

## Conditions of Approval

### Prior to Release Requirements

If this Development Permit is approved, 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 6 complete sets of Amended Plans (file folded and collated) 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. 4 of the plan set(s) shall highlight all of the amendments.
- b. 4 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 shall be executed in conformity with all reports, plans and materials submitted to and approved by the Development Authority, including:
  - A +15 Development Agreement with The City to the satisfaction of the City Solicitor,
  - The delineation of +15 easement areas, schedules, security and maintenance obligations,
  - Details of responsibilities for and construction of all improvements within the adjacent public rights-of-way,
  - Provision of the outstanding obligations.
3. Submit contribution to the +15 fund at the current rate at the time of payment. Please contact Community Planning – Centre West Team for the current +15 fund rate prior to payment.
4. Administration acknowledges the parkade will only be accessible for the purposes of valet staff, nevertheless, amend the plans to confirm the following:
  - a. Vandal proof lighting adjacent to all building entranceways and garbage facilities (overhead and man doors);
  - b. Barrier free access from H/C parking stalls to building entrances. Amend the site and landscaping plans to show ramp locations;
  - c. Lighting fixture locations in the parkade over the parking stalls;
  - d. A note on the parkade plans indicating that the walls, columns/pillars and ceiling of the underground parkade shall be painted white or a comparable light colour;

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- e. The parkade and floor plans to show or provide a notation that all stairwell vestibule door/walls and elevator lobbies have transparent panels to ensure visibility into these areas. Show lighting in these areas that is vandal proof;
- f. The parkade plans to show or provide a notation that a minimum LUX of 54; and
- g. The site and landscaping plans to show or provide a notation that the minimum LUX is 10 and the ratio for site lighting is 4:1 on pavement for the parking and pedestrian areas.

### Development Engineering:

5. Amend the plans to:

#### Waste & Recycling Services – General

- a. Provide protection details for all overhead door components, including the frame and tracks, from all directions of travel.
- b. Provide protection to ensure all parts of the storage area do not come into contact by any part of a container. 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>

#### Fire

- a. To indicate an exterior strobe light at the principal entrance.
6. The available fire flow available in the adjacent City watermain is 20,000 LPM with 15m residual pressure under normal operating conditions. Submit a fire flow letter, prepared by a qualified professional engineer under seal and permit to practice stamp to the satisfaction of Development Approvals Team Leader, Water Resources. 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. If the City watermain does not have the flows available to meet the fire flow requirements of the developing property the City main must be upgraded at the cost of the developer. Letters should be submitted via email to: [WA-ResourcesDevelopmentApprovals@calgary.ca](mailto:WA-ResourcesDevelopmentApprovals@calgary.ca)

**NOTE: this must be submitted electronically to email list above.**

7. 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](mailto: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](http://www.calgary.ca/PDA/pd/Documents/urban_development/publications/DSSP2015.pdf)

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### Development Site Servicing Plans CARL (requirement list)

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

8. **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 (Commercial) and based on **2019** rates, the **preliminary estimate** for this application is **\$34,489.56**.

**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@calgary.ca](mailto:rob.hirber@calgary.ca).

9. Remit payment (certified cheque) for the infrastructure upgrades for the Centre City communities, in the amount of **\$71,780.40**, 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 (*15.24m on 6 AV SW*).

### Transportation:

10. The Developer shall enter into a development agreement with the City of Calgary. The agreement shall outline the developer's obligations to construct the Plus 15 (+15) bridge over the Road right-of-way (Lane). Prior to release of the development permit, the agreement shall be submitted to and approved by the City of Calgary Law Department and registered on the appropriate titles. These comments are provided as preliminary information only and will be finalised by Roads and Law Department.
11. 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 6 AV SW
- b. Rehabilitation of existing driveway crossings, sidewalks, curb and gutter, etc., should it be deemed necessary through a site inspection by Roads personnel.
12. 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.

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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 6 AV SW.

## Permanent Conditions

If this Development Permit is approved, the following permanent conditions shall apply:

### Planning:

13. The development shall be completed in its entirety, in accordance with the approved plans and conditions.
14. No changes to the approved plans shall take place unless authorized by the Development Authority.
15. A Development Completion Permit shall be issued for the development; **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.

### Development Engineering:

16. 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). 16. 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.

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The City of Calgary Guidelines for Erosion and Sediment Control can be accessed at: [www.calgary.ca/ud](http://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.

17. 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.
18. 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.
19. No trees, shrubs, buildings, permanent structures or unauthorized grade changes are permitted within the utility rights-of-way.
20. Pursuant to Bylaw 2M2016, off-site levies are applicable.
21. **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](mailto:rob.hirber@calgary.ca) or [offsitelevy@calgary.ca](mailto: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:

22. 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.
23. 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

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foundation. Prior to permission to construct, contact the Indemnification Agreement Coordinator, Roads at [roadsia@calgary.ca](mailto:roadsia@calgary.ca)

24. 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.
25. The encroachment(s) Moveable Planters located within the bylaw setback / City road right-of-way on 6<sup>th</sup> AV SW shall be removed at the owner's expense within 30 days of the City of Calgary giving notice.
26. The drive through queue shall be designed to minimize traffic congestion on the site and No off-site queuing will be permitted across the sidewalk nor into the street on 6<sup>th</sup> AV SW.
27. The developer is responsible to repair any damage at their expense, to City standards for any damage within the road ROW caused by construction of the Plus 15 bridge. And to remove all temporary shoring, at their expense.

### Parks:

28. Public trees located on the boulevard adjacent to the development site shall be retained and protected unless otherwise authorized by Urban Forestry. Prior to construction, install a temporary fence around the extent of the branches ("drip line") and ensure no construction materials are stored inside this fence.
29. Tree protection information given as per the approved development permit does not constitute Tree Protection Plan approval. Prior to any construction activities, Tree Protection Plan approval must be obtained separately through Urban Forestry. Visit [www.calgary.ca](http://www.calgary.ca) or call 311 for more information.
30. The submitted plans indicate that the removal of some 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 from Parks Urban Forestry. The applicant is to contact Urban Forestry at 311 or email [tree.protection@calgary.ca](mailto:tree.protection@calgary.ca) to make arrangements for the letter and compensation.
31. In order to ensure the integrity of existing public trees and roots, construction access is only permitted through the rear lane and outside the dripline of public trees to remain.