

# Conditions of Approval

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## 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 complete digital set of the amended plans in PDF format and a separate PDF that provides a point-by-point explanation as to how each of the Prior to Release conditions were addressed and/or resolved. The submitted plans must comprehensively address the Prior to Release conditions as specified in this document. Ensure that all plans affected by the revisions are amended accordingly. To arrange the digital submission, please contact your File Manager directly.
2. Amend the DP landscaping requirement table on L00.01 ("Site Plan" page 24) to match the actual totals provided on LXX ("Bylaw Calculations", page 29).
3. Amend the plans to label the location of the universally accessible dwelling units, which is a part of the proposed bonus-density-earning items.
4. A Development Agreement for the affordable housing units 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 details of responsibilities for and construction of \$1,481,652 (based on at least 459 square metres, comprising 7 units) of affordable housing.
5. Execution of Agreements related to Affordable Housing Units shall be required as follow:
  - a) A Housing Agreement shall be executed and registered on title in conformity with all reports, plans and materials submitted to and approved by the Development Authority and The City's Partnerships business unit, to address details of the terms and conditions of the provision of Affordable Housing Units. The agreement shall be to the satisfaction of Partnerships and the City Solicitor.
  - b) A formal partnership agreement shall be executed with a bona fide non-profit non-market housing provider in conformity with all reports, plans and materials submitted to and approved by the Development Authority and Partnerships. The agreement shall be to the satisfaction of Partnerships and the City Solicitor.
6. A Development Agreement shall be executed 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 \$625,000, unless otherwise determined by a third-party estimate, (based on 1.39 FAR) of improvements on the subject site within the proposed Publicly Accessible Private Open Space;
  - b) Registration of a public access easement over the Publicly Accessible Private Open Space;
  - c) Details of materials and public art within the Publically Accessible Private Open Space; and
  - d) If applicable, any outstanding amount of bonused floor area not covered through improvements to the Publicly Accessible Private Open Space may be bonused for through a financial contribution to the Beltline Community Investment Fund at a rate of \$270 multiplied by the amount of outstanding bonused floor area, in accordance with the Bonus standards of Land Use Bylaw 1P2007.
7. Provide confirmation of payment for the third-party review of cost estimates for the bonus-earning items.
  8. Enter into a legal agreement for the conservation and retention of the Williams Block to the satisfaction of The City (attn: Erin van Wijk, erin.vanwijk@calgary.ca, (403) 268-2395) OR make a financial contribution of \$200,000 to the Beltline Improvement Fund.

## Utility Engineering

9. Amend the plans to:
  - Fire - Fire Department Connection (Siamese) Location  
Indicate the location of the Siamese location such that it is:
    - a. No closer than 3m and not more than 15m from the principal entrance.
    - b. Does not obstruct egress from the building.
    - c. Provides 2m operational clearance left and right of each port.
    - d. Facing the street or access route, not blocked by columns, planters or landscaping etc.
    - e. Access to fire department connections for sprinkler or standpipe systems by firefighters and their equipment shall be maintained free of obstructions at all times.
  - Note: More details/dimensions are required on the plans, to clarify exact FDC location.
10. Amend the plans to:
  - Waste & Recycling Services - General
    - a. Indicate (on the phasing plan) that there is enough waste storage to accommodate each of the proposed development phases. Additional facilities or a different phasing plan may be required.
    - 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" and "Specifications PDF"

Found at: <http://www.calgary.ca/UEP/WRS/Pages/Commercial-Services/Development-Permits-Waste-Recycling.aspx> . See sheet 2 Curbing detail.

Waste & Recycling Services - Industrial, Commercial and Institutional  
c. Indicate the location of the organics container within the Commercial Waste & Recycling room.

11. 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 [WA-ResourcesDevelopmentApprovals@calgary.ca](mailto:WA-ResourcesDevelopmentApprovals@calgary.ca) for additional details.

