

## Conditions of Approval

### Prior to Release Requirements

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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 six (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. All of the plan set(s) shall highlight all of the amendments.
- b. Four (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 for the Public Open Space shall be executed and registered on title in conformity with all reports, plans and materials submitted to and approved by the Development Authority, to address:
  - a) Details of responsibilities for and construction of \$951,300 (based on 0.365 FAR / 3214 square metres of bonus floor area) of improvements on the subject site within the proposed Public Open Space area identified on drawing L0.06;
  - b) Registration of a public access easement over the Public Open Space; and
  - c) The constructed Public Open Space as identified on drawing L0.06 must be maintained in perpetuity.
3. A Development Agreement for the Public Art, Fountain and Courtyard/Mews Lighting shall be executed and registered on title in conformity with all reports, plans and materials submitted to and approved by the Development Authority, to address:
  - a) Details of materials and public art valued at \$930,000 (based on 0.357 FAR / 3142 square metres of bonus floor area) within the Public Open Space area identified on drawing L0.06;
  - b) Details of materials of the Fountain valued at \$275,000 (based on 0.106 FAR / 929 square metres of bonus floor area) within the Public Open Space area identified on drawing L0.06;
  - c) Details of materials of the Courtyard/Mews Lighting valued at \$310,698 (based on 0.119 FAR / 1050 square metres of bonus floor area) within the Public Open Space area identified on drawing L0.06; and
  - d) The constructed Public Art, Fountain and Courtyard/Mews Lighting as identified on drawing L0.06 must be maintained in perpetuity.

## Development Engineering:

4. Consolidate the subject parcels. Submit a copy of the registered plan and certificate of title, confirming the consolidation of subject parcels onto a single titled parcel, to the Development Engineering Generalist.
5. Submit a **Fire Flow Letter** to [WA-ResourcesDevelopmentApprovals@calgary.ca](mailto:WA-ResourcesDevelopmentApprovals@calgary.ca), which shall be 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, and the fire flow required for the developing property.

### Note(s):

As determined by Water Resources, the available fire flow available in the adjacent City watermain is 20,000 LPM.

Contact the Planning Engineer, Development Planning, Water Resources at 403-268-4414 for further details.

6. 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 to [WA-ResourcesDevelopmentApprovals@calgary.ca](mailto:WA-ResourcesDevelopmentApprovals@calgary.ca). 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>

### Note:

This is required per the latest review, given the change in proposed scope. Consultant to ensure that a letter is submitted that reflects the new proposal.

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

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)

Development Site Servicing Plans CARL (requirement list)

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

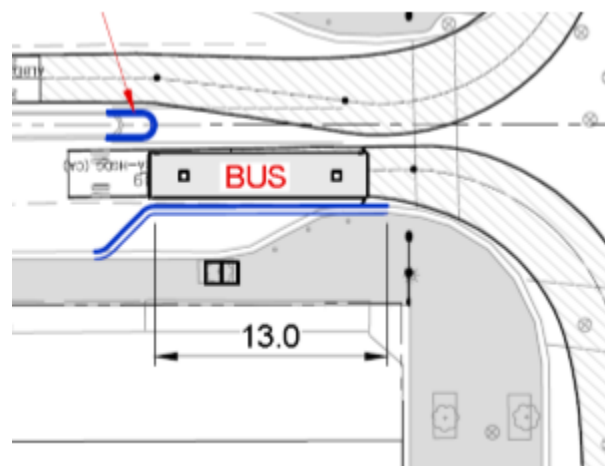
8. Follow the submission requirements outlined in Section 3.0 of The City of Calgary Guidelines for Erosion and Sediment Control (Erosion and Sediment Control Reports and Drawings: Technical Requirements) and either submit the required (2) copies of an Erosion and Sediment Control (ESC) Report and Drawings or the required (2) copies of a Written Notice to Development Engineering, for review and acceptance by Water Resources. 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).

Documents submitted shall conform to the requirements detailed in the current edition of The City of Calgary *Guidelines for Erosion and Sediment Control* and shall be prepared, signed and stamped by a qualified consultant specializing in erosion and sediment control, and holding current professional accreditation as a Professional Engineer (P. Eng.), Professional Licensee (P.L. Eng), Professional Agrologist (P. Ag.) or Certified Professional in Erosion and Sediment Control (CPESC). For each stage of work where soil is disturbed or exposed, documents must clearly specify the location, installation, inspection and maintenance details and requirements for all temporary and permanent controls and practices.

If you have any questions, contact 3-1-1. A Service Request (SR) will be created for the Erosion Control Team in Water Resources.

#### Transportation:

9. Revise site plan to add bus zone on Eastbound 6 Avenue @ 5 Street S.E., nearside of the intersection in front of Tower 2. The bus zone to be constructed on curb-extension design, with minimum 13m of parallel curb and using brushed concrete surface treatment to allow for installation of signage and stop amenities. See image below for context.



10. 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 Avenue S.E. and 7 Avenue S.E.
- b. Construction of new bus zone at N.E. corner of the site,
- c. Rehabilitation of existing driveway crossings, sidewalks, curb and gutter, etc., should it be deemed necessary through a site inspection by Roads personnel.

**NOTE:** The above mentioned Roads items will be split up on to the corresponding Development Permit permits (Phase 1- 4), and securities will be taken at that time.

11. 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 frontages (if required).

