

Attachment 1
Application for an Exemption, May 15, 2017

Item #6.2.4
C2018-0151
ATTACHMENT 1



May 15, 2017

Honourable Shane Anderson
Minister of Municipal Affairs
Government of Alberta
132 Legislature Building
10800 – 97 Avenue
Edmonton, AB T5K 2B6

Dear Minister Anderson:

Re: Application for an Exemption to the Calgary International Airport Vicinity Protection Area Regulation for a Private School & Place of Worship, 3687 – 63 Avenue N.E.

The enclosed application is a request from The City of Calgary to amend the Calgary International Airport Vicinity Protection Area Regulation to accommodate a change of use within an approved development at the above address, in accordance with the enclosed application.

A development permit was approved in 2007 under DP2007-2473 for the parcel to be utilized as an office. The Development Authority approved a single purpose office building that consists of an underground parkade and three storeys of office above grade. The proposed development permit is requesting a change of use to remove the office, and replace with a private school and a place of worship.

The development site is located at 3687 – 63 Avenue N.E. and lies within the 30-35 and 35-40 NEF contours. According to the table in Schedule 3, Section 4 of the AVPA Regulation, both schools and places of worship are prohibited uses.

The city has no records of noise complaints, since the building is currently only constructed to the top of foundation. Appendix IV provides an Aircraft Noise Assessment. The Calgary Airport Authority is not in support of the application. No other comments from stakeholders were received by the time of this application.

The City of Calgary respectfully requests that a decision be made to amend the Calgary International Airport Vicinity Protection Area Regulation to accommodate the change of use to allow for a private school and place of worship to be approved on this site.

If you have any questions with regard to the proposed application for exemption to the Calgary International AVPA Regulation, please contact Dino Kasparis at (403) 268-2968.

Sincerely,

Jeff Fielding
City Manager
The City of Calgary | Mail Code #8003
T 403-268-2109 F 403-537-3027
10th Floor, Calgary Municipal Building
E Jeff.Fielding@calgary.ca

ISC: Protected

..over

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Attachments:

Appendix I: Rationale for Application for an Exemption to the Calgary International AVPA Regulation
Appendix II: Aerial Photo and NEF Contours
Appendix III: Aerial Photo and NEF Contours of other similar sites
Appendix IV: FFA Consultants in Acoustics and Noise Control Ltd, Aircraft Noise Assessment
Appendix V: Development Permit Drawings
Appendix VI: Noise Emission Acknowledgement Letter
Appendix VII: Stakeholder Letter

cc: Michael Brander, Remington Development Corporation
Kathy Dietrich, Calgary Growth Strategies, City of Calgary

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APPENDIX I: Rationale for Application for an Exemption to the Calgary International AVPA Regulation

The following rationale is provided to support an application for exemption to the Calgary International Airport Vicinity Protection Area (AVPA) Regulation to accommodate a private school and place of worship on the mentioned lands which can be legally described as: 0511592;7;2, located at 3687 63 Avenue NE.

The Development Permit approval is subject to an amendment of the Regulations by the Minister of Municipal Affairs. City of Calgary Administration has received delegated authority from City Council to proceed with an application for amendment as set out in the Regulations:

"Amendment to Regulation

7(1) Only a municipality may apply to the Minister for an amendment to this Regulation.

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

BUILDING FOOTPRINT AND NEF CONTOURS

Under Development Permit DP2007-2473, the site was approved for an office building. The current application under DP2017-0756 proposes to change this use to a private school and place of worship to accommodate a faith based junior high and high school, and a space for prayers. The approved building is located within the 30-40 NEF contours. The aerial photo in Appendix II shows the footprint of the approved building, and site design with the Noise Exposure Forecast (NEF) contours, wherein the use of school and place of worship are expressly prohibited in the Regulation due to potential noise conflicts from overhead airplanes.

Similar uses in the area have been granted an exemption from the APVA Regulation, including Telus Spark Science Centre, the Polish Canadian Cultural Centre, and Heritage Christian Education Society Calgary, as shown in Appendix III.

