

Conditions of Approval

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:

1. Submit a total of **nine (9) complete sets of Amended Plans (file folded and collated) along with a digital copy of the plans and all supporting documents (USB or download link)** to the Planning Generalist that comprehensively address the Prior To Release conditions of all Departments as specified below.

In order to expedite the review of the Amended Plans, please include the following in your submission:

- a. **Six (6) of the plan set(s) shall highlight all of the amendments.**
- b. **Six (6) detailed written response(s) to the Conditions of Approval** document that provides a point by point explanation as to how each of the Prior to Release conditions were addressed and/or resolved.
- c. Please ensure that all plans affected by the revisions are amended accordingly.

City Wide Urban Design:

2. Amend the plans to replace the areas of dark stucco at the mechanical penthouse level with lighter-toned (e.g. grey or white) metal panels to alleviate the top-heaviness of the building and to improve the quality of the cladding material.

Heritage Planning:

3. In addition to the provided feasibility letter from Hurst Construction Management, submit a detailed management plan regarding the proposed move of the Historic Nimmons Residence, supported by a qualified engineer. Considerations should include phasing, required alterations prior-to-move, specifications of the required support structure at the new location, material storage, site security, anticipated repairs post-move, shoring/stabilization/protection during adjacent excavation & construction, and any other relevant details to ensure conservation of the Nimmons Residence.

Development Engineering:

4. Submit a current Phase I Environmental Site Assessment report. The report will be used to determine if the site is suitable for the intended development, as related to environmental issues. The report is to be prepared in accordance with accepted guidelines, practices and procedures that include but are not limited to those in the *Canadian Standards Association (2001) "Phase I Environmental Site Assessment - Z768-01,"* or its successor.

If the Phase I Environmental Site Assessment report indicates that there is actual or potential site contamination, then the developer is to submit a current Phase II Environmental Site Assessment report. The report is to be prepared in accordance with accepted guidelines, practices and procedures that include but are not limited to those in

Conditions of Approval

the *Canadian Standards Association (2000) "Phase II Environmental Site Assessment - Z769-00,"* or its successor.

If the Phase II Environmental Site Assessment report indicates that there is a requirement for remediation or risk management, then the developer shall submit a current Remedial Action Plan and/or Risk Management Plan. The report(s) shall document how the site will be remediated or risk managed to such an extent that the site will be suitable for the intended development.

All Phase I and II Environmental Site Assessments submitted to The City that have been commissioned **on or after November 1, 2005** must conform to The City of Calgary **Phase I and II Environmental Site Assessment Terms of Reference**. Please visit www.calgary.ca for the latest version. Any Phase I and Phase II Environmental Site Assessments that do not conform will require additional work to meet the standard.

All report(s) are to be prepared by a qualified professional and will be reviewed to the satisfaction of the Manager, Environmental Assessment and Liabilities.

5. Provide a completed copy of the "Retaining Wall Design Disclosure Statement"
AND
Submit an electronic version of Structural Design Drawings, for review and acceptance, for the retaining wall(s), prepared by a qualified Professional Engineer under seal and permit to practice stamp to the satisfaction of the Chief Structures Engineer, Roads. The intent of the drawings is to show the feasibility of the proposed retaining wall(s) at the location(s) indicated.
6. Submit three (3) sets of the Development Site Servicing Plan details to Development Servicing, Inspections and Permits, for review and acceptance from Water Resources, as required by Section 5 (2) of the *Utility Site Servicing Bylaw 33M2005*. Contact developmentservicing2@calgary.ca for additional details.

For further information, refer to the following:

Design Guidelines for Development Site Servicing Plans

http://www.calgary.ca/PDA/pd/Documents/urban_development/publications/DSSP2015.pdf

Development Site Servicing Plans CARL (requirement list)

<http://www.calgary.ca/PDA/pd/Documents/development/development-site-servicing-plan.pdf>

7. **After the Development Permit is approved but prior to its release**, the landowner shall execute an Off-Site Levy Agreement for the payment of off-site levies pursuant to Bylaw 2M2016.

As per the **current** application Multi-Residential (1 building)) and based on **2018** rates, the **preliminary estimate** for this application is **\$125,578.95**.

Should payment be made prior to release of the development permit, an Off-Site Levy Agreement will not be required. To obtain the off-site levy agreement, contact the Calgary Approvals Coordination, Infrastructure Strategist by email at rob.hirber@calgary.ca or offsitelevy@calgary.ca.

Conditions of Approval

Transportation:

8. Execute and register on title an Access Easement Agreement with the City of Calgary over Lot 23, Block 1, Plan 1610440 (Servient Lands) in favour of 14 Street S.W. (Dominant Lands) for the purpose of pedestrian access. The agreement and registerable access right of way plan shall be to the satisfaction of the Director, Transportation Planning and the City Solicitor. A standard template for the agreement and an Instruction Document will be provided by the Transportation CPAG Generalist. Submit an original copy of the executed agreement and the certificate of title(s), indicating the agreement is registered on title, for all affected parcels.
9. 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 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).

