

**REPORT TO THE SUBDIVISION AND
DEVELOPMENT APPEAL BOARD**

DATE: September 8, 2026	APPEAL NO.: SDAB2026-0131 AB FILE NO.: DP2025-05349
APPEALS BY: (A) Emil & Neena Kothari, and a list of 25 neighbours, all represented by Chris Davis, Legal Counsel, and by (B) JoAnne Atkins for the Varsity Community Association	
Appeal against a decision of the Development Authority to not require a new Development Permit where a concurrent LOC application was withdrawn. <u>Permit Description:</u> New: Rowhouse Building, Semi-detached Dwelling Location: <u>132 Varsity Estates Place NW.</u>	LAND USE DESIGNATION: R-CG Discretionary
COMMUNITY OF: Varsity	DATE OF DECISION: N/A
APPLICANT: Quinn Hibbard, Andison Design	OWNER: 2685880 Alberta Ltd.

Notes:

- Notice has been given of the hearing pursuant to the *Municipal Government Act* and Land Use Bylaw, including notices to parties who may be affected by the appeal. The final determination of whether a party is an “affected person” will be made by the Board if required.
- This Report is provided as a courtesy only. The Board’s record may include additional materials, including notifications to affected parties and correspondence of a procedural or administrative nature. The Board’s record may be viewed at the Appeal Board office at: 4th Floor, 1212 31 Avenue NE, Calgary, Alberta during regular office hours.



Subdivision and Development Appeal Board - Notice of Appeal

CC 821 (R2023-03)

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

Municipal Address of Site Under Appeal [required]	132 Varsity Estate Drive NW	-> 132 Varsity Estates Place NW
Development Permit/Subdivision Application/File Number [required]	DP2025-05349	
Name of Appellant [required]	Emil Kothari and Neighbours (see Appendix A)	
Agent Name (if applicable)	Christopher S. Davis, Lawyer	
Street Address [required]	26 Discovery Ridge View SW	
hdnFullAddress	26 Discovery Ridge View SW Calgary AB T3H 4P9	
City [required]	Calgary	
Province [required]	Alberta	
Postal Code [required]	T3H 4P9	
Residential Phone # [required]	(403) 701-2775	
Business Phone #		
Email Address [required]	chris@chrisdavislaw.ca	

APPEAL AGAINST

Required field. Check one item only: for multiple appeals you must submit another Notice of Appeal.

Development Permit Approval



Subdivision and Development Appeal Board - Notice of Appeal

CC 821 (R2023-03)

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons [required]

See the attached Schedule "B"

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

Estimated Presentation Time 2 hours

Will you be using an agent/legal counsel? [required] Yes

Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.)? [required] Yes

If yes, what are the issues? This is an appeal of the decision of the City of Calgary to "convert" a development permit associated with an H-GO land use application to an R-CG land use district.

Do you anticipate bringing any witnesses/experts to your hearing? [required] Yes

If yes, how many will you be bringing? 30

I confirm and acknowledge that

- *I have read and understood this form;*
- *The information I have provided is accurate to the best of my knowledge; and*
- *I am responsible for paying the appeal fee and my notice of appeal will not be considered filed until my appeal fee has been received.*

Submission Date 2026-08-08 15:56:42 MST



Subdivision and Development Appeal Board - Notice of Appeal

CC 821 (R2023-03)

The Board collects and uses personal information under the authority of sections 4(a) and (c) and 13(1) of the Protection of Privacy Act, SA 2024, cP-28.5 and sections 678 and 686 of the Municipal Government Act, RSA 2000 c. M-26 for the purposes of administering and adjudicating appeals before the Board. By clicking the link, calling the phone number, or otherwise participating, you are acknowledging and agreeing that your name, phone number, email address, image, or other personal information may be displayed during the videoconference, referenced in the Board's publicly available written decision, and/or included in the recording of the proceedings. If you make written or verbal submissions to the Board, those submissions including personal information contained in those submissions such as your name, phone number, email address, and an audio, visual, or audio-visual recording of verbal submissions will be publicly available (and may be posted on the Board's website as part of a public report) and may be referenced in the Board's publicly available written decision. The Board may use your contact information in the future for follow-up consultation for feedback regarding the appeal process. All information will be kept by the Board in accordance with the Board's information retention policies from time to time. If you have any questions regarding the collection, use, or retention of this information, contact the Tribunal Coordinator of the City Appeal Boards at 403-268-5312, or info@calgarysdab.ca.

If you require further information regarding appeal deadlines and procedures, please contact the SDAB office at:

Website: calgary.ca/sdab

Phone: (403) 268-5312

Email: info@calgarysdab.ca

APPENDIX A**LIST OF NAMED APPELLANTS****DP2025-05349 (132 Varsity Estates Place NW)****CHRISTOPHER DAVIS LAW, agent for the APPENDIX A “NAMED APPELLANTS”**

	LAST NAME	FIRST NAME	ADDRESS
1	Beavis	David	1015 Varsity Estates Drive
2	Funk	Kristen	1023 Varsity Estates Drive
3	Giesbrecht	Mike	4 Varsity Estates Court
4	Han	Clarissa	112 Varsity Estates Place
5	Kothari	Emil	120 Varsity Estates Place
6	Kothari	Neena	120 Varsity Estates Place
7	Lay	Warren	112 Varsity Estates Place
8	Lee	Mitchell	907 Varsity Estates Drive
10	Leung	Albert Ah-Tat	42 Varsity Estates Close
11	McLeod	Bob	911 Varsity Estates Drive
12	McLeod	Shirley	911 Varsity Estates Drive
13	McTaggart Cowan	Penney	903 Varsity Estates Drive
14	O'Neill	David	1019 Varsity Estates Drive
15	O'Neill	Debbie	1019 Varsity Estates Drive
16	Quinn	Rob	604 Varsity Estates Place
18	Roberts	Melina	124 Varsity Estates Place
20	Rohmann	Hans	124 Varsity Estates Place
21	Schick	Jared	108 Varsity Estates Place
22	Schick	Darija	108 Varsity Estates Place
23	Smith	Murray	1009 Varsity Estates Place
24	Smith	Barbara	1009 Varsity Estates Place
25	Stach	Misty	4 Varsity Estates Court
26	Trowell	Mike	1023 Varsity Estates Drive
27	White	David	116 Varsity Estates Place
28	White	Arlene	116 Varsity Estates Place
29	Wong	Kelly	907 Varsity Estates Drive
30	Yong	Yoke	128 Varsity Estates Place

2026 Aug 6 - APPENDIX A - 132 Varsity Estates Place - Appellants Names ver 3

APPENDIX B

SUMMARY OF REASONS IN SUPPORT OF APPEAL DP2025-05349 (132 Varsity Estates Place NW)

CHRISTOPHER DAVIS LAW, agent for the “NAMED APPELLANTS” (see APPENDIX A)

1. The Appellants are “affected persons” pursuant to sections 686(1)(b) and 685(2) of the *Municipal Government Act* (MGA).
2. A single-detached residence is currently located on the property at 132 Varsity Estates Place NW (legal description: Lot 4, Block 21, Plan 751 0331; the “Subject Site”). This portion of the Varsity community was substantially developed in the late 1960’s and 1970’s, with the Subject Site being subdivided by plan in 1975.
3. The Subject Site is owned by 2685880 ALBERTA LTD. (the “Owners”).
4. This site was districted as “R-C1” (residential contextual one) prior to the Calgary-wide blanket rezoning in 2024. It was up-zoned to the “R-CG” (residential “contextual” grade-oriented infill) district on August 6, 2024 as a result of the blanket up-zoning bylaw (Bylaw 21P2024).
5. LOC Amendment. On or about May 26, 2025, the Owners retained Horizon Land Surveys (the “LOC Applicant”) to make a land use amendment application for the Subject Site to convert it from R-CG to H-GO (the “LOC Amendment”).
6. In fact, the Subject DP has been affiliated with the LOC Amendment, and the application was not before CPC on July 9th, and, in the result, no public hearing date has been set.
7. DP Application. On or about August 29, 2025, the Owners retained Andison Residential Design (the “DP Applicant”) to apply for a development permit for a “New: Rowhouse Building (2 buildings)”. The permit number associated with this application was DP2025-05349 (the “Subject DP”). LOC Amendment. From the inception of this application, the Subject DP has been affiliated with the LOC Amendment.
8. On the City’s “DMAP” planning information webpage (“DMAP”), four (4) sets of plans are posted and downloadable:
 - a. 2025-09-16
 - b. 2026-02-18
 - c. 2026-04-14
 - d. 2026-07-17

9. The first three sets of plans state that the land use district designation associated with the application is “H-GO” (housing -grade oriented) with the plans described as “rowhouse”. Only the latest set of plans (July 17, 2026) state they apply to the “R-CG” district. They remain labelled as for a “rowhouse” application.
10. The Appellants have recently been informed by the Development Authority that the LOC Applicant has either withdrawn the Land Use Amendment or will be withdrawing it.
11. Concurrent applications. City of Calgary Development Authority’s practices and policies allow for development permit applications to be submitted concurrent with a land use amendment application (an “LOC”), despite the land use amendment being subject to a public hearing with no guarantee of Council’s subsequent approval. The City makes it clear – via its posted policies and information - that the risk associated with any failure of such “concurrent applications” is to be borne by the landowner and / or applicant.
12. Resubmission required. Calgary Development Authority practice requires that a development permit application associated with an uncertain and speculative land use amendment must be resubmitted where such land use amendment application is “unsuccessful”. Such applications are referred to as a “Concurrent LOC / DP Submission Process”. The underlying driver behind this concurrent process is to “cut red tape” by allowing an applicant to save time. However, there is no guarantee of a Council approval. The landowner and / or applicant takes on such risk and the City requires that landowners and / or applicants must sign a declaration acknowledging that the Subject DP cannot be approved by the Development Authority unless and until City Council approves the underlying land use amendment. In effect, a “conditional dependency” is created by the Development Authority in such circumstances.
13. The Appellants’ position is that where a land use amendment application is withdrawn, it is “unsuccessful” as it has not been approved by City Council following a public hearing. The underlying “conditional dependency” continues.. As such, the Subject DP is no longer valid and a new development permit application is required for the Subject Site.
14. On or about July 22, 2026 the Development Authority advised one or more of the Appellants that it had made the decision to allow the Subject DP Applicant to “convert” the Concurrent LOC / DP to an R-CG application despite its stated association with the contemplated H-GO application.
15. The City “DMAP” planning information page currently states that the Subject DP is for “New:Semi-detached Dwelling, Rowhouse Building” (August 8, 2026). DMAP states that the Subject DP is both “under review” and “pending decision”.

16. Underlying policy grounds. The policy reasons supporting why a development permit cannot be converted from its “conditional dependency” on the land use district under which it was either initially made or subsequently converted to include but are not limited to the following:
- a. Tied to the failed, cancelled or abandoned redistricting: A concurrent development permit is tailored to respond to the rules, setbacks, and density of the proposed land use district. If that land use amendment fails (or is otherwise cancelled or withdrawn), the design is unlikely to be structurally compliant with the existing land use district.
 - b. Policy on major amendments: City policies and practice do not allow an applicant to dramatically alter an active development permit to a completely different built form (e.g., trying to change a design) mid-stream. The City requires any “concurrent applicant” to sign an acknowledgment form to that effect.
 - c. Automatic Refusal or Cancellation: Once an underlying dependant land use application is unsuccessful (in whatever form), the Development Authority’s practice is to compel an applicant to withdraw the development permit or to formally refuse the application. The failure to adhere to conventional policy was a procedural error that should void or make voidable the Subject DP.
 - d. Public engagement transparency. All communications and engagement regarding the land use amendment and associated development permit have been predicated on the co-relationship between the two applications. The administrative “conversion” of the associated development permit from one district to another district changes the nature and character of the application.
 - e. Reputational risk. The City’s failure to adhere to established practices and procedures could bring the City reputational risk and damage.
 - f. The Process requires a new DP application. The conversion of the Subject DP from one district to another does not reflect the broader principles of procedural fairness, transparency, and meaningful public engagement that the City has consistently committed to promoting.
17. The Development Authority, in deviating from its conventional practices with regard to “concurrent LOC / DP submissions” (as confirmed by its published practices, forms and materials) has committed an error of law or a breach of procedural fairness, as in such deviation the Development Authority has committed one or more of the following:
- a. breached the rules of natural justice;
 - b. committed an abuse of its discretion or process; or
 - c. has otherwise acted in bad faith.

18. Pursuant to subsections 685(2) & (2.1) of the *Municipal Government Act*, RSA 2000, c. M-26 (the “MGA”) any person (or persons) affected by a decision made or issued by a development authority may appeal the decision to the subdivision and development appeal board (“SDAB”).
19. The Appellants seek a ruling from the SDAB that rescinds, revokes or otherwise varies the decision of the Development Authority to allow the Subject DP to be converted from a concurrent DP tied to the proposed H-GO land use amendment to an application under another land use district, without requiring a new development permit application.
20. Such other reasons as presented in the written submissions and verbal submissions at the anticipated “merit” hearing.

The “Named Appellants” (see attached Appendix A)

As submitted by their agent:

Christopher Davis Law / Christopher Davis

August 8, 2026



Subdivision and Development Appeal Board - Notice of Appeal

CC 821 (R2023-03)

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Municipal Address of Site Under Appeal [required]	132 Varsity Estates Place NW
Development Permit/Subdivision Application/File Number [required]	DP2025-05349
Name of Appellant [required]	JoAnne Atkins
Agent Name (if applicable)	
Street Address [required]	248 Varsity Estates Link NW
hdnFullAddress	248 Varsity Estates Link NW Calgary AB T3B 4C9
City [required]	Calgary
Province [required]	Alberta
Postal Code [required]	T3B 4C9
Residential Phone # [required]	(403) 999-9122
Business Phone #	
Email Address [required]	joanneatkins@shaw.ca

APPEAL AGAINST

Required field. Check one item only: for multiple appeals you must submit another Notice of Appeal.

Development Permit Approval



I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons [required]

Appeal against a decision of the DA to fail to require a new DP for a concurrent application. Details attached.

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

Estimated Presentation Time 40 minutes

Will you be using an agent/legal counsel? [required] Unknown

Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.)? [required] Unknown

If yes, what are the issues?