CONSULTATION

The following referees were circulated during the review of the Development Permit application, and responses were received as follows:

Circulation Referee	Comments
Ward 3 Councillor, Jim Stevenson	No objection
Calgary Airport Authority	Letter received, see Attachment VII
Municipal District of Rockyview	No response by the time of application
City of Airdrie	No response by the time of application
Transport Canada	No response by the time of application
NAV Canada	No response by the time of application

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Although located within the community of Westwinds, there are no residents within this area, and no Community Association exists. Therefore, no circulation was given.

RISKS

The risk to the Calgary Airport Authority as identified in their Letter of Objection in Appendix VII is that the proposed development is located within the 35-40 NEF contour, and will thus experience noise concerns. The City of Calgary acknowledges that the school could voice complaints regarding potential noise impacts. The applicant has provided sufficient supporting information regarding the Aircraft Noise Assessment that has determined that the proposed construction will meet the exterior acoustic insulation requirements of the 2014 Alberta Building Code. This does not mean that aircraft noise will not be heard within the building, or other potentially noise sensitive locations.

In Appendix VI, a letter has been provided by the property owner, signed by the lessee, indicating their understanding and acknowledgement that the building is within the Calgary International Airport Vicinity Protection Area, and that noise will be present.

As identified in the Letter of Objection received from the Calgary Airport Authority, the AVPA is critical to ensure the future growth and viability of the airport. The City of Calgary agrees that the airport provides a vital industry to the city and the province of Alberta. It is of the option of the City of Calgary, that this application will not compromise the viability of the airport and its operations.

CONCLUSION

The City of Calgary requests approval of this application to provide an exemption to the site at 3687 63 Avenue NE to allow for a private school and place of worship for the following reasons:

1. The building will be constructed to address the acoustic insulation requirements of the Alberta Building Code. The land owner and lessee both know and understand the noise emissions expected on this site.
2. The approval of a private school and place of worship will not compromise the viability of the airport and its operations.

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APPENDIX II: Aerial Photo and NEF Contours



- AVPA (AIRPORT VICINITY PROTECTION AREA)
- NEF-25
- NEF-30
- NEF-35
- NEF-40



N.T.S

J:\105591_WestwindsBscmp\5.9 Drawings\59plan\WWBC-LU-Redesignation-1.dwg



IBI GROUP
500 - Meredith Block,
611 Meredith Road NE
Calgary AB T2E 2W5 Canada
tel 403 270 5600 fax 403 270 5610

Westwinds Business Campus
Remington Development
Corporation

Noise Exposure Forecast

Exhibit 0.0
Lot2, Block7, Plan0511592, 3687 63 Ave NE
Last Saved: March 6, 2017, by jawad.habib

