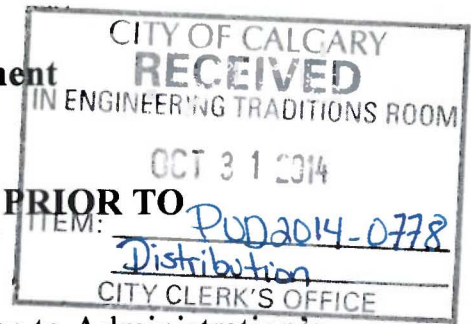


**Members of the SPC on Planning & Urban Development  
Response to PUD2014-0778, October 31, 2014**



**REQUIREMENTS FOR GEODETIC ELEVATION PRIOR TO  
STRIPPING, GRADING AND REDEVELOPMENT**

At the September 6, 2013 meeting of the SPC, in response to Administration's report, *Monitoring Report on Contextual Semi-Detached Dwellings*, we provided a written submission detailing in part, our concerns regarding *Solution for Drainage*. Notably, we voiced serious concerns with respect to the fact that the Lot Grading Permit, a permit **required prior** to any stripping, grading or redevelopment in Bylaw 32M2004, has been reduced to a checkbox on the CARL on a Development Permit Application.

To review, we explained the significance of the Lot Grading Permit, particularly in the Developed Areas, as documenting **existing** approved common property grades of the subdivision block plan including geodetic datum points at the corners of the parcel, midline, and interior of the parcel, prior to any stripping or grading for redevelopment. This is important in established, built up areas where an approved, comprehensive grade plan was initially built for the block and not only protected all properties with common grades along adjoining property lines on the block, but also reduced overlooking, privacy, and shading issues.

The geodetics of the Lot Grading Permit provide fundamental baseline data by which the first filter for determining the redevelopment stream is assessed, discretionary or permitted use. The Lot Grading Permit is also the primary line of defense in protecting the rights of the directly affected adjacent neighbours, and the street scape of the community.

Is the parcel to be redeveloped sloped? If yes, then Permitted or Contextual Use DP's are excluded, and the redevelopment is subject to community comment and influence, detailed review by the CPAG team, and can be appealed. If no, then Permitted Use DP applications are allowed, and subject to neither comment nor appeal. Does the builder want to reduce the gradient from front to back of the parcel so that it qualifies for a Permitted Use DP as the parcel is then no longer sloped? Without a bona fide Lot Grading Permit, validating with 3<sup>rd</sup> party professional documentation the pre- redevelopment existing geodetics, this is a simple matter for the builder. After the grades are altered, incomplete Permitted Use DP applications are commonly submitted by builders and approved if the elements of the site plan are within the contextual building envelope. However, it

is common practice for builders to wait 2 weeks after the incomplete Permitted Use DP application approval by the Development Authority, then further submit (at no cost to the builder as there is no fee, nor penalty) one or multiple Revised Plans which are not within a permitted use building envelope. Revised Plans are frequently approved by inexperienced and/or bullied file managers, not Development Authorities, and are not subject to appeal as they are not considered Decisions by the SDAB (see Appendix A). The Builder now has a redevelopment outside the permitted use building envelope, subject to neither comment nor appeal. The rights of the affected adjacent property owners and the community, as provided for in LUB1P2007 and the MGA, are out the window.

How about retaining walls? Does the builder want to raise the existing approved common property grade of the redevelopment parcel more than .99 cm above the grade of the directly adjacent neighbours (this requires a relaxation, and there are no relaxations allowed in Permitted Use DP's)? What are the existing grades, prior to redevelopment which serve as a baseline from which to measure the height of a retaining wall, and a fence? No Lot Grading Permit with existing geodetics? No problem. If there are no baseline data, builders easily doctor grades to whatever suits them, and raise grades of re-developments causing drainage issues and damage to adjacent property owners, as well as a cascade of additional issues for adjacent neighbours. And because it is a Permitted Use DP, there is no recourse whatsoever for the violated neighbours. Builders know this. They operate with complete impunity.

Finally, if there is no Lot Grading Permit with bona fide parcel geodetics prior to any stripping, grading and redevelopment, at grade certificate time, when redevelopment construction is complete, there is nothing to compare the as-constructed grades to, since there is no pre-construction verification of prior existing geodetics.

September 16, 2013, Council directed Administration to "report through the SPC on PUD by Q1 2014 .... *that geodetic elevations are accurately measured and recorded to ensure they are maintained **prior** to stripping, grading and redevelopment*".

On March 18, 2014, the SPC on PUD deferred the Report to no later than October 31, 2014.

In today's report, it is regrettable to see Administration's "scope creep", and misrepresentation of our September 6<sup>th</sup> 2013 concerns. We were not suggesting

that pre-existing grades and geodetics not be altered during the redevelopment process. We are documenting the significant problems which arise for the community, when there is no documented baseline geodetic data prior to striping, grading, and redevelopment. Administration does not address this fundamental thesis in this report. If problem grades due to slump or sinking can be ameliorated, to fit in with, but not disrupt the existing common property grades, that is to be lauded.

