAL INFORMATION EXISTING CONTEXT



SETBACKS

Front (South):	1.0m (10 Street)
Rear (North):	5.4m (Mallard Alley)
Side (East):	0.0m (Lot TC)
Side (West):	0.0m (Lot TC)

PHOTOGRAPHS
EXISTING CONTEXT



PHOTOGRAPHS
EXISTING CONTEXT



TENTH STREET ACCOMMODATIONS

Canmore Visitor Accommodations

PHOTOGRAPHS
EXISTING CONTEXT



TENTH STREET ACCOMMODATIONS

Canmore Visitor Accommodations

PHOTOGRAPHS
EXISTING CONTEXT



PHOTOGRAPHS
EXISTING CONTEXT



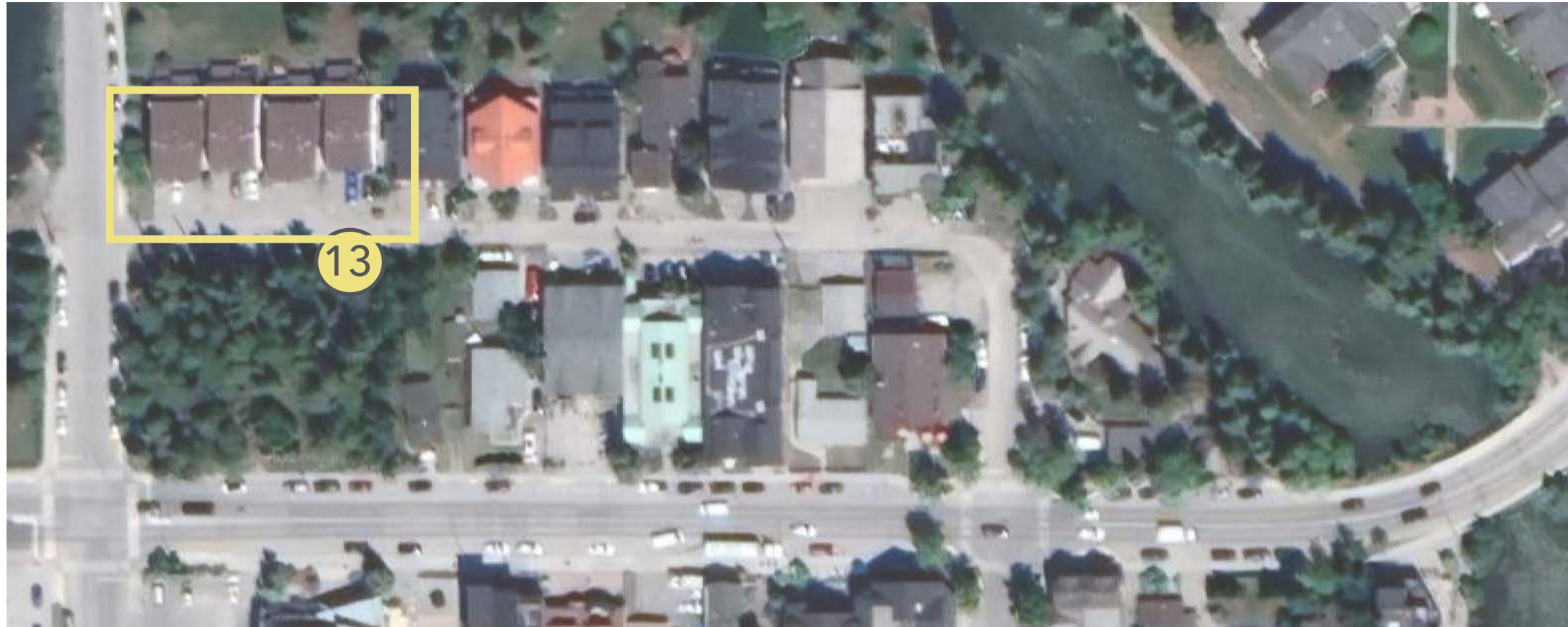
PHOTOGRAPHS
EXISTING CONTEXT



PHOTOGRAPHS
EXISTING CONTEXT



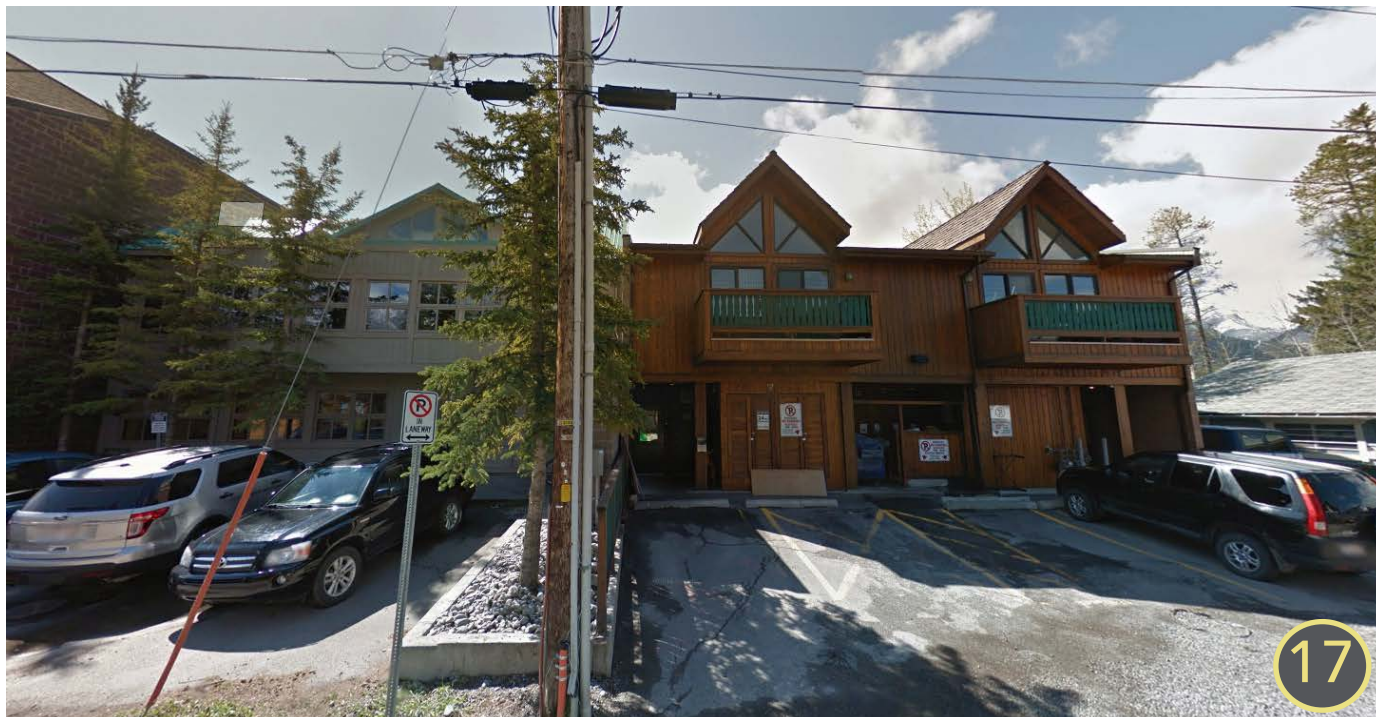
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EXISTING CONTEXT