Roads

- a. Closure and removal of existing driveway crossings on 19 AV SW.
 - b. Construction of new sidewalk adjacent to 14 ST SW.
 - c. Rehabilitation of existing driveway crossing, sidewalk, curb and gutter, etc., should it be deemed necessary through a site inspection by Roads personnel.
 - d. Construction of broom finished concrete hardscaping in front of Moloks within the boulevard.
10. Remit payment (certified cheque, bank draft) for the proposed infrastructure listed below within the public right-of-way to address the requirements of the Business Units. The amount is calculated by 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.

Roads

- a. Street lighting upgrading adjacent to site frontage at 19 AV and 14 ST SW (If required).
11. Amend the plans and indicate on the site plan signage noting the loading zone and waste pick up zones are combined, with the exception of the day/ time waste is to be picked up (confirm with Waste & Recycling).
 12. Amend the plans to indicate the minimum overhead clearance for a parkade is 2.1m.

Conditions of Approval

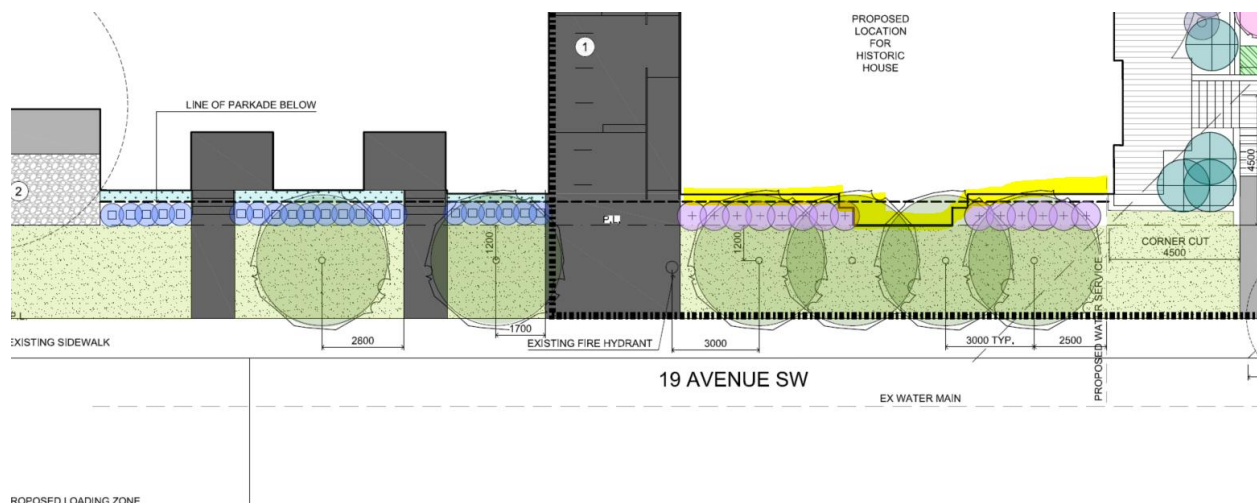
13. The Developer is to work with Administration to review the site plan for the Waste and Recycling area within the boulevard in front of the Moloks. The intent is to delineate the active area for Molok operations. Such improvements could include hardscaping such as broom finished, stamped or lightly sandblasted concrete (colored concrete is accepted), with tooled or saw cut joints. The improvements should be consistent with the material proposed in the adjacent Molok collection area. **Amend drawings for the agreed upon improvements to the satisfaction of the Director, Transportation Planning.**
14. If any non-standard items are requested within City Right-of-Way (ROW) by the Developer, submit product sample(s), manufacturer's information and detailed drawings (stamped and signed by a qualified structural engineer) for the applicant requested non-standard surface element(s) located in the road right-of-way to the Materials and Research Engineer, Roads at (403) 268-4935, for review and acceptance. Roads department will determine if the element(s) are suitable and safe for the intended usage. **If accepted**, the applicant will be required to execute and register a Perpetual Maintenance Agreement on the development site's land title(s) and agree to maintain the non-standard surface element(s) in perpetuity.
15. The Developer shall enter into a Perpetual Maintenance Agreement for any requested non-standard surface element(s) located in the road right-of-way concurrently with the execution of the Indemnification Agreement. Contact the Indemnification Agreement Coordinator, Roads at roadsia@calgary.ca.
16. Provide Waste and Recycling truck operations and Moloks manoeuvring protocol including but not limited to; boom swing, reach radius at various critical points of operations, personnel placement (2 person teams), flagging, signage for temporary sidewalk closure, time of day of operations/closures, location of staging and the management of pedestrians, stamped by a Registered Professional Engineer in the Province of Alberta to the satisfaction of the Director, Transportation Planning.
 - The Professional Engineer noted above shall confirm the protocol requirements with Administration prior to submission.
 - A note will be added to the Site plan to the effect "Waste and Recycling operations will be in accordance to the agreed upon protocol."
17. The Developer shall coordinate with Roads Traffic to install the new designated loading zone markings and install signage. No parking or Moloks loading shall occur on weekdays between the hours of 6:30 AM to 9:30 AM and 3:30 PM to 6:30 PM. All costs shall be at the applicant's sole expense and invoiced at time of installation. Contact the Traffic Engineer (403-268-4426) ten (10) weeks prior to the target opening date.
 - a. The Developer shall provide Traffic a CAD file showing any revised curb & gutter and recommended road markings.
 - b. It is noted that new signage fabrication may be required to facilitate the proposed waste and recycling solution (Moloks).

