

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 8 complete sets of Amended Plans (file folded and collated) and a digital copy of the amended plans 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. 5 of the plan set(s) shall highlight all of the amendments.
- b. 5 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. Noise Mitigation: the proposed multi-residential use is a Noise Susceptible use as per the 'Development Next to Freight Rail Corridors Policy'. Noise mitigation is required for Noise Susceptible Uses that directly face the freight rail corridor and are within 30 metre from the freight rail corridor. Noise levels should not exceed 35 dBA (Leq) in bedrooms and 40 dBA (Leq) in all other living spaces. Applicants are required to mitigate noise associated with freight rail operations. To achieve the noise standards of the Development Next to Freight Rail Corridors Policy, the applicant can either:

- (a) Conduct a noise study in accordance with the attached Noise Study Scope provided by the City; or



Detailed Rail Noise
Assessment Method

- (b) submit a Summary Report prepared by the Coordinating Registered Professional (architect) that verifies mitigation design elements will be included in the development to meet the noise standards of the Development Next to Freight Rail Corridors Policy; and
- (c) Amend the plans to include mitigation design elements and measures to meet the noise standards of the Development Next to Freight Rail Corridors Policy.

3. 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 \$965,706.72 (based on 1.81 FAR) of 3 units of affordable housing totaling 292.4 square metres in floor area.

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4. 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 Calgary Housing, to address details of the terms and conditions of the provision of Affordable Housing Units. 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.
5. If applicable, remit payment for any outstanding amount of bonused floor area not covered through Affordable Housing Units and Universally Accessible Dwelling Units, which may be bonused for through a financial contribution to the Sunalta Community Investment Fund at a rate of \$228.05 multiplied by the amount of outstanding bonused floor area, in accordance with the Bonus standards of Direct Control bylaw 256D2018.
6. Amend the plans to provide details regarding the fritted translucent glazing system along 10 Av SW:
 - Provide patterning, special lighting/art elements into the design; and
 - The percentage of transparency (with fritted patterns) and backlit feature are further described and presented.
7. Amend the plans to label the location of the two universally accessible dwelling units for the phase 2 development, which is a part of the proposed bonus density earning items.
8. As per Senior Transportation Engineer, Major Transit Projects of Transportation Infrastructure, prior to release of the development permit or prior to submission of the Structural building permit for the foundation, whichever comes first, submit a Damage Assessment Report for review and approval, to the satisfaction of Transportation Infrastructure.
9. As per Senior Transportation Engineer, Major Transit Projects of Transportation Infrastructure, a caveat Re: Restrictive Covenant, to the satisfaction of Transportation Infrastructure and Law, shall be registered on Lots 41 - 43, Block 208, prior to release of the development permit to protect The City's infrastructure (the LRT guideway and piers) to the north.
10. Submit a clearance letter from Enmax Corporation indicating that the following outstanding items have been addressed. Please contact getconnected@enmax.com or 403-514-3716 to resolve the issue(s).
 - Our records show that there is an existing underground secondary service to 1510 10 Avenue SW fed from an existing manhole and duct bank on 10 Avenue

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SW. Permanent disconnection of this service will need to be requested through the electricity retailer.

- Our records show that there is an existing overhead secondary service to 1514 10 Avenue SW fed from an existing overhead pole on 10 Avenue SW. Permanent disconnection of this service will need to be requested through the electricity retailer.
- Our records show that there is an existing ENMAX manhole close to the property line of the proposed development on 10 Avenue SW. Call Alberta One Call for locates prior to any excavation and engineer designed and approved customer shoring may be required during construction. Unrestricted access to this manhole must be maintained during construction.
- Electrical servicing for the new development must follow the EPC Network Servicing Policies & Guidelines and the EPC Network Customer Built Transformer Vault Specifications found on Enmax.com.
- Further detail is required for the EDD Room and Transformer Vault shown on drawing # DP2.1 for EPC to fully comment.
- EPC will require a Utility Right of Way covering the areas of the EDD Room, Transformer Vault and any primary electrical and communication conduits on private property.
- EPC will require a Utility Right of Way covering the secondary conduit(s) from the proposed Transformer Vault to the main disconnect(s) located in the customer's electrical room(s). This distance should be a maximum of 70 meters from the Transformer Vault with a maximum of two 90-degree bends in the conduit run.

Development Engineering:

11. Indicate the location of the Calgary Fire Department Siamese connection on the landscape plan.
12. Consolidate the subject parcels (Lots 25 to half of west portion of Lot 32 and Lot 41, Block 208 and a portion of Lot 42, Block 208, Plan 5380 V). 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.