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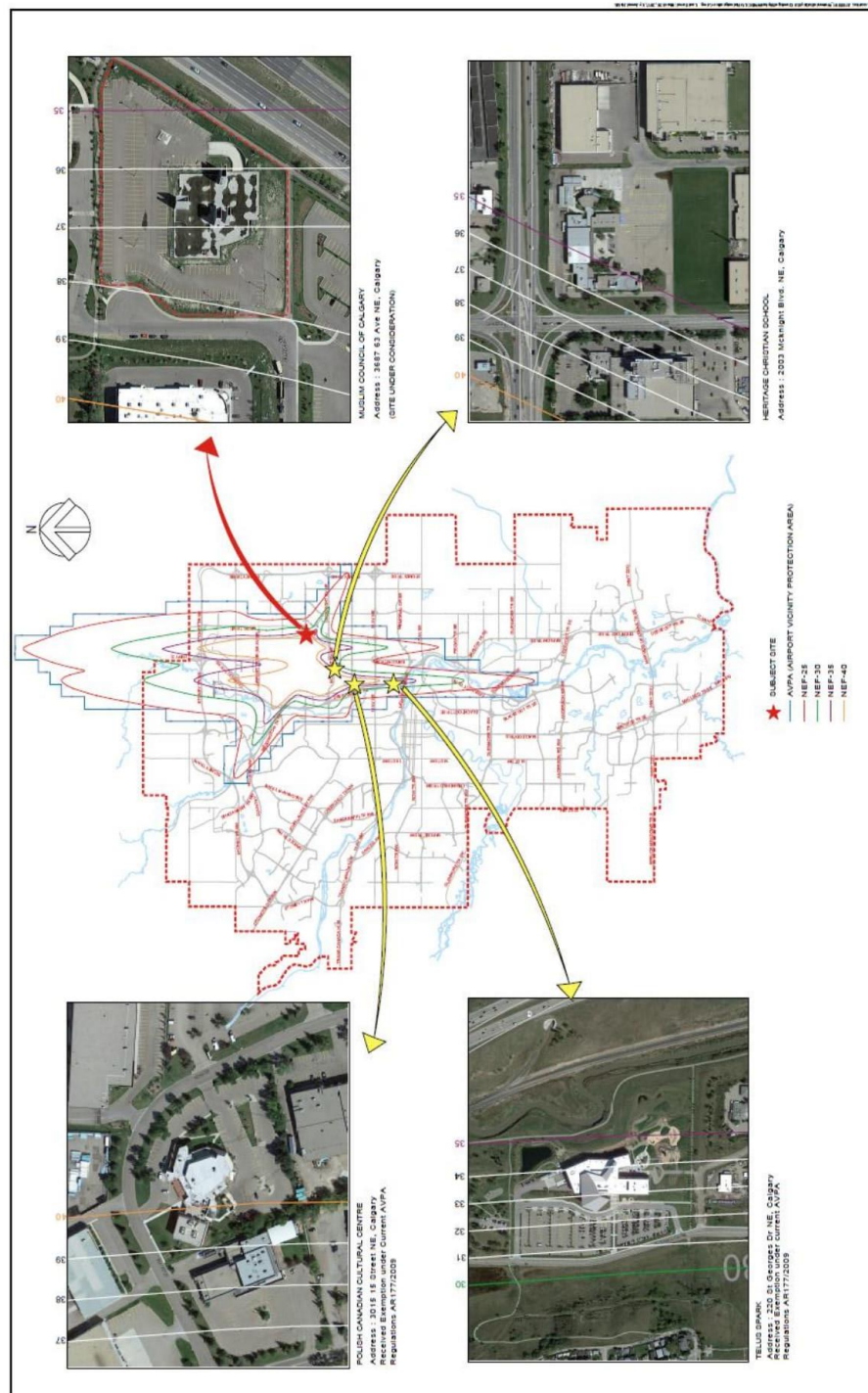
IBI GROUP
100-10000 100th Ave
Calgary, AB T2C 1G8 Canada
Tel: 403.275.5000 Fax: 403.275.5001

Westwinds Business Campus
Remington Development Corporation

Noise Exposure Forecast
Exhibit 2.3
Lot 2, Block 7, Plan 0511592, 3657 63 Ave NE
Last Revised: May 11, 2017, by [signature]



APPENDIX III: Aerial Photo and NEF Contours of Other Similar Sites



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APPENDIX IV: FAA Consultants in Acoustics and Noise Control Ltd, Aircraft Noise Assessment



Consultants in Acoustics
and Noise Control

March 14, 2017

Riddell Kurczaba Architecture Engineering Interior Design Ltd.
2530 Hochwald Ave SW, Calgary,
Alberta, Canada T3E 7H5

Attention: Paul Beaty

**Re: Westwinds Private School -
Aircraft Noise Assessment
File 116-2810-01**

The proposed Westwinds Private School will be located near the Calgary International Airport and is located in the 37 NEF contour area. The acoustic insulation factors (AIFs) of the exterior building assemblies must meet the requirements of the Calgary International Airport Vicinity Protection Area Regulation and chapter 11 of the 2014 Alberta Building Code. We have reviewed the architectural plans, sections and exterior elevations from the original Issued for Building Permit Drawing Set dated May 22, 2008, as well as the amended interiors main, second and third floor layouts (see attached). Based on this information we have undertaken an Acoustic Insulation Factor (AIF) analysis to determine if the proposed building envelope constructions will meet the exterior acoustic insulation requirements of the 2014 Alberta Building Code.

