

REPORT TO THE SUBDIVISION AND
DEVELOPMENT APPEAL BOARD

DATE: June 19, 2025	APPEAL NO.: SDAB2025-0063 FILE NO.: DP2025-01634
APPEAL BY: Andlauer Properties & Leasing Inc., Andlauer Transportation Services (ATS), Don Achtemichuk (ATS Healthcare Group), Brian Mascarenhas (ATS) and Occupants of 5460 61 Ave SE, represented by Bonnie Anderson, Legal Counsel	
FROM A DECISION OF THE DEVELOPMENT AUTHORITY where a Change of Use: Temporary Shelter; Changes to Site Plan: changes to amenity area was approved at <u>5495 61 Avenue SE.</u>	LAND USE DESIGNATION: DC 63D2025 Discretionary
COMMUNITY OF: Starfield	DATE OF DECISION: April 28, 2025
APPLICANT: Tamer Takla, Mustard Seed Fdtn	OWNERS: Northern RNA Inc.

Notes:

- Notice has been given of the hearing pursuant to the *Municipal Government Act* and Land Use Bylaw, including notices to parties who may be affected by the appeal. The final determination of whether a party is an “affected person” will be made by the Board if required.
- This Report is provided as a courtesy only. The Board’s record may include additional materials, including notifications to affected parties and correspondence of a procedural or administrative nature. The Board’s record may be viewed at the Appeal Board office at: 4th Floor, 1212 31 Avenue NE, Calgary, Alberta during regular office hours.

In accordance with Sections 678 and 686 of the Municipal Government Act and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee.

Municipal Address of Site Under Appeal [required]	5495 61 Ave SE
Development Permit/Subdivision Application/File Number [required]	DP2025-01634
Name of Appellant [required]	Andlauer Properties and Leasing Inc. et al
Agent Name (if applicable)	Rose LLP, Attn: Bonnie Anderson
Street Address [required]	2100, 440 2nd Avenue SW
hdnFullAddress	2100, 440 2nd Avenue SW Calgary AB T2P 5E9
City [required]	Calgary
Province [required]	Alberta
Postal Code [required]	T2P 5E9
Residential Phone # [required]	(403) 229-9445
Business Phone #	
Email Address [required]	bonnie.anderson@rosellp.com

APPEAL AGAINST

Required field. Check one item only: for multiple appeals you must submit another Notice of Appeal.

Development Permit Approval



I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons [required]

For purposes of this appeal, Rose LLP represents the Appellants: Andlauer Properties and Leasing Inc., Andlauer Transportation Services (ATS), ATS Healthcare Group and occupants of their facility at 5480 61 Ave SE. Please see attached letter for further details including initial grounds based on details provided about the proposed discretionary use to date.

In order to assist the Board in scheduling, please answer the following questions to the best of your ability:

Estimated Presentation Time 1-2 hrs approx

Will you be using an agent/legal counsel? [required] Yes

Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.)? [required] Yes

If yes, what are the issues? See attached letter.

Do you anticipate bringing any witnesses/experts to your hearing? [required] Unknown

If yes, how many will you be bringing?

I confirm and acknowledge that

- I have read and understood this form;
- The information I have provided is accurate to the best of my knowledge; and
- I am responsible for paying the appeal fee and my notice of appeal will not be considered filed until my appeal fee has been received.

Submission Date 2025-05-22 13:24:21 MST



This personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, section 33(c) and the Municipal Government Act, Sections 678 and 686. THIS INFORMATION WILL BE USED FOR PROCESSING YOUR APPEAL AND WILL BECOME PART OF A PUBLIC AGENDA. If you have any questions regarding the collection of this information, contact the Tribunal Coordinator, City Appeal Boards at 403-268-5312 or PO Box 2100, Stn "M", #8110, Calgary, AB, T2P 2M5.

If you require further information regarding appeal deadlines and procedures, please contact the SDAB office at:

Website: calgary.ca/sdab

Phone: (403) 268-5312

Email: info@calgarysdab.ca

Bonnie J. Anderson
 Phone: (403) 229-9445
 Email: Bonnie.Anderson@RoseLLP.com

May 22, 2025

File No.: 11128.001 BJA

VIA ONLINE FILING

Subdivision and Development Appeal Board
 1212 31 Avenue NE
 Calgary, AB T2E 7S8

Dear Sirs/Mesdames:

Re: Application: DP2025-01634
Discretionary Use: Temporary Shelter, Changes to Site Plan
Subject Site: 5495 61 Ave SE
Adjacent Landowner and Occupants at 5480 61 Ave SE: Andlauer Properties and Leasing Inc.,
ATS Healthcare et al ("Andlauer")

We act for Andlauer and this letter is part of the appeal filed online.

The Development Authority requested comments about this discretionary use application on DMAP. We were in contact with Reynold Caskey and Josef Silot at the City for several weeks asking for more detail. They advised that the only details available were on DMAP, being: (1) an unclear site plan and elevations dated March 20, 2025 (attached two pages); and (2) substantially similar site plan and elevations dated April 11, 2025 (attached three pages). These plans provide no detail about the use. We were also advised at one point that more details could not be provided because of privacy and copyright.

We were advised during the rezoning process that details would be provided with the DP application. Administration's rezoning report suggested that considerations would be given to "number of clients, staff and beds; programming and hours of operations; site circulation and accessibility; lighting and safety; landscape and amenity space; and motor vehicle, bicycle parking and other transportation demand management measures." None of these details were provided to us as part of this application.

There were insufficient details to provide meaningful comments. The Development Authority issued an approval.

Given the foregoing, we have the following submissions at this time.

1. Preliminary Matter. The application is substantially incomplete and certainly does not allow for a full assessment in accordance with the MGA and LUB. If this Board has jurisdiction to cure deficiencies, we request that as a preliminary matter, this Board require the Applicant provide all details in writing about the proposed discretionary use so that we can:
 - a. complete a full review of the proposed discretionary use and its operations as against the MGA, applicable planning instruments and section 35 LUB criteria;
 - b. determine whether we require additional expert reports; and
 - c. determine whether we need to process a FOIPP request;

We would ask that information be provided in advance of confirming written submission deadlines. That way we can ensure a procedurally fair appeal hearing occurs before this Board.

2. Grounds of Appeal. Despite the absence of application details, verbal discussions suggest the *intent* is to use the building on the Site temporarily while renovations occur at the Applicant's current facility, that a temporary kitchen will be constructed, that operations will be similar to the current facility, and that there is no backup plan should they not be unable to return to the current facility. We have also been advised verbally that the current facility has 377-460 occupants, and that the facility is closed from approx. 7:30-8:00 a.m. until 4:00 p.m. each day. Please note that none of these details have been confirmed in writing as part of this application.

Further, City Online records show that the assessable area of the building on the Site is significantly larger than the current facility (28,000 sf versus 48,000 sf). Due to closure of the facility during the day, peak volumes of occupants/pedestrians coincide with peak major truck traffic on 61 Avenue, including those as part of our clients' time-sensitive operations. In addition, there are no shelter-supportive facilities or amenities near the Site; there are limited public transportation options near the Site; and there is no pedestrian crossing near the Site.

Finally, our clients include Canada's largest healthcare-dedicated provider and their facility on 61 Avenue is a critical link in the healthcare supply chain for the Calgary region, the Province and Canada. Every day, our clients handle time-sensitive, temperature-controlled delivery of life-saving medical products serving a long list of recipients including: hospitals, clinics, veterinarians, pharmacies, long-term care facilities, EMS, Canadian Blood Services, specialized treatment centres, research and biotech labs, public health agencies, diagnostic imaging centres, private and mobile health clinics, home healthcare providers, and medical device manufacturers and distributors. Each of these groups depends on reliable time-sensitive logistics for products that save lives, improve health outcomes, and ensure continuity of care.

Our clients' facility on 61 Avenue is a vital hub for the management, transportation, warehousing, fulfillment, and last-mile delivery of time-sensitive healthcare products. The facility operates 24/7, with 48 loading bays and peak truck movements similar in time to peak volumes of occupants/pedestrians moving to/from the Site. Our clients must routinely consider risks, like factors of population density, mobility and traffic movements, and potential emergency vehicle traffic. These are all typically low in an I-G district which is one of the reasons why our clients chose this location in Starfield industrial park. The proposed discretionary use is atypical, and the Site in Starfield is not in the same context as the current facility.

Based largely on verbal details provided about the proposed discretionary use, we submit that the Development Authority's approval of the proposed discretionary use does follow the directions of Council.

- a. Temporary shelter is a *discretionary* use in Direct Control 63D2025. This DC is based on I-G district rules. Temporary shelter is a residential use in Schedule A of the LUB. Without any specifics listed in the DC, the I-G district rules apply. As this application is for a discretionary use, section 35 LUB discretionary use criteria applies. We submit that the proposed discretionary use does not meet the purpose of the I-G district and it does not meet section 35 criteria for, among other things, the use will result in negative impacts to

our clients' operations and the use is not compatible with adjacent uses including our clients' facility.

- b. City Online records show the building on the Site is almost double the size of the current facility. If the current facility holds 377-460 occupants, the math suggests that, hundreds of occupants/pedestrians will be leaving/entering the Site at similar peak times to major truck traffic along 61 Avenue, negatively impacting nearby businesses such as our clients' time-sensitive operations. In addition, there are no shelter-supportive facilities or amenities near the Site, there are limited public transportation options near the Site, and there is no pedestrian crossing near the Site.
- c. The Site is in the MDP's Standard Industrial Area. The proposed discretionary use does not follow Council's directions as the MDP provides that industrial areas should remain predominantly industrial and resist the encroachment of non-industrial uses into industrial areas, including residential use. In addition, the MDP provides that "[o]nly uses that support the industrial function of this area and cater to the day-to-day needs of area businesses and their employees may be supported." The proposed discretionary use is a residential use in Schedule A of the LUB and it does not support the industrial function of this area, its businesses or employees.
- d. The Restrictive Covenant registered on title to the Site and adjacent properties requires that the Guidelines be followed for DP applications, which Guidelines were "*created to.... protect owners, lessees and/or tenants of buildings within Starfield against incompatible... use of other building sites..*". The branch of the City tasked with reviewing DP applications (Design Review Committee) is required to engage neighbouring properties in that review. This has also not occurred to date.
- e. Such other grounds as may be provided in written submissions and/or presented verbally at the hearing of this appeal after we have been provided further written details about the proposed discretionary use.

Should you have any questions or concerns, please do not hesitate to reach out.

Yours truly,

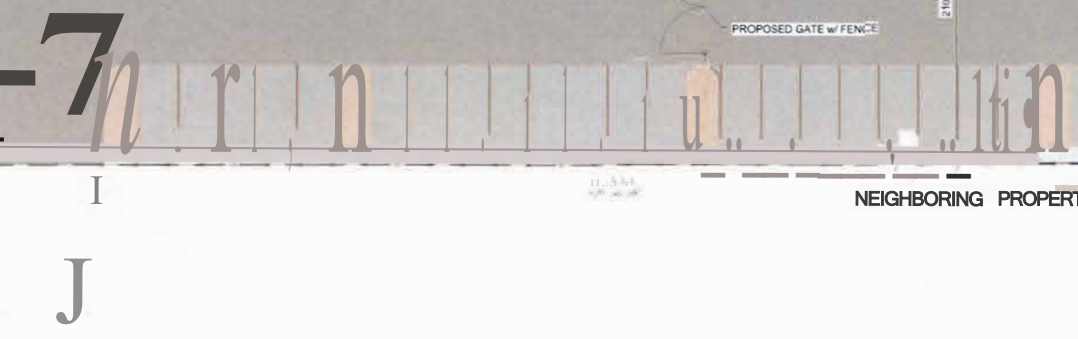
ROSE LLP

Bj Anderson

Bonnie J. Anderson

/bj

Enc.



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ALL WORK MUST COMPLY WITH THE MOST RECENT EDITION OF THE APPLICABLE BUILDING CODE, AND ANY OTHER GOVERNING AUTHORITIES.