Do you anticipate bringing any witnesses/experts to your hearing? [required] Yes

If yes, how many will you be bringing? 4

I confirm and acknowledge that

- *I have read and understood this form;*
- *The information I have provided is accurate to the best of my knowledge; and*
- *I am responsible for paying the appeal fee and my notice of appeal will not be considered filed until my appeal fee has been received.*

Submission Date 2026-08-10 21:58:26 MST



Subdivision
& Development
APPEAL BOARD

**Subdivision and Development Appeal
Board - Notice of Appeal**

CC 821 (R2023-03)

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Email: info@calgarysdab.ca

REASONS IN SUPPORT OF APPEAL

DP2025-05349 - 132 Varsity Estates Place NW

Submitted by Jo Anne Atkins, Director of Civic Affairs, Varsity Community Association – August 10, 2026

1. This appeal is filed pursuant to section 685(2) of the Municipal Government Act [emphasis added]:

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 the decision in accordance with subsection (2.1).

2. Section 685(2) states “decision or development permit”. Accordingly, an appeal lies not only from a decision to issue a development permit, but also a “decision” made by a development authority. The word “or” would otherwise be redundant contrary to the principles of statutory interpretation. Had the legislature intended to limit appeals to the SDAB only to decisions on development permits, it would not have used “or”.
3. The Varsity Community Association is appealing the decision by the Development Authority regarding DP2025-05349, which is linked to LOC2025-0141 at 132 Varsity Estates Place NW. The decision under appeal is the Development Authority’s decision to allow the applicant to convert the above-referenced concurrent development permit application from review under the H-GO land use district to review under the R-CG land use district, contrary to the City of Calgary’s established administrative policies and practices for Concurrent Submissions.
4. As a result of this decision, the Varsity Community Association and neighbouring residents are facing the prospect of a rowhouse in a cul-de-sac currently consisting of only 8 single family homes, without adequate opportunity to review the new plans and provide community input. Had the development authority followed its own long-standing procedures on concurrent applications, this would not be the case. Instead, the Development Authority refused to follow its own well-established and published procedures and policies on Concurrent Submission applications, without justification.
5. The Varsity Community Association fully supports the appeal filed separately by Chris Davis on behalf of affected residents.

6. In 2025, applications were submitted for a land use redesignation to H-GO and a concurrent development permit for a rowhouse development (two buildings) at 132 Varsity Estates Place NW.
7. Following our inquiry, the Development Authority confirmed on May 13, 2026 that the development permit was to be reviewed under H-GO district rules because the applications were linked. The applicant confirmed in the application documentation that the development permit was a Concurrent Submission. Under the Concurrent Submission rules, a concurrent development permit has no legal mechanism to exist on its own without its parent land use application.
8. As part of the application process, the applicant was required to sign a Concurrent Submission Declaration Form confirming that, should the land use amendment application be unsuccessful, a new development permit would be required if the applicant wished to modify the development permit to meet the existing land use district.
9. This means the applicant was not caught unaware of this requirement. There are sound planning and policy reasons why a new development permit is required. Further, failure by City Administration to apply the requirement consistently means the applicant is being treated differently from other applicants in the City of Calgary. When asked, City officials declined to provide examples in which they made a similar decision to abandon the Concurrent Submission policies and release an applicant from the established process.
10. In our written submission to the File Manager dated May 26, 2026, we made the following comments:

“We note that LOC2025-0141 is being reviewed concurrently with DP2025-05349. Our concerns for each application overlap and will therefore be outlined in this document.

As this development permit has been submitted under H-GO zoning, we understand if the land use redesignation application is refused, that the development permit application will be null and void. If the applicant then wishes to submit an application for a development permit for a rowhouse under R-CG zoning, we understand that this would require a new application with a new DP number and new plans. We note the Development Authority has assessed the development permit application as a discretionary use under H-GO rules.

Detailed Review 2 dated March 5, 2026 states on Page 2: *“The subject parcel is within a Residential – Grade-Oriented Infill (R-CG) land use district. This is a Discretionary*

*Use as per Land Use Bylaw 1P2007. However, there is currently a Land Use Amendment application in progress that proposes to change the subject parcel's land use district from Residential – Grade Oriented Infill (R-CG) District, to Housing – Grade Oriented (HGO) District. As a result, **this application will be reviewed against the H-GO District rules.**”*

City Administration did not respond to indicate that this understanding was incorrect.

11. After several persistent attempts to obtain an update on this file, on July 22, 2026, we were advised that the application for the land use redesignation had been withdrawn and that the development permit would now be reviewed under the rules for the R-CG land use district. Prior to requesting this update, affected residents and the Varsity Community Association were not informed of this significant change to the LOC and DP applications.
12. On July 22, 2026, the Varsity Community Association requested a meeting with the Planning Department, City Solicitor, and legal counsel for a group of affected neighbours to express our concerns that proper procedures were not being followed and that a new development permit under the R-CG land use district was required because the linked land use redesignation application had been withdrawn.
13. On July 27, 2026, the Varsity Community Association confirmed a meeting date of July 29, 2026 with City Administration and summarized our concerns (see Attachment 1). The meeting was held on July 29, and we were advised that a decision would be made on the file soon afterward.
14. On August 4, 2026, we received an email from the File Manager advising us that City Administration would not require a new development permit application under the R-CG land use district. (Attachment 2).
15. For background context, the Varsity Community Association has been involved with a materially identical situation at 4607 Valiant Drive NW. An application was made in April 2025 for a land use redesignation to H-GO. Concurrently, an application was submitted for a development permit under the H-GO land use district. At the same time, the developer applied for a development permit under the R-CG land use district. When we inquired, we were told the applicant did this to save time in case the land use application was defeated. On September 9, 2025, the application for rezoning to H-GO was defeated at Council and the concurrent development permit was cancelled. The developer then continued

with its application for a development permit under the R-CG land use district. Different procedures have therefore been followed in materially identical scenarios, with applications submitted three months apart in the Varsity community, creating a confusing and inconsistent application process.

16. This inconsistency in following City of Calgary policies and procedures creates uncertainty and erodes trust in the planning process. The community and affected residents are severely disadvantaged by not being informed of these changes or given the opportunity to properly review a new development permit application under the R-CG land use district. This error violates the principles of procedural fairness, and a new development permit application is required in these circumstances.
17. There has been a series of irregularities from the outset of this application that has had a compounding impact on the procedural fairness rights of the community and its ability to trust the planning review process. The Varsity Community Association is concerned that the Development Authority has acted unfairly and contrary to established process. Additional evidence will be provided at the procedural and jurisdictional hearing.
18. The decision undermines the Concurrent Submission Declaration Form and associated dual-application processes and jeopardizes the soundness of the application review. To allow this error to go unchecked may have broader consequences for other applications, calling into question whether sound planning practices are being followed.
19. The Development Authority has erred in its decision to convert a concurrent development permit application submitted under the H-GO land use district to an application under the R-CG land use district. A new development permit under the R-CG land use district is required.
20. For these reasons, we are appealing this decision of the Development Authority to the Subdivision and Development Appeal Board.
21. The Varsity Community Association seeks to have the Development Authority's decision to allow the conversion of the concurrent development permit application DP2025-05349 (land use redesignation application LOC2025-0141) to an application under the R-CG land use district quashed or varied, and asks that the SDAB rule that a new development permit application is required in the R-CG land use district.

ATTACHMENT 1 – July 27, 2026 Letter to City Administration

July 27, 2026

Councillor Kim Tyers
Debra Hamilton, GM Planning
Jill Floen, City Solicitor
Jessica Siriphokham,
Reza Bacchus, File Manager
City of Calgary

Re: 132 Varsity Estates Place NW – Improper Handling of DP and LOC Process

Dear Cllr. Tyers, Ms. Hamilton, Ms. Floen, Ms. Siriphokham, and Mr. Bacchus,

We would like to bring to your attention a very troubling situation regarding the development permit and land use redesignation process for a rowhouse building (2 buildings) at 132 Varsity Estates Place NW.

We note the application is slated for approval on July 27 according to the City's website.

We became aware on the morning of July 22 that city staff members have been working with the developer to approve a very controversial development permit that was linked to a land use redesignation without proper notification to affected parties. This lack of transparency subverts well-established city planning and public engagement processes. This kind of drift from conventional procedure calls into question what the motivation is behind this and goes against any sense of procedural fairness.

The Varsity Community Association and affected residents have been left completely in the dark. Not only were we not circulated on the new plans, our requests for information were ignored.

As a result, on July 24 we emailed the following request:

"We have consulted with our legal counsel who agrees proper procedure has not been followed with this file to the detriment of the affected residents and the community.

We therefore request a meeting with with yourself, Ms. Siriphokham, Ms. Hamilton, a representative from the City Solicitor's office, Bob Benson, Chris Davis, a representative of the affected neighbours, and myself before any further review, approval, or other action is taken on this development permit application."

July 27, 2026 Varsity Community Association Letter Re: 132 Varsity Estates PI NW

We missed Councillor Tyers and Sharon Colbert on this email but requested their presence in a subsequent email. For clarification, Bob Benson is the President of the Varsity Community Association and Sharon Colbert is a member of the Varsity Civic Affairs Committee. Chris Davis is legal counsel for the nearby neighbour, Emil Khotari.

After consulting with everyone's availability we would like to meet at 10:30 am on **Wednesday, July 29, 2026**.

We believe that a new development permit is required in this instance. The previous development permit was linked to the land use redesignation application as shown in the email from the file manager:

As per my email correspondence to you on July 10, 2025, "An applicant can submit a development permit application at any point after a land use amendment has been submitted. In the case of 132 Varsity Estates Place NW, the DP2025-05349 is 'linked' to LOC2025-0141 and will be reviewed against H-GO district rules. Please note, this is done at the applicant's own risk because there is no guarantee that the LOC2025-0141 will be approved. But it is the applicant's prerogative to do so."

When applicants submit a land use redesignation application and a development permit that relies on approval of that application, if the land use is withdrawn, a new development permit under a new land use district is required. The Concurrent Submission Declaration illustrates this expectation:

The declaration states, "Further, I understand that if, after an unsuccessful Land Use Amendment application, I wish to modify my Development Permit application to meet the rules of the existing district, I must apply for a new Development Permit at my expense. Despite these risks, I still wish to proceed with the concurrent application option."

We reiterate our request that no action be taken on this file until after our meeting. We believe proper procedures have not been followed and a decision on the application would be premature.

Background

The land use redesignation application for H-GO was made in July 2025. The development permit application was submitted in October 2025 and plans were revised in February and April 2026.

In response the Varsity Community Association organized two public meetings to allow the applicant to present their proposal to the community. The first to discuss the land use application in September 2025 had approximately 500 concerned residents in attendance and over 250 attended the meeting on May 5, 2026 to review the amended plans submitted in April. Residents are staunchly opposed to the project. Almost 300 residents signed a petition requesting the applicant to drop their proposal for many reasons including parking and traffic safety issues and being very out of context for the site. It is a highly inappropriate location for a rowhouse on a laneless cul-desac, especially one that maxes out the H-GO building envelope. Even with the

July 27, 2026 Varsity Community Association Letter Re: 132 Varsity Estates PI NW

smaller R-CG envelope it is still an out of context development in our opinion. We know for each application the file manager received hundreds of comments in opposition.

We have been checking DMAP a few times a month and assumed the file manager would advise us of any change in status for either application as is normal procedure. We noticed on July 15 that the DMAP status for the land use redesignation had changed and it indicated it would be on the CPC agenda on July 9. When we checked, it was not on the agenda. Between myself and Sharon Colbert, a member of the Civic Affairs Committee, we emailed the file manager three times to ask for updates on July 15 and July 21. Sharon followed up by leaving voicemail messages for the file manager and his supervisor. She finally contacted the file manager's supervisor on July 22. She eventually got a return call from Mr. Bacchus, the file manager, on July 22 at 11:40 am. I received an email from the file manager at 11:33 am on July 22 which stated the land use application had been withdrawn prior to the CPC meeting and the DP application had been changed to comply with R-CG rules. These are significant changes to a set of plans from one district to another. These new plans have not been posted on DMAP as of July 23.

We have not received any official notification or phone call about any of this. Normally amended plans are circulated by email from DP.circ@calgary.ca with a deadline for comments and the revised plans are posted on DMAP. We received a normal notification with a deadline for comments about the amended plans in April which was just a slight change in the driveway configuration. In response and at the request of the applicant, we held another public meeting. When these amended plans were circulated, I emailed the file manager to confirm that these plans were under the H-GO land use zoning. He assured me they were as you can see from the email above.

If a small change such as this warrants notification then a major change such as changing height and lot coverage should surely require recirculation and notification to affected parties. There should have been a circulation on the amended plans as they are significantly different and under a completely different land use.

On another parcel in Varsity at 4607 Valiant Drive NW the owner submitted concurrent applications for a land use redesignation to H-GO, a development permit for a rowhouse under H-GO, and a second development permit for a rowhouse under R-CG. When the redesignation was refused at Council, they cancelled the DP under H-GO and proceeded with the DP under R-CG. This sets a precedent in how the City handles these applications and that Administration sees development permits under the two different land use districts as separate and distinct permits.

Sharon Colbert was advised that the permit would be approved on July 23. Such a rushed process creates the impression that the file manager has been working with the developer to ensure a development permit is approved on the site without input from affected residents and without following well-established city planning practices.

We see that as of July 26 DMAP states "Pending Decision" but there is no update on the land use. The City's data spreadsheet shows an approval expected on July 27, 2026.

July 27, 2026 Varsity Community Association Letter Re: 132 Varsity Estates PI NW

Conclusion

This is not a minor amendment but an entirely new development permit application.

Please ensure no approval is granted until this matter is sorted out.

We believe the rush to get this new development permit approved without any public input or consideration of is to ensure the approval occurs prior to August 4, 2026.

Trust in City Administration and Council is just starting to recover from an all-time low. What we are observing with this application does not restore confidence that city staff are working in the best interests of Calgarians.

Request

We would greatly appreciate it if you could ensure the decision on this development permit is paused until an investigation into city procedure and potential violations of city policies is completed.

Yours truly,

Jo Anne Atkins
Director of Civic Affairs
Varsity Community Association
403-999-9122

c.c. Mayor Jeromy Farkas
Bob Benson, President, Varsity Community Association
Chris Davis, legal counsel
Emil Kothari
VCA Civic Affairs Committee
VCA Board of Directors

Attachment A – Email Exchanges
Attachment B – DMAP July 23, 2026

July 27, 2026 Varsity Community Association Letter Re: 132 Varsity Estates PI NW

ATTACHMENT A – Email Exchanges

Email Thread #1 between JoAnne Atkins & Reza Bacchus

July 22, 2026

Hello Reza,

We have not been circulated on this. Why not? We will be getting legal advice today.

Yours truly,

Jo Anne Atkins

From: Bacchus, Reza [mailto:Reza.Bacchus@calgary.ca]
Sent: July 22, 2026 11:33 AM
To: Jo Anne Atkins; Bob Benson
Cc: Siriphokham, Jessica C.
Subject: Re: [External] RE: LOC2025-0141 (132 Varsity Estates Place NW) Petition
Importance: High

Good Morning Jo Anne,

This is a follow-up to your email from July 15 and yesterday, July 21.