It is concerning that Water Resources feels it has the authority to disregard the requirement, clearly stated in bylaw, for an actual Lot Grading Permit, most especially for Permitted Use DP applications in the Developed area where there is an existing approved common property grade in place for the subdivision block plan. The Lot Grading Permit provides critical baseline data from which fundamental re-development parameters are derived and is the beginning point of all redevelopment.

Water Resources' report states the department will engage with the building community to amend bylaws to address drainage issues. Respectfully, this is not within their purview. It is up to City Council to amend bylaws, in a fair and balanced approach to protect the citizens of this city who are property owners and have rights as outlined in LUB and the MGA.

## **CONCLUSION**

We respectfully request the SPC on PUD direct Water Resources and Development and Building Approvals to immediately discontinue the checkbox, and re-instate the requirement for a proper Lot Grading Permit including geodetic datum points at parcel corners, midline, and interior, as is required in Bylaw 32M2004.

We acknowledge that to recognize there is a problem is a first step in solving it, and are grateful for this dialogue.

K.J. Higgins & Per Angman  
3915 Crestview Road, S.W.  
Calgary, Alberta  
403-249-2906  
[higginsk@telusplanet.net](mailto:higginsk@telusplanet.net)



## Guidelines\* for the Acceptance of Revised Plan Applications

### What constitutes Revised Plans?

Revised Plans are an administrative application for minor changes to an approved and released Development Permit. These changes could be pre-construction or 'as built' changes. Depending on the type of changes, a Revised Plan application or a NEW Development Permit may be required. This decision is made by a planner once the application has been reviewed. A Revised Plan application cannot consider any changes that have bylaw implications.

A Revised Plan Application will only be approved if, in the opinion of the Development Authority, there are no substantive changes to the originally approved Development Permit. Please note that each proposed revision is unique. The requirement for either a Revised Plan Application or a new Development Permit application will be determined on a case by case basis.

Note: Upon review of a Revised Plan application and related plans, a new Development Permit may be required to review and consider the changes. No refund or transfer of fees will be given.

The following guidelines indicate situations which would involve substantive change. **This is not intended to be an exhaustive list.**

The Revised Plan Application **shall not** have:

- ✓ • A change relating to a matter that anyone has voiced objection to;
- A change that affects an item that was negotiated at the time the application was being processed;
- ✓ • A change to a matter that was at issue before Subdivision and Development Appeal Board (SDAB);
- ✓ • A change that is prohibited by or is referenced in the Conditions of Approval;
- ✓ • A change that results in a relaxation of a Land Use Bylaw rule;
  - A change that results in an increase to a previously granted relaxation;
  - A change that does not meet the standards of other City business units.;
- ✓ • A change that requires circulation to another City business unit (e.g., revisions to parking layout; changes to the number of parking stalls; removal of garage and/or parking pad; adding retaining walls one metre in height or higher; substantive grade changes; and, those changes that require deposits to be taken);
- ✓ • A change that results in an encroachment, including landscaping, on City of Calgary Property (e.g., boulevards, utility and road rights-of-way);

- ✓ • A change that is contrary to any approved City policy (e.g., ARPs);
- A change that increases the number of dwelling units or affects a rule regarding the internal layout of the building (e.g., adding mezzanine space);
- ✓ • A change that increases the gross floor area (GFA) of a building;
- ✓ • A change that increases or decreases the footprint of the building;
- A change in location or size of a sign;
- A change to the location of DP-approved retaining walls one metre in height and higher;
- ✓ • Changes to architectural details and/or exterior materials and finishes which significantly reduce the attractiveness and quality of a building.

A new DP is required in order to review and assess any of the above revisions.

\*This information is provided as a guideline only and the City of Calgary reserves the right to deviate from it without notice.

These Guidelines are not included as statute in LUB1P2007. Therefore, if a Revised Plan is inappropriately approved, there is no remedy for the affected neighbours.

We have been involved with a Contextual DP which took advantage of this fact. The Contextual DP application for this redevelopment was incomplete, but approved anyway by the Development Authority. Subsequently, from 3 weeks after approval, a series of Revised Plans were submitted by the builder, and approved by the File Manager, which should have required relaxations, or in other words, Development Permits. Changes to the site plan facilitated by Revised Plans included stripping and grading a parcel over 1000 m2 without a permit, retaining walls over 1m height without a permit, overheight roof without a permit, over depth house without a permit, and overheight fences without a permit. In other words, there is nothing that is compliant in this Contextual redevelopment. Every metric for this redevelopment is outside the contextual building envelope.

There was no Lot Grading Permit documenting pre-development parcel geodetics and existing common property grades for the redevelopment parcel. There was no baseline data.

K.J. Higgins & Per Angman







PUD2014-0778  
ATTACHMENT  
NEIGHBOURS  
HOUSE



NEIGHBOURS  
HOUSE