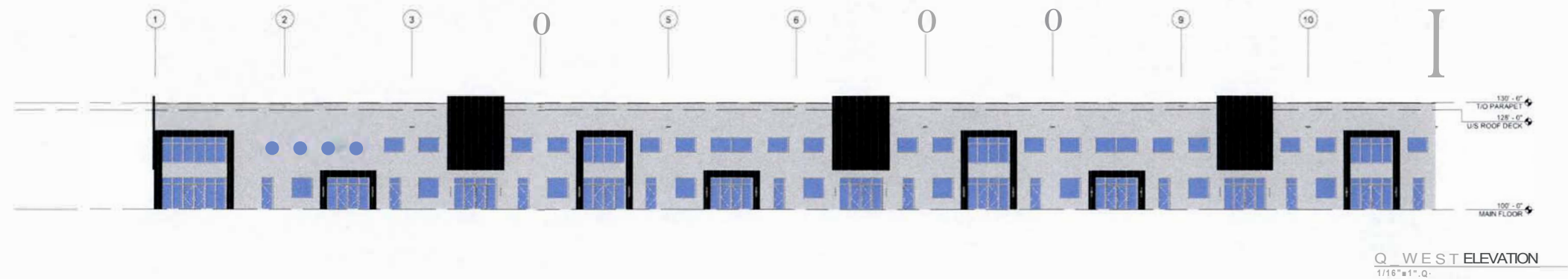


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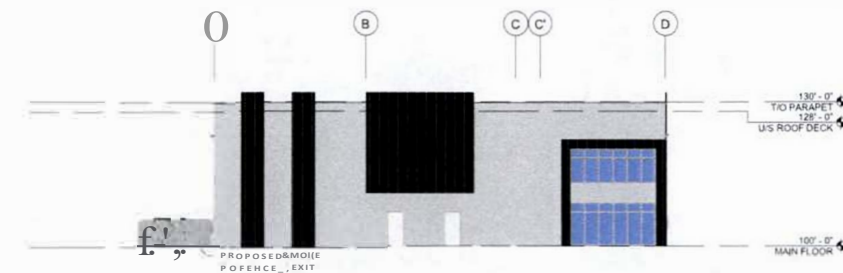
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DATE	25-01-07
PROJ No.	2-31

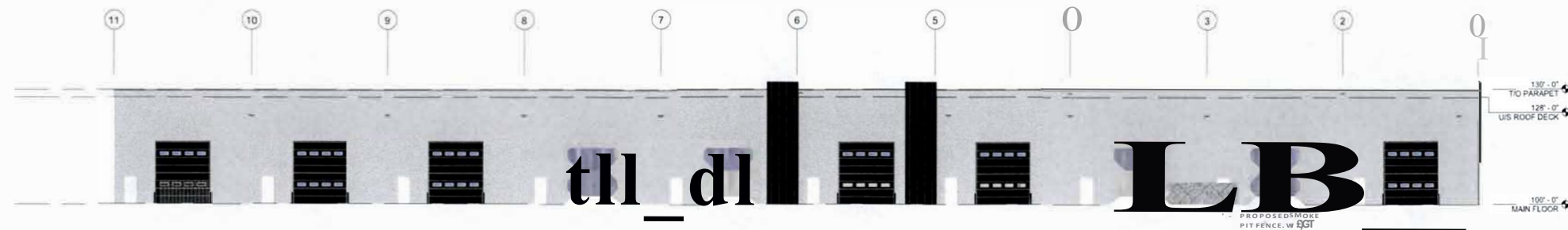
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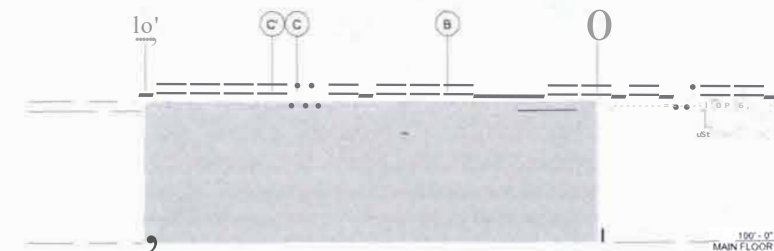
Q WEST ELEVATION
1/16" = 1". Q.



2 NORTH ELEVATION
A 3.1 1116' a 1'-0"



3. EAST ELEVATION
A 3.1 1116' - 1'-0"



4 SOUTH ELEVATION
A 3.1 $1/16" = 1'-0"$

Hn: rc>A
architect 11c
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NOTE:
• EXISTING ELEMENTS ARE HALF-TONED &
OUTLINED IN BROWN



FRANKHILBICHAACHrT'E.CTme .
PERMIT No. AC 10214
 ISSUED PURSUANT TO THE
 ARCHITECTS ACT Of ALBERTA

Temporary Shelter,
Calgary - Relocation

5495 61 Ave SE
Calgary, Alberta T2C 5K8

EXTERIOR ELEVATIONS

SCALE:	1/16" = 1'-0"
DATE	25-01-07
PROJ. No.	24-031

A 3.1

Mustard Seed Temporary Shelter - Relocation

5495 61 Ave SE, Calgary AB

Issued for Development Permit - March 18, 2025

RE-ISSUED FOR DEVELOPMENT PERMIT - 2025.04.02



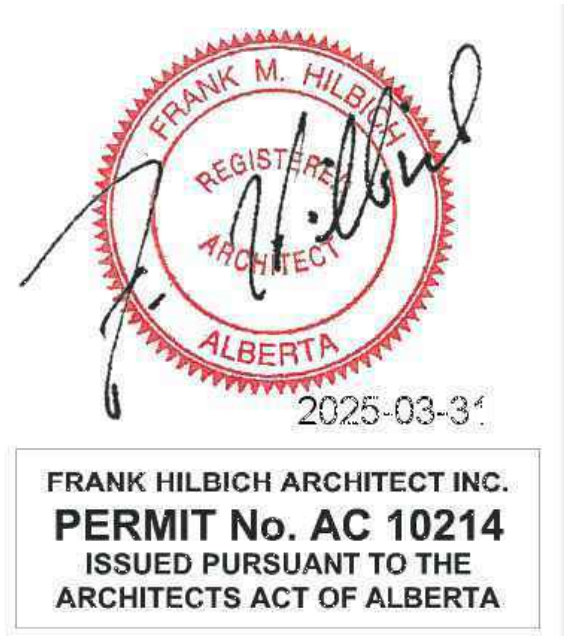
DO NOT SCALE THIS DRAWING

VERIFY ALL DIMENSIONS, DATUMS AND LEVELS PRIOR TO COMMENCEMENT OF WORK. REPORT ANY DISCREPANCIES OR OMISSIONS TO THE ARCHITECT IMMEDIATELY.

THESE DRAWINGS AND DESIGN ARE THE EXCLUSIVE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED IN ANY WAY OR FORM WITHOUT THE DIRECT WRITTEN PERMISSION OF THE ARCHITECT. IN WHICH CASE THE REPRODUCTION MUST BEAR THE NAME OF FRANK HILBICH ARCHITECT INC.

ALL WORK MUST COMPLY WITH THE MOST RECENT EDITION OF THE APPLICABLE BUILDING CODE, AND ANY OTHER GOVERNING AUTHORITIES.

REVISIONS	
ISSUED FOR DEVELOPMENT PERMIT	2025.03.18
RE-ISSUED FOR DEVELOPMENT PERMIT	2025.03.28
RE-ISSUED FOR DEVELOPMENT PERMIT	2025.04.02



PROJECT

Temporary Shelter,
Calgary - Relocation

5495 61 Ave SE
Calgary, AB T2C 5K8

DRAWING TITLE

COVER / TECHNICAL
SHEET

SCALE:

DATE: 25-01-07

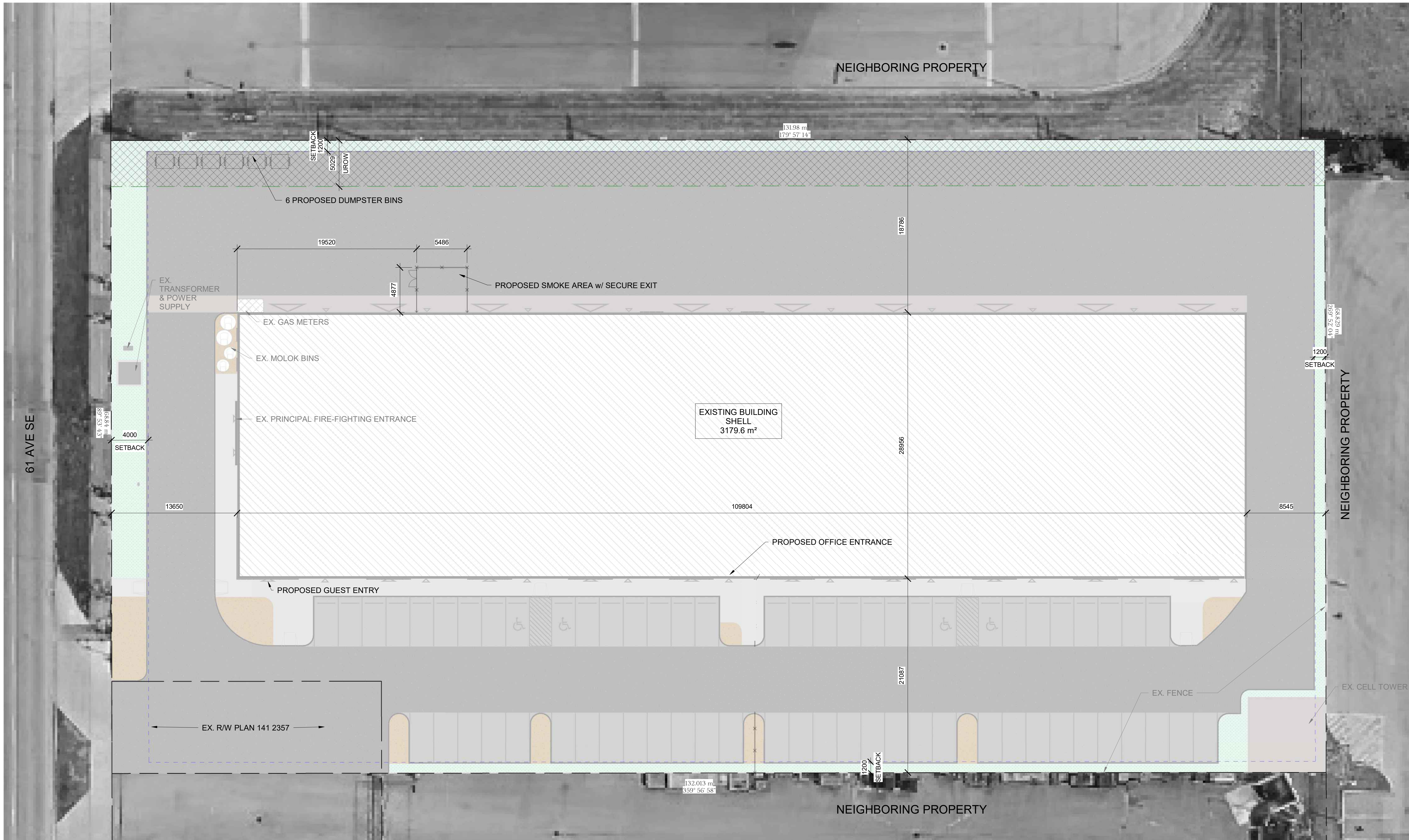
PROJ. No.: 24-031

DWG. #

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ARCHITECTURAL DRAWING LIST

A 0.0	COVER / TECHNICAL SHEET
A 1.1	SITE PLAN
A 2.1	MAIN FLOOR PLAN
A 2.2	ADMIN ENLARGED PLAN
A 3.1	EXTERIOR ELEVATIONS



DO NOT SCALE THIS DRAWING

VERIFY ALL DIMENSIONS, DATUMS AND LEVELS PRIOR TO COMMENCEMENT OF WORK. REPORT ANY DISCREPANCIES OR OMISSIONS TO THE ARCHITECT IMMEDIATELY.