Note: Prior to issuance of a Development Completion Permit or any occupancy of the phase 2 building, the applicant shall consolidate the subject parcels (Lots 25-36, Lots 41- 43, Block 208, Plan 5380 V)

13. The construction of public infrastructure upon the development, ***surface improvements / watermains / service connections*** within City rights-of-way requires the developer / owner / consultant 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. 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.
14. 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 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

Development Site Servicing Plans CARL (requirement list)

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

Note: all servicing is to be clearly indicated on the DSSP and DP plans, also include any hydrants, storm tanks, and alternative drainage proposals.

15. **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 Infrastructure Strategist, Calgary Approvals Coordination, at 403-268- 5138 or email rob.hirber@calgary.ca.

Transportation:

16. Amend plans to note that residents will be permitted to use the elevators to transport their bicycles from the class #1 facilities, due to some not being located on P1 or the main floor. This will be a permanent requirement for the Development.
17. Amend plans to show the existing driveway on 10 Avenue S.W., and note that it will be "closed and rehabilitated at the Developers expense" (See image below).

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18. Amend plans to clearly show the extents of the asphalt paving in the lane to the West of the building as well as the lane behind the building. These areas are to be repaved as they are in poor condition (See image below).



19. Amend plans to provide a cross section through the new driveway entry to the West of the building showing the grades/ slopes.
20. The increase in vehicle volume (including parking stalls and turning into parking garage) in the vicinity of the guideway piers will create increased collision and damage risks. Revise site plan to include vehicle barriers (ie – bollards) to increase protection around the piers. Amend plans accordingly.

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21. A bus zone will be required on Westbound 10 Avenue at 14 Street. Due to the grades approaching the intersection, the bus zone will be located in front of the proposed development. Amend landscape drawings to remove the planter shown in front of CRU 07 (second planter from the East) to provide a 9m x 3m clear area for the bus zone. Pavement is to be brushed concrete in this vicinity, to allow for installation of bus zone amenities as required (drawing currently shows brushed concrete).
22. Amend the plans to note that the proposed removable planters and seating units can be "removed within 30 Days at the request of the City". The proposed planters will also require a Perpetual Maintenance Agreement, as they are a "non standard" element.
23. Execute and register on title an Access Easement Agreement with the City of Calgary over Lot 24, Block 208, Plan 5380 V, and Area A, Plan 0913611 (Servient Lands) in favour of Lots 25-36, and lots 41-43, Block 208, Plan 5380 V (Dominant Lands) for the purpose of vehicular, and pedestrian access to the West, and North of the property. 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. **This is required for the vehicular and pedestrian access along the West side of the site, and to the proposed back of house area until such time that this area is formalized as a City lane in the future.** A perpetual access agreement will also be required for the proposed curbs and asphalt within this area.
24. Execute and register on title an Access Easement Agreement with the City of Calgary over Lots 25-36, Block 208, Plan 5380 V (Servient Lands) in favour of 10 Avenue S.W. (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.
25. As per the approved plans, remit a performance security deposit (irrevocable 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 and materials.

Subject to condition 50, 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). The Indemnification Agreement shall include acknowledgement of Conditions of Approval, 25., 26., and 50.

Roads

- a. Construction of new driveway crossings on 10 Avenue S.W.,
- b. Closure and removal of existing driveway crossings on 10 Avenue S.W.,

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- c. Construction of new sidewalks adjacent to site frontage,
 - d. Construction of new curb and gutter adjacent to site frontage,
 - e. Construction of new heavy duty asphalt paving, as well as the curbs/ sidewalk area proposed to the West, and North of the development under the LRT guideway,
 - f. Relocation of existing catch basin on 10 Avenue S.W.,
 - g. Rehabilitation of existing driveway crossings, sidewalks, curb and gutter, etc., should it be deemed necessary through a site inspection by Roads personnel.
26. 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.

Subject to condition 50, 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 frontage (If required),

Parks:

No comments.

Permanent Conditions

The following permanent conditions shall apply:

Planning:

- 27. The development shall be completed in its entirety, in accordance with the approved plans and conditions.
- 28. No changes to the approved plans shall take place unless authorized by the Development Authority.
- 29. 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.
- 30. A Development Completion Permit (DCP) 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 occupancy. Call

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

31. This approval recognizes 2 phases on the approved plans. A Development Completion Permit may be issued for each phase. 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.
32. 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. This is to ensure an acceptable visual appearance and to eliminate problems such as dust, weeds and erosion.
33. Prior to issuance of the DCP of each phase of the development, the applicant shall submit a Final Summary Report in the form of an appendix, a letter or a schedule prepared by a qualified professional verifying the mitigation requirements included in the Summary Report to confirm that the Prior to Release condition 2 have been met and incorporated in the development. Such measures shall be retained throughout the life of the development.

