

# 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 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. Remit payment (certified cheque, bank draft) for contribution to the Hillhurst/Sunnyside Community Amenity Fund as per DC Direct Control District (33D2023) in the amount of \$511,667.62

Payment is based on the following:

\$21.46 per square metre x 2,790.725 square metres = \$59,888.96  
\$102.59 per square metre x 4,403.73 square metres = \$451,778.66

3. Heritage Planning protocols call for new development to include a commemorative/interpretive feature(s) to highlight the story of the heritage resource to be removed.

Provide detailed specifications of the proposed plaque to be incorporated into the structure of the planter west of the front entrance including size, materiality, design layout, narrative text, and building imagery.

Submit confirmation from Heritage Planning and civic partner Heritage Calgary indicating that the details of the heritage commemorative feature have been finalized and endorsed by both groups.

### Utility Engineering

4. Submit a Development Site Servicing Plan for review and acceptance from Water Resources, as required by Section 5 (2) of the Utility Site Servicing Bylaw 33M2005. Contact [Water Resources](#) for additional details. For further information, refer to the following:

[Development Site Servicing Plan Webpage](https://www.calgary.ca/uep/water/specifications/water-development-resources/development-site-servicing-plans.html)

<https://www.calgary.ca/uep/water/specifications/water-development-resources/development-site-servicing-plans.html>

Development Site Servicing Plans CARL (requirement list)

<http://www.calgary.ca/PDA/pd/Pages/Permits/carl-building-development-permit-search.aspx>

5. After the Development Permit is approved but prior to its release, the landowner shall make payment of off-site levies pursuant to Bylaw 2M2016.

As per the current application: Existing Grade: 22 / New Grade: 3 / New 1 Bed: 138 / New 2 Bed: 17 and based on 2023 rates, the preliminary estimate is \$68,979.12.

A final estimate will be completed by the Infrastructure Strategist after approval of Development Permit as part of the estimate process.

Should the landowner wish to defer the payment of the offsite levies to Development Completion Permit (DCP), an Offsite Levy Agreement will be required.

To obtain the off-site levy agreement, contact the Infrastructure Strategist, Development Commitments, at 403-333-6895 or email [jamie.greenshields@calgary.ca](mailto:jamie.greenshields@calgary.ca).

## Mobility Engineering

6. Execute and register on title an Access Easement Agreement with the City of Calgary over LOT 41; BLOCK 2; PLAN 2311712 (Servient Lands) in favour of 3 AV NW and 9a ST NW for the purpose of pedestrian access within the Northeast corner cut (4.5m by 4.5m along the property line) of the Servient Lands. The agreement and access right of way plan shall be approved by the Director, Community Planning and the City Solicitor. A standard template for the agreement and an Instruction Document will be provided by the Mobility DART 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.
7. 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 9A ST NW,
- b. Construction of a new 2.0m separate sidewalk adjacent along 9A ST NW,
- c. Rehabilitation of existing driveway crossings, sidewalks, curb and gutter, etc. along 9A Street, should it be deemed necessary through a site inspection by Roads personnel.

8. Prior to Release of the development permit, remit a performance security deposit in the amount of \$70,000 (SWIFT Letter of Credit) for surface improvements along 3 Avenue NW and the 9A Street NW intersection corner.
9. Remit payment (certified cheque, bank draft) for the proposed street light upgrades adjacent to the subject site along 9A Street NW, 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.

10. Applicant must obtain a Calgary Transit (CT) Work Permit prior to working within or adjacent to Calgary Transit (CT) Right of Way (ROW).
11. Remit payment for the required no parking signage and markings within the lane. Any markings and signage must be to the satisfaction of Mobility Engineering. An estimate for the required amount for materials and installation will be provided by the Mobility Generalist. Prior to release of the Development Permit, a certified cheque for the required amount will be forwarded to the Mobility Generalist for distribution to the applicable department.
12. The applicant is required to enter into a license of occupation (LOC) with Real Estate & Development Service for class II bike stalls located with the right-of-way.

The applicant can either contact 311 directly and make a request for a License of Occupation or they can go to the RE&DS website and make an application.

*Step 1: Go to Real Estate and Development Services website - Calgary Real Estate & Development Services  
(<https://www.calgary.ca/content/www/en/home/realestate.html>)*

*Step 2: Scroll down to bottom of webpage to "Don't see what you want" and hit enter. This will take you to the 311 submission form.*

*Step 3: Fill out all the relevant areas and then hit "Submit" (Service Request). Request will then be submitted to 311 which will eventually be sent back to RE&DS Circulations area for processing. Make sure to include a pdf of the Site Plan, and circle the areas of interest.*

13. Amend the site plan to include notes clearly indicating the developer's commitment to construct the 3 Avenue NW and 9A Street NW intersection surface boundary improvements.