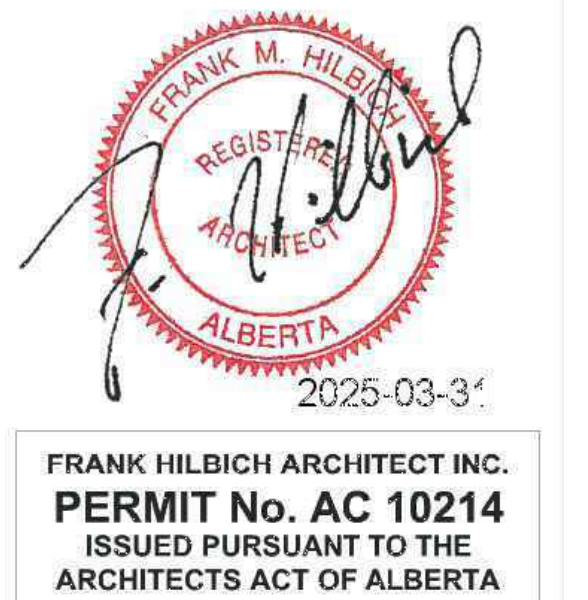
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REVISIONS	
ISSUED FOR DEVELOPMENT PERMIT	2025.03.18
RE-ISSUED FOR DEVELOPMENT PERMIT	2025.03.28

NOTE:

- EXISTING ELEMENTS ARE HALF-TONED
- ALL EXISTING LANDSCAPING TO REMAIN AS IS



PROJECT

Temporary Shelter,
Calgary - Relocation

5495 61 Ave SE
Calgary AB T2C 5K8

DRAWING TITLE

SITE PLAN

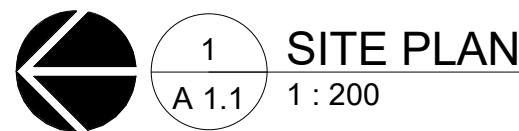
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DATE: 25-01-07

PROJ. No.: 24-031

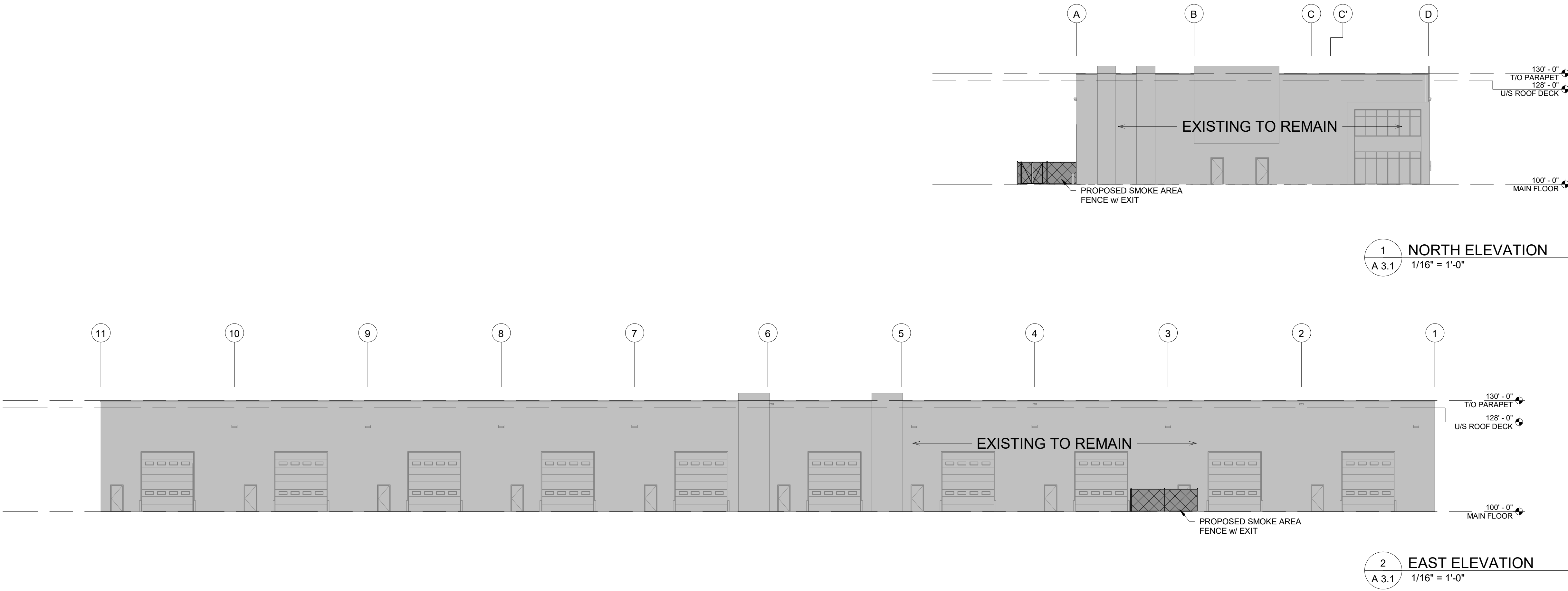
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PROPOSED SCOPE OF SITE WORK

- 6 DUMPSTERS FOR GARBAGE & RECYCLING DISPOSAL
- NEW FENCED AREA FOR THE SMOKE AREA
- NEW FENCE & GATES TO SEPARATE EMPLOYEE & VOLUNTEER PARKING FROM GUEST PARKING



Frank
HILBICH
architect inc.

3731A - 88 STREET
EDMONTON, AB
T: (780) 485-5060

DO NOT SCALE THIS DRAWING

VERIFY ALL DIMENSIONS, DATUMS AND LEVELS PRIOR TO COMMENCEMENT OF WORK. REPORT ANY DISCREPANCIES OR OMISSIONS TO THE ARCHITECT IMMEDIATELY.

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ALL WORK MUST COMPLY WITH THE MOST RECENT EDITION OF THE APPLICABLE BUILDING CODE, AND ANY OTHER GOVERNING AUTHORITIES.

REVISIONS	
ISSUED FOR PRELIMINARY REVIEW	2025.03.07
ISSUED FOR DEVELOPMENT PERMIT	2025.03.18
RE-ISSUED FOR DEVELOPMENT PERMIT	2025.03.28

NOTE:
• EXISTING ELEMENTS ARE HALF-TONED GRAY

FRANK M. HILBICH

REGISTERED

ARCHITECT

ALBERTA

2025-03-31

FRANK HILBICH ARCHITECT INC.
PERMIT No. AC 10214
ISSUED PURSUANT TO THE
ARCHITECTS ACT OF ALBERTA

PROJECT

Temporary Shelter,
Calgary - Relocation

5495 61 Ave SE
Calgary, Alberta T2C 5K8

DRAWING TITLE

EXTERIOR
ELEVATIONS

SCALE: 1/16" = 1'-0"

DATE: 25-01-07

PROJ. No.: 24-031

DWG. #

A 3.1



Suite 2100, 440 - 2nd Avenue S.W.
Calgary, Alberta T2P 5E9

MAIN 403 776 0500
FAX 403 776 0501

www.RoseLLP.com

Bonnie J. Anderson
Phone: (403) 229-9445
Email: Bonnie.Anderson@RoseLLP.com

June 10, 2025

File No.: 11128.001 BJA

VIA EMAIL

Subdivision and Development Appeal Board
1212 31 Avenue NE
Calgary, AB T2E 7S8

Dear Sirs/Mesdames:

Re: SDAB 2025-0063
Application: DP2025-01634
Discretionary Use: Temporary Shelter, Changes to Site Plan
Subject Site: 5495 61 Ave SE
Appellant: Adjacent Landowner and Occupants at 5480 61 Ave SE, Andlauer Properties and Leasing Inc., ATS Healthcare et al ("Andlauer")

We act for Andlauer and understand there is a deadline today for submissions. We submitted a notice of appeal and have no further submissions at this time as we do not have a complete record or details about the development.

We look forward to reviewing the record due June 13 and being provided further details about the development, at which time we will most likely have further submissions.

Finally, we understand from the website that the first SDAB meeting scheduled on June 19 is for "procedural and jurisdictional" matters. We will be prepared to address such items at that time.

Should you have any questions or concerns, please do not hesitate to reach out.

