

DP2019-5668 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) and one (1) electronic copy 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. All of the plan set(s) shall highlight all of the amendments.
- b. Four 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.

Please ensure that all plans affected by the revisions are amended accordingly.

2. A Development Agreement with The City to the satisfaction of the City Solicitor shall be executed in conformity with all reports, plans and materials submitted to and approved by the Development Authority, including:
 - Details of responsibilities for and construction of all improvements on the subject site including a registered public access easement over the publically accessible private open space/ plaza bonus earning area; and
 - Details with respect to a financial contribution to the Beltline Community Investment Fund in accordance with the Bonus standards of Part 11 of Land Use Bylaw 1P2007 (credited from DP2013-0881).
3. The applicant shall submit a final railway noise and vibration report prepared by FFA Consultants, or a suitably qualified acoustic engineer. This final report must be stamped by FFA Consultants or the suitably qualified acoustic engineer and must clearly outline detailed mitigation measures required to achieve the internal noise levels for Noise Susceptible Uses as outlined in the Development Next to Freight Rail Corridors Policy. The applicant shall amend all relevant plans to meet the recommendations of the final railway noise and vibration report
3. The applicant shall submit payment for the costs of the Third Party review of the publicly accessible private open space (plaza) proposed by this application, but not covered by Development Permit fees.
4. Amend the plans to provide an additional two (2) large deciduous trees (with a minimum calliper of 75 mm) in the application site (in order to address Bylaw Rule 1148), unless otherwise agreed in writing by the Development Authority.

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5. Amend the plans to provide a note indicating that the subject parcel will be physically separated by CP lands to the north by a fence or similar barrier with a minimum height of 1.83 metres.

Development Engineering:

6. Amend the plans to:

Waste & Recycling Services – General (Main Storage Room)

- a. Indicate that the door(s) to the Main Storage Room swing open wide enough to allow unimpeded access to containers.

Waste & Recycling Services - Collection Vehicle Access

- a. Indicate that all portions of the collection vehicle route / approach area / concrete pads / concrete aprons / parking structures are structurally capable of supporting a minimum weight of 25,000 kg.

Utility Line Assignments

- a. Indicate and dimension all existing utility rights-of-way and / or easements on **all relevant** plans and details, Plan 1411008

Grades

- a. Indicate the top-of-wall and bottom-of-wall geodetic elevations for all existing and/or proposed retaining walls. **On site plan.**

7. 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.

Note: This is a requirement for all walls exceeding 1.2m in height.

8. Submit a Sanitary Servicing Letter, for review and acceptance, prepared by a qualified professional engineer under seal and permit to practice stamp to the satisfaction of Development Approvals Team Leader, Water Resources. The Sanitary Servicing Letter shall identify the type of the development, address of the development, existing and proposed peak sanitary flows.

For further information, refer to the following:

Sanitary Servicing Study Guidelines

<http://www.calgary.ca/PDA/pd/Documents/development/west-memorial-sanitary-servicing-study-guidelines.pdf>

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NOTE: For further information and details, contact the Leader – Development Approvals in Water Resources at 403-268-2855.

Letters can be submitted via email to: WA-ResourcesDevelopmentApprovals@calgary.ca

NOTE: Sanitary Servicing Letter has been submitted and is under review. Jan 7/20

9. 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>

10. Remit payment (certified cheque) for the infrastructure upgrades for the Centre City communities, in the amount of **\$327,439.20** to Development Engineering. This levy includes both the Centre City Utility Levy approved under the Centre City Utility Levy Bylaw 38M2009 and an amount approved by Council for community recreation, transportation, parks upgrading, and greenways. The amount identified above is determined by using \$4710 per meter of site frontage (on avenues only) for the proposed development (69.52m on 10 AV SW).
11. **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 (461 unit Multi-Residential/commercial) and based on **2019** rates, the **preliminary estimate** for this application is **\$214,943.87**.

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 Infrastructure Strategist, Calgary Approvals Coordination, at 403-268-5138 or email rob.hirber@calgry.ca.

Transportation:

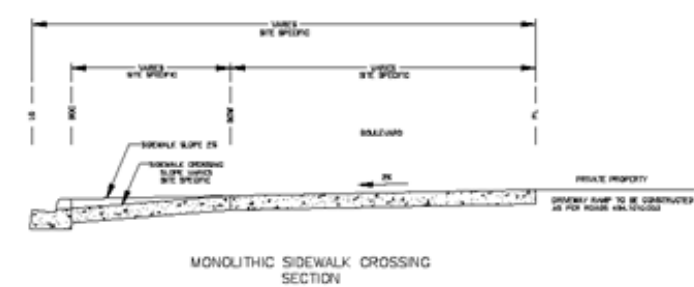
12. Prior to Release, the Applicant is to work with Administration to revisit the plaza area and its connections to 10 Avenue S.W. to ensure:
 - Appropriate sight lines to mitigate pedestrian and vehicle conflicts.

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- The design makes it clear how vehicles access, egress, and circulate through the site.
- The public realm area is maximized.

Amend the Plans accordingly.