Conditions of Approval

18. The Developer and the selected private waste and recycling provider shall enter into an Indemnification Agreement to the satisfaction of the City Solicitor and the Director, Transportation Planning for any work to be undertaken adjacent to or within City rights-of-way, bylaw setbacks and corner cut areas for the purposes of crane operation and any other operation related to the proposed waste and recycling solution (Moloks). Prior to permission to construct, contact Transportation Planning and the Indemnification Agreement Coordinator, Roads at roadsia@calgary.ca.
19. The Developer shall enter into a Payment Agreement to the satisfaction of the City Solicitor, and the Director, Transportation Planning to establish terms for the Developer's contribution for the on-going exclusive use of City ROW for private waste and recycling operations and sidewalk closures.

Parks:

20. Relocate the proposed boulevard trees along 19 Avenue SW to be 1.6m south of the south property line. The Nimmons Residence has been moved to be zero setback to the property line as such the canopy of the proposed trees will be conflicting with the building. Amend landscape plan DPL1 accordingly.



Permanent Conditions

The following permanent conditions shall apply:

Planning:

21. The development shall be completed in its entirety, in accordance with the approved plans and conditions.
22. No changes to the approved plans shall take place unless authorized by the Development Authority.
23. Outdoor speakers are not permitted.

Conditions of Approval

24. All roof top mechanical equipment shall be screened as shown on the approved plans.
25. The grades indicated on the approved Development Permit plans must match the grades on the Development Site Servicing Plan for the subject site as per the Lot Grading Bylaw.
26. Retaining wall(s) that are 1.0m or greater in height shall be located and constructed as shown on the approved plans released with this permit.
27. All areas of soft landscaping shall be irrigated as shown on the approved plans.
28. All trees located within the subject property and shown on the approved plans, which cannot be retained during development, must be replaced by a tree of a species and size which is acceptable to the Development Authority within twelve months of the issuance of the development completion permit.
29. Any noise or music shall be contained on the site in accordance with the Community Standards Bylaw.
30. All electrical servicing for freestanding light standards shall be provided from underground.
31. A lighting system to meet a minimum of 54 LUX for parkades with a uniformity ratio of 4:1 on pavement shall be provided.
32. The walls, pillars and ceiling of the underground parkade shall be painted white or a comparable light colour.
33. The light fixtures in the parkade shall be positioned over the parking stalls (not the drive aisles).
34. All stairwell doors and elevator access areas shall be installed with a transparent panel for visibility.
35. Each parking stall, where located next to a sidewalk, shall have a properly anchored concrete wheel stop or equivalent material to the satisfaction of the Development Authority (100mm in height and 600mm from the front of the parking stall).
36. Handicapped parking stalls shall be located as shown on the approved plans released with this permit. Handicap parking stall(s) shall be clearly designated, signed and located close to the entrance of the building with barrier-free accessibility.
37. This approval recognizes **two (2) phases on the approved plans**. A Development Completion Permit may be issued for each phase. All the road works, landscaping and provisions for garbage collection shown within each phase shall be completed prior to the issuance of a Development Completion Permit for that phase. Call Development Inspection Services at 403-268-5311 to request site inspections for the Development Completion Permits.

Conditions of Approval

38. If construction of the subsequent phase(s) has not commenced within one year of the issuance of the most recent Development Completion Permit, the undeveloped portion of the site shall be hydro-seeded. This is to ensure an acceptable visual appearance and to eliminate problems such as dust, weeds and erosion.

Development Engineering:

39. The parcels shall be developed in accordance with the development restriction recommendations outlined in the following report(s):
- Slope Stability Report, prepared by E2K Engineering (File No. 2019-4877) dated January 7, 2020.
40. Single retaining walls 1.2m in height or greater or terraced retaining walls 1.2m in height or greater with a horizontal separation between walls of less than 3.6m (3x height) require the approval of a Building Permit prior to construction.