The final Summary Report forms part of the Development Permit approval, and all the mitigation measures identified must be retained in perpetuity of the life of the development.

34. Upon completion of the main floor of each building, proof of the geodetic elevation of the constructed main floor must be submitted to and approved by the Development Authority prior to any further construction proceeding. Email confirmation to geodetic.review@calgary.ca.
35. 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.
36. A lighting system to meet a minimum of 54 LUX for parkades with a uniformity ratio of 4:1 on pavement shall be provided.
37. The walls, pillars and ceiling of the underground parkade shall be painted white or a comparable light colour.
38. The light fixtures in the parkade shall be positioned over the parking stalls (not the drive aisles).
57. All stairwell doors and elevator access areas shall be installed with a transparent panel for visibility.

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39. Loading and delivery shall take place in the designated loading stall as shown on the approved plans and shall, at no time, impede the safety of pedestrian movements and use of the parking lot.
40. The garage enclosures shall be kept in a good state of repair at all and the doors shall be kept closed while the enclosures are not actively in use for delivery or removal of refuse.
41. All areas of soft landscaping shall be provided with an underground sprinkler irrigation system as identified on the approved plans.

Development Engineering:

42. **Prior to issuance of a Development Completion Permit or any occupancy of the phase 2 building**, consolidate the subject parcels (Lots 25-36, lots 41- 43, Block 208, Plan 5380 V), 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 Inspector prior to occupancy. 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.

Note: Given the approved 2 sets of service connections and phase 2 tower location, enter into a strata subdivision. The applicant shall apply for a subdivision and execute an Easements, Covenants and Restrictions (ECR) agreement required to facilitate servicing (water, sanitary and storm) and waste and recycling collection access across property lines, to the satisfaction of the Manager of Urban Development.

43. 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).

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44. 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 (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.

45. 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.
46. 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.
47. No trees, shrubs, buildings, permanent structures or unauthorized grade changes are permitted within the utility rights-of-way.
48. **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 Subdivision Development Coordinator, Calgary Approvals Coordination at 403-268-6739 or email offsitelevy@calgary.ca

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49. The parcels shall be developed in accordance with the development restriction recommendations outlined in the following report(s):
- "Phase II Environmental Site Assessment Lots 26 to 33, Block 208, Plan 5380V 1516 to 1534 10 Avenue SW Calgary, Alberta" by Curtis GEO Solutions Inc., dated February 2017

Transportation:

50. At the discretion of the Development Authority, the infrastructure required pursuant to conditions 25 and 26 or as shown in the approved plans is subject to change as follows:
- a. In the event that the City is ready to construct the portion of the Main Streets project adjacent to the approved development prior to the developer being ready to construct the infrastructure required pursuant to conditions 25 and 26 or as shown in the approved plans, and upon notification to the developer, the City may construct, or require the developer to construct, this portion of the Main Streets project in lieu of the infrastructure required pursuant to conditions 25 and 26 or as shown in the approved plans, and may elect to use or hold the security required pursuant to condition 25 and use the payment required pursuant to condition 26 towards the costs of the Main Street project. The City will not require additional payment or security for construction of the portion of the Main Streets project.
 - b. In the event that the developer is ready to construct the infrastructure required pursuant to conditions 25 and 26 as shown in the approved plans prior to the City being ready to construct the portion of the Main Streets project adjacent to the approved development, and upon notification to the Director, Transportation Planning, the developer may proceed as per the development permit plans in order to achieve the requisite Development Completion Permit.
51. For the life of the Development, residents will be permitted to use the elevators to transport bicycles from the class #1 bike facilities.
52. A Perpetual Maintenance Agreement is to be registered on the development site's land title(s) for the applicant requested removable planters located in the road right-of-way on 10 Avenue S.W. as well as the proposed curbs/ asphalt located within the lane area under the LRT guideway, concurrently with the execution of the Indemnification Agreement. Contact the Indemnification Agreement Coordinator, Roads at (403) 268-3505.
53. The Access Easement Agreement for the purpose of pedestrian access shall remain over Lots 25-32, Block 208, Plan 5380 V (Servient Lands) in favour of 10 Avenue S.W. (Dominant Lands) until such time as required by the Development or Subdivision Authority in connection with Approval No. _____ 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.

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54. 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.
55. 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.**

Parks:

No comments.