Yours truly,
ROSE LLP

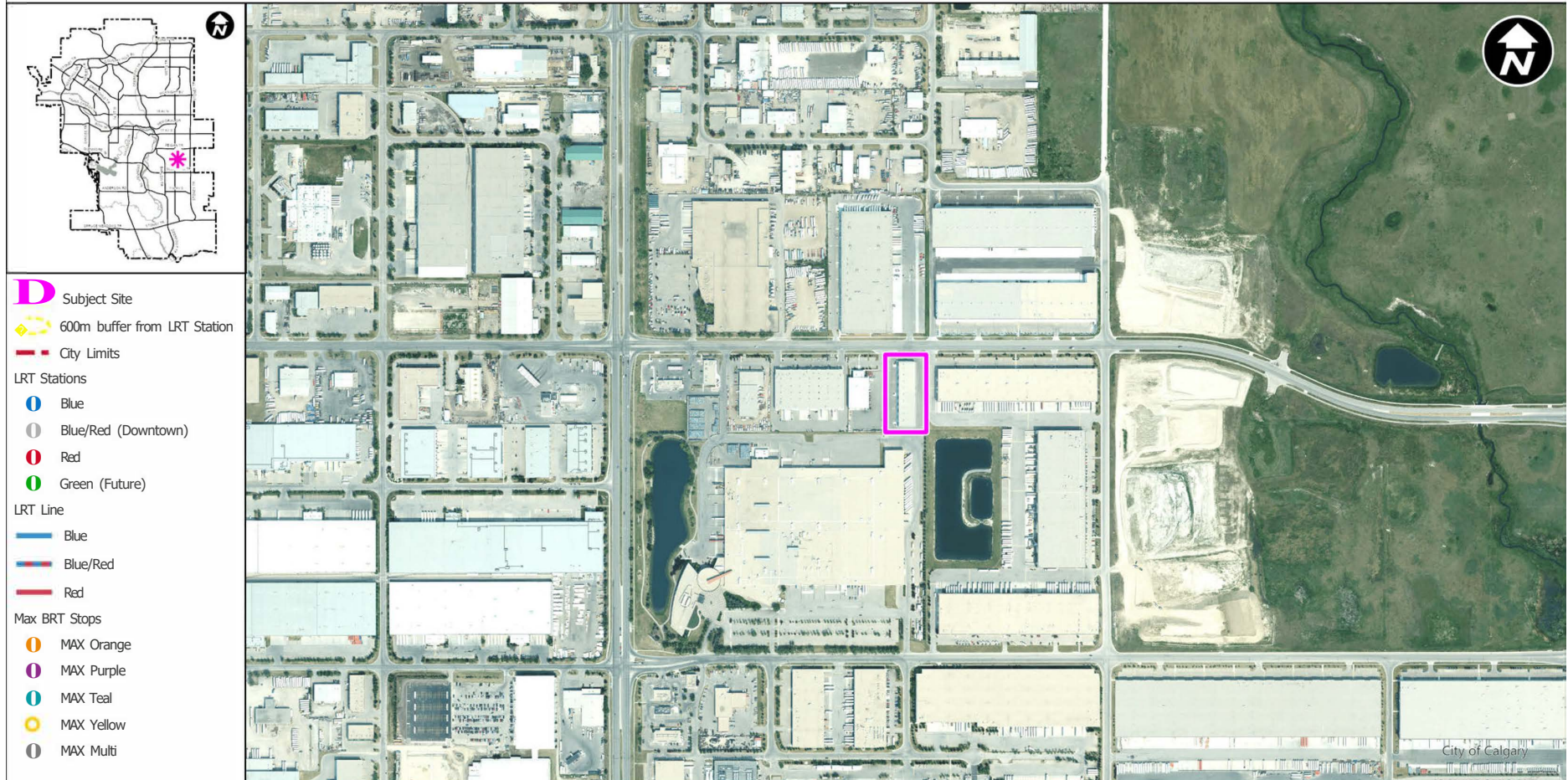
BJ Anderson

Bonnie J. Anderson

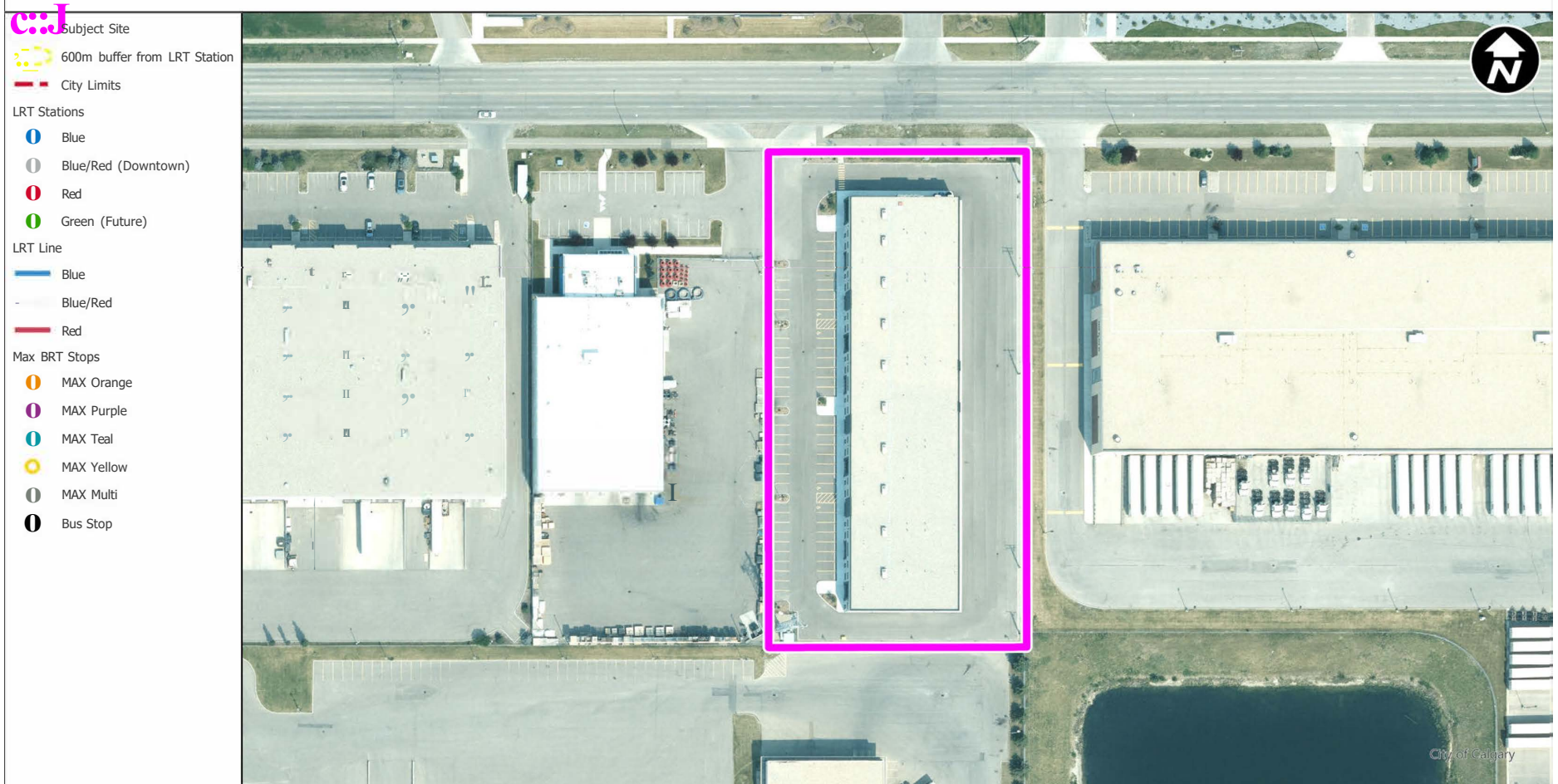
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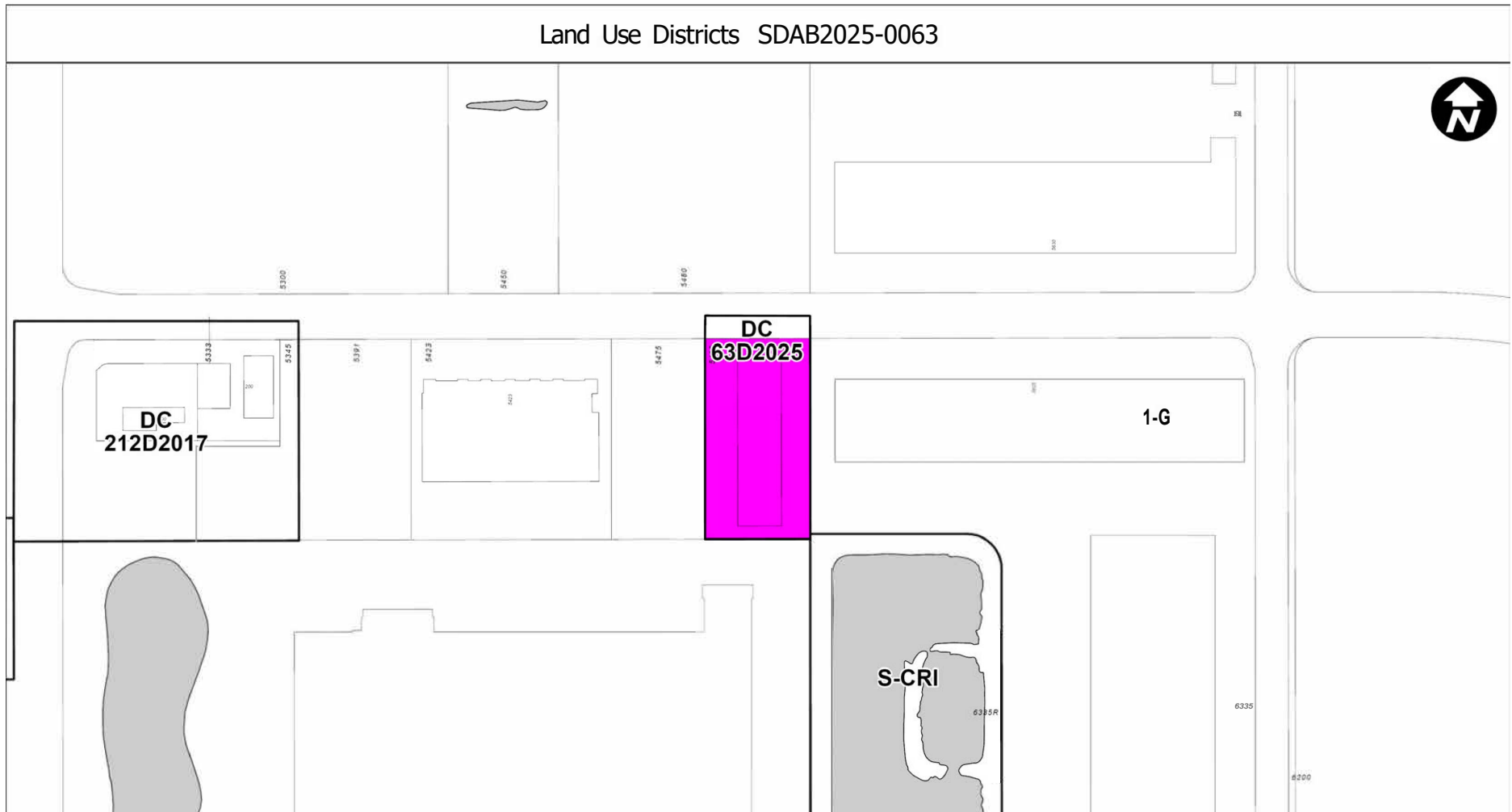
SDAB2025-0063

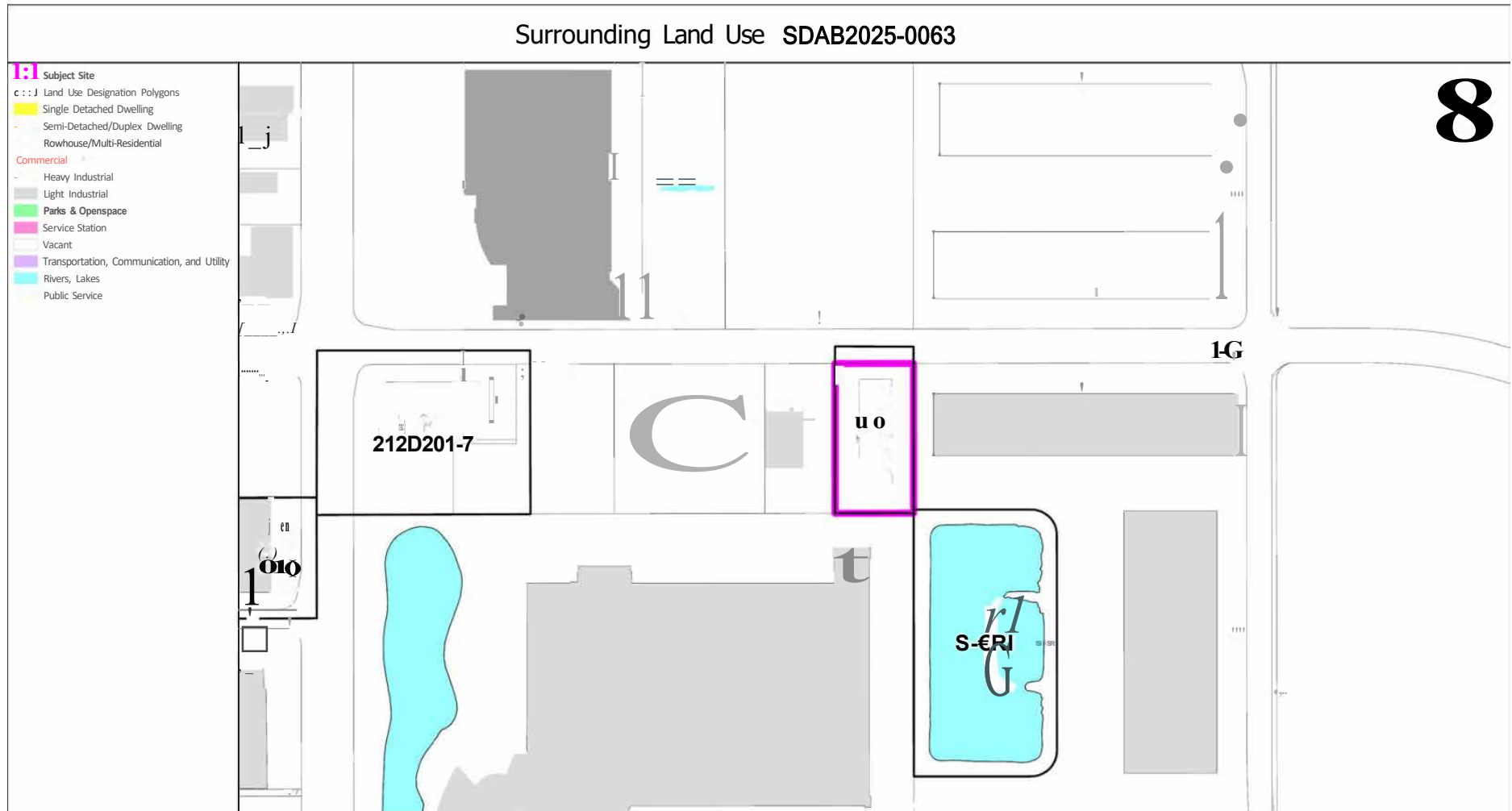
Community Context SDAB2025-0063



Site Context SDAB2025-0063









April 28, 2025

MUSTARD SEED FOUNDATION (THE)
Tamer Takla



Dear Applicant:

RE: Notification of Decision: DP2025-01634

Subject: Change of Use: Change of Use: Temporary Shelter; Changes to Site Plan: changes to amenity area

Address: 5495 61 AV SE

This is your notification of decision by the Development Authority to approve the above noted application on April 28, 2025.

Read all of the Permanent Conditions of approval carefully as they form part of the approval decision. Advisory Comments, if applicable, are also attached and are intended to be of assistance in obtaining additional permits and supplementary information for the successful completion of your development.

Development approved by this permit must commence by April 28, 2028 or the development permit shall cease to be valid. The decision will be advertised beginning May 1, 2025 at www.calgary.ca/publicnotices, which is the start of the mandatory 21-day appeal period. This appeal period will conclude at midnight May 22, 2025. Release of the permit will occur within 2-4 business days following the conclusion of the appeal period and upon receipt of all Prior to Release requirements.

