

## 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 total of five (5) 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. Amend the plans to provide an exterior entrance to the Restaurant Lounge on the southwest corner of the ground floor on the southern wall that connects and opens to the pathway to the south.
3. Amend the plans to provide additional exterior entrances to the CRUs on the southern wall that open to the pathway to the south.
4. A Development Agreement for the Publicly Accessible Private 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 \$2,872,908 (based on 1.062 FAR) of improvements on the subject site within the proposed Publicly Accessible Private Open Space area identified on drawing DP-109-PAPOS;
  - b) Registration of a public access easement over the Publicly Accessible Private Open Space, including perpetual maintenance agreement for the 4.0 metre wide multi-use pathway and 2.5 metre wide asphalt pathway; and
  - c) Details of materials and public art mural (valued at \$51,925) within the Publicly Accessible Private Open Space.
5. 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 \$6,234,128 (based on 2.448 FAR) of 22 units of affordable housing totaling 1,930.56 square metres in floor area.

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6.
  - 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 Calgary Housing, to address details of the terms and conditions of the provision of Affordable Housing Units, as per the Development Agreement and the Letter of Understanding dated August 17, 2018. The agreement shall be to the satisfaction of Calgary Housing 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 Calgary Housing. The agreement shall be to the satisfaction of Calgary Housing and the City Solicitor.
7. If applicable, remit payment for any outstanding amount of bonused floor area not covered through improvements to the Publicly Accessible Private Open Space or Affordable Housing Units which 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 Part 10 of Land Use Bylaw 1P2007.
8. Apply for a separate signage Development Permit that outlines the details of the public art display/mural along the MacLeod Trail SE frontage.
9. Amend the plans to provide an interim elevation plan for the western facades of Phase A and Phase C using the same metal panel system materials as indicated on the elevation drawings for the rest of the podium facades.
10. Amend the Phasing Plan to include the Publicly Accessible Private Open Space (PAPOS) shown on sheet DP-109-PAPOS as part of Phase A for the following portions of the PAPOS:
  - a. All portions of the 4.0 metre wide regional pathway;
  - b. All portions of the riverbank landscaping south of the 4.0 metre wide regional pathway; and
  - c. All portions of the PAPOS landscaping immediately adjacent Phases A and D as shown on the plans dated 2018 August 27.

In addition, amend the Phasing Plan to incorporate the remainder of the PAPOS area to be included within the respective areas of Phases C and D.

### **Development Engineering:**

11. Provide letters from ATCO, TELUS, ENMAX and SHAW confirming that they have no objections to the proposed development scope.

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Note: This may include the relocation of existing utility lines within the subject property.

12. 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.
46. Submit a Required Fire Flow (RFF) calculation, which must be prepared by a qualified professional and submitted to Water Resources for review, as per the Water Supply For Public Fire Protection guide (by the Fire Underwriters Survey). Submit (electronically) to [WA-ResourcesDevelopmentApprovals@calgary.ca](mailto:WA-ResourcesDevelopmentApprovals@calgary.ca). Depending on the results, public mains may be required to be upgraded in order to provide the required fire protection to the site.

Per Water Resources, the available fire flow available in the adjacent City watermain is 15,000 LPM.

Contact the Planning Engineer, Development Planning, Water Resources at 403-268-4351 for further details.

13. Remit payment (**certified cheque**) for the infrastructure upgrades for the Centre City communities, in the amount of **\$341,804.70**, 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** (typically applied to adjacent avenues and / or east-west roadways only) for the proposed development (72.57m charged along Park RD SE).
14. **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.

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 Public Infrastructure Coordinator, Calgary Approvals Coordination at 403-268-6739 or email [offsitelevy@calgary.ca](mailto:offsitelevy@calgary.ca).

15. 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

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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.

16. 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>

### Note:

The DSSP is a prior to release requirement as the proposed scope will warrant public utility relocations which impacts development servicing and warrants the need for developer to enter into indemnification agreement for the new utility work and associated development site servicing.