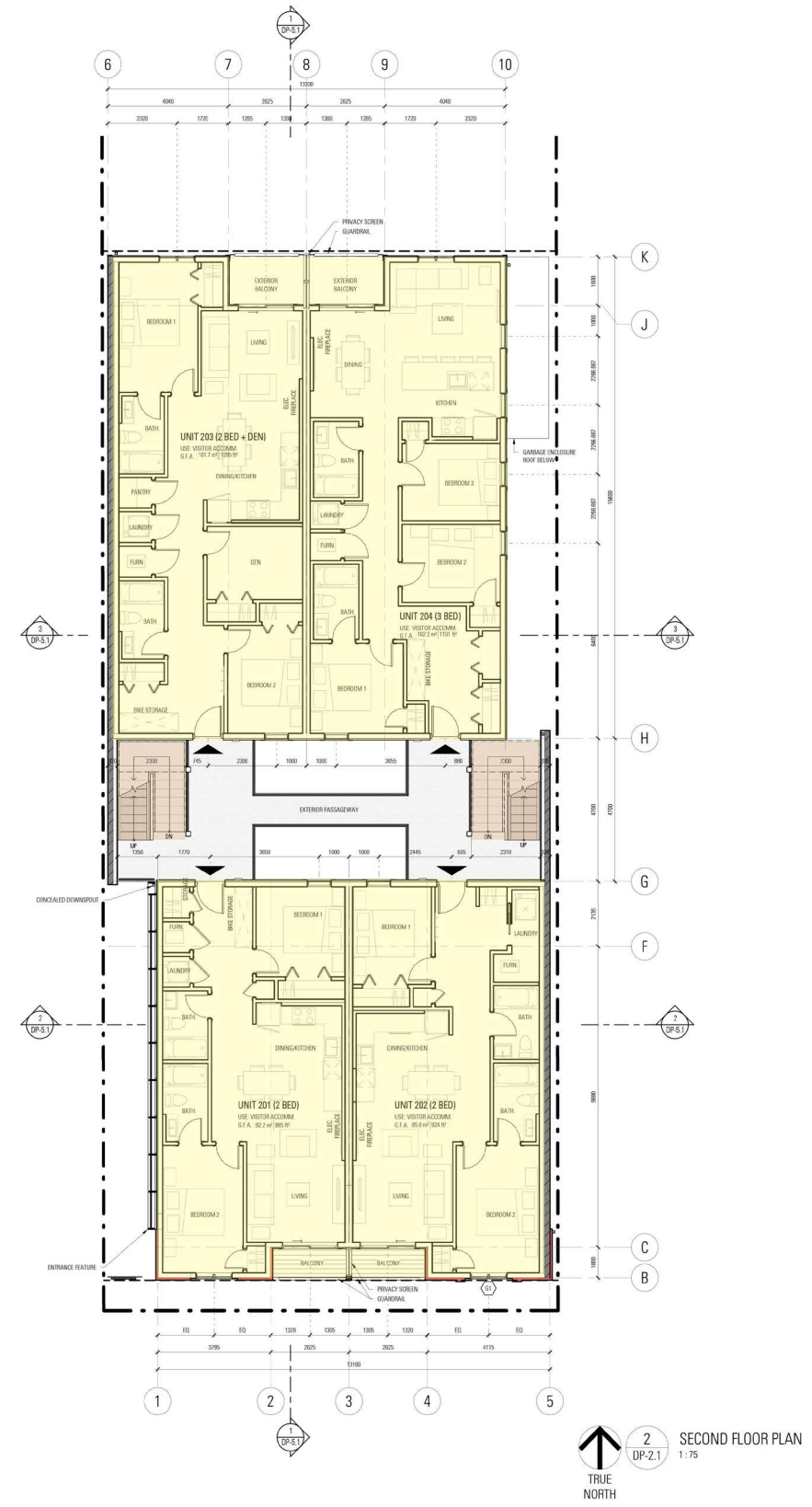


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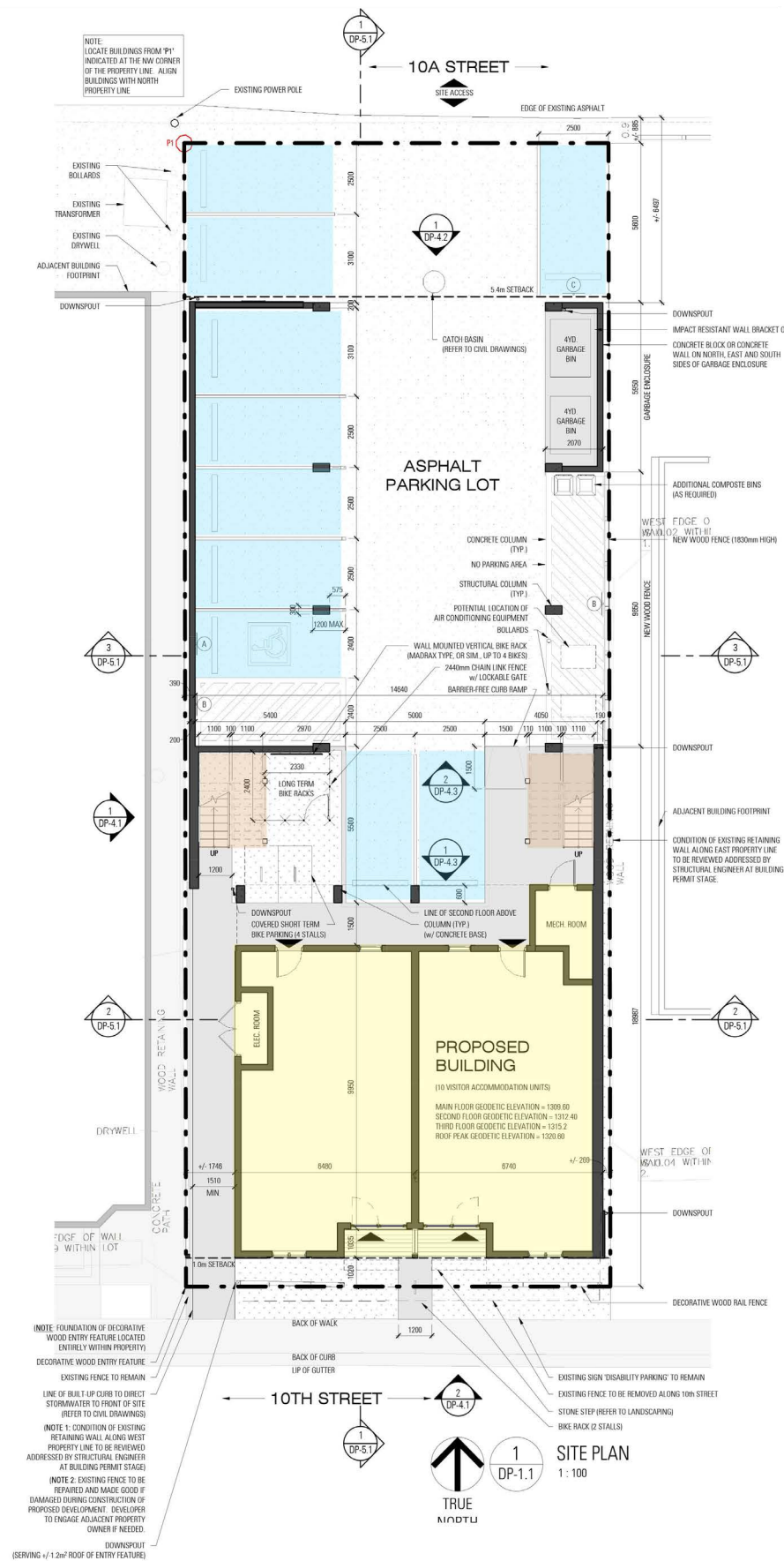


DESIGN OVERVIEW

INTENT

Site Layout

- two distinct building forms being proposed on the site, a north and south portion
- building forms are connected by an exterior walkway system.
- south component interfaces with 10th Street
- north component interfaces with 10A Street (Mallard Alley)



DESIGN OVERVIEW INTENT

Site Layout

- internal access provided along the western edge of the site.
- parking area is accessed off the lane at the back/north.
- surface parking is located under the north portion of the building and is visually screened.
- waste and recycling collected in a screened area under the building, adjacent to the lane.

DESIGN OVERVIEW

INTENT

Architectural Style and Town Design Standards

11.3.1.1

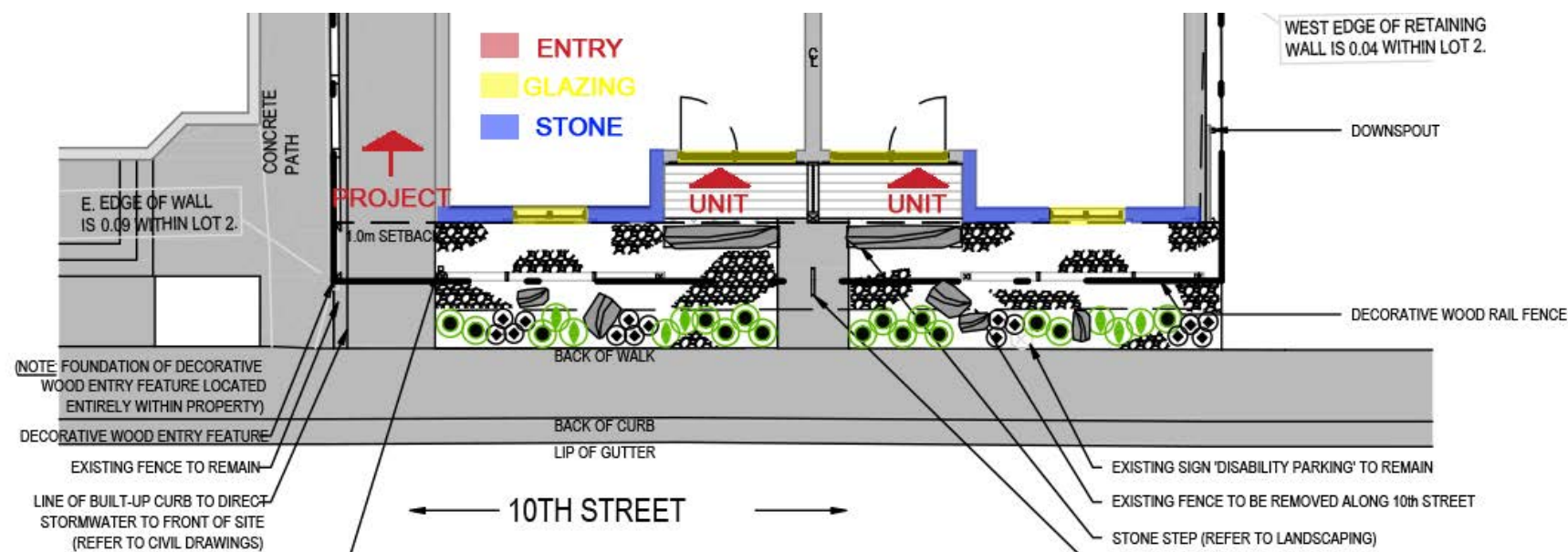
- match or complement contextual massing
- match or complement contextual building setbacks
- reinforce public realm character
- face public realm with permeable windows

11.3.1.2

- parking located behind buildings

11.3.1.3

- active frontages



SYMBOL	QTY	COMMON NAME	BOTANICAL NAME
PERENNIALS:			
⬇	15	Blue Columbine	Aquilegia brevistyia
⬆	7	Prairie Sage	Artemisia ludoviciana
⬇	15	Gaillardia	Gaillardia aristata

- 50mm DEPTH 40mm RUNDLE ROCK
- LANDSCAPE RUNDLE BOULDER
.45-0.9m W. x .3-0.9m DEEP x .3-0.6m HT. SIZE VARIANCE

DESIGN OVERVIEW

INTENT

Architectural Style and Town Design Standards

11.3.2.1

- promote informal/natural supervision

11.4.1.4

- continuous pedestrian environment

11.4.2.6

- parking entrances integral part of the building facade

11.5.1.5

- building addresses and enhances overall streetscape

11.5.2.1

- reflect a Rocky Mountain architectural character

11.5.2.3

- incorporate appropriate materials & construction of that style



INTEGRATED OPENING FOR PARKING AREA



LARGE WINDOW OPENINGS & SIGHT LINES

DESIGN OVERVIEW

INTENT

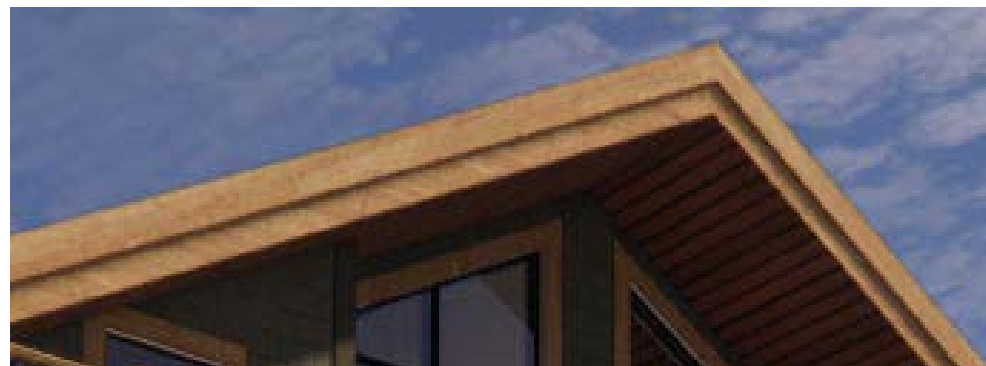
Architectural Style and Town Design Standards

11.5.3.1
- high degree of horizontal and vertical articulation

11.5.3.2
- step back upper floors

11.5.3.5
- divide building into a distinct base, middle, and top

11.5.3.6
- match existing building heights and scale



(the TOP)



(the MIDDLE)



(the BASE)



DESIGN OVERVIEW

INTENT

Architectural Style and Town Design Standards



LARGE OPENINGS, SLOPED ROOF, OVERHANGS

11.5.4.1

- steeply pitched roof with large overhangs



TIMBER & WOOD DETAILING

11.5.6.1

- incorporate timber detailing, strong wood frames, upgraded soffits, etc. as local historical motifs in design

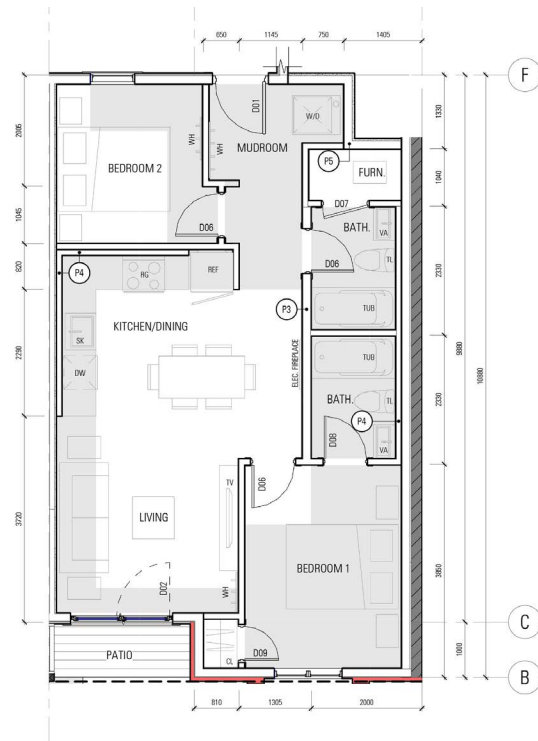
11.5.7.1

- use of durable, high quality, and acceptable ToC materials:
 - significant portions of stone
 - timber and wood detailing throughout the project
 - cementitious siding (Hardie product or similar)
 - large, glazed openings face outwards to animate the facades, both North and South elevations.