If you wish to appeal, submit your appeal with reasons and the \$200.00 filing fee to the Subdivision and Development Appeal Board within 21 days of this notice of decision being given. The appeal may be filed online at www.calgarysdab.ca or in person or by mail.

Please note that this letter is to advise you of the conditions of approval, the mandatory advertising appeal period and the timeframe in which you may appeal this decision. If no appeals have been filed during the appeal period, your Development Permit will be released. Should you require clarification of the above or further information, please contact me at (587) 224-3062 or by email at Reynold.Caskey@calgary.ca and assist me by quoting the Development Permit number.

Yours truly,

Reynold Caskey
Planner 2
Planning and Development
Attachment(s)



**DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007**

DP2025-01634

This permit relates to land in the City of Calgary municipally described as:

5495 61 AV SE

Community: **Starfield**

L.U.D.:1-G

and legally described as:

1311314;6;4

and permits the land to be used until April 24, 2027 for the following development:

Change of Use: Change of Use: Temporary Shelter; Changes to Site Plan: changes to amenity area

The present owner and any subsequent owner of the above described land must comply with any attached conditions.

The development has been approved subject to any attached conditions and to full compliance with the approved plans bearing the stamp of approval and the above development permit number.

Decision By: **Development Authority**

Date of Decision: **April 28, 2025**

Development Authority: **Dwayne Drobot**

File Manager: **Reynold Caskey**

Release Date:

This permit will not be valid if development has not commenced by: April 28, 2028

This Development Permit was advertised on: **May 01, 2025**

This is NOT a Building Permit

In addition to your Development Permit, a Building Permit may be required, prior to any work commencing. further information, you should contact the City of Calgary, Planning, Development & Assessment - Building Regulations Division.

WARNING

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Applicant: **MUSTARD SEED FOUNDATION (THE)**

Address: **102 11 AV SE**

City: **CALGARY, Alberta, T2G0X5**

Phone: **-**



DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007

DP2025-01634

Complete Address and Legal Description listing for Development Permit DP2025-01634

Address Type	Address	Legal Description
Building	5495 61 AV SE	
Parcel	5495 61 AV SE	1311314;6;4



Conditions of Approval - Development Permit

Application Number:	DP2025-01634
Application Description:	Change of Use: Change of Use: Temporary Shelter; Changes to Site Plan: changes to amenity area
Land Use District:	Industrial - General
Use Type:	Discretionary
Site Address:	5495 61 AV SE
Community:	STARFIELD
Applicant:	MUSTARD SEED FOUNDATION (THE)
Development Applications Review Team	
Planning:	REYNOLD CASKEY (587) 224-3062 Reynold.Caskey@calgary.ca
Utility Engineering:	ZAMAN EFTEKHAR Zaman.Eftekh@calgary.ca
Mobility Engineering:	IRIS YE 403-268-1657 Iris.Ye@calgary.ca

Permanent Conditions

The following permanent conditions shall apply:

Planning

1. 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.
2. This permit is valid for a period of two years from the date of occupancy. On expiry of this two-year permit period, the use of Temporary Shelter shall be discontinued and the building restored to a condition acceptable to the Development Authority.
3. A Development Permit for the use of Temporary Shelter may be granted one time without the option for future renewal as per the direction of Council on April 8, 2025, item 7.2.12 LOC2024-0323, CPC2025-0204.
4. All rules of Land Use Bylaw 1P2007 apply, subject to any relaxations approved by the Development Authority in this development permit.

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAG) from the application form or call Planning Services Counter at (403) 268-5311.

Page 1 of 6

5. 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.
6. 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 or call 403-268-5311.
7. This approval does not acknowledge any relaxations of the rules of the Land Use Bylaw.
8. Concurrent with the approval of occupancy of the building, the applicant is to provide a letter confirming the starting date of operations as per Council's approval of the land use.
9. All impacts to pathways including the regional and local pathways required for project execution shall adhere to the Pathway Closure and Detour Guidelines. A permit is required for all activities within 5m of a pathway. Coordinate with Calgary Parks, Pathways - pathways@calgary.ca prior to the start of construction regarding proposed changes and impacts to the existing pathway system in the area.

Utility Engineering

10. 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 Protected Areas and The City of Calgary (311).
 - b. on City of Calgary lands or utility corridors, The City of Calgary, Climate and Environment (Contaminated Sites Section) must be immediately notified (311).
11. Stormwater runoff must be contained and managed in accordance with the Stormwater Management & Design Manual all to the satisfaction of the Coordinator, Utility Specialist.
12. The grades must match the grades indicated on the Development Permit approved 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.
13. No trees, shrubs, buildings, permanent structures or unauthorized grade changes are permitted within the utility rights-of-way.

Mobility Engineering

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAG) from the application form or call Planning Services Counter at (403) 268-5311.

14. The Mutual Access Easement Agreement 141230157 for the purpose of parking access, vehicular access, pedestrian access, access for deposit and placement of waste and recycling materials to be held for pick-up and removal shall remain 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.
15. 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, Development Engineering. All work performed on public property shall be done in accordance with City standards.
16. 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.

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAG) from the application form or call Planning Services Counter at (403) 268-5311.

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Advisory Comments

The following advisory comments are provided as a courtesy to the Applicant and registered property owner. The comments represent some, but not all of the requirements contained in the Land Use Bylaw that must be complied with as part of this approval.

Planning

17. The Applicant may appeal the decision of the Development Authority, including any of the conditions of the development permit. If you decide to file an appeal, please refer to the notification of decision letter for the appropriate appeal body and appeal process.
18. The approval of this development permit does not limit in any way the application of any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline, nor does it constitute any permit or permission under any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline.
19. In addition to this development permit, building permits may also be required. Building permit applications may be submitted upon approval of the associated development permit. Contact Building Regulations at 403-268-5311 for further information.
20. This development permit has not been reviewed for potential issues with the National Building Code - current Alberta Edition. You may require a Building Permit in addition to this development permit in which case compliance with the Code will be assessed through a Building Permit application. Should a Building Permit review require changes to the approved development permit, the changes must be to the satisfaction of the Development Authority and are potentially subject to a new development permit.
21. There are many types of caveats and other agreements that can be registered on the title of the property that can restrict the ability to develop. The City has not reviewed or considered all instruments registered on the title to this property. Property owners must evaluate whether this development is in compliance with any documents registered on title.
22. A new land use application must be applied for prior to the expiry date of this temporary permit for the use to continue without interruption.

Utility Engineering

23. The developer is responsible for ensuring that:
 - a. The environmental conditions of the subject property and associated utility corridors meet appropriate regulatory criteria and appropriate environmental assessment, remediation, exposure control or risk management is undertaken.

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAG) from the application form or call Planning Services Counter at (403) 268-5311.

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- b. Appropriate environmental assessment(s) of the property has been undertaken and, if required, a suitable Remedial Action Plan, Exposure Control Plan and/or Risk Management Plan has been prepared, reviewed and accepted by the appropriate regulatory agency(s) including but not limited to Alberta Environment and Protected Areas.
- c. The development conforms to any reviewed and accepted Remedial Action Plan, Exposure Control Plan and/or Risk Management Plan.
- d. All reports are prepared by a qualified professional in accordance with accepted guidelines, practices and procedures that include but are not limited to those in the most recent versions of the Canadian Standards Association and City of Calgary Phase I & II Environmental Site Assessment Terms of Reference.
- e. The development is in compliance with applicable environmental approvals, for example from Alberta Environment and Protected Areas, Alberta Energy Regulator and/or Natural Resources Conservation Board; as well, any related setback requirements, and landfill setback requirements as set out in the Subdivision and Development Regulation.

If the potential for methane generation or vapours from natural or contaminated soils and groundwater has been identified on the property, the developer is responsible for ensuring appropriate environmental assessment(s) of the property has been undertaken and appropriate measures are in place to protect the building(s) and utilities from the entry of methane or other vapours.

Issuance of this permit does not absolve the developer from complying with and ensuring the property is developed in accordance to applicable environmental legislation.

- 24. Any flammable or combustible liquid storage tank over 230 litres requires 3 sets of drawings to be submitted to the Fire Department, Fire Inspections and Investigations, Technical Services for review. Plans are to be delivered to: 4144 - 11 ST SE, Calgary, Alberta, T2G 3H2
There is a fee structure in place for this review.

Refer to this website link for more information:
<http://www.calgary.ca/CSPS/Fire/Pages/Inspections-investigations-and-permitting/Registering-Flammable-or-Combustible-Tanks.aspx>

- 25. Prior to the commencement of construction, alteration or demolition operations, a Fire Safety Plan, accepted in writing by the Fire Department and the authority having jurisdiction, shall be prepared for the site and conform to the requirements of the National Fire Code (Alberta Edition). Visit <https://www.calgary.ca/csps/fire/fire-codes/fire-safety-plans.html> for more information on Fire Safety Plan requirements.
- 26. Water, sanitary and storm connections exist to the site.

For further details, contact wa-resourcesdevelopmentapprovals@calgary.ca.

Mobility Engineering

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAG) from the application form or call Planning Services Counter at (403) 268-5311.

27. The locations and design of driveways must be approved by Development Engineering. New driveways including driveway modifications, removal and rehabilitations of unused driveway crossings or relocations, sidewalks, wheelchair ramps, and lane paving must be constructed to City standards at the developers expense. Obstructions such as storm catch basins, hydrants, power poles, etc., must be relocated to City standards at developers expense.
28. The City does not grant approval for the placement of underground irrigation sprinkler systems in City owned lands or boulevards that are adjacent to the development site and are installed at the developers risk. The City of Calgary will not assume liability or responsibility for repair or replacement in event it has been damaged or destroyed during construction on City owned lands or boulevards by city workers or its authorized contractors.
29. Rehabilitation of Existing Boulevard on 61 AV SE required with the DP2024-0117 will be required in future Development Application with a medium or big work scope.



The City of Calgary
Planning & Development Services
Community Planning

Reasons for Decision for DP2025-01634

The Reasons for Decision document is intended to provide a short summary of the development permit process; response to concerns raised by neighbours, other affected parties and the Community Association; and rationale for any relaxations of the Land Use Bylaw granted by the Development Authority. Only the approved plans and conditions of approval are the subject of an appeal.

Scope and Process

Development Scope: Change of use for the use of temporary shelter. Changes to Site plan to allow for amenity smoking area for users of the site.

Circulation and Notice Posting:

The following referees were circulated: Circulation toward 9 Councillor, Enmax Power Corporation, internal referees.

Notice Posting: No notice posting required as per S27 of the LUB 1P2007

Comments on Relevant City Planning Policies

MDP/ARP/ASP:

MOP 2.3.1 (g,h,i): providing special care facilities in a wide variety of locations across the city and not concentrated any one place

Southeast Industrial ASP (A.2.6iii): loading areas, ancillary storage, utility meter, garbage collection and compaction, or other such services should be incorporated into the overall design of the building(s) and landscaping where practical and feasible, so that the visual impacts are screened and minimized.

Land Use Bylaw 1P2007: A new DC District based on I-G district with temporary shelter as a discretionary use was reviewed. No changes to building were proposed with some exterior changes to site proposed. Screening for the amenity and garbage area were proposed and conditioned.

Restrictive Covenant requiring REDS review. Email in Docs folder from Debbie Waite confirming no review required.

I Planning Review



The City of Calgary
Planning & Development Services
Community Planning

During the review, the Development Authority considered the rules and intent of the 1P2007 Land Use Bylaw, as well as the appropriateness of the proposed development in the context of the neighbourhood. The application was reviewed against the prevailing policies and land use bylaw and considered to be appropriate given the land use. Details around the amenity smoking area were provided, and an enclosure around the garbage bins proposed were required as a prior to release with confirmation of dimensions.



**APPLICATION FOR A DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007**

576766370-001
Taken By:

Application Date **Mar 20, 2025**

APPLICATION NIO DP2025-01634

We hereby make application for a Development Permit under the provisions of the Land Use Bylaw in accordance with these plans and supporting information submitted herewith and which form part of this application.