Regarding the land use amendment application LOC2025-0141 for 132 Varsity Estates Place NW, this has been withdrawn by the applicant. This is why you could not find it on the CPC's agenda.

In addition, the applicant for the development permit, DP2025-05349 at the same address, has further amended the plans, (e.g., building height) to align with the still existing R-CG district rules in order to submit their application with no requirement for a land use amendment. As of today, DP2025-05349 is still under review.

I hope this clarifies what is happening with regards to this parcel. Please let me know if you have any further questions.

Best Regards,
 Reza

Reza Bacchus
 Planner I
 Planning and Development Services - Community Planning
C (587) 891-3895
E Reza.Bacchus@calgary.ca
 The City of Calgary | Mail Code: 8076
 800 MacLeod Trail S.E. | P.O. Box 2100, Station M
 Calgary, AB T2P 2M5

From: Jo Anne Atkins <joanneatkins@shaw.ca>
Sent: 21 July 2026 1:04 AM
To: Bacchus, Reza <Reza.Bacchus@calgary.ca>
Subject: [External] RE: LOC2025-0141 (132 Varsity Estates Place NW) Petition

July 27, 2026 Varsity Community Association Letter Re: 132 Varsity Estates PI NW

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spam@calgary.ca

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Following up to my previous inquiry – I haven't heard when this is supposed to go to CPC. Can you please advise? Please advise also what the recommendation is to CPC.

Thanks,

Jo Anne Atkins

From: Bacchus, Reza [mailto:Reza.Bacchus@calgary.ca]
Sent: June 23, 2026 9:31 AM
To: JoAnne Atkins
Subject: LOC2025-0141 (132 Varsity Estates Place NW) Petition

Good Morning Jo Anne,

I am following up regarding a petition of residents I recall being mentioned who are opposed to this land use amendment. I cannot seem to find the passage where I read that.

I am currently writing my report to Calgary Planning Commission (CPC) and I have the opportunity to outline the number of signatures on a petition if was received. However, I never received a petition from you. May I ask if you could forward me a copy of the petition so I may include this number in the report?

Please note, I cannot attach the petition to the report. But the authors of the petition may submit the petition directly to Council as a public submission via the Clerks' form on [Calgary.ca/PublicSubmissions](https://calgary.ca/PublicSubmissions).

Best Regards,
 Reza

Reza Bacchus
 Planner I
 Planning and Development Services - Community Planning
 C (587) 891-3895
 E Reza.Bacchus@calgary.ca
 The City of Calgary | Mail Code: 8076
 800 MacLeod Trail S.E. | P.O. Box 2100, Station M
 Calgary, AB T2P 2M5

Email Thread #2 between Sharon Colbert & Reza Bacchus

July 22, 2026

Hi Reza,

Thank you for calling me back this morning. I appreciate the time you took to speak with me. I am emailing to confirm I understood our conversation correctly.

July 27, 2026 Varsity Community Association Letter Re: 132 Varsity Estates PI NW

It is my understanding from our conversation that the applicant withdrew LOC2025-0141 prior to July 9, 2026, and it did not go to the Calgary Planning Commission on July 9th, as a result.

A week or so ago, the applicant submitted an amendment to their existing H-GO development permit application DP2025-05349 linked to LOC2025-0141, and converted it to an RC-G development permit application.

The amended development permit application has been reviewed by the Development Applications Review Team, which recommended it be approved. It is slated to be approved tomorrow, July 23, 2026. After it is approved, this decision will be publicly advertised.

The Development Map has not been updated to reflect the LOC withdrawal or the DP amendment.

The Varsity Community Association and the affected neighbours were not notified of any of these changes to the land use amendment application or the amended development permit application (even though it is a discretionary use under R-CG).

Could you please confirm if the above information is correct?

Thank you.

Sharon Colbert
403-629-0696=

Email Thread #3 – between Bob Benson, JoAnne Atkins & Large Group

Thank you Jo Anne.

This is a matter of serious concern to many Varsity residents and to Varsity Community Association, and I look forward to participating in the meeting requested in Jo Anne's email.

I will be on vacation from July 23 through August 9, but will be available to participate in the meeting most days from July 27 through August 9 by telephone or videoconference.

Regards,

Bob Benson
President, Varsity Community Association

From: Jo Anne Atkins <joanneatkins@shaw.ca>

Sent: July 22, 2026 12:38 PM

To: JoAnne Atkins <joanne.atkins57@shaw.ca>

Cc: Reza Bacchus <Reza.Bacchus@calgary.ca>; Bob Benson <benson@wbalaw.ca>; Kim Tyers <kim.tyers@calgary.ca>; Debra Hamilton <debra.hamilton@calgary.ca>; Jessica C. Siriphokham <Jessica.Siriphokham@calgary.ca>; Chris Davis <chris@chrisdavislaw.ca>; Jaxson Owchar <CLWARD1@calgary.ca>; Emil Kothari <kothariemil@hotmail.com>; Sharon Colbert

July 27, 2026 Varsity Community Association Letter Re: 132 Varsity Estates PI NW

<sharon.colbert@me.com>

Subject: Re: [External Sender] DP2025-05349/LOC2025-0141

I inadvertently omitted Councillor Tyers name and would request her attendance at this meeting as well.

Jo Anne Atkins

Sent from my iPhone

On Jul 22, 2026, at 12:32 PM, JoAnne Atkins <joanne.atkins57@shaw.ca> wrote:

From: "JoAnne Atkins" <joanneatkins@shaw.ca>
To: "Reza Bacchus" <Reza.Bacchus@calgary.ca>, "Bob Benson" <benson@wbalaw.ca>, "Kim Tyers" <kim.tyers@calgary.ca>, "Debra Hamilton" <debra.hamilton@calgary.ca>
Cc: "Siriphokham, Jessica C." <Jessica.Siriphokham@calgary.ca>, "Chris Davis" <chris@chrisdavislaw.ca>, "Jaxson Owchar" <CLWARD1@calgary.ca>, "Emil Kothari" <kothariemil@hotmail.com>
Sent: Wednesday, July 22, 2026 12:32:05 PM
Subject: DP2025-05349/LOC2025-0141

Hello Reza,

We have consulted with our legal counsel who agrees proper procedure has not been followed with this file to the detriment of the affected residents and the community.

We therefore request a meeting with with yourself, Ms. Siriphokham, Ms. Hamilton, a representative from the City Solicitor's office, Bob Benson, Chris Davis, a representative of the affected neighbours, and myself before any further review, approval, or other action is taken on this development permit application.

We are involved with the public hearing today at Council and have an SDAB hearing Thursday afternoon but can makes ourselves available after that.

Yours truly,
 Jo Anne Atkins
 Director of Civic Affairs
 Varsity Community Association
joanneatkins@shaw.ca

July 27, 2026 Varsity Community Association Letter Re: 132 Varsity Estates PI NW

ATTACHMENT B – DMAP – July 23, 2026



[Development map](#) > Application details

Development permit - DP2025-05349

Address 132 VARSITY ESTATES PL NW	File number DP2025-05349	Status Pending Decision
---	------------------------------------	-----------------------------------

Application information	Application status	Contact us
--------------------------------	---------------------------	-------------------

Click on each document link to download:

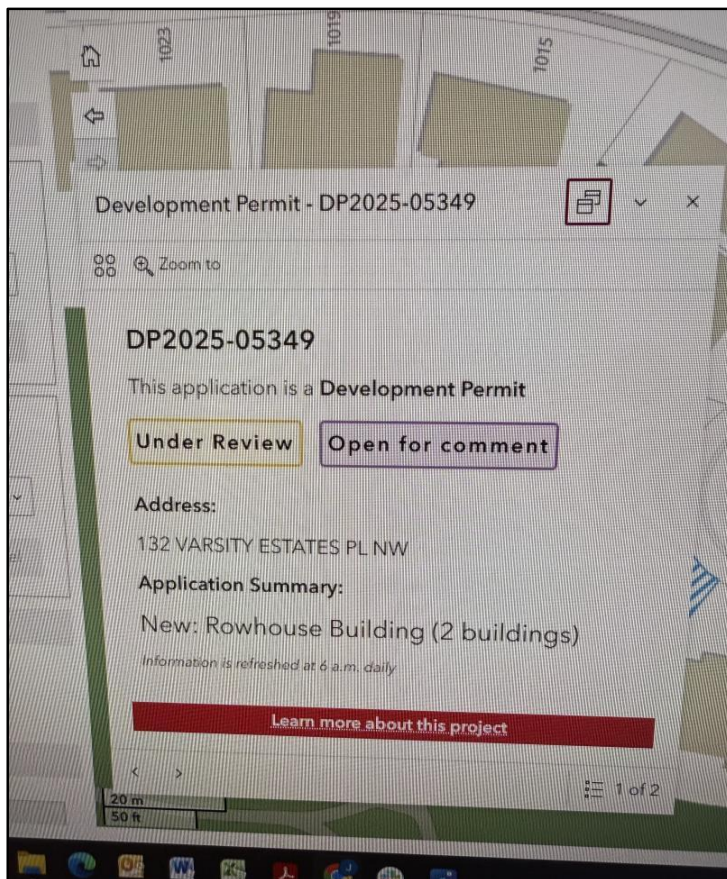
[DP2025-05349 DMAP Plans \(Submitted\) 2025-09-16 \(3MB\).pdf](#)
[DP2025-05349 DMAP Plans Amended \(2MB\) 2026-02-18.pdf](#)
[DP2025-05349 DMAP Plans \(Amended\) 2026-04-14 \(3MB\).pdf](#)

Community
VARSITY

Land use district/zone

- Residential - Grade-Oriented Infill (R-CG)

[Where can I find a list of the land use districts? ?](#)



July 27, 2026 Varsity Community Association Letter Re: 132 Varsity Estates PI NW

Land Use Redesignation - LOC2025-0141

Zoom to

LOC2025-0141

This application is a **Land Use Change**

Calgary Planning Commission

Address:
132 VARSITY ESTATES PL NW, VARSITY

Proposed land use district

From:	R-CG
To:	H-GO

To learn more about land use districts, refer

< >

20 m
50 ft

2 of 2

ATTACHMENT 2 – Email Confirming the Decision that a New DP is Not Required

The Varsity Community Association considers this as written confirmation that a decision has been made by the Development Authority regarding DP2025-05349 to not require a new development permit application to be made for a rowhouse under the R-CG land use district.

August 4, 2026, 12:43 p.m.

Good Afternoon Sharon,

DP2025-05349 continues to move forward through the established development permit review processes. Any updates to the status of the application will appear on developmentmap.calgary.ca.

One update I can share with you now is that a new seven-day notice posting will be up between Aug. 6 - Aug. 13. When reviewing an application for decision, it is a standard process to ensure that the notice sign posted at the site stated all of the proposed uses. When the proposed uses do not match the uses posted on the site, a new notice posting sign is required. The notice posting of the proposed uses for a minimum of 7 days before decision, is a mandatory requirement of the Land Use Bylaw. Flexibility is not permitted on this requirement.

As you know, if this application is approved, a [public notice](#) regarding the development approval will be published. Anyone deemed to be affected by the approval will have an opportunity to appeal the decision in front of the Subdivision and Development Appeal Board. Further information regarding the appeal process can be found at <https://www.calgarysdab.ca/home.html>.

Best Regards,
Reza

Reza Bacchus

Planner I

Planning and Development Services - Community Planning

C (587) 891-3895

E Reza.Bacchus@calgary.ca

The City of Calgary | Mail Code: 8076

800 MacLeod Trail S.E. | P.O. Box 2100, Station M

Calgary, AB T2P 2M5

From: Lee, Christian <Christian.Lee@calgary.ca>
Sent: 04 August 2026 8:10 AM
To: sharon.colbert <sharon.colbert@me.com>
Cc: Jo Anne Atkins <joanne.atkins57@shaw.ca>; JoAnne Atkins <joanneatkins@shaw.ca>; Bacchus, Reza <Reza.Bacchus@calgary.ca>; Belvedere, Shannon <Shannon.Belvedere@calgary.ca>; Rockley, Matt A. <Matt.Rockley@calgary.ca>
Subject: Re: [External] Fwd: DP2025-05349

Good morning Sharon,

I hope you had a wonderful long weekend. I am writing to advise that our internal records show that a decision **has not been made** at the time and date of this email.

Reza and Matt (who is covering for Jessica) will follow up if, and once, there as an update to provide.

Regards,

Christian Lee | B.Arch. | RPP | MCIP
 Chair, Calgary Planning Commission
 Manager, Planning Advisory and Coordination Services
 Community Planning | Planning & Development Services

From: Sharon Colbert <sharon.colbert@me.com>
Sent: Friday, July 31, 2026 16:34
To: Lee, Christian <Christian.Lee@calgary.ca>
Cc: Jo Anne Atkins <joanne.atkins57@shaw.ca>; JoAnne Atkins <joanneatkins@shaw.ca>
Subject: [External] Fwd: DP2025-05349

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Hello Christian,

I understand Jessica is out of the office until August 10, 2026. If you could be of any help in responding to our inquiry below, we would be grateful.

Thank you.

Sharon Colbert

Begin forwarded message:

From: Sharon Colbert <sharon.colbert@me.com>

Subject: DP2025-05349

Date: July 31, 2026 at 4:26:45 PM MDT

To: "Jessica C. Siriphokham" <jessica.siriphokham@calgary.ca>, Reza Bacchus <Reza.Bacchus@calgary.ca>

Cc: JoAnne Atkins <joanne.atkins57@shaw.ca>, JoAnne Atkins <joanneatkins@shaw.ca>

Hello Jessica and Reza,

We have been tracking DP2025-05349 on the City of Calgary's Open Data Portal. We noticed that the decision date of July 27, 2026 and the "approval" status that was posted last week was removed yesterday.

However, we see now that while the decision date has not been re-posted, the decision status "approval" re-appeared this afternoon.

Could you please provide us with an update on the status of the decision on this DP.

Thank you.

Sharon Colbert



Subdivision and Development Appeal Board - Notice of Appeal

CC 821 (R2023-03)

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

Municipal Address of Site Under Appeal [required]	132 Varsity Estates Place NW
Development Permit/Subdivision Application/File Number [required]	DP2025-05349
Name of Appellant [required]	Varsity Community Association & Emil Kothari
Agent Name (if applicable)	JoAnne Atkins
Street Address [required]	248 Varsity Estates Link NW
hdnFullAddress	248 Varsity Estates Link NW Calgary AB T3B 4C9
City [required]	Calgary
Province [required]	Alberta
Postal Code [required]	T3B 4C9
Residential Phone # [required]	(403) 999-9122
Business Phone #	
Email Address [required]	joanneatkins@shaw.ca

APPEAL AGAINST

Required field. Check one item only: for multiple appeals you must submit another Notice of Appeal.