For further information, refer to the following:

Design Guidelines for Development Site Servicing Plans

[https://www.calgary.ca/PDA/pd/Documents/urban\\_development/publications/DSSP-Design-Guidelines.pdf](https://www.calgary.ca/PDA/pd/Documents/urban_development/publications/DSSP-Design-Guidelines.pdf)

Development Site Servicing Plans CARL (requirement list)  
<http://www.calgary.ca/PDA/pd/Documents/development/development-site-servicing-plan.pdf>

Note: Only one set of service connections permitted per parcel. Show how Red's dinner will be serviced from proposed development or if parcel will be subdivided.

12. 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. The off-site levy is based on a 2021 development approval date and was based on the following:

Phase: 1

Description: 1409 4 ST SW

Unit(s): Existing: 1 Bed: 21 - New 1 Bed: 173; Existing 2 Bed: 1 - New 2 Bed: 97;  
Existing Comm: 456m<sup>2</sup> - New Comm: 490m<sup>2</sup>

Based on the information above, the preliminary estimate is \$136,726.47.

Should payment be made prior to release of the development permit, an Off-Site Levy Agreement will not be required.

- 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.

To obtain an off-site levy agreement or for further information, contact the Calgary Approvals Coordination, Infrastructure Strategist (Jamie Greenshields at 403-333-6895 or [Jamie.Greenshields@calgary.ca](mailto:Jamie.Greenshields@calgary.ca)) or [offsitelevy@calgary.ca](mailto:offsitelevy@calgary.ca).

13. Remit payment (certified cheque) for the infrastructure upgrades for the Centre City communities, in the amount of \$268,470.00, 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 \$4,710.00 per meter of site frontage (on avenues only) for the proposed development (57.0 lineal metres of avenue frontage along 15 AV SW).

## Mobility Engineering

14. 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. Reconstruction of 15 Av (northern) curb & gutter on new alignment;
    - b. Construction of sidewalk adjacent to 15 Av and 4 St SW;
    - c. Construction of corner WCR(s);
    - d. Lane paving;
    - e. Rehabilitation of existing driveway crossing on 4 St SW;
    - f. Construction of tree trench; and,
    - g. Rehabilitation of existing driveway crossings, sidewalks, curb and gutter, etc., should it be deemed necessary through a site inspection by Roads personnel.
  15. Remit payment (certified cheque, bank draft) for the proposed street light upgrades adjacent to the development 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.
16. Construction drawings (CDs) will be required for review and approval of the lane paving. CDs require the following:
    - a) indicate existing and proposed centre line elevations and grades (at 5m intervals), along the length of the parcel and 30m past to the east. Minimum longitudinal grade along centreline shall be 0.6% for asphalt paving. As per

DGSS page 91, cannot be less than 0.6% for asphalt paving, otherwise concrete is used.

- b) Lane crossfall (from PL to lane centre line) should be 2% (minimum).
- c) Indicate existing elevations of all utilities; including sewer, catch basins, power poles, utility boxes, etc.

The Applicant is advised that the Construction Drawing submission is a separate process that involves review from multiple City stakeholders. Additional information regarding Construction Drawing submission can be found at the following location: <https://www.calgary.ca/pda/pd/urban-development/construction-drawings-for-public-infrastructure.html>

- 17. Approval of Construction drawings (CDs) for the off-site improvements on 15 Av will be required Prior to Release.

The Applicant is advised that the Construction Drawing submission is a separate process that involves review from multiple City stakeholders. Additional information regarding Construction Drawing submission can be found at the following location: <https://www.calgary.ca/pda/pd/urban-development/construction-drawings-for-public-infrastructure.html>

- 18. Prior to release of the development permit, the proposed bike racks located within the right of way shall be registered as a License of Occupation with a 5 year term. Owners to apply for a new License of occupation every 5 years.

## Permanent Conditions

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The following permanent conditions shall apply:

### Planning

- 19. All rules of Land Use Bylaw 1P2007 apply, subject to any relaxations approved by the Development Authority in this development permit.
- 20. 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.
- 21. 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.
- 22. 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. Call Development Inspection Services at 403-268-5311 to request a site inspection for a development completion permit.