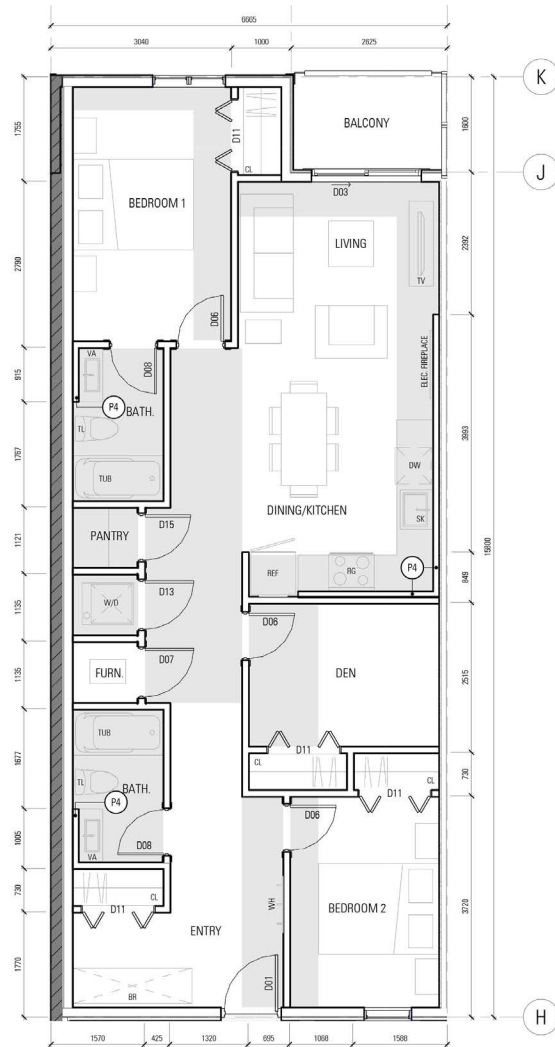


STONE & DURABLE MATERIALS, LARGE OPENINGS

UNIT 102



UNIT 203



DESIGN OVERVIEW
INTENT

Unique Suite Layouts

- mix of 2-bedrooms, 2-bedroom plus den and 3-bedrooms
- additional loft on the top floor will further provide array of unit types within a condensed overall unit count.
- variety ensures that there are a range of options and diversity to the market.
- units with natural lights, modest balconies, and vaulted ceilings on the third level

COMMUNITY ENGAGEMENT
 NOVEMBER 15TH, 2021

- the applicant (Systemic Architecture Inc. and Sunnyland Homes) met with the community on November 15th, 2021.

- held virtually, via Microsoft Teams. Attendance included the following:

- Gordon Schultz Mallard Alley Resident
- Michael Shugarman Mallard Alley Resident
- Doug Proll Mallard Alley Resident
- Linjun Han Sunnyland Homes
- Merlin Ma Sunnyland Homes
- Chad Russill Systemic Architecture Inc.
- Tanner Allred Systemic Architecture Inc.

- the purpose of the meeting was to walk through the list of voiced concerns from PL2021 0215 and preview adjustments being considered for a new application accordingly.

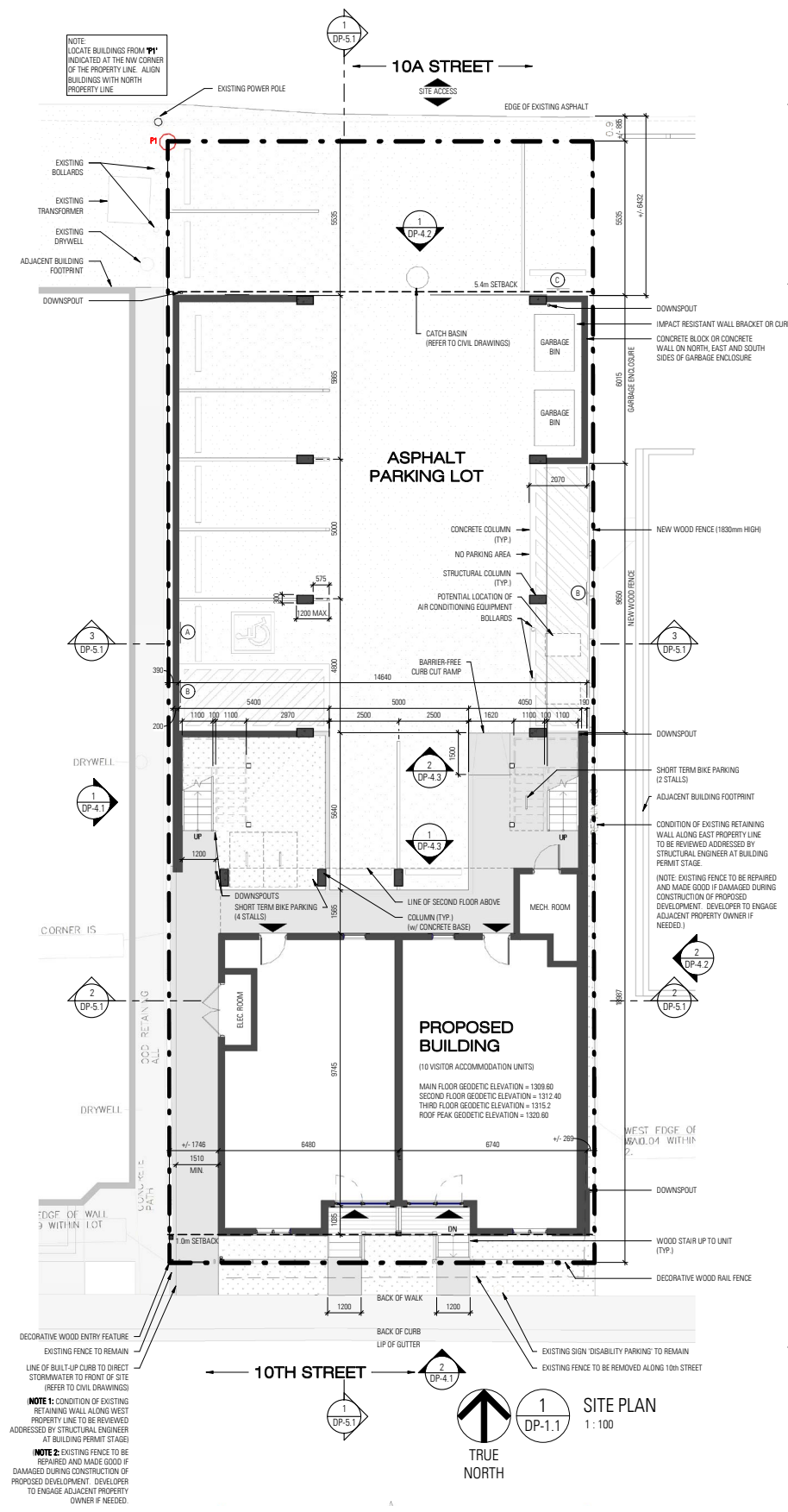
COMMUNITY ENGAGEMENT

NOVEMBER 15TH, 2021

Discussion topics covered during the community meeting were as follows:

- Building Height
- Provision of a Loading Stall
- Front Yard Setback & Entrance
- Parking & Traffic along Mallard Avenue
- Noise and Hours of Operation

While the above subjects were all discussed, the meeting objective was not to be definitive or provide conclusion to any specific matter. The objective and outcome was for the applicant to listen to community concerns and provided an open dialogue on the aspects being considered for change.



PRE-APPLICATION MEETING
 FEBRUARY 15, 2022

REVISIONS TO PL2021 0215 AS NEW APPLICATION

Building Height - Reduce building height such that no portion of the roof is above 11.0m; approximately two feet lower.