Development Permit Approval

ISC: Unrestricted

1/3

This document is strictly private, confidential and personal to its recipients and should not be copied, distributed or reproduced in whole or in part, nor passed to any third party.

Aug 24, 2026

7:11:30 PM

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons [required]

The Varsity Community Association and Emil Kothari are co-appellants.

1. The proposed rowhouse is out of context for the area which consists of low profile homes with low lot coverage and extensive mature landscaping.
2. The proposed rowhouse is insensitive to existing development as it dwarfs neighbouring homes due to its large building envelope.
3. The proposed rowhouse overshadows and overlooks neighbouring homes.
4. The increase in intensity of use, parking congestion, and waste and recycling management will have a negative impact on a quiet residential cul-de-sac.
5. Loss of mature trees on the site.
6. Inappropriate location on a laneless cul-de-sac.
7. Traffic safety issues due to increase in driveways accessing a heavily used pedestrian route.
6. Any other matters that become apparent after a more detailed review of the final plans.

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

Estimated Presentation Time 2 hours

Will you be using an agent/legal counsel? [required] Yes

Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.)? [required] Unknown

If yes, what are the issues?

Do you anticipate bringing any witnesses/experts to your hearing? [required] Yes

If yes, how many will you be bringing? 6

I confirm and acknowledge that

- *I have read and understood this form;*
- *The information I have provided is accurate to the best of my knowledge; and*
- *I am responsible for paying the appeal fee and my notice of appeal will not be considered filed until my appeal fee has been received.*

Submission Date

2026-08-24 19:11:17 MST

The Board collects and uses personal information under the authority of sections 4(a) and (c) and 13(1) of the Protection of Privacy Act, SA 2024, cP-28.5 and sections 678 and 686 of the Municipal Government Act, RSA 2000 c. M-26 for the purposes of administering and adjudicating appeals before the Board. By clicking the link, calling the phone number, or otherwise participating, you are acknowledging and agreeing that your name, phone number, email address, image, or other personal information may be displayed during the videoconference, referenced in the Board's publicly available written decision, and/or included in the recording of the proceedings. If you make written or verbal submissions to the Board, those submissions including personal information contained in those submissions such as your name, phone number, email address, and an audio, visual, or audio-visual recording of verbal submissions will be publicly available (and may be posted on the Board's website as part of a public report) and may be referenced in the Board's publicly available written decision. The Board may use your contact information in the future for follow-up consultation for feedback regarding the appeal process. All information will be kept by the Board in accordance with the Board's information retention policies from time to time. If you have any questions regarding the collection, use, or retention of this information, contact the Tribunal Coordinator of the City Appeal Boards at 403-268-5312, or info@calgarysdab.ca.

If you require further information regarding appeal deadlines and procedures, please contact the SDAB office at:

Website: calgary.ca/sdab

Phone: (403) 268-5312

Email: info@calgarysdab.ca

From: [Chiejine, Francis O.](#)
To: [Tim Bardsley](#); [Tara Brown](#); [Charles Stevenson](#)
Cc: [Calgary SDAB Info](#); [Blaikie, Angela M.](#); [Stockmans, Luke](#)
Subject: Fw: [External] RE: 2026-0131B/DP2025-05349 - Withdrawn
Date: Thursday, August 27, 2026 4:22:36 PM
Attachments: [image.png](#)

Good afternoon,

Appellant B in the above appeal has advised in the e-mail below that she did not intend to withdraw her appeal.

She explained that she intended to withdraw the one she erroneously filed on August 24 before the commencement of the advertising period.

Please advise whether we need to take any administrative steps to re-instate her withdrawn appeal.

Thank you,

Francis O. Chiejine (he/him)

Appeal Specialist | SDAB and LCSAB

Appeals and Tribunals Division | City Appeal Boards Section, The City of Calgary

Mail code: #8110 4th floor, 1212 – 31st Avenue NE

PO Box 2100, Station M, Calgary, AB T2P 2M5

ISC: Confidential



From: Jo Anne Atkins <joanneatkins@shaw.ca>
Sent: Thursday, August 27, 2026 3:38 PM
To: Chiejine, Francis O. <Francis.Chiejine@calgary.ca>
Cc: Calgary SDAB Info <Info@calgarysdab.ca>
Subject: RE: [External] RE: 2026-0131B - Withdrawn

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Hi Francis,

I'm so sorry for the confusion. The appeal had not yet been assigned an appeal number which is why I hadn't included one. I had submitted the appeal the evening of August 24 as I was erroneously advised by someone in the Planning Department that the DP had been approved and that midnight was the deadline to appeal. I didn't want to take a chance so I submitted the appeal just to be safe. As it turns out the information was wrong. The advertising and appeal period was scheduled to start August 27. It just appeared under Public Notices today..

I can scan in the paperwork and receipt and email it to you if you would like.

The appeal SDAB2026-0131AB is for the same property but it is actually a different appeal that was filed on August 10, 2026.

I hope this clarifies the situation but if not give me a call at 403-999-9122.

Thanks,

Jo Anne Atkins

From: Chiejine, Francis O. [mailto:Francis.Chiejine@calgary.ca]
Sent: August 27, 2026 3:19 PM
To: Jo Anne Atkins
Cc: Calgary SDAB Info
Subject: Re: [External] RE: 2026-0131B - Withdrawn

Good afternoon, Ms. Atkins,

DP2025-05349 in your e-mail below, corresponds with Appeal SDAB2026-0131AB in our records and the Varsity Community Association is recorded as Appellant B.

Could you please confirm the DP/Appeal number you intended to withdraw?

Thank you,

SDAB Administration
Municipal Boards & Governance
Council & Governance Services
The City of Calgary

Hello Everyone,

We were advised yesterday by the Planning Department that an approval had been made regarding 132 Varsity Estates Place NW, DP2025-05349 and that the deadline was midnight. We have since discovered this was an error and in fact, the previous approval had been cancelled.

A new approval was issued today and it will be advertised on August 27. We would like to withdraw the appeal we filed yesterday. We will file a new appeal after the appeal period has started for this development permit.

Sorry for the confusion.

Yours truly,

Jo Anne Atkins
Director of Civic Affairs
Varsity Community Association

From: Jo Anne Atkins <joanneatkins@shaw.ca>
Sent: Thursday, August 27, 2026 2:21 PM
To: Chiejine, Francis O. <Francis.Chiejine@calgary.ca>
Subject: [External] RE: 2026-0131B - Withdrawn

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Please see my previous email. I did not authorize the withdrawal of this appeal.

The appeal that was withdrawn was another appeal that was dated August 4, 2026.

Yours truly,

Jo Anne Atkins

From: Chiejine, Francis O. [mailto:Francis.Chiejine@calgary.ca]
Sent: August 26, 2026 2:07 PM
To: Calgary SDAB Info
Subject: 2026-0131B - Withdrawn

Good afternoon,

Please find attached confirmation of withdrawal of the above appeal.

Thank you,

SDAB Administration
Municipal Boards & Governance

Council & Governance Services
The City of Calgary

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This communication is intended ONLY for the use of the person or entity named above and may contain information that is confidential or legally privileged. If you are not the intended recipient named above or a person responsible for delivering messages or communications to the intended recipient, YOU ARE HEREBY NOTIFIED that any use, distribution, or copying of this communication or any of the information contained in it is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and then destroy or delete this communication, or return it to us by mail if requested by us. The City of Calgary thanks you for your attention and co-operation.



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From: [Calgary SDAB Info](#)
To: [Christopher Davis](#)
Cc: [Calgary SDAB Info](#)
Subject: Appeal Confirmation: SDAB2026-0131 AB (132 Varsity Estates Pl NW, DP2025-05349)
Date: Tuesday, August 11, 2026 4:31:48 PM
Attachments: [SDAB2026-0131 AB \(132 Varsity Estates Pl NW, DP2025-05349\) Reasons.pdf](#)
[image.png](#)

The Subdivision Development Appeal Board is in receipt of the Notice of Appeal (attached) and payment on August 10, 2026. The Board has determined that this will be scheduled on **September 8, 2026, at 10:45 a.m., in Room 1**. This will be a meeting to discuss the procedural and jurisdictional issues with respect to this appeal. The Board has requested that you file written submissions in advance which address the issue of whether the Board has jurisdiction to hear this appeal. The deadline to file those submissions will be **noon on Monday, August 31, 2026**.

Formal Notice of Hearing to parties will follow. We encourage you to reference <https://www.calgarysdab.ca/home.html> for information on preparing for an appeal hearing.

Thank you,

Calgary SDAB Administration

Calgary Subdivision and Development Appeal Board

Office: 4th floor, Deerfoot Junction 3 Building (DJ3) 1212 31 Avenue NE

Contact: **T** 403.268.5312 | **E** info@calgarysdab.ca | **W** www.calgarysdab.ca

Mail: PO Box 2100, Station M, Mail Code: #8110, Calgary, AB T2P 2M5



From: [Calgary SDAB Info](#)
To: joanneatkins@shaw.ca; info@vcacalgary.com; civic@vcacalgary.com
Cc: [Calgary SDAB Info](#)
Subject: Appeal Confirmation: SDAB2026-0131 AB (132 Varsity Estates Pl NW, DP2025-05349)
Date: Tuesday, August 11, 2026 4:32:08 PM
Attachments: [image.png](#)
[SDAB2026-0131 Notice of Appeal & Reasons.pdf](#)

The Subdivision Development Appeal Board is in receipt of the Notice of Appeal (attached) and payment on August 10, 2026. The Board has determined that this will be scheduled on **September 8, 2026, at 10:45 a.m., in Room 1**. This will be a meeting to discuss the procedural and jurisdictional issues with respect to this appeal. The Board has requested that you file written submissions in advance which address the issue of whether the Board has jurisdiction to hear this appeal. The deadline to file those submissions will be **noon on Monday, August 31, 2026**.

Please also have the Community Association provide the usual letter authorizing you to represent them in this appeal matter.

Formal Notice of Hearing to parties will follow. We encourage you to reference <https://www.calgarysdab.ca/home.html> for information on preparing for an appeal hearing.

Thank you,

Calgary SDAB Administration

Calgary Subdivision and Development Appeal Board

Office: 4th floor, Deerfoot Junction 3 Building (DJ3) 1212 31 Avenue NE

Contact: **T** 403.268.5312 | **E** info@calgarysdab.ca | **W** www.calgarysdab.ca

Mail: PO Box 2100, Station M, Mail Code: #8110, Calgary, AB T2P 2M5



From: [Christopher Davis](#)
To: [Calgary SDAB Info](#)
Subject: [External] SDAB2026-0131 - C Davis submission for Appellant (Emil Kothari et al)
Date: Monday, August 31, 2026 11:53:06 AM
Attachments: [2026 Aug 31 - C Davis - SDAB 2026-0131 submission.pdf](#)

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Dear SDAB:

This submission is for the September 8th P&J hearing.

I may try to submit additional emails and evidence, but this may not be necessary for September 8th.

Sincerely,

Chris Davis

Senior Lawyer | Municipal Law | Land Development | Legal Services

Email: chris@chrisdavislaw.ca

Cell: (403)701-2775

APPELLANTS LEGAL SUBMISSION

Appeal of Development Permit DP2025-05349 (New: Rowhouse Building (2 buildings) (the “DP”)

From the Decision of the Calgary Development Authority TO CONVERT THIS PERMIT FROM AN H-GO BASE DISTRICT APPLICATION TO AN R-CG BASE DISTRICT APPLICATION

Date of Decision: July 22, 2026

Appeal to: Calgary Subdivision & Development Appeal Board (SDAB)

Scheduled Appeal Date: Tuesday September 8, 2026

Scheduled Written Submission Date: Monday August 31, 2026 (Noon)

APPELLANTS:

Emil Kothari and other Affected Persons (see Appendix A to filed Appeal)

SUBMISSION ON BEHALF OF THE APPELLANTS BY: (with Attachments)

Christopher Davis Law / Christopher Davis

Barrister & Solicitor

26 Discovery Ridge View SW, Calgary, AB T3H 4P9

chris@chrisdavislaw.ca

(403)701-2775

BACKGROUND:

1. The Appellants are either owners of property or residents of the City of Calgary.
2. The Appellants own or reside sufficiently proximate to the site of the approved development permit DP2025-05349 (the DP) to be “affected parties”.
3. On or about July 22, 2026 the Development Authority advised one or more of the Appellants that it had made the decision to allow the Subject DP Applicant to “convert” the Concurrent LOC / DP to an R-CG application despite its stated association with the contemplated H-GO application.
4. The “decision” to convert the DP from a permit associated with a lost, withdrawn or otherwise abandoned H-GO land use amendment (“LOC”) application to one associated with the R-CG land use district was a substantive decision on a development permit which affected the rights of all parties (both the Applicants and the Appellants) which is open for review pursuant to section 685(2) of the *Municipal Government Act* (“MGA”).
5. Additional facts are found in the Appellants’ filed “Reasons for Appeal” (Appendix B).

APPEAL MATTERS TO BE PRESENTED BY APPELLANT GROUP: (pursuant to section 686(1) of the MGA)

Hearing De Novo

1. An appeal to the Subdivision and Development Appeal Board (SDAB) is “de novo”.¹
2. The scope of an appeal hearing is broad and is characterized as “de novo”, which means no deference is owed to the Development Authority in reaching its decision to approve the within development permit. This Board is therefore empowered in this appeal to:
 - in all but exceptional cases, is not required to review the Development Authority’s decision for error and can cure almost all errors of the Development Authority without having to remit the decision;
 - can make whatever decision is appropriate on the merits;
 - can hear evidence and argument that was not before the Development Authority;
 - can take into account circumstances that may have changed since the Development Authority’s decision; and,
 - can confirm decisions of the Development Authority that it agrees are within the range of reasonable options.²
3. This Board is empowered to determine all matters afresh, including matters not raised on appeal.³

The SDAB has Jurisdiction

4. As the “decision” was not advertised pursuant to section 686(1)(b) of the *Municipal Government Act* (“MGA”), the 21-day appeal window was based on the date on which the

¹ [Landry v Rocky View SDAB, 2025 ABCA 34](#) at para. 18.

² Landry, at para. 20.

³ Landry, at para. 21, 28, 30 & 31.

“decision” was made by the Calgary Development Authority (the “DA”) – being that made on July 22, 2026.