## Permanent Conditions

The following permanent conditions shall apply:

## Planning

14. All rules of Land Use Bylaw 1P2007 apply, subject to any relaxations approved by the Development Authority in this development permit.
15. 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.
16. 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.
17. 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. Request a development completion permit inspection by visiting [inspections.calgary.ca](https://inspections.calgary.ca) or call 403-268-5311.
18. The walls, pillars, and ceiling of the underground parkade must be painted white or a comparable light colour.
19. Light fixtures in the parkade must be positioned over the parking stalls.
20. All stairwell doors and elevator access areas shall be installed with a transparent panel for visibility.
21. All roof top mechanical equipment shall be screened as shown on the approved plans.
22. All areas of soft landscaping must be irrigated with an underground irrigation system, as identified on the approved plans.
23. When the main floor of each building is constructed, submit the geodetic elevation to [Geodetic.Review@Calgary.ca](mailto:Geodetic.Review@Calgary.ca)
24. The development is to include 13 motor vehicle stalls that are capable of conversion to electric vehicle stalls in the future.

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, 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 is installed and fully operational.

25. Where the façade of the building closest to grade contains a common amenity area, windows on that portion of the façade facing a street or lane must be unobscured, clear glass that allows view of the indoor space. Visibility shall be maintained at all times. Any solid signage, graphics, advertising, blackout panel, or window coverings placed against the inside surface of glazing is prohibited.
26. A Bike Repair Station shall be provided in the 'Bike Repair Room' for the life of the development as shown on the approved plans parkade floor plan (DP200).
27. Barrier free parking stalls shall be clearly designated, signed and located near to or adjoining a barrier-free path of travel leading to the nearest barrier-free entrance.
28. The commemorative heritage feature shall be located in the designated area as shown on the approved plans released with this permit.  
  
The Developer/Owner shall be responsible to repair, maintain, and clean the commemorative heritage feature(s) for the life of the development. Any damage or removal shall be repaired and/or replaced at the Developer/Owner's expense to the satisfaction of the Development Authority and City Heritage Planning.
29. The commemorative heritage feature and its components must not be removed from the Development Site without the express written consent of City Heritage Planning. Where this consent is obtained, the Developer/Owner may remove the feature on the condition that it shall be replaced with an alternative feature that has written approval of City Heritage Planning.
30. No stockpiling or dumping of construction materials is permitted on the adjacent 9A Street NW boulevard.
31. Any damage to public parks, boulevards or trees resulting from development activity, construction staging or materials storage, or construction access will require restoration at the developer's expense. The disturbed area shall be maintained until planting is established and approved by the Parks Development Inspector. Contact the Development Inspector at 403-620-3216 for an inspection.
32. In order to ensure the integrity of existing public trees and roots, construction access is only permitted through the rear lane and 3 Avenue NW, outside the drip lines of public trees.
33. 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 4m from the tree trunk and water once per week during construction. Ensure no construction materials are stored inside this fence.
34. In order to ensure the integrity of existing public trees and roots, no grade changes are permitted in the boulevard within the drip lines of the trees.

35. In order to ensure the integrity of existing public trees and roots, there shall be a minimum 3 metre separation, ideally the full length of the canopy, between the trunk and any new/proposed structures, (i.e. driveways and walkways).
36. 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.

### Utility Engineering

37. 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).
38. 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).

39. 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.
40. 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.
41. 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.
42. Pursuant to Bylaw 2M2016, off-site levies are applicable.

### **Mobility Engineering**

43. No direct vehicular access is permitted to or from 3 AV NW and 9A ST NW.
44. 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 Director, Transportation Planning. All work performed on public property shall be done in accordance with City standards.
45. 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)
46. Should any lifting & reaching equipment or any excavation taking place, or a road closure on 9A ST between the development and the LRT fence, Calgary Transit will evaluate the setup and a work permit will be required to ensure excellent communication. Information on Calgary Transit Work Permits can be found here: <https://www.calgary.ca/transportation/roads/traffic/permits/calgary-transit-work-permit.html>
47. Applicant must not excavate or use a crane without special conditions from Calgary Transit (a crane swing agreement may be required). Cranes are not to be swung over or past 9A Street NW whilst loaded.
48. License of Occupation for non standard elements in the ROW (Class 2 bike parking) must be in place for the life of the development.
49. It is the developer's responsibility to construct the boundary surface improvements along 3 Avenue NW including 9A Street NW intersection corner

curb extensions and wheelchair ramps per The City of Calgary's 3 Avenue NW  
Issue for Construction (IFC) design.