The Alberta Building Code lists a number of exterior constructions, however the proposed exterior wall and roof/ceiling types for the building are not specifically listed. Table 1 lists the exterior building constructions, as taken from the Issued for Building Permit Drawings. The component types used are based on our past experience and knowledge of the sound transmission loss properties of various wall and roof systems. Based on the exterior building component information for this project provided to us and using transmission loss data from our resources, AIF values were calculated for the exterior building components not specifically listed in the Alberta Building Code.

Suite 210N, 3015 - 5th Avenue N.E., Calgary, Alberta T2A 6T8
Tel: (403) 508-4996 Fax: (403) 508-4998 Info@ffaacoustics.com

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Consultants in Acoustics
and Noise Control

Table 1
Westwinds Private School
Building Exterior Components

Component	Description	Component Type Code
Windows	6 mm glass, 13 mm airspace, 6 mm glass	NA
Exterior Wall W1	90 mm natural stone, air space, 10 mm Bakor DB6000 drainage board, 65 mm rigid insulation, air/vapour barrier, 13 mm DensGlass® Gold sheathing, 152 mm steel studs @ 400 mm O.C., 64 mm steel studs @ 400 mm O.C., 13 mm gypsum board	NA
Exterior Wall W4	Aluminum panels, 65 mm rigid insulation, air/vapour barrier, 13 mm DensGlass® Gold sheathing, 152 mm structural steel studs @ 400 mm O.C., 64 mm steel studs @ 400 mm O.C., 13 mm gypsum board	NA
Exterior Wall W5	Spandrel glass, galvanized aluminum, spray foam thermal insulation, 13 mm gypsum board on 64 mm steel studs @ 400 mm O.C.	NA
Exterior Wall at Column Surrounds	Spandrel panel, 16 mm gypsum board, structural steel column, 64 mm structural steel studs, 16 mm gypsum board	NA
Roof – R1	Gravel Ballast, EDPM roof membrane, 102 mm rigid insulation, single ply 6 mil poly vapour barrier, 38mm steel decking, suspended T-bar ceiling	NA

The AIF requirements are based on the room usage, the AIF values of the various exterior building components, and their size in proportion to the room floor area. Thus an AIF analysis may indicate that a room with a large window area relative to floor area may require that the sound transmission loss of the windows be increased or the size of the windows be decreased. Also, if one exterior building component does not meet the required AIF value for the room, this may be acceptably offset by one or more components that exceed the requirement.

The calculations for the rooms were done based on the expected usage as indicated on the proposed plans. As per the 2014 Alberta Building Code, classrooms, labs, prayer rooms, library, and the physical fitness area were treated as classrooms, the vice-principal and principal offices as private offices, and the general office area as open office. The room sizes were obtained from the main, second and third floor layouts (see attached).

Based on our understanding of the room layouts and exterior constructions, the AIF calculations for the proposed Westwinds Private School indicate that no upgrades would be required to meet the AIF requirements.

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**Consultants in Acoustics
and Noise Control**

Summary

An AIF analysis was carried out for the proposed Westwinds Private School based on a review of original Issued for Building Permit Drawing Set dated May 22, 2008, as well as the amended interiors main, second and third floor layouts (see attached). The school will have a prayer room, fitness area, classrooms, labs, offices, library, and business centre. The AIF calculations indicate that the proposed layout would require no upgrades to meet the 2014 Alberta Building Code requirements. This does not mean that aircraft noise will not be heard in classrooms, labs, offices, and other potentially noise sensitive locations.

This analysis is only valid for the current proposed room layouts. AIF calculations would need to be undertaken for the Issued For Construction school floor plans if there are changes to the layouts to determine the specific window and wall types to meet the 2014 Alberta Building Code requirements.

We trust this provides you with the information you require. If you require additional information or have any questions please contact the undersigned.