5. Without advertising, the window of appeal commences from when the Appellants reasonably had notice of the DA’s decision.
6. Pursuant to the *Skibstead v Calgary DAB* decision, an appeal is valid if it is rooted in a “decision taken following an application for a development permit”.⁴
7. The Calgary Subdivision and Development Appeal Board (SDAB) holds jurisdiction under Section 685 of the MGA to review any decision, or failure to make a decision, by the Development Authority. Applying *Democracy Watch v. Canada (Attorney General)*, 2026 SCC 28 and *Vavilov*, the planning department’s departure from established practices constitutes a reviewable error of law that cannot escape administrative oversight.
8. The Development Authority does not possess unfettered discretion. All administrative powers have inherent legal limits. The Supreme Court of Canada reaffirmed this principle. It did so in *Democracy Watch v. Canada*, 2026 SCC 28.⁵
 - a. At Paragraph 48, the Court cited a fundamental assumption. Legislatures never intend delegated power to be exercised unreasonably.
 - b. At Paragraph 55, the Court clarified invalidity. An irrational decision is legally invalid. Rationality is a strict limit on delegated authority.
 - c. At Paragraph 57, the Court prioritized systemic predictability.
 - d. At Paragraph 71, the Court established a core rule. All exercises of public power must be sourced in law. The nature of the error does not matter. It can concern fact, law, or operational practice. Oversight bodies must guard against unlawful government action.

Where the Development Authority Failed

9. The DA did not merely answer a question; they rendered an administrative directive to alter the zoning stream of an active development permit application. This exercise of authority satisfies the *Skibstead* requirement because it is an official action directly dictating the fate of a development permit.
10. An application for an H-GO permit was legitimately made.⁶ The DA did not perform a broad, hypothetical planning review; it made a specific, targeted directive on an active file. By “converting” that application to an R-CG framework, the DA made a concrete decision impacting the statutory rights of the neighbours. It was not an ongoing, internal file-management action; it was a definitive choice to alter the legal framework governing the subject site.
11. The DA’s practice on such matters – where a development permit is connected or tied to a land use amendment application (“LOC”) – is to require a fresh or new development permit application where the LOC is lost, withdrawn or otherwise abandoned. This City’s own form document (Form PL 1249) and additional email correspondences to the Varsity Community Association and other interested parties (the specific response in Form PL 1249 required of applicants in such circumstances is not just mere administrative

⁴ [Skibstead v Calgary \(DAB\), 1994ABCA32.](#)

⁵ [Democracy Watch v. Canada \(Attorney General\), 2026 SCC 28.](#)

⁶ LOC2025-0141.

boilerplate) is proof of a mandatory legal barrier. The form establishes that a change in the district rules extinguishes the active permit application and mandates a cancellation. This consistent and predictable administrative action was relied upon by the Varsity Community Association and others, including the Appellants.⁷

12. The DA consistently and repeatedly⁸ confirmed that the DP was tied to LOC to convert the Subject Site to an H-GO land use. In its email reply to the Varsity Community Association on May 13, 2026 the DA stated:

Yes, LOC2025-0141 and DP2025-05349 are linked.

As per my email correspondence to you on July 10, 2025, "An applicant can submit a development permit application at any point after a land use amendment has been submitted. In the case of [132 Varsity Estates Place NW](#), the DP2025-05349 is 'linked' to LOC2025-0141 and will be reviewed against H-GO district rules. Please note, this is done at the applicant's own risk because there is no guarantee that the LOC2025-0141 will be approved. But it is the applicant's prerogative to do so."

Currently, as you know, DP2025-05349 is under review, and I am awaiting your comments on behalf of Varsity CA. The approval of DP2025-05349 is dependent on the approval of the corresponding Land Use Amendment, LOC2025-0141. An approval for LOC2025-0141 must be issued prior to a decision on this Development Permit.

13. The DA's choice to "convert" rather than "cancel" is a final, actionable decision to bypass the City's own bylaws and processing rules to the detriment of adjacent landowners.
14. By allowing a structural "conversion" of an open file rather than executing the expected mandatory cancellation, the DA made a final, substantive decision to waive the City's published regulations or practices. This waiver directly injures adjacent residents by depriving them of the clean application process, new notice periods, and the City (and the ratepayer) of the submission fees required for a fresh DP under the R-CG district application stream.
15. The City planning department changed its consistent and published practices. It chose not to require a new development permit, despite an underlying land use district change. Abandoning a published and confirmed practice without notice is capricious. If unchecked, this can create systemic unpredictability. This Board has the jurisdiction to check this abuse. Denying jurisdiction insulates public power from the rule of law.
16. The Appellants filed their appeal on August 8, 2026.

⁷ The Varsity Community Association wrote to the Development Authority early in the application process in 2025 confirming that any change of the supporting land use district associated with DP2025-05349 would compel a reapplication. The Development Authority took no issue with this written submission and community expectation.

⁸ Email responses of October 31, 2025 and May 13, 2026 to the Varsity CA are but two of the DA's confirming correspondences.

Application of “Vavilov v Minister of Citizenship” decision ⁹

17. The “Vavilov” decision is applicable to the City planning department’s decision not to require a new development permit for the application at the Subject Site.
18. Section 623(b) of the MGA binds the Development Authority as a creature of statute: The City’s development authority remains fully subject to the *Vavilov* principles (Paragraphs 129 and 131) that they must respect their own historical and published operational practices or face a strict justificatory burden to explain why they deviated.
19. The City’s development authority remains fully subject to the *Democracy Watch* principle (Paragraph 71) that every exercise of public power must trace its authority directly to its enabling law.
20. *Vavilov* establishes that an administrative body's "past practices and decisions" form a core part of the critical factual and legal constraints that a decision-maker must respect. [at Para. 129]
21. *Vavilov* adds that to not follow longstanding practices or established internal decisions is unreasonable and arbitrary without justification. [at Para. 131]
22. *Vavilov* explicitly dictates that when an administrative body departs from its longstanding practices or established internal authority, it bears a strict "justificatory burden of explaining that departure in its reasons". [at Para. 131]
23. Should a decision maker (the Planning Department / Development Authority in this case) fail to explain its departure from longstanding practices, the decision is inherently unreasonable.
24. *Vavilov* confirms that administrative decision-makers must ensure their choices are justified, intelligible, and transparent to the affected parties. Dropping an established process without a clear, public rationale violates this baseline. [at Para. 127]

CONCLUSION

25. The Appellants will respond to any further and other matters or grounds raised at the appeal hearing at the said appeal hearing.
26. The Calgary development authority deviated from its longstanding practices in failing to require a new development permit in the factual circumstances of this appeal. They have not provided a sufficient explanation of this deviation. Their decision was either “patently unreasonable” or otherwise lacking in procedural fairness. As a result, the Appellants respectfully request that the SDAB find this decision by the DA to be wanting and, pursuant to section 687(3)(c) of the MGA, to uphold the Appeal and determine that the DP be cancelled.

Submitted this 31st day of August, 2026

CHRISTOPHER DAVIS

Barrister & Solicitor

⁹ [Canada \(Minister of Citizenship and Immigration\) v. Vavilov, 2019 SCC 65 \(CanLII\), \[2019\] 4 SCR 653](#)

From: [Christopher Davis](#)
To: [Calgary SDAB Info](#)
Subject: [External] Re: SDAB2026-0131 - C Davis submission for Appellant (Emil Kothari et al)
Date: Monday, August 31, 2026 11:58:09 AM
Attachments: [2026 March 5 - DA - Dr. Eves - 2 - DETAINED REVIEW 2.pdf](#)

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Dear SDAB:

Here is additional evidence which may be already submitted by others or for which is already in the possession of the Development Authority.

Sincerely,

Chris Davis
Municipal Lawyer
Email: chris@chrisdavislaw.ca
Cell: (403)701-2775

On Mon, Aug 31, 2026 at 11:51 AM Christopher Davis <chris@chrisdavislaw.ca> wrote:
Dear SDAB:

This submission is for the September 8th P&J hearing.

I may try to submit additional emails and evidence, but this may not be necessary for September 8th.

Sincerely,

Chris Davis
Senior Lawyer | Municipal Law | Land Development | Legal Services

Email: chris@chrisdavislaw.ca
Cell: [\(403\)701-2775](tel:(403)701-2775)



March 5, 2026



Dear Applicant:

RE: Detailed Review (DR)

Development Permit Number: DP2025-05349

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

The City endeavors to render decisions on applications within specific service standards. Please assist us in meeting these targets by ensuring your resubmission is complete and made in a timely manner. Please submit a digital set of the amended plan, in PDF format, along with a detailed response letter on how each of the Prior to Decision and/or Prior to Release conditions have been addressed and/or resolved.

This information must be received, in its entirety, no later than May 4, 2026. If a complete submission is not received by this date, the development permit may be inactivated and subject to a reactivation fee. If the development permit application is not reactivated, it may be cancelled by Administration as per Land Use Bylaw 1P2007, Section 41.1. If you require additional time to respond to the conditions outlined in this Detailed Review document, please let me know by contacting me.

Should you have any questions or concerns, please contact me at (587) 891-3895 or by email at Reza.Bacchus@calgary.ca.

Sincerely,

REZA BACCHUS
Planner 1



Detailed Review 2 – Development Permit

Application Number:	DP2025-05349
Application Description:	New: Rowhouse Building (2 buildings)
Land Use District:	Residential - Grade-Oriented Infill
Use Type:	Discretionary
Site Address:	132 VARSITY ESTATES PL NW
Community:	VARSITY
[REDACTED]	
Date DR Sent:	March 5, 2026
Response Due Date:	May 4, 2026
Development Applications Review Team	
Planning:	REZA BACCHUS (587) 891-3895 Reza.Bacchus@calgary.ca
Utility Engineering:	BRAD O'KEEFE (403) 966-6846 Brad.O'keefe@calgary.ca
Mobility Engineering:	NABILA HAQUE Nabila.Haque@calgary.ca

General Comments

The applicant is proposing a new Rowhouse Building development consisting of two buildings: one containing two dwelling units, and one containing three dwelling units. Each dwelling unit has its own attached garage.

The subject parcel is located at 132 Varsity Estates Place NW, in the community of Varsity.

The subject parcel is located along a Collector Road (Varsity Estates DR NW), on the corner of a cul-de-sac. The subject parcel is lane less.

The subject parcel is within a Residential – Grade-Oriented Infill (R-CG) land use district. This is a Discretionary Use as per Land Use Bylaw 1P2007. However, there is currently a Land Use Amendment application in progress that proposes to change the subject parcel's land use district from Residential – Grade Oriented Infill (R-CG) District, to Housing – Grade Oriented (H-GO) District. As a result, **this application will be reviewed against the H-GO District rules.**

The applicant is advised this Development Permit application has garnered approximately 50 public submissions in opposition. Key concerns include potential:

- incompatibility with the existing neighbourhood character;
- inappropriate density, building massing, and height;
- shadowing impacts on adjacent parcels;
- negative impact on adjacent parcels' privacy;
- worsening of traffic/ pedestrian/ cyclist safety due increased on-street parking and traffic congestion;
- negative impact on visibility at the intersection of the cul-de-sac and Varsity Estates Dr NW;
- negative impact on visibility, safety, and the already limited on-street parking along Varsity Estates Dr NW due to excessive number of waste and recycle bins;
- incompatibility with current infrastructure capacity

The applicant is strongly encouraged to engage in meaningful dialogue with the community.

Comments on Relevant City Policies

Municipal Development Plan (MDP) (Statutory 2009)

According to the MDP's Urban Structure Map 1, the subject parcel is located within an Established Developed Residential Area. Established Areas are a type of Developed Residential Area and comprise of residential communities that were planned and developed between the 1950s and 1990s.

The following cited policy aligns with the applicant's proposed land use amendment.

3.5.3 Established Areas

Land Use Policy 3.5.3 a.

Encourage modest redevelopment of Established Areas.

South Shaganappi Communities Local Area Plan (Statutory – 2011)

According to the South Shaganappi Communities Local Area Plan's Urban Form Map (Map 3), the subject parcel is located within the Urban Form category Neighbourhood Flex. Urban form categories direct land use and built form in the South Shaganappi Communities. The Housing-Grade Oriented (H-GO) District can be designated on parcels located within a Neighbourhood Flex Urban Form category.

The **Low** Building Scale Modifier applies to the subject parcel and accommodates developments that are six stories or less.

The subject parcel is located within the Dalhousie Transition Zone. The LAP envisions this area will provide diverse housing types and choices for residents of different ages and lifestyles.

2.5.4.4 Dalhousie Station Area

The subject parcel is also located within a cul-de-sac (100 Varsity Estates Place NW). The following cited policy provides direction for developments located within a cul-de-sac.

2.5.4 Transit Station Areas

Transit Station Areas Policy 2.5.4 g.

Development located within a cul-de-sac that is not grade-oriented and greater than three storeys should:

- i. be comprehensively planned and consolidate parcels within the cul-de-sac for greater development potential;
- ii. incorporate road closure of the cul-de-sac;
- iii. provide building setback at the third storey or below along the shared property line or lane with Limited Scale modifier; and,
- iv. explore opportunities to provide publicly accessible open space that integrates with the existing community.

Bylaw Discrepancies		
Regulation	Standard	Provided
1404 Planting Requirements	(4) The requirement for the provision of 1.0 tree is met where: (a) a deciduous tree has a minimum calliper of 60mm; or	Plans indicate 3 of the provided deciduous trees have a minimum calliper of 30mm. <i>It should be noted that under the Alberta Horticulture Guidebook, Siberian Larch is a deciduous tree.</i> Resolved as per DR 2 Amended Plans: <i>The Larch trees have been replaced with Bristlecone Pine.</i>
1406 Retaining Walls	(1) A retaining wall must be less than 1.2m in height when measured from the lowest grade at any point adjacent to the retaining wall to the highest grade retained by the retaining wall.	Plans do not indicate the height of the proposed retaining wall. Resolved as per DR 2 Amended Plans: <i>Address monuments are now 1.2m in height as shown on 3/DP-03.</i>

Prior to Decision Requirements

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

Planning

1. **GENERAL**

Submit a complete digital set of the amended plans in PDF format and a separate PDF response letter that provides a point-by-point explanation as to how each of the Prior to Decision conditions were addressed and/or resolved. If Prior to Release conditions have been addressed in the amended plans, include a point-by-point explanation for these items as well. The submitted plans must comprehensively address the Prior to Decision conditions as specified in the DTR document. Ensure that all plans affected by the revisions are amended accordingly. To arrange the digital submission, please contact the File Manager directly.