17. The proposal to construct public infrastructure, Sanitary sewer and Watermain relocation(s), development service connections, associated manholes and associated rehabilitation (surface work) within City rights-of-way requires the developer to execute an Indemnification Agreement to the satisfaction of the Manager, Urban Development.

To initiate circulation and approval of the Work that will form part of the Indemnification Agreement, submit construction drawings online using your existing VISTA account at [calgary.ca/vista](http://calgary.ca/vista). At the time of submission of the construction drawings, the following items shall also be submitted:

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- a. An 8 1/2" x 11" site plan indicating the construction boundaries.
- b. Indicate who will be party to the agreement, provide contact information and a certificate of title for adjacent lands associated with the construction of the infrastructure.
- c. A detailed description of the Work that will form part of the Indemnification Agreement (cubic metres of asphalt and/or concrete, pipe diameters for sanitary, storm and watermains and their respective lengths in linear metres) within the City right of way.
- d. A detailed cost estimate for the scope of Work including GST prepared by the contractor.

Note:

In order for Water Resources to support the proposed development scope and anticipated building footprint, the existing 200mm (VCT) sanitary main and 300mm (PVC) water main that both run through the site shall be relocated at the developer's expense, while adhering to the terms and conditions of the above noted agreement.

18. The concrete foundation shown in section 1 of the landscape details sheet DP-L2-05 would qualify as a building, based on the Land Use Bylaw definition, and is prohibited in the floodway. For protection against scour, measures such as dis-articulated rock rip rap, boulder units and/or bioengineering protection are typically used. An alternate design for erosion protection should be proposed and supported by hydraulic and geotechnical analysis.

### Transportation:

19. There is an existing catch basin with the storm back within the proposed driveway location on Park Road SE (See image below). Contact Water Resources in regards to relocation, or placement of an additional catch basin if required. Amend plans accordingly.

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**NOTE:** The applicant is to amend plans to show how this catch basin relocation is being accomplished (where it's being relocated, etc). Ensure this is completed on the next circulation.

20. Amend plans to clearly mark what class of bicycle parking is located where (class #1 is the inside- occupant, and class #2 is the outside- visitor), and provide more information on the class #1 bike lockers, such as size, and aisle width between the units. From the looks of the plans, the lockers look very hard to get a bicycle in and out without difficulty.

**NOTE:** The proposed class #1 bike lockers look adequate, but more information is required, such as aisle size between the lockers, size, door swing, etc. to ensure people can get their bikes in and out without difficulty. Also, ensure plans clearly differentiate between the class #1 and class #2 facilities, and that details are provided for the racks/ lockers, preferably on the same page for clarity.

For more information contact the City bike expert at [Kaely.dekker@calgary.ca](mailto:Kaely.dekker@calgary.ca)

21. Amend all applicable plans to show the proposed trees and trenches. For the three trees shown within the 5.182m bylaw setback area on 1 Street S.E., provide the trees within individual above grade removable planter boxes. Trees, structures, etc are not permitted within the bylaw setback.

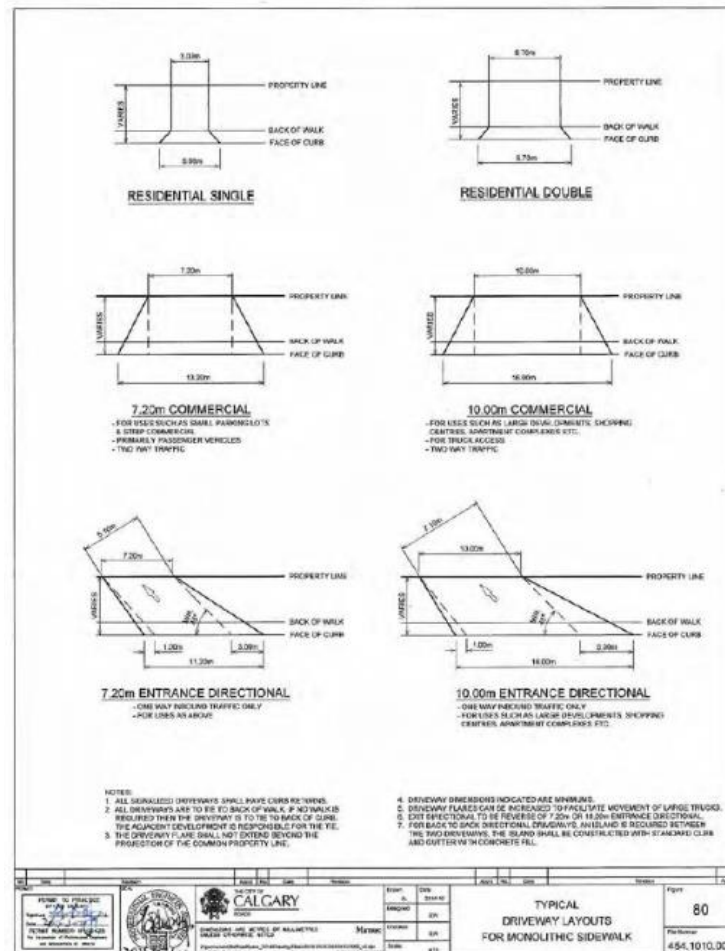
**NOTE:** Ensure this is completed on the next circulation.

