

# 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. A Development Agreement with The City of Calgary shall be entered into by the property owner to the satisfaction of the Development Authority. This Development Agreement is to account for the following:
  - (a) an exemption of the total floor area of 22 three-bedroom units (totaling 1911.29 square metres) located below the 25th level of the development from the gross floor area calculation, in accordance with Section 4.1.11 of the Beltline ARP, to the satisfaction of the Development Authority;
  - (b) A monetary contribution to the Beltline Community Investment Fund (BCIF) in the amount of \$584,319.86 for additional density of 0.95 FAR (equivalent to 2101.87 square metres) approved above the maximum 8.0 FAR allowed in the site's land use district, at time of approval. This calculation is based on the subject's site area of 2212.49 square metres, at a rate of \$278 per gross buildable floor area; and
  - (c) Should there be a reduction to the 1911.29 square metres in total floor area of three-bedroom units below the 25th level of the development or any change to a three-bedroom unit so that it does not satisfy criteria found in Section 4.1.11 of the Beltline ARP, any difference in the total gross floor area of three-bedroom units provided under Section 4.1.11 of the Beltline ARP below 1911.29 square metres is to be accounted for through a monetary contribution to the BCIF at the applicable rate at the time of payment, to the satisfaction of the Development Authority.

This option accounts for the exemption of the total floor area of all three-bedroom units (1911.29 square metres) located below the 25th level of this development, from the gross floor area calculation, in accordance with Section 4.1.11 of the Beltline ARP, to the satisfaction of the Development Authority. The result of exempting these three-bedroom units from the FAR calculation provides a gross floor area of 19 809.91 square metres, equivalent to 8.95 FAR that is to be used for the purpose of calculating gross floor area to be achieved through bonus

density. As the maximum density allowed in the subject site's land use density is 8.0 FAR, 0.95 FAR or 2 101.87 square metres is to be achieved through bonus density provisions available in this land use district.

### Utility Engineering

3. Submit an electronic version of a Geotechnical Evaluation Report / Slope Stability Report to the Development Engineering Generalist, for review and acceptance, prepared by a qualified Geotechnical Engineer under seal and permit to practice stamp to the satisfaction of the Geotechnical Engineer, Roads.

Note: Applicant has provided a revised geotechnical report and is under review.

4. Off-site levies are applicable.

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 Comm: 1,832.7m<sup>2</sup> / New Comm: 541.9m<sup>2</sup> / New 1 Bed: 114 / New 2 Bed: 159 and based on 2023 rates, the preliminary estimate is \$137,342.36.

A final estimate will be completed by the Infrastructure Strategist after approval of Development Permit as part of the estimate process. The estimate will be amended to show the current Offsite Levy Bylaw 1H2024 rates.

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).

Note: The estimate provided above was based on 2023 rates. The actual payment required will reflect rates at time of approval.

5. Remit payment (certified cheque) for the infrastructure upgrades for the Centre City communities, in the amount of \$248,688.00, 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 (52.80m).

### Mobility Engineering

6. 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 11 AV SW,
  - b. Closure and removal of existing driveway crossings on 11 AV SW,
  - c. Construction of new sidewalks adjacent to 11 AV SW and 4 ST SW,
  - d. Construction of new wheelchair ramps,
  - e. Rehabilitation of existing driveway crossings, sidewalks, curb and gutter, etc., should it be deemed necessary through a site inspection by Roads personnel.
7. Prior to release of the development permit, execute and register on title an Access Easement Agreement with the City of Calgary over the 2.134m public realm setback along 11th Ave SW (Servient Lands) in favour of 11th Avenue SW (Dominant Lands) for the purpose of pedestrian access. The agreement and access right of way plan shall be approved by 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.

## Permanent Conditions

**The following permanent conditions shall apply:**

#### Planning

8. The permanent conditions will be finalized at the time of Development Authority decision.
9. All rules of Land Use Bylaw 1P2007 apply, subject to any relaxations approved by the Development Authority in this development permit.
10. 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.
11. 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.
12. A Development Completion Permit (DCP) 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.

13. All roof top mechanical equipment shall be screened as shown on the approved plans.
14. All electrical servicing for freestanding light standards must be provided from underground.
15. 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.
16. The walls, pillars, and ceiling of the underground parkade must be painted white.
17. Light fixtures in the parkade must be positioned over the parking stalls.
18. All stairwell doors and elevator access areas shall be installed with a transparent panel for visibility.
19. The properly executed Development Agreement referenced in Condition 5 shall remain in force and on title throughout the lifetime of this development.
20. Prior to the issuance of a Development Completion Permit (DCP), an inspection is to confirm that 22 three-bedroom units approved in this development permit totaling a total floor area of 1911.29 square metres, have been provided in the locations as approved in this Development Permit, to the satisfaction of the Development Authority. Should there be a reduction to the 1911.29 square metres in total floor area of three-bedroom units below the 25th level of the development or any change to a three-bedroom unit so that it does not satisfy criteria found in Section 4.1.11 of the Beltline ARP, any difference in the total gross floor area of three-bedroom units provided under Section 4.1.11 of the Beltline ARP below 1911.29 square metres is to be accounted for through a monetary contribution to the BCIF at the applicable rate at the time of payment prior to the issuance of a DCP, to the satisfaction of the Development Authority.
21. 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 (403-620-3216) to arrange an inspection.

### Utility Engineering

22. The parcels shall be developed in accordance with the development restriction recommendations outlined in the final approved following reports:
  - Geotechnical Report Truman Imperia Tower, prepared by englobe (File No 02401560.000), dated March 6, 2024. \*Date subject to final approval of the report\*
23. 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).

- 24. 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).

- 25. 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.
- 26. 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.
- 27. 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.

**Mobility Engineering**

28. 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)
29. 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.