23. A letter of confirmation from a certified electrical engineer shall be provided to the Development Authority, prior to the issuance of the Development Completion Permit, certifying that all Electric Vehicle Parking Stall - Capable stalls identified on the approved plans have been completed and are capable of supporting a minimum of 40 Amps at 208 Volts or 240 Volts for electrical vehicle charging which also includes the necessary distribution panels, electrical capacity, and wall and floor penetrations to accommodate future charging cabling, (and may include electric vehicle energy management system) and electrical power for electric vehicle charging purposes installed and fully operational.
24. All roof top mechanical equipment shall be screened as shown on the approved plans.
25. Barrier free parking stall(s) shall be clearly designated, signed and located near to or adjoining a barrier-free path of travel leading to the nearest barrier-free entrance.
26. Loading and delivery must only take place in the designated loading stall as shown on the approved plans and must never impede pedestrian, cyclist, nor vehicular movements.
27. The walls, pillars, and ceiling of the underground parkade must be painted white.
28. Light fixtures in the parkade must be positioned over the parking stalls.
29. All stairwell doors and elevator access areas shall be installed with a transparent panel for visibility.
30. The approved universally accessible dwelling units shall be developed in accordance with the access design requirements outlined in the following report:
  - "Access Design Review - 10 Avenue Mix Used Development" by Building Regulation of The City of Calgary, dated June 14, 2019.
31. Public trees located on the boulevard adjacent to the development site shall be retained and protected unless otherwise authorized by Urban Forestry.
32. Submitted plans indicate the removal of the existing boulevard tree(s). 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.
33. 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 403-804-9417 or 311 to arrange an inspection.

## Utility Engineering

34. 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 Parks, Alberta Health Services and The City of Calgary (311).
  - b. on City of Calgary lands or utility corridors, The City of Calgary, Environmental Risk and Liability group shall be immediately notified (311).
35. 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](http://www.calgary.ca/ud) (under publications).

36. 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.
37. 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.

38. Prior to issuance of a Development Completion Permit or any occupancy of the building, payment shall be made for Centre City levies pursuant to Bylaw 38M2009. To obtain an invoice, contact the Infrastructure Strategist, Calgary Approvals Coordination at 403-333-6895 or [Jamie.Greenshields@calgary.ca](mailto:Jamie.Greenshields@calgary.ca) or [offsitelevy@calgary.ca](mailto:offsitelevy@calgary.ca).
39. Pursuant to Bylaw 2M2016, off-site levies are applicable.
40. 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 (Jamie Greenshields at 403-333-6895 or [Jamie.Greenshields@calgary.ca](mailto:Jamie.Greenshields@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.

### **Mobility Engineering**

41. Contact the Traffic Engineer ([trafficengineer@calgary.ca](mailto:trafficengineer@calgary.ca)) ten (10) weeks prior to occupancy and/or construction completion for signage changes along adjacent streets. All costs will be at the applicant's sole expense and invoiced at the time of installation. Revising the existing curb alignment requires new signage to be installed at the developer's expense.
42. For the life of the Development, elevator access shall be provided for users of the class #1 cycling facilities and in-suite bike parking.
43. The applicant shall ensure that no damage shall occur to City roads, rights-of-way, lanes, and sidewalks, during time of any associated construction, from vehicles or equipment. Any damage incurred by the contractor shall be at the owner's expense.
44. 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 403-268-3505.
45. Bike racks located within the right-of-way are to be registered as a License of Occupation with a 5 year term. At the end of the 5 year term it will be the responsibility of the owners to apply for a renewal of the License of Occupation or to remove and rehab (as necessary) as per The City's requirements and standards.



Should the City of Calgary require it, the proposed bike racks located within the right-of-way will be removed at the owner's expense within 30 days of The City of Calgary giving notice.