13. Amend plans to provide a detailed cross-section (including mono walk crossing details) along the centre line of the proposed driveway (See example below).



NOTE: The provided cross section does not show the proposed driveway slope of the driveway. Amend plans to comply with the cross section provided.

14. Amend plans to remove the dual line work from the area between the two driveways as it can be mistaken to be curb walls.
15. Amend plans to change the wording “Bylaw road widening” to “Bylaw Setback” on all applicable plans.
16. Amend plans to show that the tree grates are the City standard “starburst” style.
17. 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. Construction of new driveway crossings on 10 Avenue S.W.,
 - b. Construction of new sidewalks adjacent to site frontage,
 - c. Construction of new wheelchair ramp,
 - d. Construction of tree trenches to City standards,
 - e. Rehabilitation of existing driveway crossings, sidewalks, curb and gutter, etc., should it be deemed necessary through a site inspection by Roads personnel.
18. 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

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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

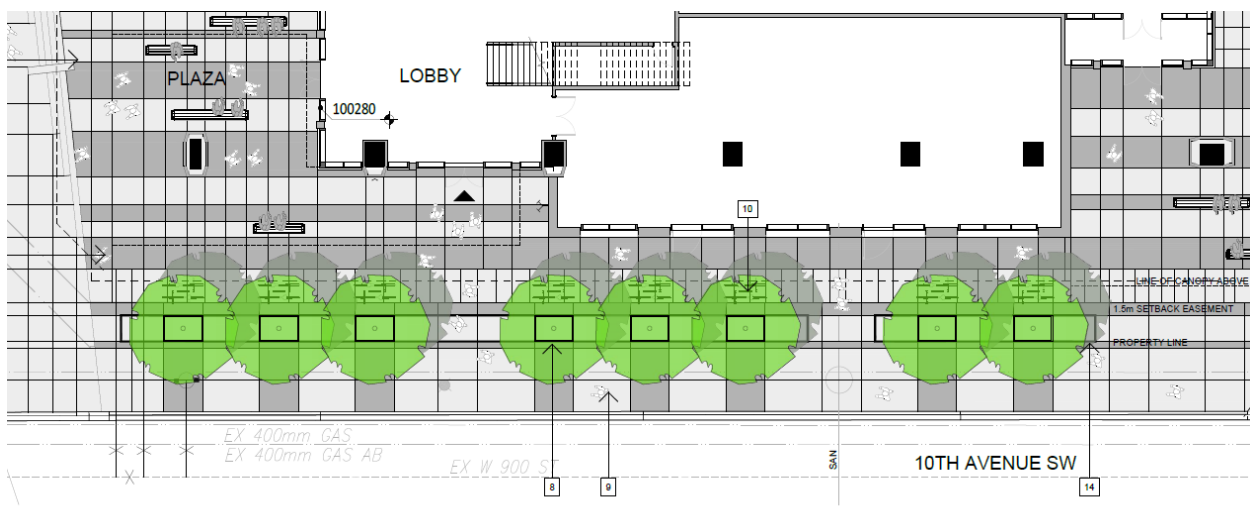
- a. Street lighting upgrading adjacent to site frontage (If required).

Parks:

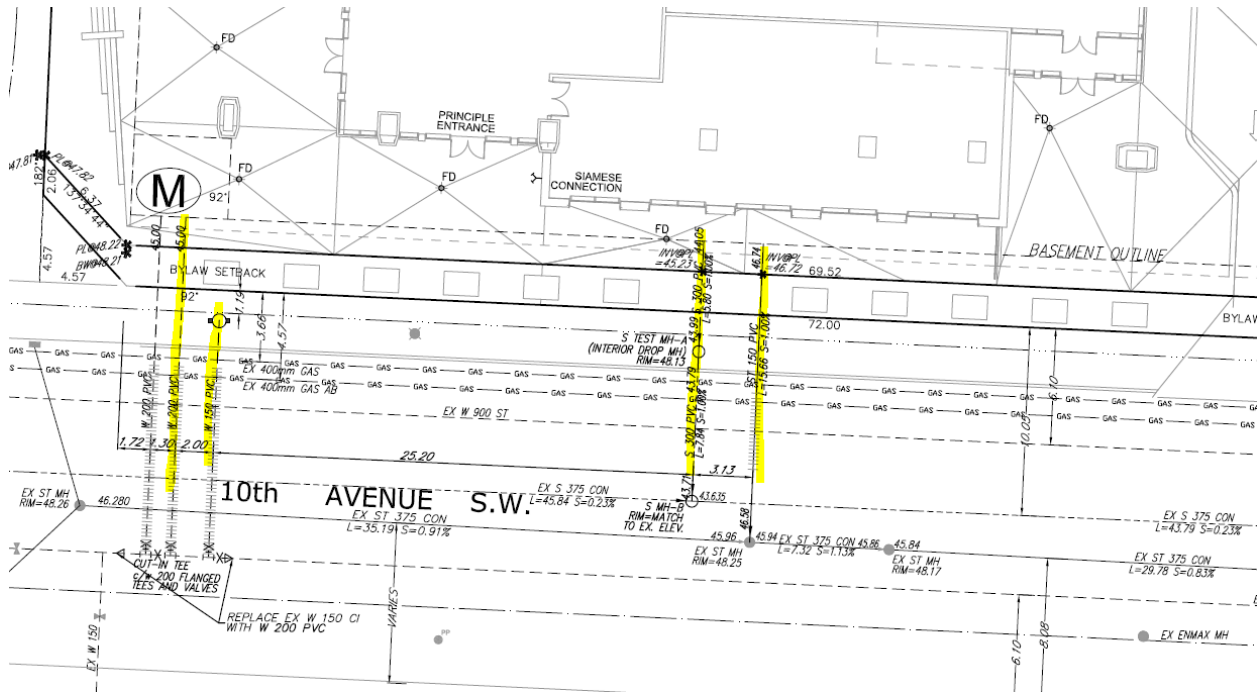
19. Amend DP-LW1.0 to indicate the setbacks between proposed boulevard trees and the existing and proposed utilities. Provide the minimum setback requirements as identified in Section 4.1.2 and Section 4.1.3 of Parks "Development Guidelines and Standard Specifications: Landscape Construction (current edition)":
http://www.calgary.ca/PDA/pd/Documents/urban_development/publications/Landscape2019.pdf