Total Fees: \$1,737.00

Cart#: 1--

Applicant **MUSTARD SEED FOUNDATION (THE)**Contact: **Takla, Tamer**

Address: **10211 AV SE**

Phone: () -

City: CALGARY, Alberta, T2G0X5

Fax: () -

Pho.ne:

Parcel Address: 5495 61 AV SE

Legal: 1311314;6;4

Building Address: ~~5415~~ 611 AV SE

Legal:

L.U.D.: I-G

Community: **STARFIELD**

Sec Number: 35SE Ward: 09

Description: **Ch:anges to Site Plan: Changes to Site Plan:**
TemporaJY Sh.etter (new smoking area)

Mustard Seed: Temporary Shelter Relocation

Proposed Development is: Discretionary

Proposed Development is: Discretionary

Proposed Use: other

I agree to receive correspondence via electronic message related to this application.

By signing below, I certify that the contact information provided above is accurate and further, acknowledge the ability of the General Manager - Planning and Development to inactivate and cancel incomplete applications.

Allcant I Agent Sig nature:

Date:

The peSOlal InforMation in this form is being collected under the ☐ at The M & I Government Pd, Section 640, and The City of Calgary land Use Bylaw 1P2007 (Part 2) and all regulations thereto. It will be used for the permit application process. It may also be used to conduct ongoing evaluations of services ☐ from Planning, Development & Assessment. The name of the applicant and the nature of the permit will be available to the public. Please see inquiries by mail at the POP Program Administrator, Planning, ☐ & Alassiaf, PO Box 12100, station M, Calgary, AB T2P 1E5 or contact us by phone at 311.

Track your application on-line with



Changes outside a Building (including Changes inside a Building,
Exterior Renovations and Minor Changes to Site Plan):
In any Land Use District

The following Development Permit Complete Application Requirement List outlines all of the information necessary to evaluate and provide a timely decision on your application. Only applications that are complete will be accepted. Applications and materials submitted must be clear, legible and precise. Plans submitted must be to a professional drafting standard. All plans must be clear of any previous approval stamps and/or notations. Please review the Processing Times and Deemed Refusal section.

NOTE: Building and Development Permit applications must be submitted without personal information on any plans. Omitting this information will protect builders and tenants by reducing the risk of any personal information being wrongfully displayed, while also following the Province of Alberta's FOIP Act. Failure to follow this requirement may result in an incomplete application. If you consider the information to be personal, do not put it on the plans.

The Development Authority may require additional material considered necessary to properly evaluate the proposed development (as stated in Part 2, Section 26(3) of the Land Use Bylaw P2007).

Processing Times and Deemed Refusals

Applicants are advised of their option under the Municipal Government Act to treat their application as being refused if the Development Authority fails to make a decision within 40 days of the application being accepted by the Development Authority, or at the expiry of an extended review timeframe specified by a time extension agreement between the Development Authority and Applicant. [Time extension agreements](#) must be initiated by the Applicant.

To exercise the "deemed refusal" option, an appeal to the Subdivision and Development Appeal Board must be filed within 14 days of the latest specified date for the review, or the right to an appeal is lost until such time as a decision is rendered on the application by the Development Authority.

SECTION 1: Applicant Details

☐ Property Owner ☒ Representing Owner

Applicant's Name:

—famu /4\ a

Company Name (if applicable):

The MUJ (arc) clv'd

Applicant's Email:

Applicant's Phone Number (during business hours):

NOTE: Correspondence and approval notification will be sent to only the applicant

SECTION 2: Project Details

Project Address:

5495 bl Ave. SE. Ca. AB, T2C 5K8

SECTION 3: Application Requirements for Development Approval (Development Permit)

Supporting Documents

1. A copy of the current **Certificate(s) of Title**
2. Current copies of any **Restrictive Covenants, Utility Rights-of-Way, Easements, or City Caveats** registered on the title(s)
3. **A Letter of Authorization*** from the registered owner of the land, their agent, or other persons having legal or equitable interest in the parcel.
*You may use this [sample letter of authorization template](#) or you can provide your own letter, but it must contain all information indicated on the sample letter
4. **Colour Photographs** (minimum of four different views, label and identify each photograph) showing:
 - Site from front and rear
 - Interior where new floor area is being added
 - Unique features and aspects of significance to development of the parcel
 - Details of curbs, driveways, sidewalks, waste enclosures and overhead poles

5.	Development Permit fee (Fee Schedule)
6.	Completed Site Contamination Statement
7.	Completed Public Tree Disclosure Statement If public trees are identified one additional site plan may be required
8.	When the proposal does not comply with council approved policies, bylaw standards or technical guidelines, provide a written planning rationale in support of the deficiencies
9.	Completed Climate Resilience Inventory form
V Plans (preferred scale is Metric 1:100 or Imperial 1/4"= 1'0")	
NOTE: Plans must be uploaded as one complete drawing set. Plans should not be uploaded as separate documents.	
10.	One (1) copy of a Site Plan
Your Site Plan should include the following:	
1.	North arrow , pointing to top or left of page
2.	Municipal address (i.e. street address) and legal address (i.e. plan/block/lot)
3.	All elements of plan labelled as existing or proposed
4.	Plot and dimension property lines: <ul style="list-style-type: none"> Label existing and proposed Label parcel area in square meters
5.	Easements, Utility Rights-Of-Way: <ul style="list-style-type: none"> Dimension (width, depth and location) Label type of easement and registration number)
6.	Plot Rights-of-Way setback lines required in Section 53, Table: <ul style="list-style-type: none"> Dimension depth of Rights-of-Way Dimension distance from Rights-of-Way to
7.	Adjacent to parcel: <ul style="list-style-type: none"> City streets, label street names Sidewalks, City and public paths (Regional Pathway System) Curb cuts, medians and breaks in medians
8.	Dimension to property line: <ul style="list-style-type: none"> Back of sidewalk and curb Lip of gutter Width of sidewalk and public paths (Regional Pathway System)
9.	Corner parcels only: <ul style="list-style-type: none"> Outline and dimension corner visibility triangle
10.	Setbacks: <ul style="list-style-type: none"> Dimension front, side and rear building setbacks from property lines Draw, label and dimension required setback areas (as prescribed in the Land Use Bylaw)
11.	Outline and dimension buildings: <ul style="list-style-type: none"> Projections and structures (bay windows, cantilevers, deck, window wells) Detached buildings and structures (sheds,garages) Location of all openings (windows, doors, overhead doors) Label use area within the building (tenant locations) Label uses to be located in each use area (see uses listed under Use CARLs)
12.	Setbacks: <ul style="list-style-type: none"> Dimension front, side and rear building setbacks from property lines Draw, label and dimension required setback areas (as prescribed in the Land Use Bylaw)
13.	Parking areas, drive aisles and circulation roads: <ul style="list-style-type: none"> Label all surface material of areas accessible by motor vehicles Dimension widths of all aisles and roads Provide details on vehicle circulation (direction of travel, signage and fire lanes)

14. Waste and collection and loading areas:	<ul style="list-style-type: none"> ▪ Enclosure location ▪ Enclosure dimensions ▪ Geodetic elevations at all corners of the enclosure ▪ Grades of the collection area ▪ Sweep paths for collection vehicles and dimensions of clearance ▪ Vehicle weight supported in collection area (minimum 25,000kg) ▪ Method of collection (e.g. individual pick-up or dumpster pick-up) ▪ Identification of garbage, recycling, and organics containers for the three streams of waste ▪ Types of waste containers within the enclosure or on site ▪ Volume of waste containers ▪ Refer to the Planning and Design Review; Planning Criteria for the Storage and Installation of Waste
15. Firefighting Access	<ul style="list-style-type: none"> ▪ Sweep paths for the firefighting vehicle access route and dimensions of clearance ▪ Indication that the fire access route is designed to a 12.0 metre centerline of the roadway turning radius ▪ Vehicle weight supported in firefighting vehicle access route (minimum 38,556kg (85,000 lbs)) ▪ Grades of the firefighting vehicle access route ▪ Indication that the access is designed to support the NFPA 1901 point load of 51.7kPa (75 psi) over a 24" by 24" area which corresponds to the outrigger pad size ▪ Any lockbox location, firefighting service connection, and alarm panel locations • Refer to the Fire Department Access Standard
16. Motor vehicle parking stalls:	<ul style="list-style-type: none"> ▪ Label as Commercial, Dwelling, Live/Work or Visitor ▪ Total each type of motor vehicle parking stall by use ▪ Dimension width and depth • Provide calculations for motor vehicle parking stall requirement by use
17. Loading stalls:	<ul style="list-style-type: none"> ▪ Dimension width and depth • Label surface material of loading areas
18. Location of driveways	
Bicycle parking:	<ul style="list-style-type: none"> ▪ Location of bicycle parking stall - class 1 (secure) and class 2 (un-secure) ▪ Total each type of bicycle parking stall (class 1 or class 2) ▪ Calculate bicycle parking stall requirement
19. Fencing:	<ul style="list-style-type: none"> ▪ Label height (include height of retaining walls) ▪ Cross reference to an elevation (for each type of fence)
20. Lighting:	<ul style="list-style-type: none"> ▪ Plot locations of light fixtures and light standards ▪ Plot maximum wattage of fixtures • Provide detail of light fixtures (drawing or specification) <p>NOTE: Site lighting plan, showing compliance with Part 3, Division 4 of Bylaw 1P2007, may be requested during the review of this application.</p>
21. Signage:	<ul style="list-style-type: none"> ▪ Outline and label the location of all proposed canopy, fascia and freestanding signage (for all other types of signage, obtain the appropriate requirement list for that sign) ▪ Label the source of power for the signage (underground, etc.) • Plot location of all existing signage on the parcel ▪ Dimension distance from property lines to signage • Dimension distance to all freestanding signs on the parcel or within 30 metres of the parcel
22. Plot and label retaining walls and sidewalks (dimension width)	
23. Include the following additional information on all Site Plans when changes are being made impacting the parking, loading or storage area:	
a. Location of all:	<ul style="list-style-type: none"> • Catch basins • Utilities

	<ul style="list-style-type: none"> • Guy wires/pole anchors ▪ Hydrants, utility fixtures or boxes
b.	Parking areas, drive aisle and circulation roads: <ul style="list-style-type: none"> • Include curbs and sidewalks • Crosswalks (provide detail if raised) • Speed bumps (provide detail) • Label all surface material of areas accessible by motor vehicles • Dimension widths of all aisles and roads ▪ Provide details on vehicle circulation (direction of travel, signage and firelanes)
c.	Motor vehicle parking stalls: <ul style="list-style-type: none"> • Dimension overhead clearance • Dimension column size and distance between columns • Dimension angle or parking stall (if less than 90 degrees) ▪ Location and size of wheel stop (provide next to sidewalk)
d.	Loading stalls: <ul style="list-style-type: none"> • Dimension overhead clearance ▪ Turning radius (sweep path) for large vehicle access to drive aisles, waste and loading areas
e.	Driveways: <ul style="list-style-type: none"> • Label proposed or existing • Label curb cuts to be removed and rehabilitated • Dimension length from back of curb or sidewalk • Dimension width of driveway at throat and flare (adjacent to street) ▪ Dimension distance to adjoining driveways
f.	Parking and loading area geodetic grades: <ul style="list-style-type: none"> • Driveway grades and parkade ramp grades • Detail any areas over 2 per cent slope • Dimension width of driveway at throat and flare (adjacent to street) • Dimension distance to adjoining driveways
g.	Bicycle parking: <ul style="list-style-type: none"> • Label surface material of bicycle parking stalls • Dimension separation to surrounding structures • Dimension separation of devices (bike racks) and rows of devices • Dimension of bicycle parking area • Location of signage related to bicycle parking • Cross reference to a detailed drawing (for each type of parking device)
h.	For parcels 2.0 hectares or larger, provide a Storm Water Management Report
24.	Include the following additional information on all Site Plans when changes are being made that will impact the landscaped areas:
a.	Label surface and material of internal sidewalks
b.	Retaining walls: <ul style="list-style-type: none"> ▪ Label height (provide height of fences on top of wall) • Provide geodetic datum points at top and bottom of wall • Cross reference to elevation (for each wall) • If one metre in height or higher, provide engineered, stamped structural design drawings, including cross-sections Provide geodetic datum points of grade on each side of the wall (NOTE: height of retaining wall measured)
c.	Geodetic datum points/contours: <ul style="list-style-type: none"> ▪ All the corners of the parcel • At the back of sidewalk or curb ▪ At primary corners of the building • Geodetic contours at 0.5 metres intervals including berming for site Label existing and proposed geodetic datum points
d.	Plot and label: Fencing, retaining walls, sidewalks (dimension width)
e.	Trees and shrubs