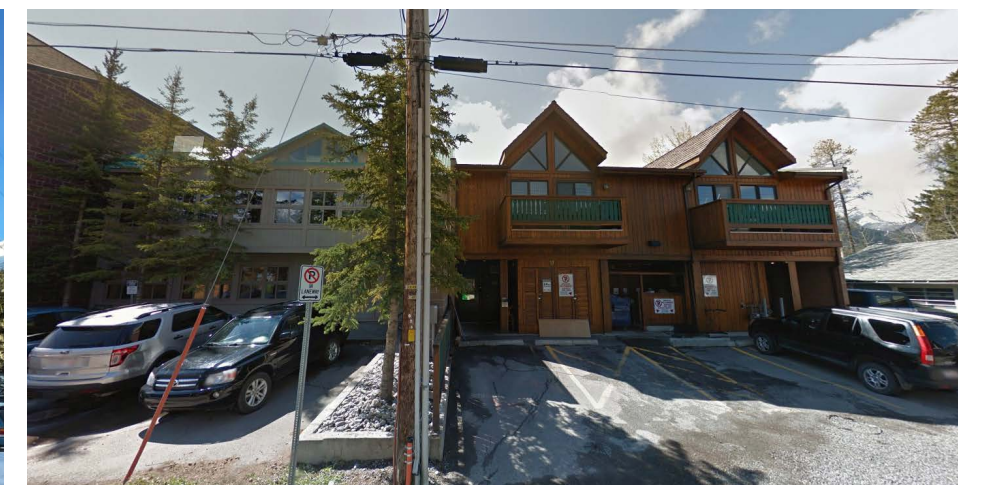
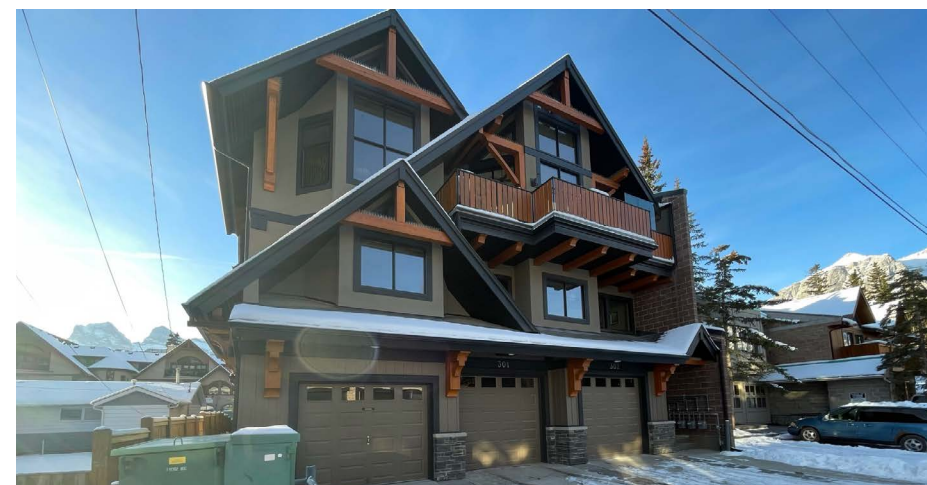
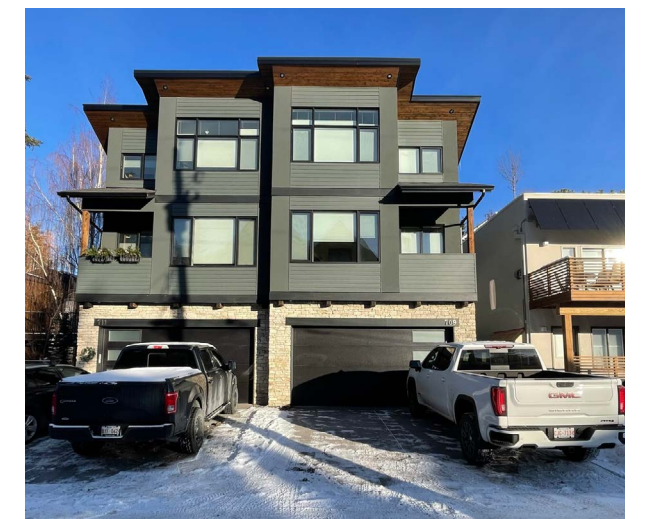
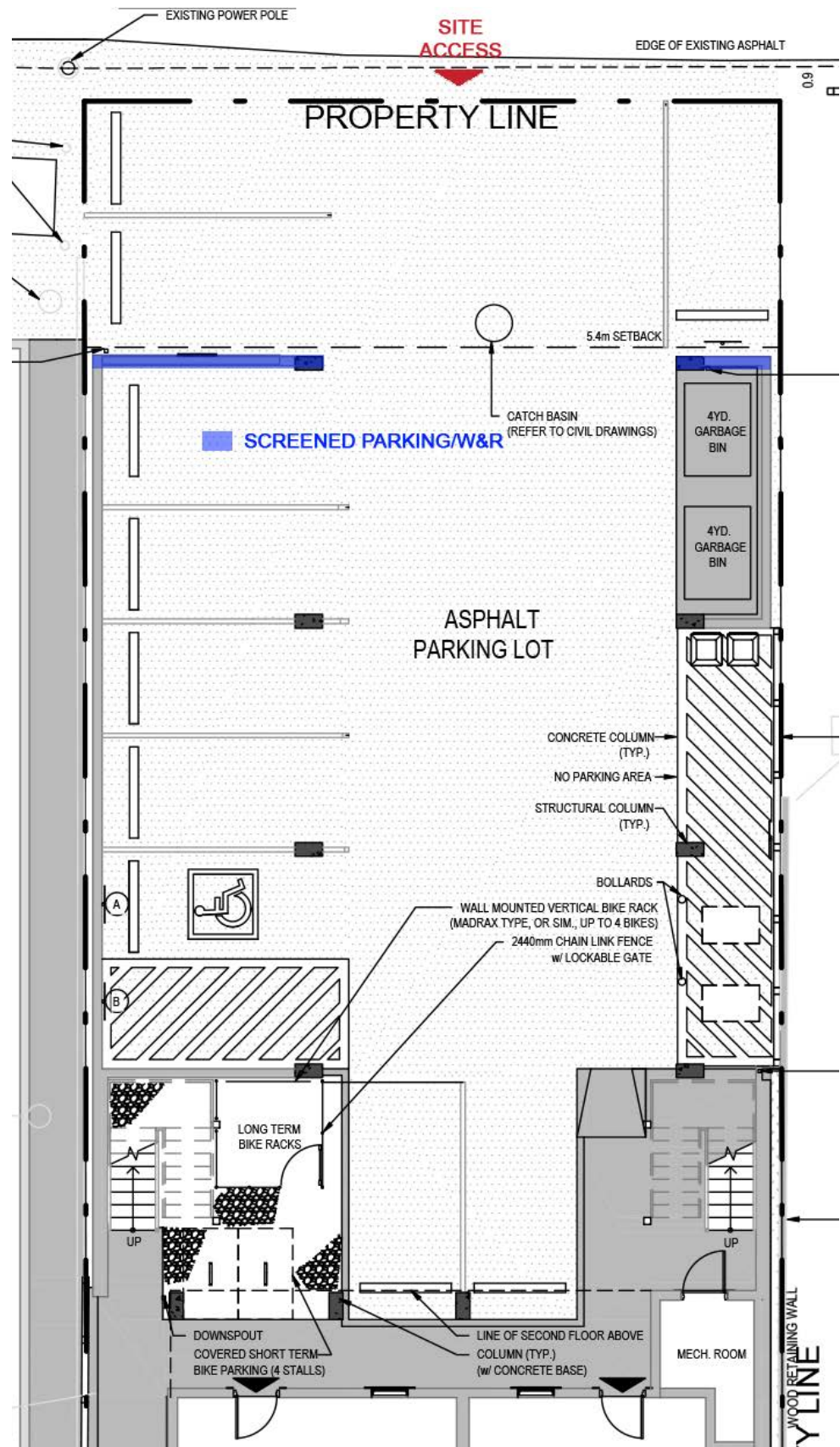
Loading Stall - While a loading stall is not provided, applicant to further demonstrate that loading will reasonably take place without a dedicated stall.

Front Yard Setback & Entrance - Revise front balconies to be clear of front yard setback; detail entrance feature as required by Bylaw.

Parking, Traffic, & Noise - Provide supplemental information in terms of noise, hours of operation, parking, and traffic as part of the DP application. The owner is invested in these 'operational concerns' of the development and as questioned by the adjacent residents.

Visitor Accommodations is a permitted use, focus to minimize impact on adjacent residences.

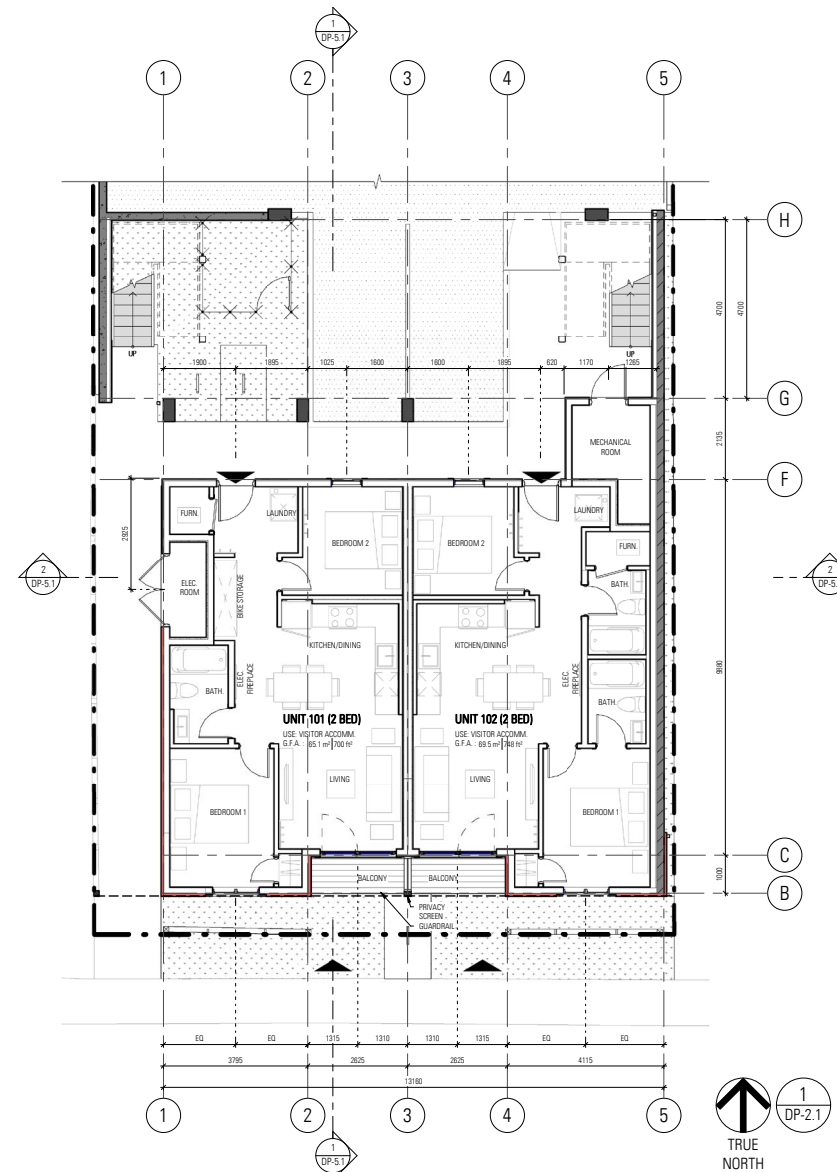
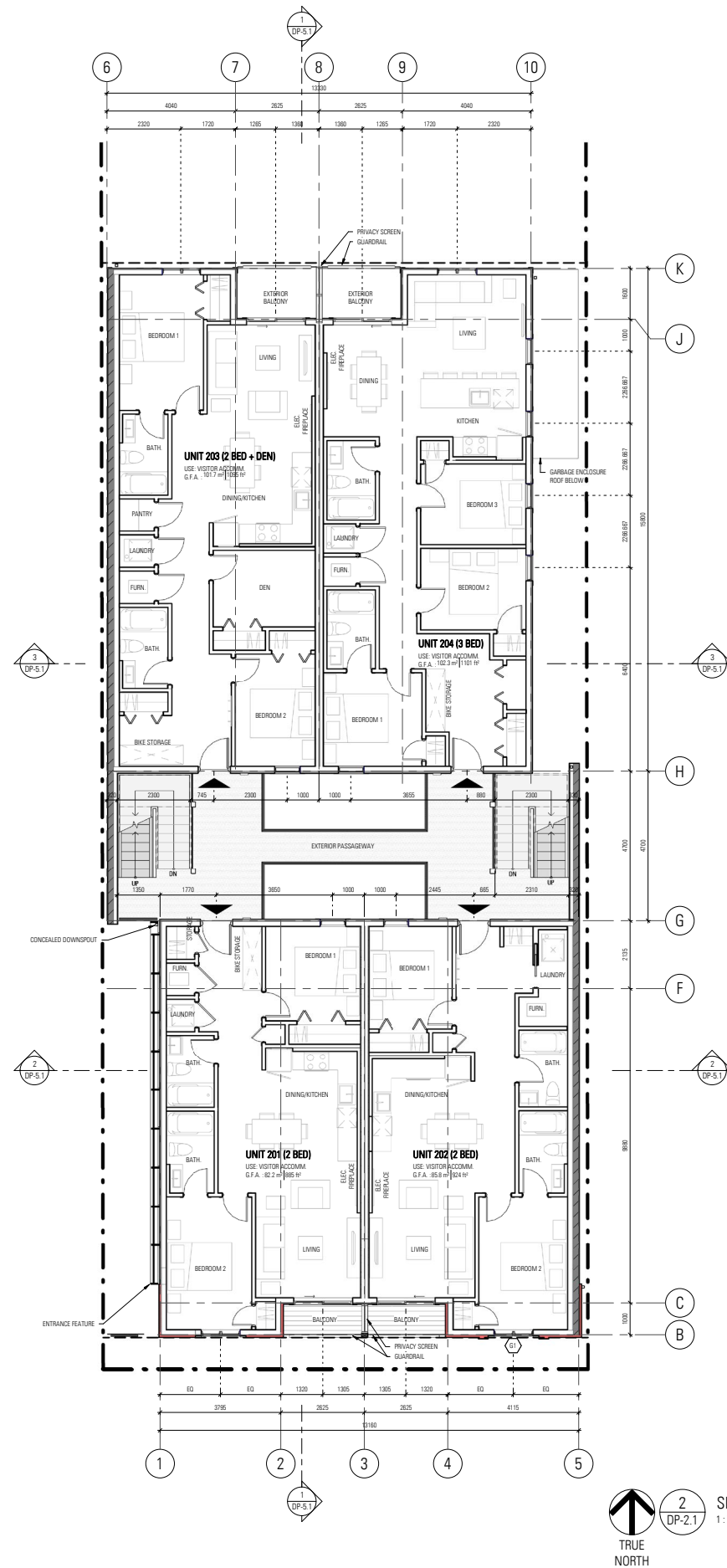
PRE-APPLICATION MEETING MALLARD ALLEY INTERFACE