This information must be received, in its entirety, no later than 60 days from the date this DTR form was sent to the applicant and owner. If a complete submission is not received within the 60 day time frame, the development permit may be inactivated. Upon inactivation, the applicant and owner will receive written notice of the inactivation and of a further 30 day time frame within which the application may be reactivated subject to a reactivation fee. If the development permit application is not reactivated as per the written notification, it may be cancelled by Administration as per Land Use Bylaw 1P2007, Section 41.1.

In the event that the application needs to be recirculated, a recirculation fee may be applied.

2. **General**

The approval of this Development Permit is dependent on the approval of the corresponding Land Use Amendment, LOC2025-0141. An approval for LOC2025-0141 must be issued prior to a decision on this Development Permit.

3. **DR 2 Update - ENMAX**

Submit a letter from ENMAX Corporation indicating that the following issues are resolved:

Proposed shrubs inside the URW conflict with existing ENMAX underground cables per attached plan. Please locate the shrubs at least 1m away from the underground alignment if planting them along the side of the URW is not possible.

Please contact the undersigned at EPC_Permits@enmax.com (Attention: Rodel Santiago or 403-514-2066) to resolve the issues.

Until the above noted safety concerns are adequately addressed, this Development permit is not acceptable to ENMAX Power Corporation.

4. **DR 2 Update - LANDSCAPING**

Amend plans to indicate snow storage area (to accommodate snow cleared from the driveway) for each unit.

Utility Engineering

5. Submit a fire flow letter, prepared by a qualified professional engineer under seal and permit to practice stamp to the satisfaction of Development Engineering, Utility Specialists. The fire flow letter shall identify the type of the development, address of the development, DP application and the fire flow required for the developing property using the Fire underwriters Survey Calculations (FUS). Letters can be submitted via email to:

WA-ResourcesDevelopmentApprovals@calgary.ca.

The available fire flow in the City's public water network is 10,000 LPM (2 hydrant flow) with 15m residual pressure under normal operating conditions. If the City water network does not have the flows available to meet the fire flow requirements of the developing property, the design of the building may need to be altered or the public water system may need to be upgraded at the developer's expense. If a fire sprinkler / standpipe system is to be installed, please provide the design flow/pressure requirement in the required fire flow letter, so Utility Specialists can evaluate if the existing public system can support the fire sprinkler/ standpipe system design.

6. Amend the plans to:

Waste & Recycling Services - General

- a. Reduce the number of containers to 5. Multi-family residential dwelling units produce 0.23 m3 of combined waste per week. This application of 5 dwelling units is expected to produce 1.15 m3 of material per week. To reduce the number of carts in the lane, multi-family parcels (more than four dwelling units) may not be eligible to receive 3 carts for each unit from the City of Calgary.
- b. Relocate the proposed waste bins onto a shared common area.
- c. Ensure each waste stream can be maneuvered independently of the other two.

DR2 Update

This is acceptable, however please be aware that the Waste Bylaw states that multi-family parcels (more than four dwelling units) may not be eligible to receive the standard residential 3 carts for each unit service from the City of Calgary.

Mobility Engineering

7. The proposed development includes five individual driveways onto a collector road, which introduces multiple conflict points and compromises safety for all road users. Revise plans to include the following:
- Consolidate or reduce the number of driveways to minimize access points on the collector road.
 - This could be achieved by flipping two of the five units to face the adjacent residential street to reduce traffic exposure and improve pedestrian safety.

DR2 Update

Amend the plans to further consolidate the driveways serving Units 3, 4, and 5. At a minimum, consolidation of the driveways for Units 3 and 4 should be considered, with the objective of maximizing the separation distance from the intersection of Varsity Estate Drive NW and Varsity Estate Place NW.

8. Varsity Estate Dr NW is classified as a Collector Street and Varsity Estate Place NW is classified as a Residential Street; in accordance with the City's Design Guideline for Subdivision Servicing, a 2.0m wide sidewalks on collectors and 1.5m wide sidewalks on residential are to be provided.

- Amend plans to show removal and replacement of any substandard sidewalks to meet the minimum requirement and ensure existing and proposed dimensions are shown on plans. Indicate the proposed sidewalk (s) on the plan with adequate linework and hatching, so it can be distinguished between proposed and existing. Please note that for 1.5m monolithic sidewalk with standard curb the actual sidewalk width is 1.61m, and for 2.0m sidewalks the dimension is 2.11m. Dimension the back of walk accordingly. Refer to Roads Construction 2021 Standard Specifications, Figure 37, File No 454.1013.009. Include a label for each street that says "Removal and replacement of the sidewalk will be constructed at the full expense of the developer."

Note: Curb and gutter are to be replaced with rolled curb and gutter as per the current Residential Street Standards. Where significant trees are to be retained, existing sidewalk width can remain within the drip line and transition to new width clear of the drip line.

DR2 Update

Amend the plans to provide 1.5m sidewalk along Varsity Estate Place NW which is classified as a Residential Street; in accordance with the City's Design Guideline for Subdivision Servicing, a 1.5m wide sidewalks on residential are to be provided.

- Indicate the proposed sidewalk (s) on the plan with adequate linework and hatching, so it can be distinguished between proposed and existing. **Please note that for 1.5m monolithic sidewalk with standard curb the actual sidewalk width is 1.61m.** Dimension the back of walk accordingly. Refer to Roads Construction 2021 Standard Specifications, Figure 37, File No 454.1013.009, when standard curb.

- Include a label for each street that says "The sidewalk will be constructed at the full expense of the developer."

- Provide a corner wheelchair ramp at the south-east corner of the intersection of Varsity Estate Drive NW and Varsity Estate Place NW, in accordance with Roads Construction 2021 Standard Specifications, Figure 42, File No. 454.1013.001. In addition, provide a receiving wheelchair ramp on the north side of Varsity Estate Drive NW, opposite to the one mention above, for the north-south pedestrian crossing (and future crosswalk) across Varsity Estates Drive NW.

9. Amend the site plans to provide cross sections with geodetic elevations through the adjacent public road, Varsity Estate Dr NW, and into the site. Provide geodetic elevations at top of curb, back of sidewalk and property line. The cross sections shall demonstrate how the site will tie-into approved road and boulevard grades. Minimum 2 cross sections (in addition to the driveway cross sections) are required at critical locations. Ensure that the boulevard is sloped-up at 2% from property line to top of curb. No retaining walls will be permitted within City right-of-way.

DR2 Update

Amend the plans to provide minimum 2 boulevards cross-sections (in addition to the driveway cross sections) through the adjacent public road, Varsity Estate Dr NW, and into the site, ensuring the boulevard is sloped-up at 2% from property line to top of curb.

- Amend the plans to update the Driveway Cross-sections for Unit 1 and Unit 2 with the new monolithic sidewalk required to be constructed.

- Please confirm if the direct vehicular accesses to the subject property to be provided as low-profile rolled curbs instead of standard residential driveway with flares.

10. Amend the plans to maintain a minimum grade of 2.0% for garage floor, toward the overhead garage door. The current configuration of 1.04% is not acceptable.

DR2 Update

Mobility acknowledges that the City of Calgary Land Use Bylaw and National Building Code of Canada (AB version, 2020) do not explicitly prescribe a numeric minimum slope of 2.0% for garage floors. However, while the City's Building Code requires garage floors to be sloped to drain toward the outdoors, widely adopted international building code provide guidance on what constitutes adequate positive drainage and indicate that impervious surfaces within 3.0 m (10 ft) of a building foundation should be sloped a minimum of 2.0% away from the structure. Slopes below 2.0% are generally insufficient to function effectively and frequently result in unintended water ponding. This is particularly problematic in garage environments, where snow and ice are routinely tracked in by vehicle tires. In addition, routine activities such as garage cleaning with water increase the risk of moisture retention, concrete deterioration (spalling), and slippery or hazardous walking conditions for residents accessing parked vehicles.

As such a minimum 2.0% garage floor slope toward the overhead garage door is a widely accepted and consistently applied standard in the building industry in Calgary. Mobility reviews apply this minimum slope requirement at the Development Permit stage to ensure proper drainage, durability of construction materials, and safe day-to-day use of garage spaces.

Please amend the plans to maintain a minimum grade of 2.0% for garage floor, toward the overhead garage door.

Prior to Release Requirements

The following requirements shall be met prior to the release of the permit. All requirements shall be resolved to the satisfaction of the Approving Authority:

Planning

11. The Prior to Release Requirements will be finalized at the time of Development Authority decision.

Utility Engineering

12. Submit a Development Site Servicing Plan for review and acceptance from Utility Specialists, as required by Section 5 (2) of the Utility Site Servicing Bylaw 33M2005. Contact [Utility Specialists](#) for additional details. For further information, refer to the following:

Development Site Servicing Plan Webpage

<https://www.calgary.ca/uep/water/specifications/water-development-resources/development-site-servicing-plans.html>

Development Site Servicing Plans CARL (requirement list)

<http://www.calgary.ca/PDA/pd/Pages/Permits/carl-building-development-permit-search.aspx>

13. Amend the plans to:

Waste & Recycling Services - General

a. Provide metric dimensions and scale on all drawings for waste facilities.

14. After the Development Permit is approved but prior to its release, the landowner shall make payment of off-site levies pursuant to Bylaw 1H2024. The off-site levy is based on a 2025 development approval date and on the following:

Phase Description Unit(s)

1 132 VARSITY ESTATES PL NW Existing Single: 1/New Grade: 5

Based on the information above, the preliminary estimate is \$18,762.00.

Final estimate and payment instructions will be sent via email upon Development Permit approval.

Should the landowner wish to defer the payment of the offsite levies to Development Completion Permit (DCP), an Offsite Levy Agreement will be required.

To obtain an off-site levy agreement or for further information, contact the Infrastructure Strategist (DANIELA PAUL-GUTIERREZ at 587-215-6525 or daniela.paul-gutierrez@calgary.ca).

Mobility Engineering

15. Remit a performance security deposit (certified cheque, bank draft, letter of credit) for the proposed infrastructure listed below within the public right-of-way to address the requirements of the Roads Business Unit. The amount of the deposit is calculated by Roads and is based on 100% of the estimated cost of construction. The developer is responsible to arrange for the construction of the infrastructure with their own forces and to enter into an Indemnification Agreement with Roads at the time of construction (the security deposit will be used to secure the work).
 - a. Construction of new driveway crossing on Varsity Estate Drive NW and Varsity Estate Place NW (number of crossings to be confirmed after receiving amended plans),
 - b. Removal of existing sidewalk and construction of a new monolithic sidewalk (2.0m) on Varsity Estate Drive NW,
 - c. Removal of existing sidewalk and construction of a new monolithic sidewalk (1.5m) on Varsity Estate Place NW,
 - d. Construction of a new wheelchair ramp at the south-east corner of the intersection of Varsity Estate Dr and Varsity Estate Place NW,
 - e. Construction of a receiving wheelchair ramp on the north side of Varsity Estate Drive NW, opposite to the one mention in d, for the north-south pedestrian crossing (and future crosswalk) across Varsity Estates Drive NW,
 - f. Closure and removal of existing driveway crossing on Varsity Estate Place NW,
 - g. Rehabilitation of existing driveway crossings, sidewalks, tree trenches, curb and gutter, etc., should it be deemed necessary through a site inspection by Roads personnel.
16. Remit payment (certified cheque, bank draft) for street light upgrades adjacent to site, if required within the public right-of-way to address the requirements of the Roads Business Unit. The amount is calculated by Roads the respective Business Unit and is based on 100% of the estimated cost of construction.

The developer is responsible to coordinate the timing of the construction by City forces. The payment is non-refundable.

Permanent Conditions

The following permanent conditions shall apply:

Planning

17. The Permanent Conditions will be finalized at the time of Development Authority decision.
18. All rules of Land Use Bylaw 1P2007 apply, subject to any relaxations approved by the Development Authority in this development permit.
19. The development shall be completed in its entirety, in accordance with the approved plans and conditions. The stamped and signed plans are a legal document.
20. No changes to the approved plans shall take place unless authorized by the Development Authority. If changes to the development occur or are proposed, a new development permit or revised plan application may be required.
21. A development completion permit must be issued for the development before the use is commenced or the development occupied. A development completion permit is independent from the requirements of City of Calgary Building Regulations inspections and permission for occupancy. Request a development completion permit inspection by visiting inspections.calgary.ca or call 403-268-5311.
22. Any damage to public parks, boulevards or trees resulting from development activity, construction staging or materials storage, or construction access will require restoration at the developer's expense. The disturbed area shall be maintained until planting is established and approved by the Parks Development Inspector. Contact the Development Inspector Jackie Swartz at 403-620-3216 for an inspection.

Any surface or subterranean damage to public parks resulting from the installation of building construction tiebacks or other construction practices requires remediation at the developer's expense, to the satisfaction of the Director, Parks. All materials associated with the encroachments must be removed and any subterranean and surface disturbances to the parcel must be remediated. All site remediations must be approved by the Parks Development Inspector. Contact the Development Inspector for an inspection.
23. No stockpiling or dumping of construction materials is permitted on the adjacent park / natural area / boulevard.
24. There shall be no construction access through the adjacent park / natural area (VAR678).
25. In order to ensure the integrity of existing public boulevard, no grade changes are permitted in the boulevard.

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

26. Point source drainage from the development site onto the adjacent park / natural space is not permitted, as such drainage will compromise the integrity of the site.
27. Stormwater or other drainage from the development site onto the adjacent park / natural area parcel is not permitted. Any drainage from private lots onto the adjacent park / natural area must be resolved to the satisfaction of the Director, Parks upon development completion of the subject site. Any damage resulting from unauthorized drainage will require restoration at the developer's expense. Resolution of drainage issues must be approved by the Parks Development Inspector. Contact the Development Inspector for an inspection.

Utility Engineering

28. The developer / project manager, and their site designates, shall ensure a timely and complete implementation, inspection and maintenance of all practices specified in erosion and sediment control report and/or drawing(s) which comply with Section 3.0 of The City of Calgary Guidelines for Erosion and Sediment Control. Any amendments to the ESC documents must comply with the requirements outlined in Section 3.0 of The City of Calgary Guidelines for Erosion and Sediment Control.

For other projects where an erosion and sediment control report and/or drawings have not been required at the Prior to Release stage, the developer, or their designates, shall, as a minimum, develop an erosion and sediment control drawing and implement good housekeeping practices to protect onsite and offsite storm drains, and to prevent or mitigate the offsite transport of sediment by the forces of water, wind and construction traffic (mud-tracking) in accordance with the current edition of The City of Calgary Guidelines for Erosion and Sediment Control. Some examples of good housekeeping include stabilization of stockpiles, stabilized and designated construction entrances and exits, lot logs and perimeter controls, suitable storm inlet protection and dust control.