Sincerely,

FFA Consultants in Acoustics and Noise Control Ltd.
APPEGA Permit to Practice P 06780

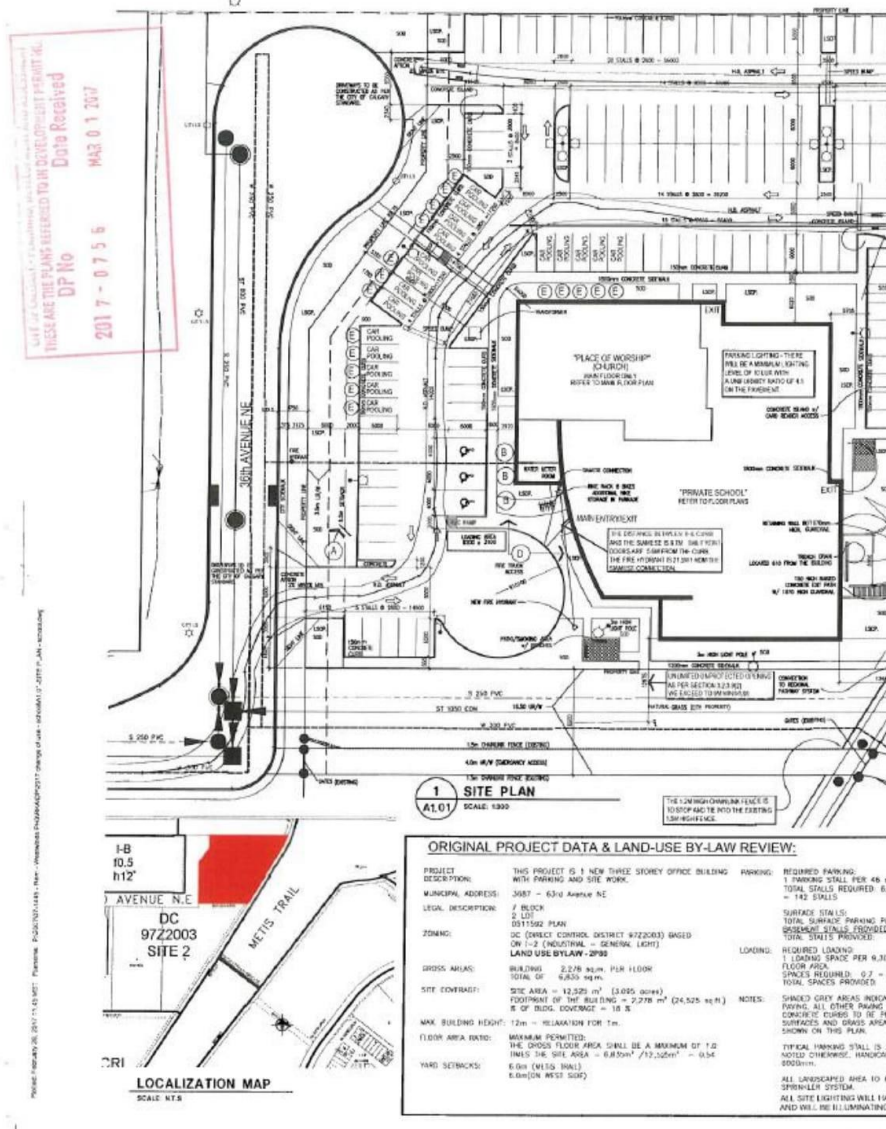


Clifford C. Faszer, P.Eng.

Encl.