Update: Amended DP-LW1.0 does not indicate the setbacks between service connections and the proposed trees along 10 Avenue SW. It is noted that Detail 4 of LW1.0 indicates the setback between the approximate location of Telus and fiber optics and property line is 1.2m. It appears the proposed boulevard trees along 10 Avenue SW will be $\pm 1.5m$ setback from Telus and fiber optics.

However, it appears a proposed water line will conflict with a proposed tree (less than 2.5m) and the proposed tree trench (see images below). It also appears the proposed sanitary and storm lines will conflict with two proposed trees and tree trench. Relocate these lines or relocate the trees and also adjust the tree spacing so that the trees and the tree trenches are sufficiently setback from these proposed service connections. Alternative option is to remove some proposed boulevard trees.



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20. Amend Site Plan DP-W1.4 and all other relevant plans to match the location and number of proposed boulevard trees indicate on DP-LW1.0 landscape plan.

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. The properly executed Development Agreement referenced in Condition 2 shall remain in force and on title throughout the life of this development.
24. A Development Completion Permit shall be issued for the Multi-Residential Development, Retail and Consumer Service Building; **before the use is commenced or the development occupied.** A Development Completion Permit is independent from the requirements of Building Permit occupancy. Call Development Inspection Services at 403-268-5311 to request a site inspection for the Development Completion Permit.
25. This approval is conditional upon the mitigation required in the final noise and vibration report, referenced in prior to release condition 3, being incorporated into the development for the lifetime of the development.

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27. Prior to issuance of a DCP, the Coordinating Registered Professional for the development shall prepare and submit a Final Report identifying the mitigation requirements to confirm the Planning Prior to Release conditions # 3 have been met and incorporated in the development.

This Final Summary Report forms a part of this Development Permit Approval.

28. Prior to issuance of a DCP, a stamped letter from FFA Consultants in Acoustics and Noise Control Ltd., or a suitably qualified acoustic engineer who prepared the final noise and vibration report, referenced in prior to release condition 3, identifying the development meets the mitigation requirements shall be submitted to the Development Authority
29. The walls, pillars and ceiling of the underground parkade shall be painted white or a comparable light colour.
30. The light fixtures in the parkade shall be positioned over the parking stalls (not the drive aisles).
31. All stairwell doors and elevator access areas shall be installed with a transparent panel for visibility.
32. The trees shown on the approved plans shall be retained throughout the lifetime of the development, unless otherwise agreed in writing by the Development Authority. Any trees which die must be replaced by a tree of the same age and species.
33. The approval of this development permit followed the Development next to Freight Rail Corridors Planning Policy and did not require any rail safety measures by virtue of the size of the parcel and as this residential tower was structurally independent of the residential tower proposed by DP2019-5667.

Development Engineering:

34. 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:

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

35. **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

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practice stamp by the Engineer of Record to the Development Authority for the field review of the retaining wall(s).

36. 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, Alberta Health Services and The City of Calgary (311).
 - b. on City of Calgary lands or utility corridors, The City of Calgary, Environmental and Safety Management division shall be immediately notified (311).
37. 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.

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.

38. 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.
39. No trees, shrubs, buildings, permanent structures or unauthorized grade changes are permitted within the utility rights-of-way.

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40. Pursuant to Bylaw 2M2016, off-site levies are applicable.

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 2M2016. To obtain a final estimate, contact the Calgary Approvals Coordination, Infrastructure Strategist at 403-268-5138 or email rob.hirber@calgary.ca or offsitelevy@calgary.ca.

- Include the completed Payment Submission Form, which was emailed to the applicant.
- Only certified cheques or bank drafts made payable to the City of Calgary are acceptable.

Transportation:

41. 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.
42. 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 of 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**

Parks:

43. 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 Urban Forestry Technician at 311 and the Parks Development Inspector at 403-620-3216 to arrange an inspection.