For all soil disturbing projects, the developer, or their representative, shall designate a person to inspect all erosion and sediment control practices a minimum of every seven (7) days and during, or within 24 hours of, the onset of significant precipitation (> 12 mm of rain in 24 hours, or rain on wet or thawing soils) or snowmelt events. Note that some practices may require daily or more frequent inspection. Erosion and sediment control practices shall be adjusted to meet changing site and winter conditions. The City of Calgary Guidelines for Erosion and Sediment Control can be accessed at: www.calgary.ca/ud (under publications).

29. If during construction of the development, the developer, the owner of the titled parcel, or any of their agents or contractors becomes aware of any contamination,
 - a. the person discovering such contamination shall immediately report the contamination to the appropriate regulatory agency including, but not limited to, Alberta Environment and Protected Areas and The City of Calgary (311).
 - b. on City of Calgary lands or utility corridors, The City of Calgary, Climate and Environment (Contaminated Sites Section) must be immediately notified (311).

30. Stormwater runoff must be contained and managed in accordance with the Stormwater Management & Design Manual all to the satisfaction of the Coordinator, Utility Specialist.
31. The grades indicated on the approved Development Site Servicing Plan must match the grades on the approved Development Permit plans. Upon a request from the Development Authority, the developer or owner of the titled parcel must confirm under seal from a Consulting Engineer or Alberta Land Surveyor, that the development was constructed in accordance with the grades submitted on the Development Permit and Development Site Servicing Plan.
32. After approval of the Development Permit but prior to issuance of a Development Completion Permit or any occupancy of the building, payment shall be made for off-site levies pursuant to Bylaw 1H2024.
33. Pursuant to Bylaw 1H2024, off-site levies are applicable.

Mobility Engineering

34. The developer shall be responsible for the cost of public work and any damage during construction in City road right-of-ways, as required by the Manager, Development Engineering. All work performed on public property shall be done in accordance with City standards.
35. Indemnification Agreements are required for any work to be undertaken adjacent to or within City rights-of-way, bylawed setbacks and corner cut areas for the purposes of crane operation, shoring, tie-backs, piles, surface improvements, lay-bys, utility work, +15 bridges, culverts, etc. All temporary shoring, etc., installed in the City rights-of-way, bylawed setbacks and corner cut areas must be removed to the satisfaction of the Manager, Development Engineering, at the applicant's expense, upon completion of the foundation. Prior to permission to construct, contact the Indemnification Agreement Coordinator, Roads at roadsia@calgary.ca
36. The approved driveway(s) required for this development must be constructed to the ramp grades as shown on the approved Development Permit plans. Negative sloping of the driveway within the City boulevard is not acceptable. If actual grades do not match the approved grades, the developer/owner shall be responsible for all costs to remove and reconstruct the entire driveway ramp in accordance with approved grades.

Advisory Comments

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

Planning

37. The Advisory Comments will be finalized at the time of Development Authority decision.
38. The Applicant may appeal the decision of the Development Authority, including any of the conditions of the development permit. If you decide to file an appeal, please refer to the notification of decision letter for the appropriate appeal body and appeal process.
39. The approval of this development permit does not limit in any way the application of any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline, nor does it constitute any permit or permission under any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline.
40. In addition to this development permit, building permits may also be required. Building permit applications may be submitted upon approval of the associated development permit. Contact Building Regulations at 403-268-5311 for further information.
41. This development permit has not been reviewed for potential issues with the National Building Code - current Alberta Edition. You may require a Building Permit in addition to this development permit in which case compliance with the Code will be assessed through a Building Permit application. Should a Building Permit review require changes to the approved development permit, the changes must be to the satisfaction of the Development Authority and are potentially subject to a new development permit.
42. There are many types of caveats and other agreements that can be registered on the title of the property that can restrict the ability to develop. The City has not reviewed or considered all instruments registered on the title to this property. Property owners must evaluate whether this development is in compliance with any documents registered on title.
43. ATCO
There are existing ATCO facilities in the area. If it should be necessary to lower, relocate or make any alterations to the existing facilities and/or appurtenances due to this project, please contact ATCO Gas Distribution at calgaryregiongasdesign@atcogas.com with a minimum of one (1) year notice to enable an adequate and timely response. Note that all alteration costs will be borne by the developer / owner.
44. ATCO

There are abandoned ATCO facilities in the work area. Please contact ATCO South Operations Dispatch at 403-245-7220 to confirm status of the gas lines at least 48 hours prior to excavation.

45. **ATCO**
If gas service is required, to avoid delays, the owner / developer should follow the steps listed on the ATCO website (New Natural Gas Service Line or Changes) or contact ATCO Customer Assistance Centre at 310-5678, or their local ATCO Gas Distribution agency office at their earliest convenience to discuss the service contract, gas load requirements, timing details and any associated costs. To avoid delays a minimum notice of 6 months is recommended. Note, each lot / unit is to have a separate service line.
46. The Streets Bylaw (20M88) and the Tree Protection Bylaw (23M2002) contain clauses intended to protect trees growing on Public Land. No person shall remove, move, cut, or prune a Public Tree or cause a Public Tree to be removed, moved, cut or pruned without prior written authorization from the Director, Parks. A copy of the bylaw can be found at www.calgary.ca. Parks does not permit the removal of public trees to facilitate development unless all options to retain and protect are exhausted.
47. Tree plantings within City of Calgary boulevards and/or right of ways are subject to approval from Utility Line Assignment and Parks. No person shall plant trees or shrubbery on City Lands without prior written authorization from the Manager, Parks and in the case of walkways, medians, boulevards, and road rights of way, without additional prior written authorization from the Manager, Development Engineering.
48. Services should be shown on the plans in accordance with the Grade Slip granted by the City. If the servicing trench will be located within the dripline of an existing public tree, the applicant shall contact Urban Forestry or contact Development Site Servicing through 311 in attempt to avoid this conflict.

Utility Engineering

49. The developer is responsible for ensuring that:
 - a. The environmental conditions of the subject property and associated utility corridors meet appropriate regulatory criteria and appropriate environmental assessment, remediation, exposure control or risk management is undertaken.
 - b. Appropriate environmental assessment(s) of the property has been undertaken and, if required, a suitable Remedial Action Plan, Exposure Control Plan and/or Risk Management Plan has been prepared, reviewed and accepted by the appropriate regulatory agency(s) including but not limited to Alberta Environment and Protected Areas.
 - c. The development conforms to any reviewed and accepted Remedial Action Plan, Exposure Control Plan and/or Risk Management Plan.
 - d. All reports are prepared by a qualified professional in accordance with accepted guidelines, practices and procedures that include but are not limited to

those in the most recent versions of the Canadian Standards Association and City of Calgary Phase I & II Environmental Site Assessment Terms of Reference.

e. The development is in compliance with applicable environmental approvals, for example from Alberta Environment and Protected Areas, Alberta Energy Regulator and/or Natural Resources Conservation Board; as well, any related setback requirements, and landfill setback requirements as set out in the Subdivision and Development Regulation.

If the potential for methane generation or vapours from natural or contaminated soils and groundwater has been identified on the property, the developer is responsible for ensuring appropriate environmental assessment(s) of the property has been undertaken and appropriate measures are in place to protect the building(s) and utilities from the entry of methane or other vapours.

Issuance of this permit does not absolve the developer from complying with and ensuring the property is developed in accordance to applicable environmental legislation.

50. A new water connection is required to service the development and is available from - Varsity Estates DR NW or 100 Varsity Estates PL NW.
51. Show details of servicing and metering on Development Site Servicing Plan. Provide adequate water meter locations (100mm or larger, room adjacent to an exterior wall; 50mm or less, label water meter location) where services enter building. If static pressure exceeds 550 kPa install pressure reducing device after meter.
52. Redundant services are to be disconnected at the source and new service installed at the owners expense.
53. Each unit must be individually metered.
54. Ensure that the water service separation from the foundation wall or piles is:
 - a. 4.0m (100mm service or larger), or
 - b. 3.0m (50mm service or smaller), or
 - c. 2.0m when the foundation wall or piles extends vertically a minimum of 2.0m below the invert of the water pipe.
55. The applicant must apply for water and sewer connections as per City Standards.
56. A new sanitary connection is required to service the development and is available from - Varsity Estates DR NW or 100 Varsity Estates PL NW.
57. A new storm sewer connection is required to service this development and is available from Varsity Estates DR NW.
58. Best Management Practices (BMPs) are activities or practices that are designed to reduce runoff volume and prevent or reduce the release of pollutants to receiving waters. Operation and maintenance manual and sample maintenance log shall be provided to the owner in case there are any BMPs located within the property as per the current Stormwater Management & Design Manual Section 4.13. Appropriate Source Control Practice checklists must be completed and

submitted to Development Approvals (<http://www.calgary.ca/UEP/Water/Pages/Specifications/Submission-for-approval/Development-Approvals-Submissions.aspx>). For more information contact Development Planning at 403-268-6449.

59. The allowable stormwater run-off coefficient shall be 50 L/s/ha.
60. Surface ponding (trapped lows) should be designed to contain all the flow generated from the 100-year storm events.
61. Where possible, discharge of roof leaders should be directed onto grassed or pervious areas to help reduce the volume of runoff. Alternatively, the roof leaders may be directed to the on-site storm sewer system.
62. Each building shall be separately serviced from an on-site sanitary main except for ancillary buildings that are required and form an integral part of the development.
63. Ensure elevations of building slab and/or any building openings are 0.3m minimum above trap low spill elevations or the 100-year elevation, whichever is higher. The minimum grade within the lot adjacent to the trap low must be 0.3m higher than the 1:100-year elevation in the trap low or spill elevation, whichever is higher. This minimum grade must be achieved within a 6.0m distance from the common property line of the lot and the road right-of-way.
64. The gravel blanket below footing and basement slab will not be considered a substitute for weeping tile around the building footing.
65. As per The City of Calgary Drainage Bylaw 37M2005, the developer, and those under their control, are responsible for ensuring that a Drainage Permit is obtained from Utility Specialists prior to discharging impounded runoff (caused by rainfall and/or snowmelt) seepage or groundwater from construction site excavations or other areas to a storm sewer. The developer, and those under their control, is responsible for adhering to all conditions and requirements stipulated in the Drainage Permit at all times. For further information, contact the Corporate Call Centre at 311 or visit <http://www.calgary.ca/UEP/Water/Pages/Watersheds-and-rivers/Erosion-and-sediment-control/Report-and-Drawings-Templates-and-Guides.aspx> (Drainage Permit applications can be downloaded from this website).
66. Stormwater emergency escape routes must be to a public roadway.
67. The available fire flow in the adjacent City water main is 10,000 LPM with 15m residual pressure under normal operating conditions.
68. A minimum depth of 300mm topsoil for all sodded areas and 600mm for shrub and tree beds is to be used.
69. For questions and concerns regarding waste storage facilities, refer to the Development Reviews: Design Standards for the Storage and Collection of Waste
Found at: <http://www.calgary.ca/UEP/WRS/Pages/Commercial-Services/Development-Permits-Waste-Recycling.aspx>

OR

Contact the Waste & Recycling Services Specialist/Development Engineering Generalist at 403-268-8445 for further site specific details.

70. Waste storage enclosures and collection areas shall be maintained and clear of snow and ice.
71. The waste and recycling enclosure shall be kept in a good state of repair at all times and the doors shall be kept closed while the enclosures are not actively in use for delivery or removal of refuse.
72. As the development application has not met the standards in either the current City of Calgary standards - Development Reviews: Design Standards for the Storage and Collection Waste or the current Waste Bylaw, the development may not be eligible to receive collection service from The City of Calgary.

Mobility Engineering

73. The applicant is advised that the proposed driveways are along a Collector Road, Varsity Estate Dr NW, identified for a future on-street bikeway (which would be a continuation of the existing on-street bikeway on the same roadway east of 53 Street NW), , as per the City's 5A Network. Driveway locations and design should minimize potential conflict points with cyclists and maintain cyclist visibility, clear crossing areas and adequate sightlines.
74. Waste & Recycling Services will review the pickup operation of garbage bins and the staging area location to assess potential mobility conflicts.



August 28, 2026

Subdivision and Development Appeal Board
City of Calgary
P.O. Box 2100, Stn. M
Calgary, Alberta T2P 2M5

Re: SDAB2026-0131AB (DP2025-05349) – 132 Varsity Estates Place NW
Community Association Authorization

To Whom It May Concern:

Please be advised that JoAnne Atkins, Director of Civic Affairs, is authorized to present on behalf of the Varsity Community Association for the Procedural and Jurisdictional Hearing to be held on September 8, 2026 for SDAB2026-0131AB.

Yours truly,

Bob Benson
President, Varsity Community Association
benson@wbalaw.ca

c.c. Doug Smith, GM, VCA

From: [Jo Anne Atkins](#)
To: [Calgary SDAB Info](#)
Subject: [External] SDAB2026-0131AB - 132 Varsity Estates Place NW
Date: Monday, August 31, 2026 11:50:41 AM
Attachments: [132 Varsity Estates Place - SDAB2026-0131AB - Concurrent Submission Declaration.pdf](#)
[132 Varsity Estates Place - SDAB2026-0131AB - Declaration of Bias & Lack of Procedural Fairness.pdf](#)
Importance: High

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ATTENTION: Do not click links or open attachments from external senders unless you are certain it is safe to do so. Please forward suspicious/concerning email to spam@calgary.ca

[Report Suspicious](#)

Please find attached two additional submissions from the Varsity Community Association for SDAB2026-0131AB, 132 Varsity Estates Place NW.

Yours truly,

Jo Anne Atkins
Director of Civic Affairs
Varsity Community Association
403-999-9122



Virus-free. www.avast.com



Concurrent Submission Declaration for Land Use Amendment and Development Permit Applications

PL 1249 (R2016-01)

LOC # _____

DP # _____

For office use only

Site Address: 132 Varsity Estate Place NW

Legal Description: Lot: 4 Block: 21 Plan: 7510331

When a proposed development requires both a Land Use Amendment and a Development Permit to proceed, applicants have two submission options. Applicants can wait to submit the Development Permit until after the Land Use Amendment has been approved, or they can submit the Development Permit while the Land Use Amendment is still in progress. The second option is referred to as a "concurrent submission." These two submission options allow the applicant to select the process that best suits the unique conditions of their application.

Planning & Development recommends that an applicant interested in the concurrent submission option request a Pre-Application Meeting before making their submission. At the Pre-Application Meeting, a planner will help the applicant determine which submission option is most appropriate for their application.

Please select from the following:

☐ A Pre-Application Meeting occurred. PE _____ - _____.

☒ I am aware a Pre-Application Meeting is recommended but I chose not to request one.