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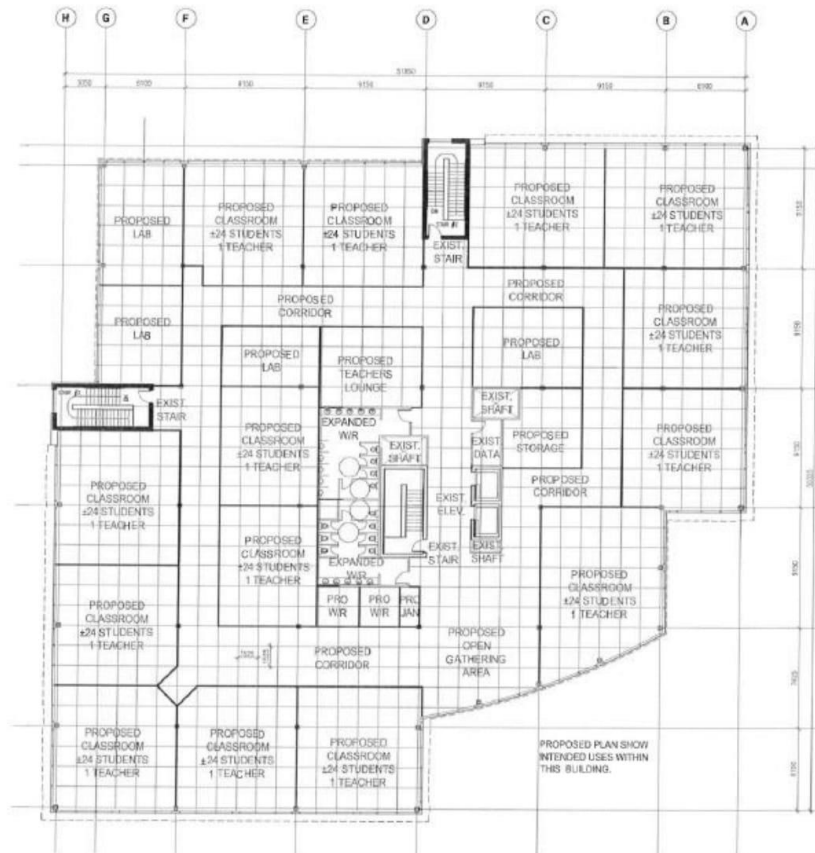
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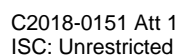
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1 THIRD FLOOR PLAN
A2.01 SCALE: 1/8" = 1'-0"



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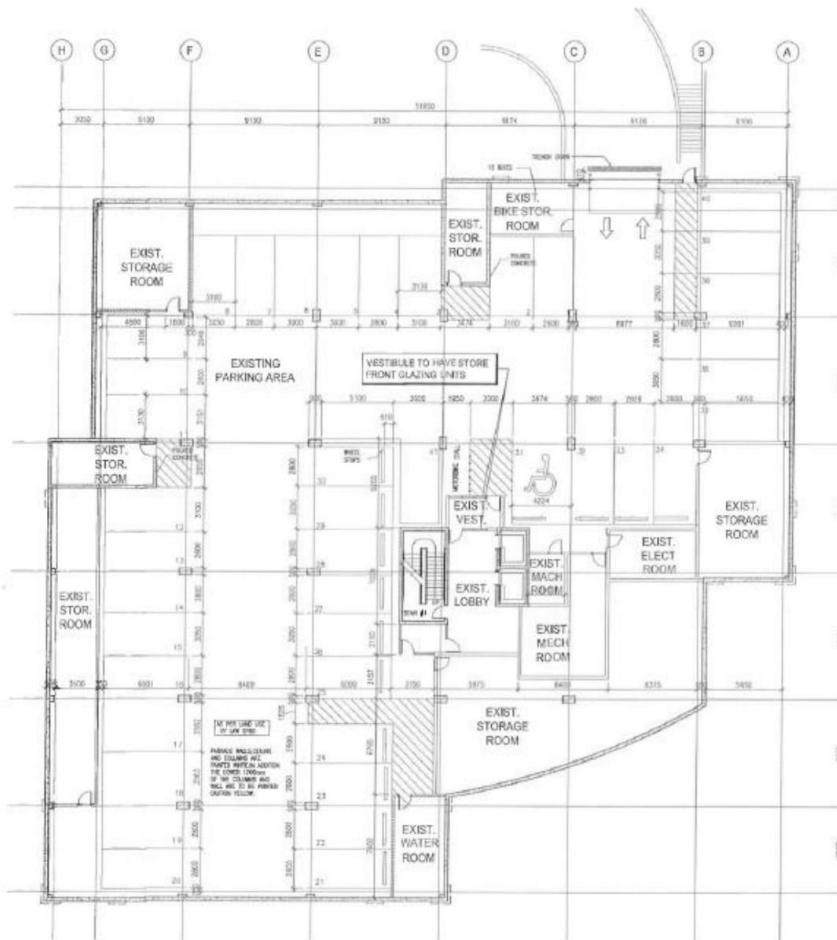
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1 PARKADE PLAN
 A2.00 SCALE: 1/8" = 1'-0"