22. Amend the plans to remove the proposed pavers (Mirage NA.ME Collection Swiss grey, Lumnzia, noir belge, gris belge) from within the City rights-of-ways (boulevard), as they are not permitted. Replace with concrete (dyed is okay) with either broom finish or lightly sandblasted, with tooled or saw cut joints.

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**NOTE:** Ensure this is completed on the next circulation.

23. Amend plans to show the widths of all the vehicular site accesses as well as the flares on all applicable plans, including the sweep paths (City spec 454.1010.005 below). It is imperative that the vehicles stay within the confines of the access, and not up and over any curbs. Amend all plans accordingly.



**NOTE:** Ensure this is completed on the next circulation.

24. Amend plans to provide a wheel chair ramp at the corner of Macleod Trail and Park Road S.E. to go with the bulb out removal. Ensure all applicable plans show this.

**NOTE:** Ensure this is completed on the next circulation.

25. As the application proposes excavations in close proximity to the Red Line. Calgary Transit will require an indemnification clause, to be established to compensate Calgary Transit for any damage, movement, or settlement of the

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LRT track or associated transit infrastructure by the applicant or their agents. A security shall also be required for this purpose (to be negotiated). Contact Chris Knobel at (403) 268-2342.

**NOTE:** Provide confirmation that this has taken place on the next circulation.

26. Prior to any excavations taking place, shoring plans for excavation are to be circulated to Calgary Transit - Infrastructure for review and approvals.

**NOTE:** Provide confirmation that this has taken place on the next circulation.

27. The developer shall provide a Letter of Credit for required intersection signalization at 1 Street S.E. / 18 Avenue S.E. and at Macleod Trail S.E. / Park Road S.E. (Estimated at \$300,000.00 each), due to findings in the TIA. The Developer shall also provide a letter, under Corporate Seal, indicating that they are responsible for any additional costs of signalization that could be in excess of the amount identified in the Letter of Credit, and is required to submit payment in support of the proposed Development Permit application.
28. 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 2 new driveway crossings on Park Road S.E.,
  - b. Closure and removal of existing driveway crossings on Macleod Trail S.E.,
  - c. Construction of new sidewalks adjacent to site frontages (Park Road S.E.), including improvements along 1 Street S.E.
  - d. Construction of a wheel chair ramp at the corner of Macleod Trail and Park Road S.E., along with curb bump out being removed,
  - e. Construction of tree trenches to City standards,
  - f. Relocation of existing catch basin on Park Road S.E.,
  - g. Rehabilitation of existing driveway crossings, sidewalks, curb and gutter, etc., should it be deemed necessary through a site inspection by Roads personnel.
29. 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.