**NOTE:** The above mentioned Street lighting will be split up on the corresponding Development Permit permits (Phase 1- 4) if possible. Due to how this work needs to be completed, splitting it into 4 separate payments may not be possible.

12. Execute and register on title an Access Easement Agreement with the City of Calgary over 1510969;38;41, A;38;7-29 (Servient Lands) in favour of favour of 6<sup>th</sup>, and 7<sup>th</sup> Avenue S.E. & Riverfront Lane S.E. and 5<sup>th</sup> Street S.E. (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.

**Parks:**

No comments

**Permanent Conditions**

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The following permanent conditions shall apply:

**Planning:**

13. Construction of the development must not commence under this Development Permit prior to subsequent Development Permit approval/release with full detailed plans

(detailed elevations and upper floor plans, etc.) for each phase.

14. Subject to Condition #13, Development Completion Permit shall be issued for the development for each subsequent development permit for each phase; **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
145. The development shall be completed in its entirety, in accordance with the approved plans and conditions.
156. No changes to the approved plans shall take place unless authorized by the Development Authority
167. The developer will be responsible for constructing and maintaining (in perpetuity) the Public Art, Fountain and Courtyard/Mews Lighting within the development.
178. The developer will be responsible for constructing and maintaining (in perpetuity) the Public Open Space within the subject site throughout the lifetime of the development.
189. Construction of the development must not commence under this Development Permit prior to subsequent Development Permit approval/release with full detailed plans (detailed elevations and upper floor plans, etc) for each phase.
20. The Development Authority may refuse a subsequent Development Permit for each phase if it does not achieve the intent of the plans as approved under DP2015-4974.
21. The developer must construct and install to the satisfaction of the Development Authority, all public art, outdoor lighting and the fountain within Phase 1 prior to a Development Completion Permit being issued for Phase 3.
22. The developer must construct and install to the satisfaction of the Development Authority, all public art and outdoor lighting within Phase 2 prior to a Development Completion Permit being issued for Phase 3.
193. The developer must construct and install to the satisfaction of the Development Authority, all public art, outdoor lighting and the fountain within Phase 3 prior to a Development Completion Permit being issued for Phase 3.
204. The developer must construct and install to the satisfaction of the Development Authority, all public art and outdoor lighting within Phase 4 prior to a Development Completion Permit being issued for Phase 4.
215. The properly executed Development Agreement referenced in Conditions #2 and #3 shall remain in force and on title throughout the life of this development.
226. All conditions for this Development Permit shall remain in full force and effect for the life of the development, including for each subsequent development permit for each phase.
237. Upon completion of the main floor (storey) subfloor of each building, proof of the geodetic elevation of the constructed main floor (storey) subfloor must be submitted to

and approved by the Development Authority prior to any further construction proceeding. Email confirmation to [geodetic.review@calgary.ca](mailto:geodetic.review@calgary.ca).

248. A lighting system to meet a minimum of 54 LUX with a uniformity ratio of 4:1 on pavement shall be provided for the underground parkade.
259. 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).
261. All stairwell doors and elevator access areas shall be installed with a transparent panel for visibility.
272. This approval recognizes four (4) phases on the approved plans which shall be completed in sequence. 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.
33. The temporary fence and gate shown on drawing L0.02 "Phase 1 Interim Plan" must be removed prior to the Development Completion Permit being issued for Phase 2.

#### **Development Engineering:**

284. 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).
295. The development site lies within the Flood Fringe and as such must conform to Land Use Bylaw 1P2007, Part 3, Division 3. The 1:100 year designated flood level elevation is 1042.80m (geodetic).
306. 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](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.

317. Contact the Erosion Control Inspector, Water Resources, with at least two business day's notice, to set up a pre-construction meeting prior to commencement of stripping and grading. Locations north of 17 Avenue S should contact 403-268-5271. Sites south of 17 Avenue S should contact 403-268-1847.
328. 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.
339. 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.
40. No trees, shrubs, buildings, permanent structures or unauthorized grade changes are permitted within the utility rights-of-way.
41. 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 and Recycling Bylaw, the development may not be eligible to receive collection service from The City of Calgary.
342. Pursuant to Bylaw 2M2016, off-site levies are applicable.
353. As this is a comprehensive DP without detailed plans as laid out in the DC, Off-site levies will not be required at this time.
364. Payment for the Centre City Utility Levy will be charged at the time of development permit approval for each phase. The Centre City Levy will be charged for the Avenue frontage developed at each stage.

#### **Transportation:**

375. 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.

386. 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](mailto:roadsia@calgary.ca)**
397. The Access Easement Agreement for the purpose of pedestrian access shall remain over the courtyard areas between Towers 1, 2, 3 and 4 (Servient Lands) in favour of 5th, and 6th Avenue S.E. & Riverfront Lane S.E. and 5th Street S.E. (Dominant Lands) until such time as required by the Development or Subdivision Authority in connection with Approval No. DP2015-4974 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.

**Parks:**

408. 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 3m from the trunk of the public trees and ensure no construction materials are stored inside this fence.
419. 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), call 311 or email [tree.protection@calgary.ca](mailto:tree.protection@calgary.ca) for more information.
50. In order to ensure the integrity of existing public trees and roots, construction access is only permitted outside the drip line of the public trees to retain.
51. The submitted plans indicate 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 **prior to any construction activities**. The applicant is to contact Urban Forestry at 311 to make arrangements for the letter and compensation.