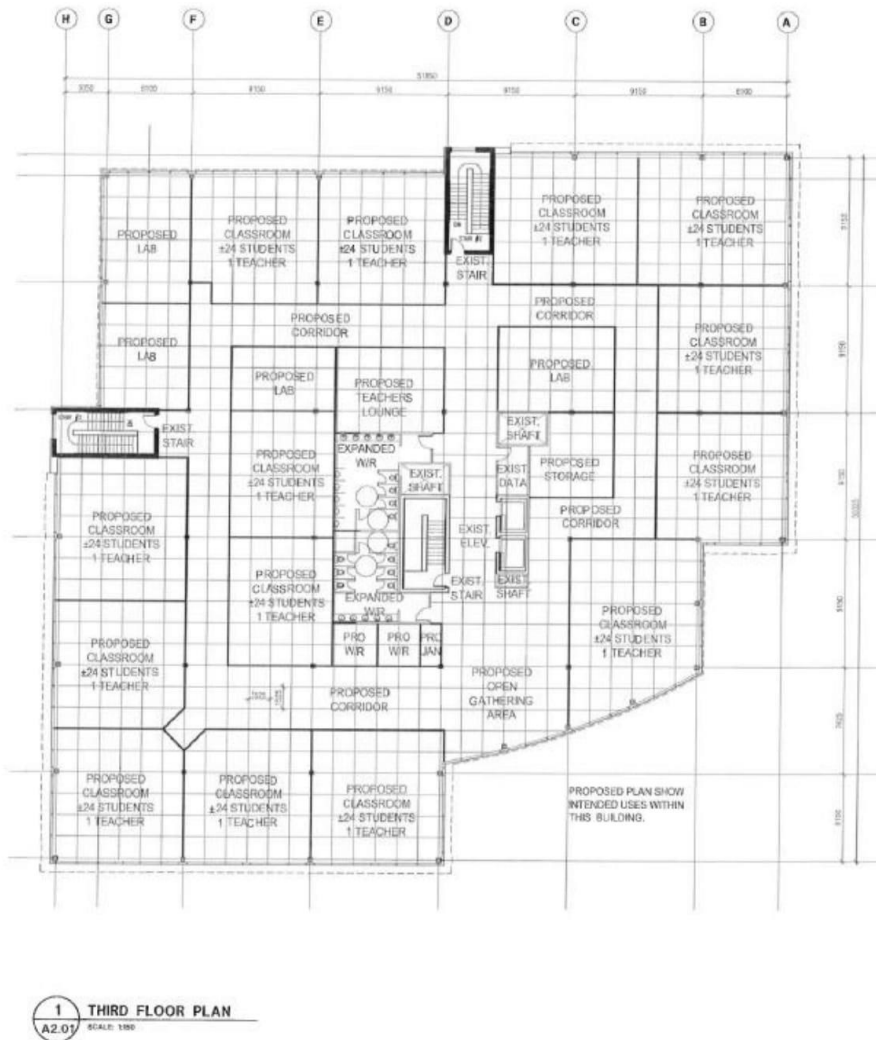
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1 SECOND FLOOR PLAN
A2.02 SCALE: 1/8" = 1'-0"

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APPENDIX VI: Noise Emission Acknowledgment Letter



April 21, 2017

The City of Calgary
Planning and Development
800 Macleod Trail S
P.O. Box 2100, Station M, Calgary, Alberta, T2P 2M5