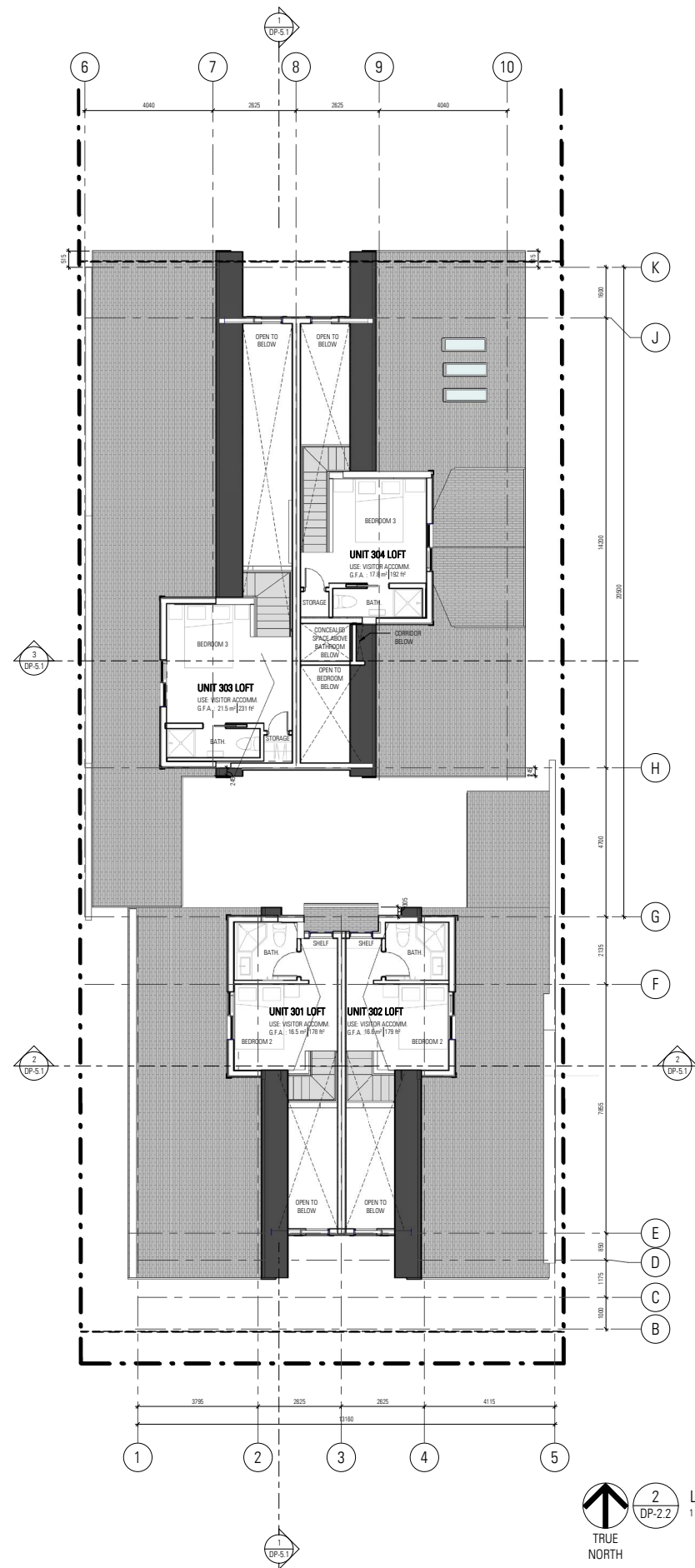
SCHEDULE REVIEW
NOTABLE DATES

NOVEMBER 15, 2021	ZOOM MEETING WITH MALLARD ALLEY REPRESENTATIVES
JANUARY 28, 2022	PRE-APPLICATION PACKAGE SUBMITTED TO THE TOWN
FEBRUARY 15, 2022	PRE-APPLICATION MEETING
FEBRUARY 25, 2022	PRE-APPLICATION COMMENTS ISSUED BY THE TOWN
MARCH 24, 2022	DEVELOPMENT PERMIT APPLICATION SUBMITTED SIX MONTHS AFTER PL2021 0215 SDAB DECISION
MARCH 24, 2022	ADVISED MALLARD ALLEY REPRESENTATIVES OF APPLICATION & FORWARDED COPY OF SUBMITTED DRAWINGS FOR REFERENCE
APRIL 20, 2022	NOTICE OF COMPLETE APPLICATION
JUNE 8, 2022	ISSUANCE OF TOWN COMMENTS
JUNE-SEPT 2022	DEVELOPMENT PERMIT PROCESSING
SEPTEMBER 26, 2022	NOTICE OF APPROVAL DECISION
OCTOBER 17, 2022	NOTICE OF APPEAL