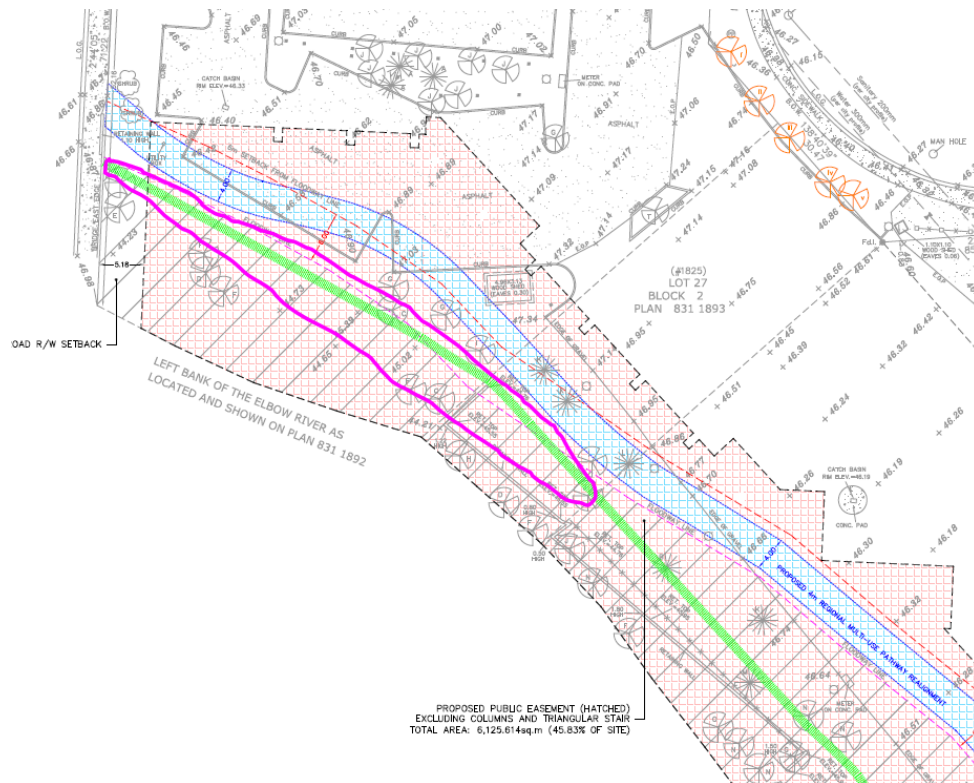
#### Roads

- a. Street lighting upgrading adjacent to site frontages (If required).

#### **Parks:**

30. Submit an updated Biophysical Impact Assessment (BIA) report to resolve minor outstanding issues as per Parks Ecologist's comments (email dated 2017 December 19). Please contact Parks Environmental Planning Lead of Urban Conservation, Marta Sudyk at 403-369-1376 or email [marta.sudyk@calgary.ca](mailto:marta.sudyk@calgary.ca) for further information.
31. Register a public access easement over the Publicly Accessible Private Open Space and incorporate a Pathways Access and Perpetual Maintenance Agreement with the City of Calgary for the 4.0m regional multi-use pathway and 2.5m asphalt regional pathway. The agreement and registerable access right of way plan shall be to the satisfaction of Parks and the City Solicitor (also refer to Planning prior to release condition).
32. Amend the "3363 - Site Plan" plan accordingly:
  - a) Indicate the existing 4m public pedestrian walkway easement agreement (as per instrument No. 891095715) correctly. It appears this easement agreement is only registered against the land title of Plan 8210888 Block 2 Lot 24 (1919 Macleod Trail SE) and not the other two parcels (see image below circled pink).

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33. Provide willow planting at the lower riprap area where possible. Amend all relevant landscape plans accordingly.

## Permanent Conditions

The following permanent conditions shall apply:

### Planning:

34. The development shall be completed in its entirety, in accordance with the approved plans and conditions.
35. No changes to the approved plans shall take place unless authorized by the Development Authority.
36. 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

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occupancy. Call Development Inspection Services at 403-268-5311 to request a site inspection for the Development Completion Permit.