ATTN: Mr. Dino Kasparis

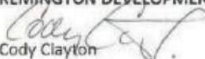
RE: PROPERTY LOCATED AT 3687 63RD AVE NE, CALGARY, AB AND LEGALLY DESCRIBED AS PLAN 0511592; BLOCK 7; LOT 2 (THE "LANDS"); AND DEVELOPMENT WITHIN CALGARY INTERNATIONAL AIRPORT VICINITY PROTECTION AREA (AVPA)

Dear Mr. Kasparis,

Remington Development Corporation, as the owner of the Lands described above, is currently negotiating a lease of the Lands and a building to be constructed thereon with the Muslim Association of Calgary and the Muslim Community Foundation of Calgary. It is anticipated that the lease terms will include a twenty (20) year term with an option to purchase the Lands and building in favor of the tenant.

All three parties hereby acknowledge and understand that the building is within the Calgary International Airport Vicinity Protection Area and the occupants of the building are directly susceptible to risks of noise emission levels that are typically higher than other locales.

Sincerely,
REMINGTON DEVELOPMENT CORPORATION


Cody Clayton
President

MUSLIM COMMUNITY FOUNDATION OF CALGARY

Per: 
Authorized Signatory

MUSLIM ASSOCIATION OF CALGARY

Per: 
Authorized Signatory

CAN_DMS: 1106812039/2

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APPENDIX VI: Stakeholder Letter

Calgary Airport Authority



May 4, 2017

File: YYC 1409

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

Attention: Dino Kasparis

Re: Development Permit Application DP2017-0756
City of Calgary AVPA Exemption Circulation Review
Change of Use: Private School & Place of Worship
Address: 3687 63 Avenue NE

Dear Dino Kasparis:

The purpose of this letter is to reply to your request of April 06, 2017, with respect to the proposed Change of Use to allow a Private School and Place of Worship where currently prohibited by the Airport Vicinity Protection Area.

The Calgary Airport Authority **objects to this application** due to the following reasons:

- The proposed development is located within the 35-40 NEF (Noise Exposure Forecast) contours of the Airport Vicinity Protection Area (AVPA) Regulation.
- As per the table in Schedule 3, Section 4 of the AVPA Regulation, Schools and Places of Worship are considered prohibited uses within this area.

We have been working closely with the Province of Alberta as well as the City of Calgary, Rocky View County and City of Airdrie over the last number of months on matters related to the AVPA. In our discussions, we have continually stressed the importance of the AVPA and its objective of creating a compatible land use framework for development in the vicinity of the Calgary International Airport.

Since 1979, when the AVPA was initially created, YYC has grown from 3.7 million to 15.7 million passengers annually; aircraft movements have grown from 165,000 to 250,000 annually. Aviation is a vital industry in the province of Alberta and is a major contributor to economic growth and development. The Authority has invested over \$4 billion in infrastructure since 1992, and has the expansion capability to remain in its current location for the long term. This means that the AVPA is more important than ever before and it is critical that as YYC continues to grow, the operational life of the facility continues to be protected through the AVPA. The AVPA Regulation is a major facilitator of future aviation growth. We must ensure that the foresight demonstrated in the original creation of the AVPA Regulation is not compromised now or in the future.

The Calgary Airport Authority supports the City's position to grow and develop Calgary communities into vibrant neighbourhoods. However, the development should follow all

DP2017-0756 YYC 1409

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land development guidelines and the Authority does not support this request to amend the AVPA Regulation to exempt the area outlined in the application.

The proposed development does not conflict with any other areas of our review.

I trust that the above comments will be of use to you in your review of this proposal. If you have any questions or require further information regarding these comments, please do not hesitate to contact me at 403.735.5343 or stefank@yyc.com.

Yours truly,

Stefan Kutac
Development Coordinator

Cc: Bob Sartor, Calgary Airport Authority
Marco Mejia, Calgary Airport Authority
Rob Palmer, Calgary Airport Authority
Jody Moseley, Calgary Airport Authority