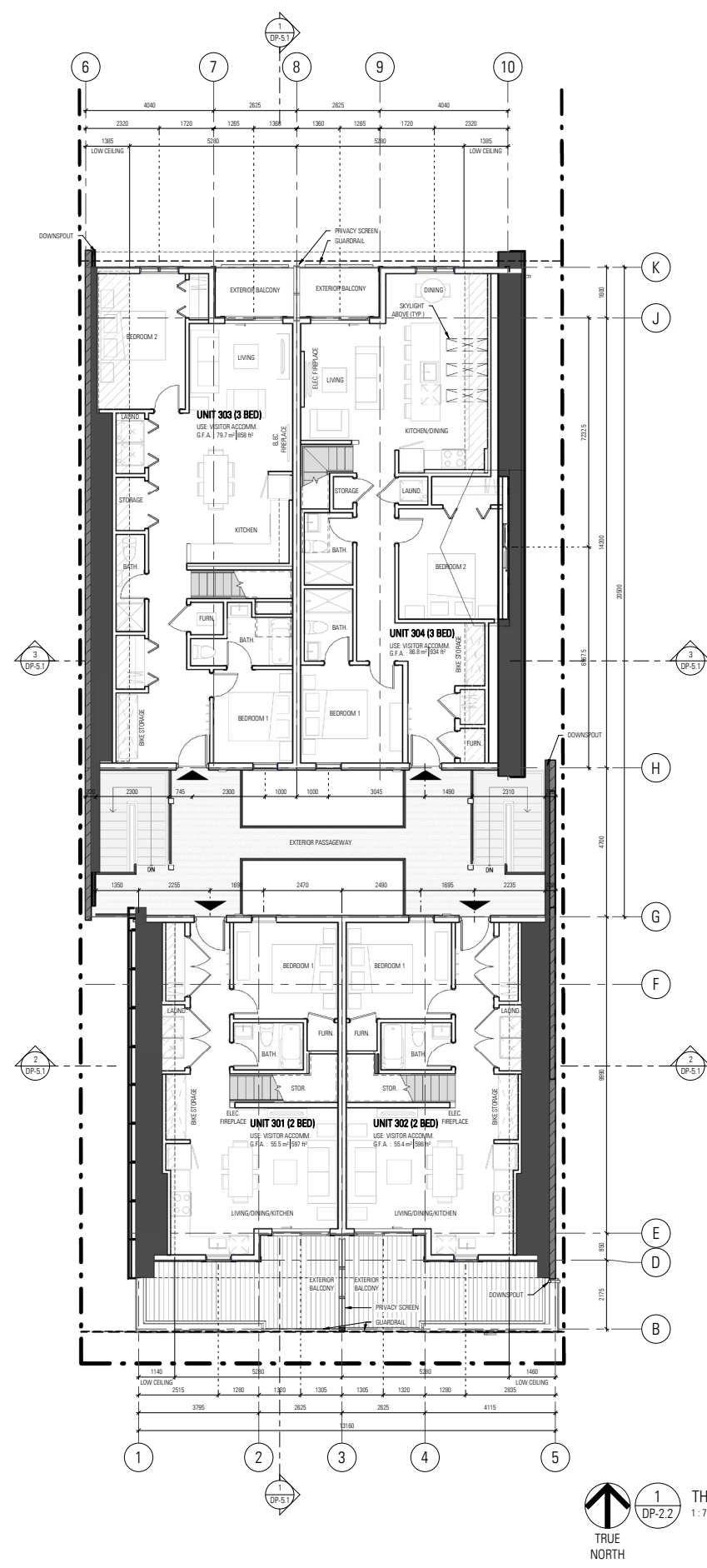
APPROVED PLANS MAIN & SECOND FLOOR



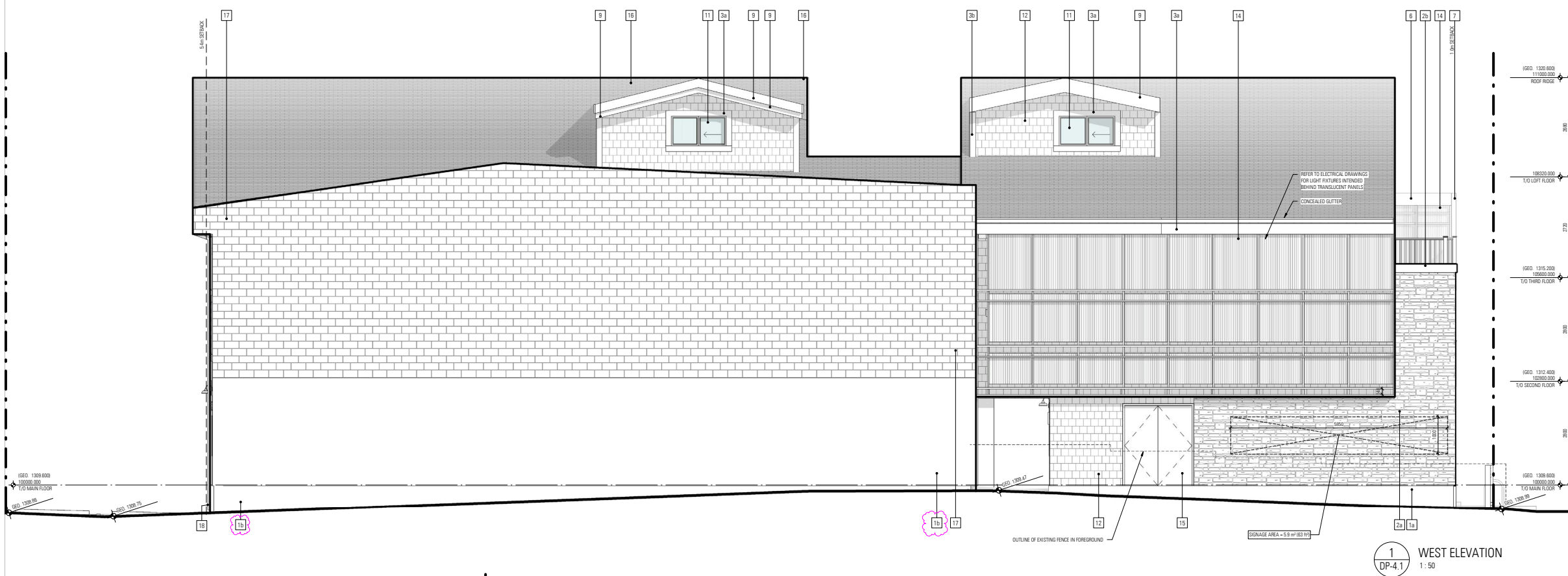
APPROVED PLANS THIRD & LOFT FLOOR



2 LOFT FLOOR PLAN
DP-2.2
1:75
TRUE NORTH

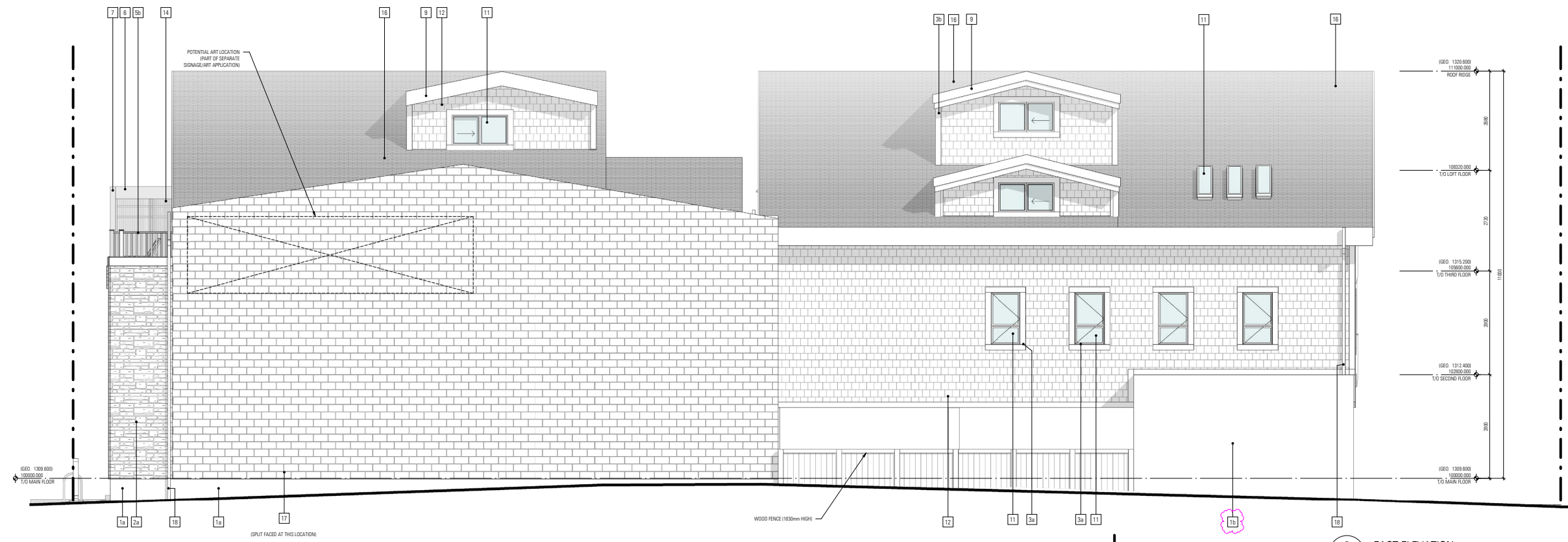


1 THIRD FLOOR PLAN
DP-2.1
1:75
TRUE NORTH

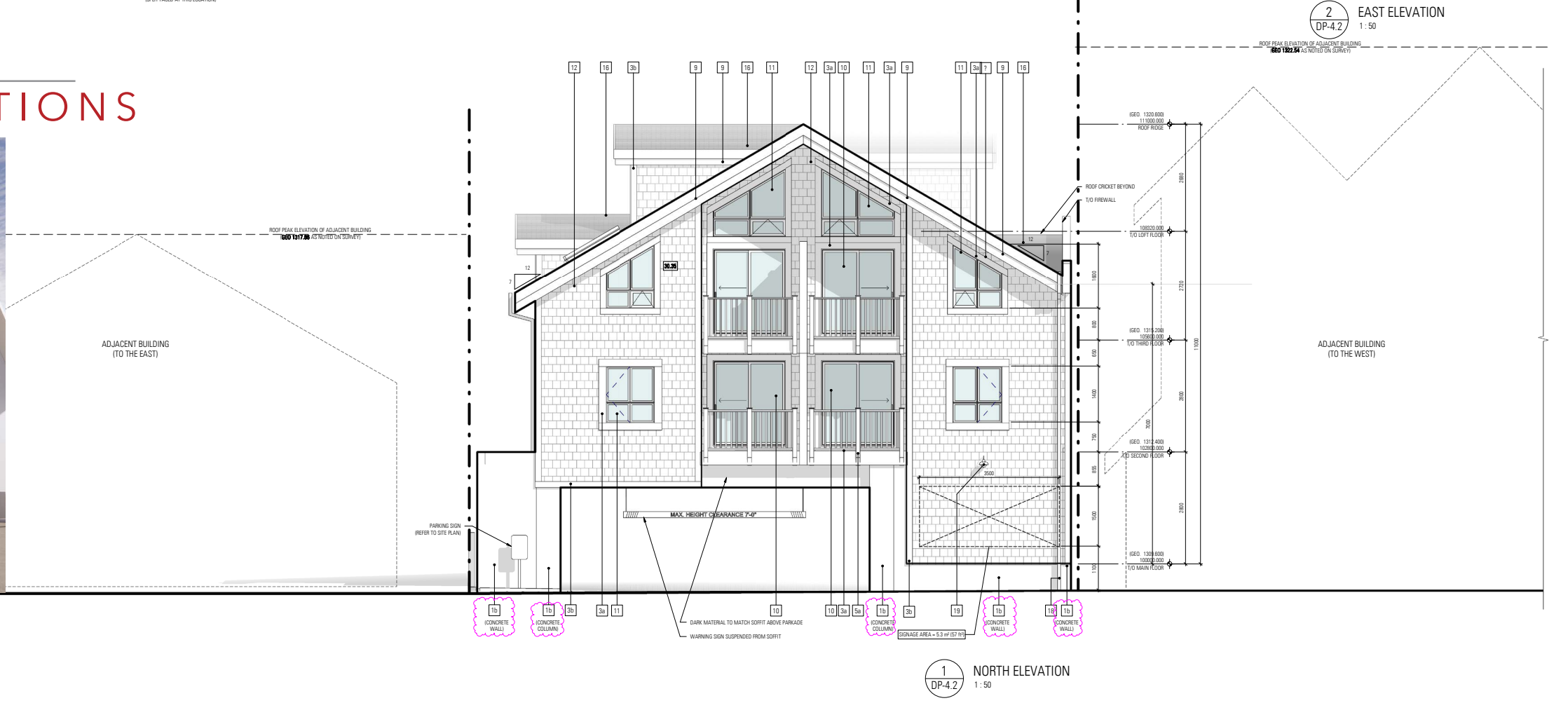


APPROVED PLANS
SOUTH & WEST ELEVATIONS





APPROVED PLANS
NORTH & EAST ELEVATIONS





SDAB HEARING

PL2022 0090

706 10th STREET CANMORE

LOT 2 BLOCK 65 1095F

VISITOR ACCOMMODATION (10 units)

**APPEAL AGAINST AN APPROVAL BY
PLANNING AUTHORITY**

10th ST CANMORE SDAB HEARING TRANSPORTATION ASSESSMENT

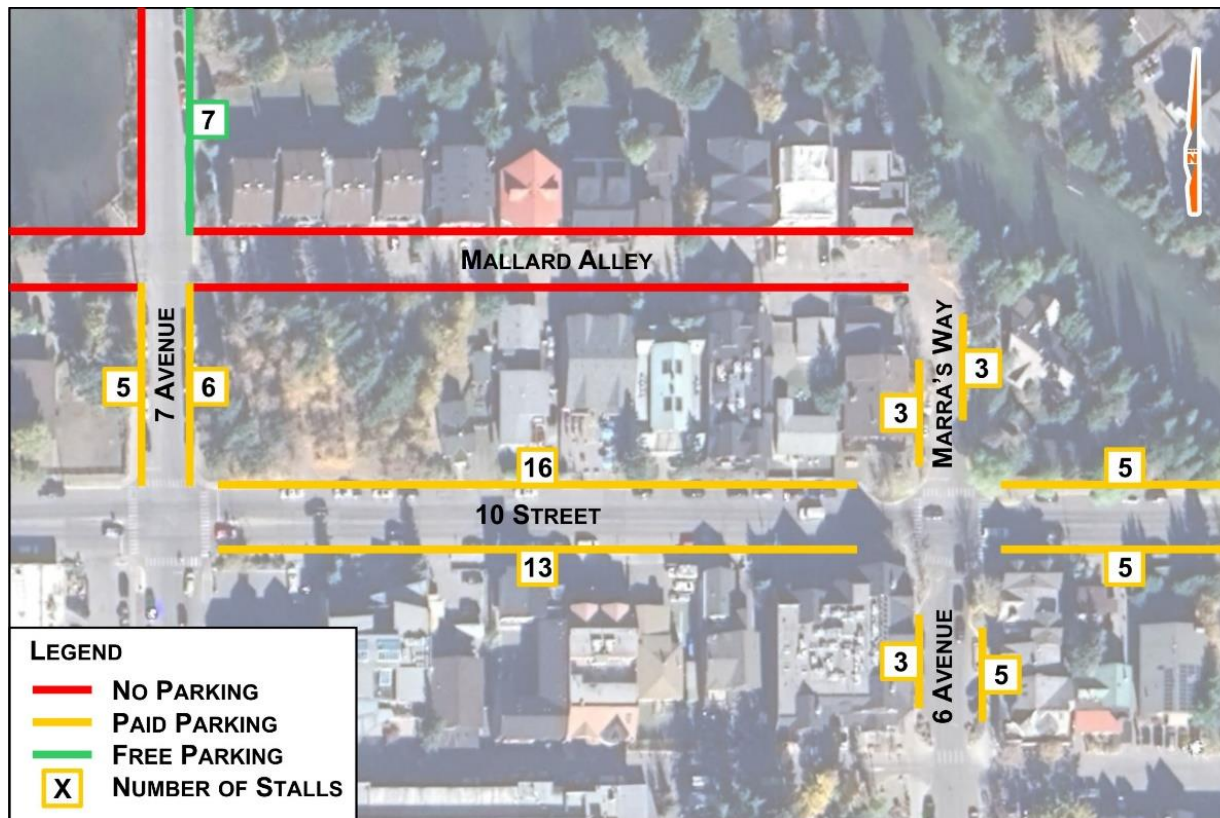


WATTCONSULTINGGROUP.COM



PARKING

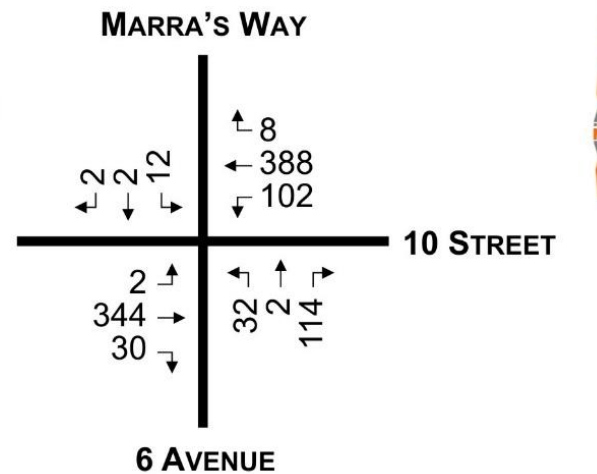
- On-site parking meets Town's bylaw requirements of 1.0 space per unit (10 spaces)
- 71 on-street spaces in surrounding area, with 61% utilization observed
- Parking prohibited on Mallard Alley





- Peak volume of 28 vehicles per hour on Mallard Alley
- Development generates 5 new vehicles trip during the peak hour for a total of 33 vehicles
- Capacity of Mallard Alley estimated at 50 vehicles per hour
- Volume on Mallard Alley not expected to fluctuate significantly seasonally

WATT COUNT
THURSDAY NOVEMBER 17, 2022
P.M. PEAK HOUR: 3:30-4:30



LEGEND:

XX→ PM PEAK HOUR VEHICLE TURNING MOVEMENTS

Schematic - Not To Scale



- Loading demand expected to be minimal, based on the type of use
- Address is off of 10th Street where a designated loading zone and on-street parking is provided





WATT CALGARY
1300 – 736 6th Ave SW
Calgary, AB T2P 3T7
403-273-9001

Borden Ladner Gervais
1900, 520 – 3rd Avenue SW
Calgary, AB, T2P 0R3

November 25, 2022
Our File No: 4050.T01

To: Stacy McFarlane

Re: 10th Street Accommodations Parking and Traffic Study

Further to our recent correspondence, WATT Consulting Group Ltd. (WATT) is pleased to provide you with this letter report that outlines our transportation-related observations associated with a proposed multi-residential development located on 10th Street in the Town of Canmore, AB (Town).