37. The properly executed Development Agreement referenced in Condition #4 shall remain in force and on title throughout the life of this development.
38. The properly executed Special Development Agreement referenced in Condition #5 shall remain in force and on title throughout the life of this development or for so long as the Development Authority, in its sole discretion, determines it necessary to be registered.
39. The properly executed Housing Agreement referenced in Condition #6 shall remain in force and on title throughout the life of this development or for so long as the Development Authority, in its sole discretion, determines it necessary to be registered.
40. Upon completion of the main floor (storey) subfloor of the 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).
41. The grades indicated on the approved Development Permit plans must match the grades on the Development Site Servicing Plan for the subject site as per the Lot Grading Bylaw.
42. Retaining wall(s) that are 1.0m or greater in height shall be located and constructed as shown on the approved plans released with this permit.
43. All areas of soft landscaping shall be provided with an underground sprinkler irrigation system as identified on the approved plans.
44. All electrical servicing for freestanding light standards shall be provided from underground.
45. The walls, pillars and ceiling of the underground parkade shall be painted white or a comparable light colour.
46. A lighting system to meet a minimum of 54 LUX for the parkades with a uniformity ratio of 4:1 on pavement shall be provided.
47. The light fixtures in the parkade shall be positioned over the parking stalls (not the drive aisles).
48. Handicapped parking stalls shall be located as shown on the approved plans released with this permit. Handicap parking stall(s) shall be clearly designated,

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signed and located close to the entrance of the building with barrier-free accessibility.

49. This approval recognizes four (A to D) phases on the approved plans which shall be completed in sequence, however Phase D must be completed concurrently with Phase A. Occupancy will not be granted for Phase A until the completion of Phase D and the completion of the entire tower within Phase A.

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.

50. If construction of Phase C has not commenced within one year of the issuance of the most recent Development Completion Permit for Phase A, the façade of the western elevation of the podium of Phase A must be completed to the same quality as the rest of the podium façade using the metal panel system materials identified on the elevation drawings.
51. If construction of Phase D has not commenced within one year of the issuance of the most recent Development Completion Permit for Phase C, the façade of the western elevation of the podium of Phase C must be completed to the same quality as the rest of the podium façade using the metal panel system materials identified on the elevation drawings.
52. If construction of the subsequent phase(s) has not commenced within one year of the issuance of the most recent Development Completion Permit, the undeveloped portion of the site shall be hydro-seeded should the existing asphalt parking lot on the undeveloped portion be removed. This is to ensure an acceptable visual appearance and to eliminate problems such as dust, weeds and erosion.
53. Fascia signage shall be placed only in the designated sign area as indicated on the approved plans. Any damage to the building face, as a result of the sign installation or removal, shall be repaired to the satisfaction of the Development Authority.

### Development Engineering:

54. The subject parcels must remain on a single certificate of title for the duration of the development unless subdivision is approved by the subdivision authority.
55. Single retaining walls 1.2m in height or greater or terraced retaining walls 1.2m in height or greater with a horizontal separation between walls of less than 3.6m (3x height) require the approval of a Building Permit prior to construction.

For retaining wall(s) that meet these criteria, the developer may either:

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- a. Include the retaining walls with the Building Permit for the building, or
- b. Apply for a separate Building Permit for the retaining walls.

It should be noted that the Building Permit for the building on site will not be released until the separate Building Permit for site retaining walls is approved.

56. 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).
57. No outside storage is permitted in the Floodway, as per Land Use Bylaw 1P2007 Part 3, Division 3.
58. 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

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frequent inspection. Erosion and sediment control practices shall be adjusted to meet changing site and winter conditions.

59. 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.
60. 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.
61. 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.
70. No trees, shrubs, buildings, permanent structures or unauthorized grade changes are permitted within utility rights-of-way.
62. Pursuant to Bylaw 2M2016, off-site levies are applicable.
63. 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 Public Infrastructure Coordinator, Calgary Approvals Coordination at 403-268-6739 or email [offsitelevy@calgary.ca](mailto:offsitelevy@calgary.ca)

### Transportation:

64. No disruption to LRT operations will be permitted at any time.
65. 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.
66. 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.**

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### Parks:

67. Public trees located on the boulevard adjacent to the development site shall be retained and protected unless otherwise authorized by Urban Forestry.
68. The submitted plans indicate that the removal of 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.
69. 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) 620-3216 or at (403) 268-5204 to arrange an inspection.