	<ul style="list-style-type: none"> Plot location of trees by symbol (each symbol should be unique to size and type of tree) Plot shrubbed areas Label number of shrubs in each shrubbed area (only include shrubs greater than 0.6 metres in height or spread)
f.	Landscape legend: <ul style="list-style-type: none"> Label by symbol (each symbol should be unique to size and type of tree and shrub) Provide species Provide caliper of deciduous trees Provide height of coniferous trees Provide height and spread of shrubs (greater than 0.6 metres) Provide total of each type of tree and shrub (by height and size)
g.	Irrigation: <ul style="list-style-type: none"> Method of irrigation (specify if using Low Water Irrigation System) Label all soft surface landscaping to be irrigated or plot specific areas (zones)
h.	If trees are existing on public lands adjacent to the site: <ul style="list-style-type: none"> Specify the species of each tree (e.g. Green Ash, Colorado blue spruce, American Elm). Note that identification of deciduous or coniferous is not sufficient. If you require assistance in identifying the species of a tree, call 311 to obtain additional information. Diameter of each tree, measured at a height of 14 metres above the ground Estimated mature height of each tree (e.g. less than 3 metres, 3-6 metres, 6-9 metres, etc.) Location of the centre point of the trunk of each tree Outline of the "drip line" of each tree (i.e. the outline of the outer reach of the branches of the tree)
25. One (1) copy of Floor Plan(s) <small>(preferred scale is Metric 1:100 or Imperial scale, minimum 3/16"=1")</small>	
Your floor plans should include the following:	
1.	Municipal address (i.e. street address) and legal address (i.e. plan/block/lot)
2.	All elements of plan labelled as existing or proposed
3.	Outline and dimension walls: <ul style="list-style-type: none"> Include exterior dimensions (dimension to centre line of common walls) Plot location of interior and exterior openings (windows, doors, overhead doors) Internal motor vehicle and bicycle parking, loading and waste collection facilities (see site plan requirements) Label use in each use area (tenant space) Label the purpose of spaces (e.g. Kitchen, living room, bathroom, interior/exterior stairways, mechanical rooms, meter room, corridors, washrooms, laundry facilities) Label existing and proposed rooms
26. One (1) copy of Elevation(s) <small>(preferred scale is Metric 1:100 or Imperial scale, minimum 3/16"=1")</small>	
Your elevations should include the following:	
1.	Municipal address (i.e. street address) and legal address (i.e. plan/block/lot)
2.	All elements of plan labelled as existing or proposed
3.	Include elevations for: <ul style="list-style-type: none"> Buildings Fences Retaining walls (over 0.6 metres in height) Waste collection facilities Screening (e.g. Service meters, privacy screens, mechanical equipment) Additional walls or structures (e.g. Exhaust fan shed) Cross reference with other plans, where applicable
4.	Include on elevations: <ul style="list-style-type: none"> Doors, windows, overhead doors Projections, service meters, decorative elements, rooftop equipment Screening (e.g. Service meters, rooftop equipment, privacy screens) Dimension all doors, windows and overhead doors

5.	Label finishing materials: <ul style="list-style-type: none"> • Exterior materials (brick, stucco, vinyl siding, metal siding) • Roof materials (asphalt, cedar shakes, concrete tile) • Colours of all major exterior materials
6.	Lighting: <ul style="list-style-type: none"> • Plot location of light fixtures • Plot direction of illumination (vertical, horizontal) • Dimension height of fixtures from grade to bottom of fixture
7.	Grade: <ul style="list-style-type: none"> • Plot existing and proposed grade extending to property lines • Plot property lines (extending vertically) • Plot all geodetic datum points required on site plan • Dimension all doors, windows and overhead doors
8.	Building height (indicate on all elevations): <ul style="list-style-type: none"> • Plot line for main floor • Plot line for roof when concealed by parapet • Dimension height of building from existing and proposed grade • Dimension height of main floor from existing and proposed grade • Dimension height of structures (fences, retaining walls) from existing and proposed grade
9.	Signage (where appropriate, provide separate sign elevation): <ul style="list-style-type: none"> • Label materials, lettering details, copy and colours • Dimension sign and signable area • Dimension distance from grade to bottom of sign • Label means of supporting sign (structures, guy wires, brackets, bracing) • Label physical form of sign (cabinet, box, individual letters) • Provide details on exterior lighting, label if internally illuminated
27.	One (1) copy of Cross-sections, including: <small>(preferred scale is Metric 1:100 or Imperial scale, minimum 3/16"=1")</small>
Your cross-sections should include the following:	
1.	Label width of any roof structure, mechanical rooms, projections
2.	Dimension to outermost limits of the cross-section
3.	Cross-section of sloping driveways and parkade ramps <ul style="list-style-type: none"> • Indicate slope and include transition lengths • Provide geodetic datum points at transition points in ramp (including top and bottom) • Dimension overhead clearance
4.	Cross-sections may be required if there are retaining walls on the parcel that are 12 metre or higher, or to provide more information on the impact of the proposed building on the adjacent properties, showing: <ul style="list-style-type: none"> • Existing and proposed grade of parcel • Grade of adjacent parcels and city streets • Cross-sectional outline of the building • Geodetic datum points

SECTION 4: Supporting Information

- | | |
|-----|--|
| 28. | If the use is discretionary and the application proposes to reduce the number of parking stalls on the site, explain how your site will continue to provide sufficient parking opportunities for your business. |
| 29. | If the site is within the Airport Vicinity Protection Area (AVPA), please note that additional copies of plans may be required during the review of this application. |
| 30. | If the application is being submitted concurrently with an existing Land Use Amendment, a completed Concurrent Submission Declaration Form is required.
<input type="checkbox"/> Yes, this application is being submitted concurrently with a Land Use Amendment, L O C 2 0 _ - _____
<input type="checkbox"/> No, this application is not being submitted concurrently with a Land Use Amendment |

SECTION 5: Use Application Requirement Lists

31. Please **list all Uses*** that are being proposed as part of the Development Permit application below. A list of Uses, and their definitions, are available on line under [Schedule A at calgary.ca/landusebylaw](http://calgary.ca/landusebylaw).

Proposed or Existing Use(s):

*If the use being proposed is listed below, a completed additional information form is required at the time of application.

- [Agriculture and Animal - Use](#)
- [Automotive Use](#)
- [Eating and Drinking Use](#)
- [Residential Care and Health Use](#)
- [Commercial Use](#)
- [Commercial Multi-Residential Uses](#)
- [Industrial Use](#)
- [Care Facility Information Form](#)
- [Child Care Service Information Form](#)
- [Instructional Facility Information Form](#)
- [Health Care Services Information Form](#)
- [Payday Loan /Pawn Shop Information Form](#)
- [Public School Information Form](#)

SECTION 6: Applicant's Declaration

"I" By submitting this application to The City of Calgary (the "City"), I understand and acknowledge that, as part of the City's process in reviewing, evaluating, and processing this application, the City will be required to circulate hard or electronic copies of my application materials to members of City Administration, members of the public who may be affected by the application's approval, and to relevant Community Associations' Boards of Directors, including their Planning Committees. The City will also make my application materials available online for public viewing through its website, www.calgary.ca. I hereby consent to the City's copying of these application materials, solely for the purposes of such circulation, dissemination and online viewing as aforesaid, provided that those parties to whom the copies are circulated or made available online are made aware that their use of the copies is specific and limited to providing input on my application and that any further reproduction and distribution of the plans is strictly prohibited.

If you do not want to make your application materials available online for public viewing, you must send an email to pjanninghelp@calgary.ca within 48 hours of submitting your application and we will consider your request. If your request is accepted our website will reflect that the applicant has chosen not to have their application materials online for public viewing.

The personal information on this form is being collected under the authority of The Calgary Building Permit Bylaw 64M94 (Section S) and amendments thereto, as well as section 33(c) of the [FOIP Act](#). This information is being collected for the purpose of permit review and inspection processes and may be communicated to relevant City Business Units, utility providers, and Alberta Health Services. It may also be used to conduct ongoing evaluations of services received from Planning & Development. The name of the applicant and the nature of the permit will be available to the public through general inquiries, paid subscription reports for permit data and resources found online, as authorized by the FOIP Act. You may direct questions about the collection, use or disclosure of your personal information by the City of Calgary at 800 Macleod Trail SE Calgary, Alberta in relation to this program by contacting the FOIP Program Administrator for Planning and Development through telephone at 403-268-5480 or by writing to PO Box 2100, Station M, Calgary, AB T2P 2M5.

NOTE: This application does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Need help or have questions? Contact the [Planning Services Centre](#).

Checklists are updated periodically. Please ensure you have the most recent edition.



LAND TITLE CERTIFICATE

S
 LINC SHORT LEGAL TITLE NUMBER
 0035 676 998 1311314;6;4 231 169 006

LEGAL DESCRIPTION

PLAN 1311314

BLOCK 6

LOT 4

EXCEPTING THEREOUT ALL MINES AND MINERALS

AREA: 0.909 HECTARES (2.25 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE

ATS REFERENCE: 4;29;23;35;SW

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 221 050 053

REGISTRATION	DATE (DMY)	REGISTERED OWNER (S) DOCUMENT TYPE	VALUE	CONSIDERATION
231 169 006	31/05/2023	TRANSFER OF LAND	\$9,550,000	\$9,550,000

OWNERS

NORTHERN RNA INC.
 OF 335 25 STREET SE
 CALGARY
 ALBERTA T2A 7H8

ENCUMBRANCES, LIENS & INTERESTS			
REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS	
971 057 962	27/02/1997	UTILITY RIGHT OF WAY GRANTEE - THE CITY OF CALGARY. PORTION AS DESCRIBED	
131 110 463	14/05/2013	CAVEAT RE : RESTRICTIVE COVENANT	
131 110 464	14/05/2013	CAVEAT RE : EASEMENT	

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

231 169 006

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
131 110 465	14/05/2013	RESTRICTIVE COVENANT
141 230 175	29/08/2014	EASEMENT AS TO PORTION OR PLAN:1412357 OVER AND FOR BENEFIT OF - SEE INSTRUMENT
191 217 569	25/10/2019	CAVEAT RE : LEASE INTEREST CAVEATOR - ROGERS COMMUNICATIONS INC. ATTENTION: MANAGER, REAL ESTATE ONE MOUNT PLEASANT ROAD, 2ND FLOOR TORONTO ONTARIO M4Y2Y5 AGENT - SHANNON GARDNER.
221 169 563	15/08/2022	UTILITY RIGHT OF WAY GRANTEE - ENMAX POWER CORPORATION. AS TO PORTION OR PLAN:2211180
231 169 007	31/05/2023	MORTGAGE MORTGAGEE - BUSINESS DEVELOPMENT BANK OF CANADA. SUITE 1310, 150-9 AVE SW CALGARY ALBERTA T2P3H9 ORIGINAL PRINCIPAL AMOUNT: \$11,600,000
231 169 008	31/05/2023	CAVEAT RE : ASSIGNMENT OF RENTS AND LEASES CAVEATOR - BUSINESS DEVELOPMENT BANK OF CANADA. 1310, 150-9 AVE SW CALGARY ALBERTA T2P3H9 AGENT - JASON D COLLINS
241 042 914	08/02/2024	CAVEAT RE : ENCROACHMENT AGREEMENT AGENT - JENNIFER PARKS
241 291 626	08/11/2024	BUILDER'S LIEN LIENOR - PCL CONSTRUCTION MANAGEMENT INC. C/O MILLER THOMSON LLP SCOTT HAMMEL/E.JOHNSTON SUITE 2700 10155-102 STREET EDMONTON ALBERTA T5J4G8 AGENT - CONNIE ENGLISH AMOUNT: \$641,475 DATE RECEIVED SEP 27, 2024

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 3
231 169 006

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
------------------------	--------------	-------------

241 321 513	13/12/2024	CONSTRUCTION LIEN LIENOR - PCL CONSTRUCTION MANAGEMENT INC. ATTN: SCOTT HAMMEL/E. JOHNSTON MILLER THOMSON LLP SUITE 2700,10155 - 102 ST EDMONTON ALBERTA T5J4G8 AGENT - CONNIE ENGLISH AMOUNT: \$50,108 RECEIVED ON OCTOBER 7, 2024
-------------	------------	--

TOTAL INSTRUMENTS: 012

PENDING REGISTRATION QUEUE

DRR NUMBER	RECEIVED DATE (D/M/Y)	SUBMITTER	LAND ID
F00GEN9	20/12/2024	BRYAN & COMPANY LLP 587-756-4346 CUSTOMER FILE NUMBER: 36289-3	
001		CONSTRUCTION LIEN AMOUNT: \$2,415,740	1311314; 6; 4

TOTAL PENDING REGISTRATIONS: 001

DISCLAIMER: THE DOCUMENT INFORMATION REFLECTED IN THE PENDING
REGISTRATION QUEUE HAS NOT BEEN VERIFIED BY LAND TITLES AND MAY BE
SUBJECT TO CHANGE UPON REVIEW AND REGISTRATION.