For retaining wall(s) that meet these criteria, the developer may either:

- Include the retaining walls with the Building Permit for the building, or
- Apply for a separate Building Permit for the retaining walls.

It should be noted that the Building Permit for the building on site will not be released until the separate Building Permit for site retaining walls is approved.

41. **Prior to the issuance of the Development Completion Permit**, the developer/builder is required to provide the form, *Assurance of Engineering Field Review and Compliance*, (final page of the Retaining Wall Design Disclosure Statement) under seal and permit to practice stamp by the Engineer of Record to the Development Authority for the field review of the retaining wall(s).
42. 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,
- the person discovering such contamination shall immediately report the contamination to the appropriate regulatory agency including, but not limited to, Alberta Environment, Alberta Health Services and The City of Calgary (311).
 - on City of Calgary lands or utility corridors, The City of Calgary, Environmental and Safety Management division shall be immediately notified (311).
43. 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

Conditions of Approval

include stabilization of stockpiles, stabilized and designated construction entrances and exits, lot logs and perimeter controls, suitable storm inlet protection and dust control.

The City of Calgary Guidelines for Erosion and Sediment Control can be accessed at: www.calgary.ca/ud (under publications).

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.

44. Stormwater runoff must be contained and managed in accordance with the "Stormwater Management & Design Manual" all to the satisfaction of the Director of Water Resources.
45. The grades indicated on the approved Development Site Servicing Plan(s) 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.
46. No trees, shrubs, buildings, permanent structures or unauthorized grade changes are permitted within the utility rights-of-way.
47. **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 2M2016. **To obtain a final estimate**, contact the Subdivision Development Coordinator, Calgary Approvals Coordination at 403-268-6739 or email offsitelevy@calgary.ca

Transportation:

48. 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, Transportation Planning. All work performed on public property shall be done in accordance with City standards.
49. Indemnification Agreements are required for any work to be undertaken adjacent to or within City rights-of-way, bylaw setbacks and corner cut areas for the purposes of crane operations, shoring, tie-backs, piles, surface improvements, lay-bys, utility work, culverts, etc. All temporary shoring, etc., installed in the City rights-of-way, bylaw setbacks and corner cut areas must be removed to the satisfaction of the Director, Transportation Planning, 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
50. Indemnification Agreements to the satisfaction of the City Solicitor and the Director, Transportation Planning, are required for the proposed waste and recycling solution (Moloks) with pickup from City rights-of-way. Prior to permission to construct, contact Transportation Planning and the Indemnification Agreement Coordinator, Roads at roadsia@calgary.ca).

Conditions of Approval

51. The Access Easement Agreement for the purpose of pedestrian access shall remain over Lot 23, Block 1, Plan 1610440 (Servient Lands) in favour of 14 Street S.W. (Dominant Lands) until such time as required by the Development or Subdivision Authority in connection with Approval No. _____ or extinguished with the consent of the Development or Subdivision Authority obtained through an application in writing to the Development or Subdivision Authority which shall be accompanied by a registerable discharge of easement and a copy of the certificate of title downloaded or obtained within one week of submission of the application.
52. 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 as per Roads 454.1010.003.
53. The vehicular access to the proposed development shall only be permitted to and from the adjacent residential Lane.
54. Loading and delivery shall take place in the designated loading stall as shown on the approved plans and shall, not be used at the time of waste and recycling pick up. Waste and recycling operations (in-ground collection system) adjacent the public right of way shall adhere to the agreed upon written protocol.
55. Moloks loading is not permitted on weekdays between 6:30 AM and 9:30 AM and or 3:30 PM and 6:30 PM.
56. The Development is responsible for immediate clean-up of all waste and recycling within City right-of-way.
57. The Development is responsible to for any Hazardous Waste clean-up.
58. The Development shall be responsible for the cost of public work and any damage in City road right-of-way from the operation of the proposed waste and recycling solution (Moloks), as required by the Director, Transportation Planning. All work performed on public property shall be done in accordance with City standards.
59. A Perpetual Maintenance Agreement is to be registered on the development site's land title(s) for any requested non-standard surface element(s) located in the road right-of-way concurrently with the execution of the Indemnification Agreement. Contact the Indemnification Agreement Coordinator, Roads at roadsia@calgary.ca.

Parks:

60. The submitted plans indicate that the removal of existing public trees along property frontage. As per the City of Calgary Tree Protection By-law, a letter of authorization to remove public trees is required separately from Parks Urban Forestry. Prior to any construction activities, the applicant is to contact Urban Forestry at 311 or email tree.protection@calgary.ca to make arrangements for the letter and compensation.

Conditions of Approval

61. Any tree planting in the City boulevard shall be performed and inspected in accordance with Parks Development Guidelines and Standard Specifications – Landscape Construction (current edition). Applicant is to contact the Parks Development Inspector at 403-620-3216 to arrange an inspection.