BACKGROUND

A multi-residential development is being planned at 706 10th Street in Canmore AB. The intent of the development is to provide two and three-bedroom units for short term rentals. A development permit has been submitted to the Town (DP PL20220090) and an appeal of the development has been submitted by residents that are living in the area. A number of issues were raised by the appellants and some of the transportation-related issues include parking, traffic, safety, and loading. A portion of the appeal document related to the transportation related concerns that were raised is provided below for reference:

- Parking for the proposed Development is likely to be insufficient for the proposed use leading to increased parking on Mallard Alley and blocking of residential driveways.
- Traffic on Mallard Alley will increase because the sole vehicular access to the proposed Development is via Mallard Alley, which is narrow.
- Increased traffic on this narrow road that has no sidewalks is likely to cause safety concerns for residents of Mallard Alley, particularly children.

WATT has been retained by Borden Ladner Gervais (BLG) to review the above concerns and provide an assessment of the impacts of the development from a transportation engineering perspective. Our assessment of the transportation aspects of the development application included the following tasks as part of our scope of work:

- A site visit to observe traffic operations, traffic safety, pedestrian and parking within Mallard Alley and the adjacent transportation network during a typical afternoon peak period;
- Data collection to estimate the current traffic/pedestrian volumes in Mallard Alley and parking utilization in the area;
- An assessment of the loading requirements for the development and a need for a separate loading stall;
- An assessment of the proposed parking supply and its suitability for the given land use; and,
- An assessment of trip generation of the proposed development and the potential impacts to Mallard Alley.

SITE CONTEXT

The proposed residential development is located between Mallard Alley and 10th Street and is the second lot west of Marra's Way. Currently, a single-family home exists on the lot and the surrounding land uses are a mix of residential and commercial. The lot is between a restaurant and a job resource centre with more commercial buildings on the south side of 10th Street.

On the opposite side of these lots, along Mallard Alley, there are primarily single-family homes. The location of the site is shown in **Figure 1**.

TRAFFIC & PEDESTRIAN VOLUMES

A site visit was conducted along Mallard Alley during the weekday afternoon peak period on Thursday, November 17, 2022 from 3:30-6:00pm. The time period was selected as this afternoon peak period from 3-6pm hour is typically has the highest traffic volumes throughout the week. The purpose of the site visit was to observe general traffic conditions and pedestrian movements in the area.

A traffic count survey was conducted at the intersection of Marra's Way and 10th Street to better understand the volume of traffic currently using Marra Way / Mallard Alley. The traffic count was conducted during the PM peak period. During this time frame, the peak hour occurred between 3:30-4:30pm and a summary of the volumes is provided in **Figure 2**.

During the same observation period, the number of vehicles travelling east and west along Mallard Alley was also counted. The peak hourly traffic volume along Mallard Alley was estimated at 28 vehicles per hour and this occurred between 4:30-5:30pm.

Pedestrian volumes along Mallard Alley were observed to be approximately 4 pedestrians per hour during the PM peak period on the day of the observation.



Figure 1: Site Context

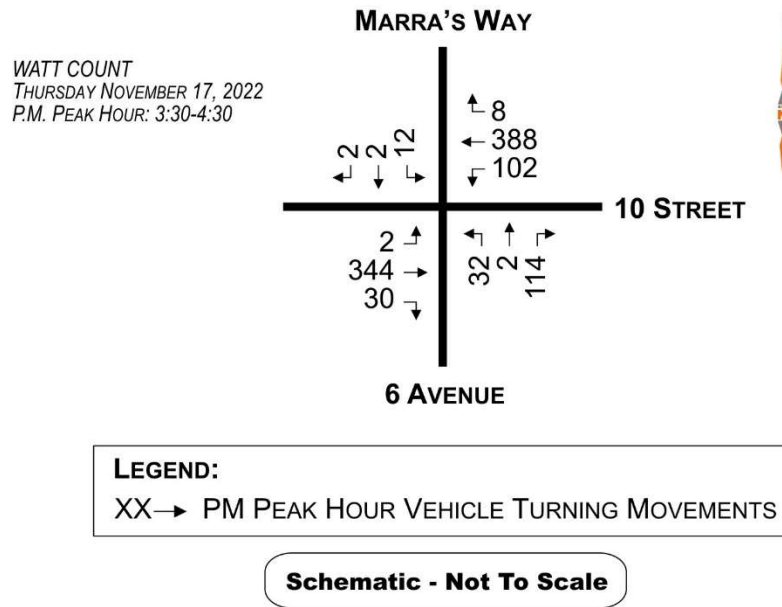


Figure 2: Existing Traffic Volumes

As shown in the traffic surveys, the existing traffic volumes along Mallard Alley are relatively low with a peak of approximately 28 vehicles/hour. This appears to be consistent with the land uses in the area and their associated trip generation. From a traffic capacity perspective, the lane as currently designed can easily accommodate the observed traffic volumes. No traffic operational or safety issues were observed either in the lane or at the primary access at Marra's Way / 10th Street.

It is acknowledged that the traffic counts were conducted during the winter season and that in general, the volumes in Canmore can increase substantially during the summer when tourist traffic is highest. Although we would not expect at significant rise in traffic along Mallard Alley during the tourist season, the Alley could easily accommodate higher traffic volumes. Based on lanes with similar geometric features, the vehicular capacity of Mallard Alley is estimated at 50 vehicles/hour.

The proposed development includes 10 new residential units. The plans include one level of parking accessed from Mallard Alley. The Institute of Transportation Engineers (ITE) provides data on trip generation for various land uses. For residential units such as those proposed, the expected trip generation rate during the peak period is 0.40 and 0.51 during the AM and PM peak periods. Therefore, the proposed development is expected to generate 4 trips during the AM peak period and 5 trips during the PM peak period. Looking at the PM peak period, the new peak hour traffic volume along the lane with the development in place is expected to be in

the range of 33 vehicles per hour. From a traffic capacity perspective, Mallard Alley can easily accommodate the additional volume of traffic expected from the proposed development.

PARKING

The proposed development will provide a total of 10 parking spaces as part of the project. This parking supply meets the Town's bylaws and is expected to be able to accommodate the typical parking demand for the site. Although difficult to estimate, the peak parking demand for the site may exceed 10 stalls on occasion depending on the demographics of the individuals/groups booking the suites and the season. If this occurs, public parking exists in the area to accommodate the occasional overflow.

During the site visit, the on-street parking supply was determined by measuring the available curb space in the area of the development that is available for parking and dividing by 6.3m (see summary in **Figure 3**). The total number of parking stalls counted in the area of the development was 71. Over the course of the site visit, parking utilization was also measured every 15 minutes from 3:00-6:00pm. During this time, the peak on-street parking demand was measured at 43 vehicles which represents 61% of the total supply (see **Figure 4**). This suggests that there is on-street parking available in the area of the proposed development.

Again, similar to traffic, it is acknowledged that the on-street parking demand for the area is expected to increase during the busy summer months with tourists. Since there is no parking along Mallard Alley, tenants that visit the proposed development with more than one car may need to travel further to find an available parking stall, or park within one of the private parking lots within the area.

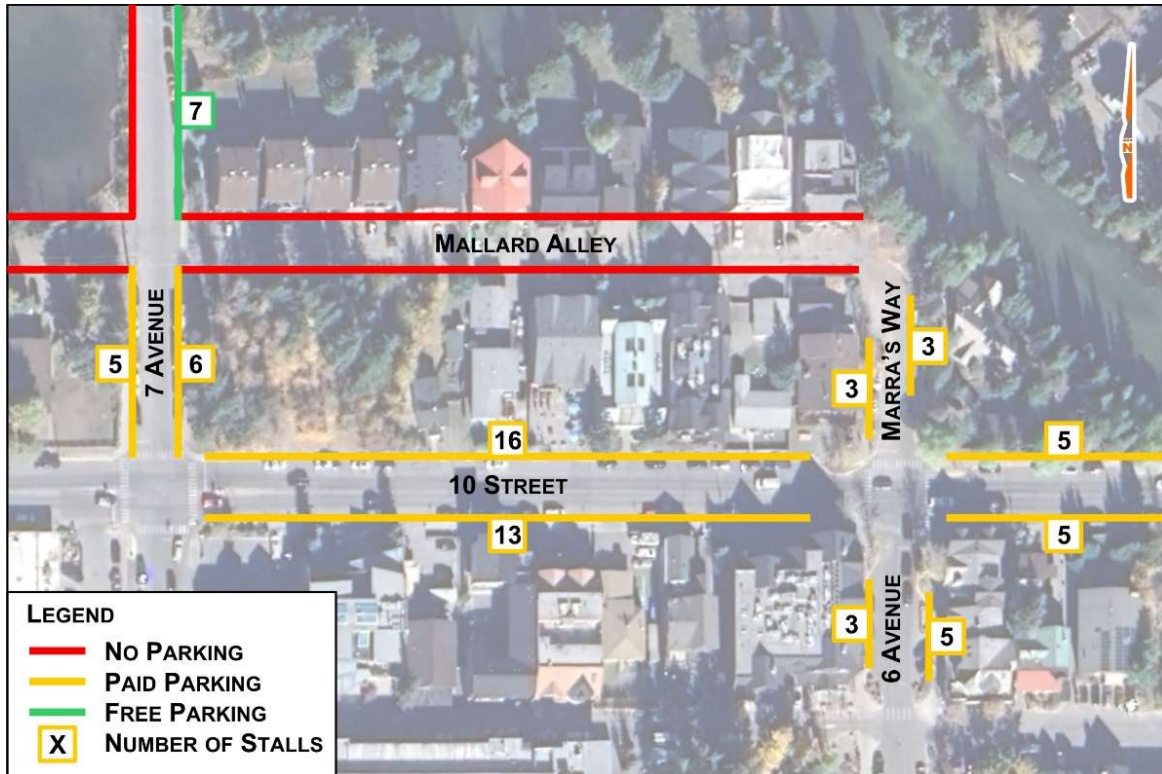


Figure 3: Existing On-Street Parking

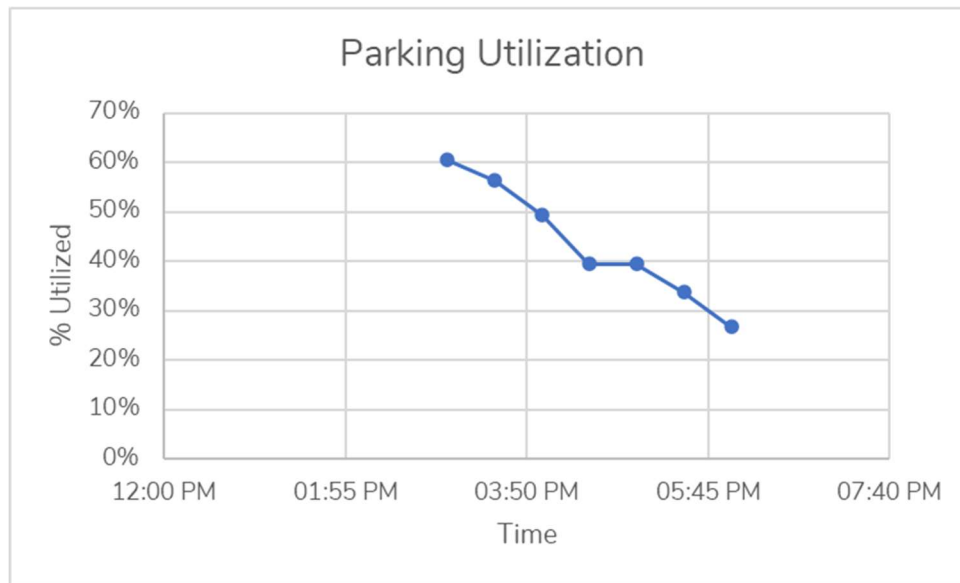


Figure 4: Graph of Parking Utilization

LOADING STALL REQUIREMENT

The Town's bylaws outline the loading stall requirements as shown below:

Loading Stall:

4. Section 2.7.3.1 of the LUB provides as follows:

"2.7.3.1 A minimum of one (1) loading stall shall be required per ... non-residential building, unless it can be otherwise demonstrated to the Development Authority that loading can reasonably take place without a dedicated stall on-site, or that it can be shared amongst multiple developments and/or tenants to minimize the number of loading stalls required."