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

I, the ☐ owner, ☒ authorized agent, hereby declare that I understand my Land Use Amendment and Development Permit applications, as referenced above, will, at my request, be processed concurrently. I understand that my Development Permit application can only be approved by the Development Authority after the Land Use Amendment has been approved by Council.

I am aware that my Land Use Amendment application will be approved or refused at Council's discretion, regardless of the results of my Pre-Application Meeting (if such meeting occurred) and the fact that my applications are proceeding concurrently. I understand that if my Land Use Amendment application is refused, my Development Permit application will be cancelled and any applicable refund will be provided in accordance with the Council-approved fee schedule. Further, I understand that if, after an unsuccessful Land Use Amendment application, I wish to modify my Development Permit application to meet the rules of the existing district, I must apply for a new Development Permit at my expense. Despite these risks, I still wish to proceed with the concurrent application option.

2025-09-15

Date (YYYY-MM-DD)

Applicant Signature

Quinn Hibbard

Applicant Name (Please Print)

SDAB2026-0131AB (DP2025-05349) 132 VARSITY ESTATES PLACE NW**SUBMISSION RE: APPREHENSION OF BIAS ON THE PART OF THE DEVELOPMENT AUTHORITY**

There have been a number of red flags that led us to believe the Development Authority was biased in favour of the developer and against the community association and affected residents.

1. On August 5, 2025, the file manager sent the VCA's extension request to the applicant. The email, obtained by the VCA through a Property Research search, stated the request was "to appease the Varsity Community Association's request for an extension of the public commentary period. It further stated, "As the file manager for this file, I am trying to balance our obligation to you, our customer, and the right of the community to have their voices heard. I believe implementing a one-week extension still keeps us within our overall timeline for this file and allows us to grant the Community Association a goodwill gesture that can also look favourable at the public hearing for this item."

We believe that describing the applicant as a "customer" is simply wrong. The Planning Department is the approving authority and the developer is an applicant, not a customer. The file manager is not "hired" by the developer or "paid" by the developer. The Development Authority's role is to evaluate the application and balance the right of a landowner to develop their land within the applicable rules and legislation and the right of affected neighbours to preserve their quality of life and the compatibility of new development.

Further, the email shows disrespect to the Varsity Community Association by the use of the word "appease". Having a short deadline on such a significant project in the middle of summer while I was out of town warranted an extension to the comment period. This is a legitimate and reasonable request that has been granted many times over the past 40 years that I have volunteered on the Civic Affairs Committee. The sentence "...allows us to grant the Community Association a goodwill gesture that can also look favourable at the public hearing for this item" is also troublesome. It implies that the Development Authority is trying to assist the developer with the optics of their application to ensure a more favourable outcome at the public hearing. This is not the neutral language one would expect of the approving authority.

2. From the first circulation in July 2025, the VCA was circulated on each set of amended plans in February and April 2026. We organized public meetings in response to the land use application (September 15, 2025) and DP application (May 5, 2026) which were very well attended. We submitted detailed comments on both the land use and development permit applications and requested to be kept updated on any changes to the file.

The File Manager acknowledged the importance of this file in an email dated May 13, 2026 (his reply is highlighted in red):

“Hello Reza,
I just received this circulation package for 132 Varsity Estates Place. It has the same file number as the one submitted last year.
Is there a reason for recirculating this rezoning application?
The rezoning application, LOC2025-0141, is still in circulation. The applicant was granted multiple extensions in order to conduct community engagement with Varsity CA.
LOC2025-0141 is currently in circulation for Detailed Review 2. **I circulated this package to Varsity CA as standard practice, also because I know this application is a priority within the community**, and also as a courtesy because the last time this was circulated was August 2025.
Further to my earlier email today, is this rezoning tied to plans?
Yes, LOC2025-0141 and DP2025-05349 are linked.
Thanks,
Jo Anne Atkins”

We are aware of hundreds of letters that have been submitted on this file. Despite exceptional interest in and opposition to the project, the file manager chose not to notify the VCA or affected neighbours that the land use application had been withdrawn in June. He also did not advise us that amended plans had been submitted even though the proposal remains a discretionary use. This was a significant change in the status of the file.

When we noticed a change on DMAP stating the land use application was going to CPC on July 9, 2026 we made several inquiries by email and voicemail to inquire about the status of the file. These inquiries were not answered. A member of the Civic Affairs Committee called 311 to find out the name and contact for the file manager's supervisor. We contacted that person and subsequently received a phone call and email from the file manager on July 22, 2026. At that point he advised us of the withdrawal and the new DP plans and the fact it was scheduled to be approved on July 23. We then requested a meeting to discuss the matter. This meeting was held on July 29, 2026. We were subsequently advised on August 4 that the development permit would proceed as amended.

We believe the reason for the rush to approve this altered development permit prior to August 4, 2026 was to ensure the property would retain the R-CG zoning.

This leads us to conclude that the Development Authority was deliberately trying to conceal changes to the file in order to prevent opposition from affected neighbours and the VCA.

3. The fact that this applicant was not required to submit a new development permit when the land use application was withdrawn despite signing the Concurrent Submission Declaration shows favouritism. For an identical situation in Varsity at 4607 Valiant Drive NW the applicant was required to submit two development permits – one under H-GO and one under R-CG. Why was a different process followed in the same circumstances? Emails from the file manager were very clear

SDAB2026-0131AB – Varsity Community Association Submission – Aug. 31, 2026

the DP was linked to the H-GO application. The Declaration is also very clear a new DP is required.

CONSEQUENCES

This decision has serious consequences for the community as it prevents the property from reverting back to R-C1 in accordance with the repeal of blanket rezoning. This eliminates the opportunity to speak at a public hearing of Council with respect to rezoning the property from R-C1 to R-CG or H-GO.

UNDESIRABLE PRECEDENT

Established procedures have not been followed by the Development Authority. The intent of Council when it established the policy for concurrent submissions has not been honoured.

This creates a very confusing situation for developers, community associations, and the public. We cannot trust that the City will respect its own procedures. They can be ignored when it suits them.

LACK OF PROCEDURAL FAIRNESS

It is clear the Development Authority has not followed the rules of procedural fairness in this case

REMEDY

We would request the Subdivision and Development Appeal Board to confirm that the Development Authority erred by not requiring a new development permit under the R-CG land use district.

Definitions:

Bias: is a leaning, inclination, or predisposition in favour or against a person or group or a particular result.

Reasonable apprehension of bias: happens when an informed person, viewing the circumstances realistically and practically, concludes that it is more likely than not that a decision-maker may not decide impartially or fairly.

The Legal Test

- **The standard:** The question is what an informed, reasonable person—looking at the matter realistically and practically—would conclude.
- **Appearance over reality:** You do not need to prove the official is actually biased. You only need to show a reasonable perception or appearance of bias.
- **High threshold:** Courts apply a strong starting presumption that judges and adjudicators are impartial and will act fairly.

Key Rules

- **Objective view:** The test uses a hypothetical third-party observer, not the personal feelings or suspicions of the complaining party.
- **Fatal flaw:** If a court finds a reasonable apprehension of bias, the decision or award must be set aside, and the decision-maker must step down.
- **Whole context:** Courts review the entire record or trial transcript rather than isolated comments or tense moments.

Procedural fairness is the legal principle that requires decision-makers to follow fair, transparent, and unbiased processes when making decisions that affect an individual's rights or interests.

Core Principles

- **The Right to be Heard:** Affected individuals must receive adequate notice of the matter and a meaningful opportunity to present their case, respond to evidence, and have their arguments considered.
- **The Rule Against Bias:** Decision-makers must act in a neutral, impartial manner without any conflict of interest or pre-judged outcomes.
- **Adequate Reasons:** Decisions impacting rights often require a clear explanation showing a rational connection between the evidence and the final conclusion.
Focus on Process, Not Outcome
- **Fair Process:** It evaluates whether the rules and steps leading to a decision were fair, rather than judging if the final result was correct.
- **Remedies:** If a process is found to be procedurally unfair, affected parties can often seek a [Judicial Review](#) through the courts to set the decision aside.

From: [Maynard, Nicole](#)
To: [Calgary SDAB Info](#)
Cc: [Christopher Davis](#)
Subject: SDAB2026-0131A and SDAB2026-0131B
Date: Monday, August 24, 2026 8:43:57 AM
Attachments: [SDAB2026-0131A and SDAB2026-0131B Submissions.pdf](#)

Good morning,

Attached are the Development Authority's submissions respecting the jurisdiction of the Board on the appeals referred to in the subject line of this email.

Kindly confirm receipt.

Sincerely,

Nicole Maynard, B.A., J.D.
Lawyer, Legal Services - Planning & Real Estate
Law | Law, Legislative Services & Security
The City of Calgary | Mail code: #8053
F 403.268.4634 | calgary.ca
Floor 12, Municipal Building – F2, 800 Macleod Tr. S.E.
P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5
ISC: Confidential (Solicitor-Client Privileged)

**SDAB2026-0131A and SDAB2026-0131B (the “Appeals”)
Development Permit 2025-05349 (the "DP")
Jurisdictional Hearing: September 8, 2026
Development Authority Submissions**

A. Introduction

1. The Appellants are requesting the Board to review, interpret, and enforce a document that is outside the statutory appeal framework established by the *Municipal Government Act RSA 2000 c. M-26 (MGA)*.
2. The Development Authority (DA) submits that the continued administrative processing of the development permit application under the existing land use is not a decision of the development authority triggering a right to appeal in this instance.
3. The DA submits that the Board does not have jurisdiction to hear this Appeal and respectfully requests that the Board dismisses the Appeal.

B. The role of the Board on a development appeal.

a. MGA sections 685(2) and 686(1)(b)

4. In its Notice of Appeal, the Appellants cite sections 685(2) and 686(1)(b) of the *Municipal Government Act*.

5. Section 685(2) of the *MGA* says:

(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 the decision in accordance with subsection (2.1).

6. Section 686(1)(b) says:

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal...

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

7. With respect to both cited provisions, the DA submits that the continued administrative processing of the DP application under the existing land use is not a decision of the development authority triggering a right to appeal in this instance.

b. MGA section 687(3)

8. Furthermore, on a development appeal, the Board is required to comply with any applicable land use policies, statutory plans, the land use bylaw, any applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act*, and have regard to the subdivision and development regulations (*MGA*, s. 687(3)).
9. The document the Appellants appear to take issue with is the Concurrent Submission Declaration for Land Use Amendment and Development Permit Application (the “Declaration”).¹
10. The Declaration is not subject to nor governed by any of the land use policies, statutory plans, the land use bylaw, or any applicable requirements under the *Gaming, Liquor and Cannabis Act*, nor is the Declaration subject to the subdivision and development regulations. The Declaration is related to an internal City of Calgary administrative policy.
11. The DA submits that the Board cannot interpret, decide upon, and enforce the Declaration, and therefore, the Appeal is not within the purview of the Board.

INTENTIONALLY BLANK – CONCLUSION AND SIGNATURE PAGE TO FOLLOW

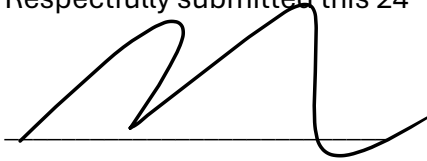
¹ Concurrent Submission Declaration, **Exhibit A**.

C. Conclusion

12. Based on the foregoing, the DA submits that the Board does not have jurisdiction to review the continued administrative processing of the DP under the existing land use.

13. In the event the Board determines it does have jurisdiction to hear and decide upon this Appeal, the DA will provide further submissions and evidence demonstrating that the continued administrative processing of the DP was appropriate, in accordance with further direction from the Board.

Respectfully submitted this 24th day of August, 2026.

A handwritten signature in black ink, appearing to be 'Nicole Maynard', written over a horizontal line.

Nicole Maynard,

Legal Counsel for the Development Authority.

EXHIBIT A



Concurrent Submission Declaration

for Land Use Amendment and Development Permit Applications

PL 1249 (R2016-01)

LOC # _____

DP # _____

For office use only

Site Address: _____

Legal Description: _____

When a proposed development requires both a Land Use Amendment and a Development Permit to proceed, applicants have two submission options. Applicants can wait to submit the Development Permit until after the Land Use Amendment has been approved, or they can submit the Development Permit while the Land Use Amendment is still in progress. The second option is referred to as a "concurrent submission." These two submission options allow the applicant to select the process that best suits the unique conditions of their application.

Planning & Development recommends that an applicant interested in the concurrent submission option request a Pre-Application Meeting before making their submission. At the Pre-Application Meeting, a planner will help the applicant determine which submission option is most appropriate for their application.

Please select from the following:

- ☐ A Pre-Application Meeting occurred. PE _____ - _____.
- ☐ I am aware a Pre-Application Meeting is recommended but I chose not to request one.

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

I, the ☐ owner, ☐ authorized agent, hereby declare that I understand my Land Use Amendment and Development Permit applications, as referenced above, will, at my request, be processed concurrently. I understand that my Development Permit application can only be approved by the Development Authority after the Land Use Amendment has been approved by Council.

I am aware that my Land Use Amendment application will be approved or refused at Council's discretion, regardless of the results of my Pre-Application Meeting (if such meeting occurred) and the fact that my applications are proceeding concurrently. I understand that if my Land Use Amendment application is refused, my Development Permit application will be cancelled and any applicable refund will be provided in accordance with the Council-approved fee schedule. Further, I understand that if, after an unsuccessful Land Use Amendment application, I wish to modify my Development Permit application to meet the rules of the existing district, I must apply for a new Development Permit at my expense. Despite these risks, I still wish to proceed with the concurrent application option.

Date (YYYY-MM-DD) _____

Applicant Signature _____

Applicant Name (Please Print) _____

Page 1 of 1

From: [Sumit Sandhu](#)
To: [Calgary SDAB Info](#)
Cc: [rgrol](#); [Har Sandhu](#); [Dave Andison](#)
Subject: [External] SDAB2026-0131; 132 Varsity Estates Place NW
Date: Monday, August 17, 2026 10:40:50 AM

This Message Is From an External Sender

This message came from outside your organization.

ATTENTION: Do not click links or open attachments from external senders unless you are certain it is safe to do so. Please forward suspicious/concerning email to spam@calgary.ca

[Report Suspicious](#)

To whom it may concern,

Our company, 2685880 ALBERTA LTD. is the registered owner of the property 132 Varsity Estates Place NW, which is the subject of appeal SDAB2026-0131. The appeal is scheduled for a Procedural and Jurisdictional hearing on September 8. Please be advised that Mr. Rick Grol (cc-ed) has been retained as our agent/representative with respect to the appeal.

Kind regards,

Sumit Sandhu,
Director, 2685880 ALBERTA LTD