A loading stall is typically required for commercial developments in Canmore that anticipate a significant volume of deliveries and/or pick-ups. In our opinion, the proposed development does not require a loading stall since the demand is expected to be minimal and alternate loading areas exist along 10th Street. Units are scheduled to be cleaned when the visitor checks out. The cleaning company will utilize the unit's designated parking stall as it will not be occupied during this time. Other minor loading activities that may occur regularly with the proposal development include the occasional food delivery or other miscellaneous deliveries. For these occasional loading activities, we anticipate the loading activity to occur along 10th Street since this is the address of the development and no parking is permitted in Mallard Alley. Sufficient parking is available on 10th Street and a designated loading stall is provided on the

south side of 10th Street (as shown in **Figure 5**) which can accommodate occasional loading activities.

A designated loading stall on-site is not required since the proposed development is not expected to generate a significant amount of loading activities. For the occasional food delivery that may occur at the proposed development, there is ample on-street parking and a designated loading stall nearby that could be used for that purpose.

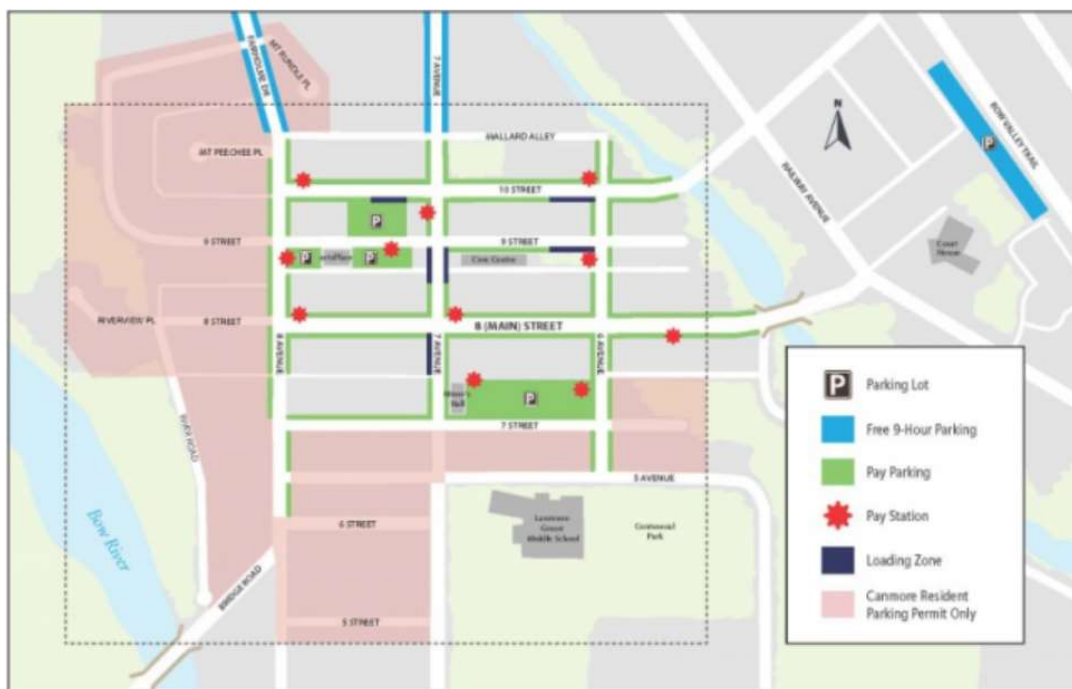


Figure 3: Map with Loading Zones in Town Centre

CONCLUSIONS

The following is a summary of the key conclusions:

- The traffic generation from the proposed development is very small and will not impact traffic operations or safety along Mallard Alley or the adjacent transportation network.
- The proposed parking supply for the development is 1.0 stalls/unit. This meets the Town's bylaw requirements and is an appropriate supply for the given land use. There is plenty of on-street parking within walking distance of the proposed development to accommodate any additional parking requirements (visitors etc.).
- Given the anticipated short-term rental use of the site and the anticipated loading activity for the proposed land use, a designated loading stall is not required for this development. On-street parking and a nearby designated on-street loading zone within the area of the development can accommodate the occasional food delivery or other miscellaneous loading activities.

We trust that this letter report provides the information requested. Please feel free to call me directly if you have any questions or require any additional information.

Sincerely,
WATT Consulting Group

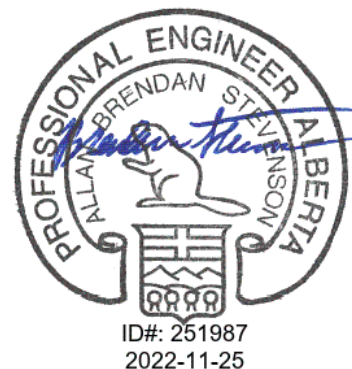
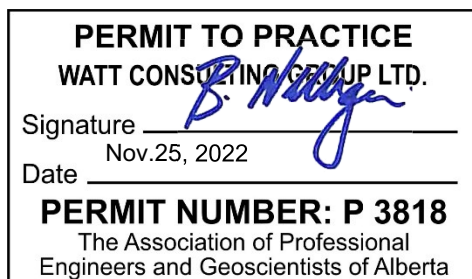


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#WEAREWATT





Brendan Stevenson, P.Eng., PTOE, PMP

*Regional Lead, Transportation
Transportation | Calgary, AB*

Brendan Stevenson is a Project Manager and Senior Transportation Engineer with over 10 years of experience in traffic engineering and transportation planning. Brendan is a skilled project manager with a track record of exemplary client communication.

Brendan previously completed a secondment with the City of Abbotsford where he was operating as one of the City's Transportation Engineers. During his time at the City, Brendan was responsible for reviewing development applications and determining the requirements for the development to connect to the adjacent transportation network.

FEATURED PROJECT EXPERIENCE

Project Manager / Lead Transportation Engineer

Forest Lawn Civic Centre Master Plan (2021-Present)
B&A Planning Group/City of Calgary – Calgary, AB

WATT is providing Transportation Consulting services to the project including site concept collaborations, mobility and parking assessments, TIA's and cost estimates. Brendan is working closely with the project team and external stakeholder to assess the transportation infrastructure required to support the new civic centre.

Project Manager / Lead Transportation Engineer

SMDP High School Expansion (2022-Present)
GGA-Architecture/Calgary Catholic School District – Airdrie, AB

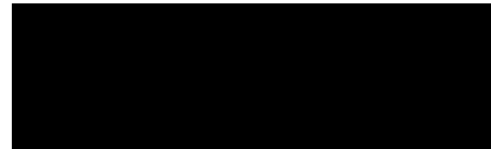
WATT conducted a transportation assessment for the proposed expansion to the SMDP High School in Airdrie. The assessment included a review of the proposed access locations configuration, on-site circulation and parking provisions, and off-site improvements required.

Project Manager / Lead Transportation Engineer

Vantage Rise NSP Transportation Study (2021-Present)
Qualico Communities – Airdrie, AB

Brendan is currently serving as the Project Manager and Lead Transportation Engineer for the Transportation component of the proposed mixed-use community of Vantage Rise in Airdrie, AB. As the discipline lead, Brendan attended all team meetings, consulted with the City, and led the development of the transportation study and the associated assessments. WATT's scope of work for this assignment included:

- Data collection
- Traffic operations analysis
- Road classification review
- Active modes and transit review
- Preparation of transportation study report



EDUCATION

Bachelor of Applied Science Civil Engineering w/ Minor in Commerce
University of British Columbia (2012)
Vancouver, BC

Project Management
PSMJ Bootcamp (2019)

EXPERIENCE SUMMARY

**Transportation Engineer/
Project Manager**
R.F. Binnie & Associates Ltd.
(2011-2021)

**Transportation Engineer
(Secondment)**
Transportation Investment
Corporation
(2013 -2014)

**Transportation Engineer
(Secondment)**
City of Abbotsford
(2017)



Brendan Stevenson, P.Eng., PTOE, PMP

Regional Lead, Transportation
Transportation | Calgary, AB

ADDITIONAL PROJECT EXPERIENCE

Project Manager/Lead Transportation Engineer

Southwest Coaldale ASP Traffic Analysis Study (2021-ongoing)
Alvin Reinhard Fritz Architect Inc. – Coaldale, AB

Traffic Analysis Study to assess the transportation impacts from the proposed new development area and what transportation infrastructure is required to support it. The study also included connections to Alberta Transportation infrastructure.

Project Manager/Lead Transportation Engineer

TMEP Spread 1, 4B, and 6 TMP (2019-2021)*
SA Energy Group – Edmonton/Clearwater/Fraser Valley

Traffic Management Plans and Traffic Control Plan drawings for the construction of Spreads 1, 4B, and 6 of the Trans Mountain Energy Pipeline through Edmonton, Clearwater, and the Fraser Valley. Reviewed the proposed alignment and traffic accommodation considerations to facilitate the construction.

Transportation Engineer

Corridor Traffic Operations and
Safety Study (2017-2018)*
City of Salmon Arm - Salmon Arm, BC

Transportation Engineer for a traffic and safety study of three intersections in Salmon Arm. Brendan assisted in the analysis of the traffic operations through the urban arterial corridor based on existing and forecast traffic volumes. Produced sketches of options for City review.

Transportation Engineer

Traffic Engineering
General Services Contract (2016-2020)*
BC MOTI - Various Locations, BC

Transportation Engineer for this two-year contract to provide as and when required traffic engineering services for the entire province. Assignments to date include traffic management for the Pattullo Bridge Rehabilitation works, traffic signal retiming for a number of highway and interchange ramp terminal intersections, and a traffic study for the Highway 91 Cliveden Interchange.

Project Manager/Lead Transportation Engineer

Grandin Park Plaza Traffic Review (2018)*
Amacon – St. Albert, AB

Review of the traffic operations in the proposed redevelopment of the Grandin Park Plaza in St. Albert. Work included reviewing the proposed site plan and road network for the redevelopment of the plaza and a traffic analysis of the proposed road network, based on the forecast traffic demands. In addition, consultation with the design team was conducted to improve the operations of the proposed road network.

PROFESSIONAL ASSOCIATIONS

Association of Professional
Engineers and Geoscientists
of Alberta
Professional Engineer

Engineers and Geoscientists
of British Columbia
Professional Engineer

Association of Professional
Engineers and Geoscientists
of Saskatchewan
Professional Engineer

Transportation Professional
Certification Board
Professional Traffic
Operations Engineer

BILD Calgary Region
Transportation
Committee Member

Institute of Transportation
Engineers
Member and Former
Section President

*experience with previous firm