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 22 DAY OF
DECEMBER, 2024 AT 01:14 P.M.

ORDER NUMBER: 52470741

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

(CONTINUED)

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

131110463

ORDER NUMBER: 52456843

ADVISORY

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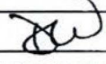
221169563 REGISTERED 2022 08 15
UTRW - UTILITY RIGHT OF WAY
DOC 2 OF 2 ORR#: D005XR8 ADR/BLAFONT
LINC/S: 0035676998


6. The Grantee will indemnify and save harmless the Grantor from and against all claims, damages, debts, dues, suits, actions and causes of actions, costs or sums of money that the Grantor may suffer or be put to by reason of any negligence or willful misconduct by the Grantee in the exercise of the rights and privileges herein granted.
7. This easement of a right-of-way and the covenants herein granted are and shall be covenants running with the land.
8. The rights, privileges and obligations hereunder shall extend to and shall be binding upon ENMAX Power Corporation, its successors and assigns, and upon the Grantor its successors and assigns.

IN WITNESS WHEREOF ENMAX Power Corporation has hereunto caused its corporate seal to be affixed, attested by the hands of its proper officers in this behalf (and the Grantee) executed this right-of-way, at Calgary in the Province of Alberta this 11th day of June, 2022. A.D., -

I

ENMAX Power Co., by its Attorney

ENMAX POWER CORPORATION	
CONTENT	
AS TO FORM SOLICITORS	APPROVED


Sarah Stevens
 Vice President
 Customer Relations and Development
 WA TIRES, INC.

SIGNED and SEALED at Calgary, Alberta
 in the Province of Alberta this 11th day of June A.D., 2022.

BY: [Signature]
 ? i Cio, 4. dcl-G, - 11. 1 Y,...

Grantor's GST Registration Number: 1) L\oS II 1...-ZKT 000 I

Enmax File: 2022.06.3633
 Seelion: 35-23-29-4
 Powerline

**WARD TIRES, INC.
 OFF BOX 4 SITE 6 RR 1
 OKOTOKS
 ALBERTA T1S 1A1**

(hereinafter referred to as "the Grantor") being the registered owner of all those certain lands situated in the Province of Alberta, and more particularly described as follows, namely:

**PLAN 1311314
 BLOCK 6
 LOT 4
 EXCEPTING THEREOUT ALL MINES AND MINERALS
 AREA: 0.909 HECTARES (225 ACRES) MORE OR LESS**

(the "Lands")

DO HEREBY in consideration of the sum of one (\$1.00) dollar(s) plus GST, where a valid GST registration number is provided as set out below, and other good and valuable consideration, the receipt whereof is hereby acknowledged, GIVE, GRANT, TRANSFER AND MAKE OVER unto **ENMAX Power Corporation**, a Corporation having its Head Office at 4150^{1B} Avenue S.E., in the City of Calgary, in the Province of Alberta, (hereinafter referred to as "the Grantee") the right, privilege and easement of a right-of-way in, through and over the following land, namely:

THAT PORTION OF THE ABOVE SAID LANDS THAT LIES WITHIN UTILITY RIGHT OF WAY AS SHOWN ON PLAN 22111f, 0

EXCEPTING THEREOUT ALL MINES AND MINERALS

(hereinafter referred to as "the right-of-way") for the digging, putting down, taking up, relaying, connecting, disconnecting, constructing, repairing, replacing, maintaining, inspecting, and operating overhead and underground lines for the transmission of electrical energy, telephone and telecommunication lines, or any one or more of them, together with the usual and ordinary appurtenances thereto (hereinafter referred to as "the utility line or lines") to be laid in, under, on, over or across the right-of-way, the said right, privilege and easement being subject to the following terms and conditions which are hereby agreed to by and between the Grantee and the Grantor, namely:

1. The term "the Grantee" wherever used in these presents shall include and shall be interpreted to mean ENMAX Power Corporation and the nominees or appointees of the Grantee.
2. The easement of a right-of-way hereby granted shall be for such length of time as the utility line or lines are required by the Grantee.
3. The Grantee, its tenants, contractors, subcontractors, officers, servants, agents and workmen shall have the full and free right and liberty to have ingress, egress and to pass and repass on the right-of-way and to cross over the balance of the Lands to access the right-of-way either on foot or by means of vehicles or necessary machines whatsoever, and to remain on the right-of-way for all purposes of digging, pulling down, relaying, connecting, disconnecting, constructing, repairing, replacing, maintaining, inspecting and operating the utility line or lines.
4. The Grantor, in carrying out any of the aforesaid operations, will do so in a good and workmanlike manner and do as little damage and cause minimum inconvenience to the owner or occupier of the said lands, as is possible, and if any excavation or workings are made or done in connection therewith the land shall, so far as is reasonably practicable, be restored to its former condition. The replacement of trees, shrubs and landscaping other than grass shall be deemed to be impracticable.
5. The Grantor agrees that he/she/it will not build, erect or maintain nor permit or suffer to be built, erected or maintained on the right-of-way any building or structure, nor allow changes to the design of existing surface grades, nor plant or maintain, nor allow or suffer to be planted or maintained thereon any trees, shrubs or landscaping which would or could prevent or hinder the exercise by the Grantee of any of the rights hereinbefore granted.

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

221169563

ORDER NUMBER: 52456843

ADVISORY

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AN AGREEMENT BETWEEN

971 057962 RP.GISTF;REO 1447 02 27
CMT.W * * * * * t'l'ymc:m* QII wllv
00C I 01' 1 DRRll: 60'513GI ADR/1,VII.T.T
LINC/S: OO;s(,8"/90)1

THE CITY OF CALGARY

AND

THE CITY OF CALGARY

The City of Calgary Land Department
File No.

AFFIDAVIT

I _____ of _____ in the Province of
 Alberta _____ (Occupation) MAKE OATH AND SAY:

1. That I am the _____ (c. duly appointed a p t)
 acting under power, or authority in my favour <1401 the _____ day of _____, 1997, granted by the _____ named in the withinfo (ounncx: id)
 instrument.

2. That I am (or my ipIII is) not married.

OR

That neither I nor my spouse (or my principal or his spouse has resided on the \\\'ilhin mcntior.cd land at
 any time since our (or their) marriage.

OR

That a judgment for damages was obtained o g w t me by my spouse (or my principal by his spouse) and
 registered in the Land Titles Office as No. _____
 <btcd thc _ d J J y o f _____ 19 _____

SWORN at _____)
 in the Province of _____)
 this _____ day of _____, 1997.)

A Commissioner For Oaths in and for the Province of Alberta

CONSENT OF SPOUSE

1. _____ being married to the before

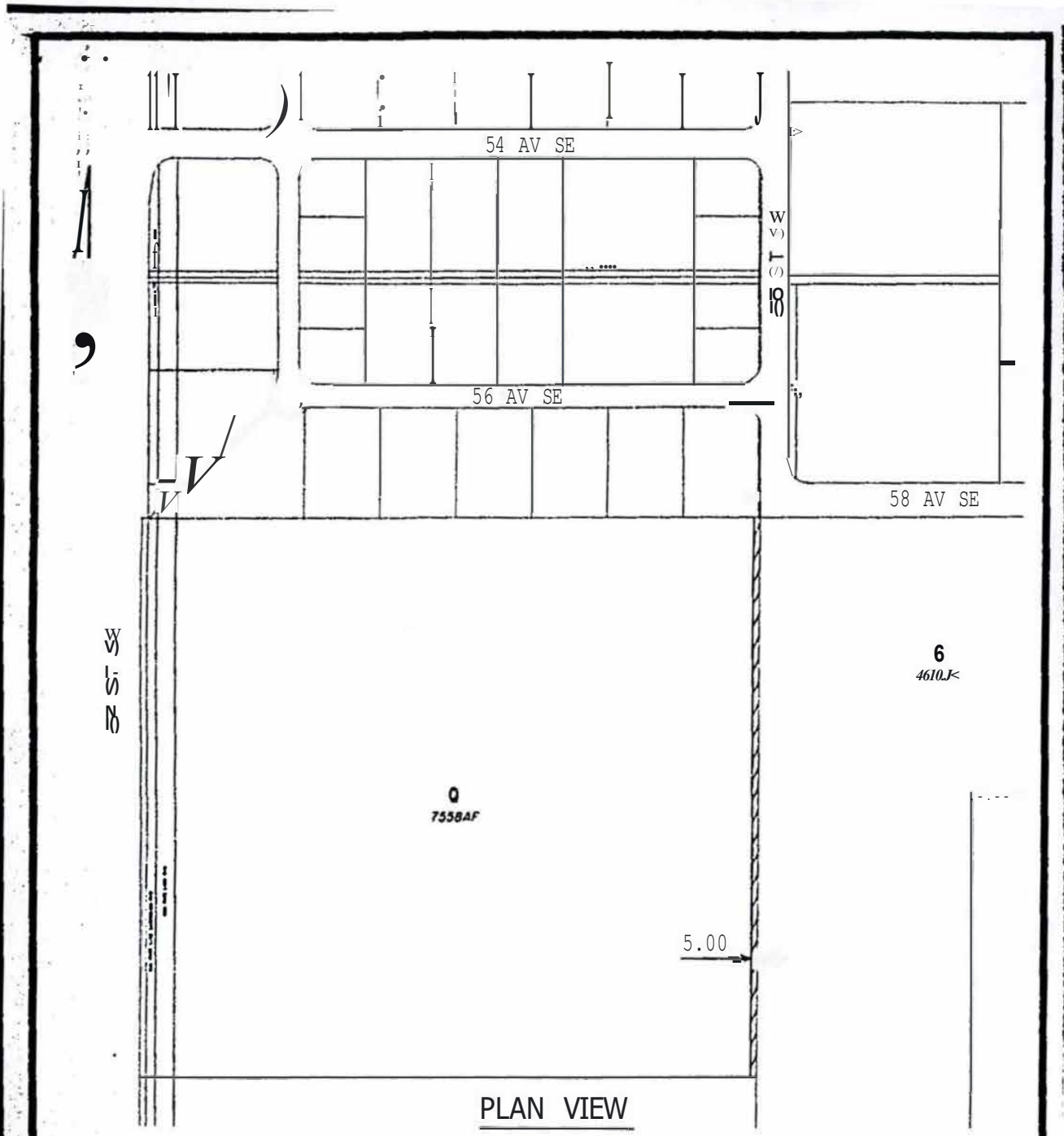
and I hereby give my consent to the disposition of our homestead made by this (or the
 annexed) instrument, and I hereby executed this document for the purpose of giving up my life estate and other dower
 rights in the said property given to me by THE DOWER ACT, to the extent necessary to give effect to the said
 disposition.

CERTIFICATE OF ACKNOWLEDGEMENT OF SPOUSE

1. This document was acknowledged before me by _____ apart from her
 husband (or his wife) _____ acknowledged to me that she (or he):

- (a) is aware of the nature of the disposition (or agreement);
- (b) is aware that THE DOWER ACT, gives her (or him) a life estate in the homestead and the
 right to prevent disposition of the homestead by withholding consent;
- (c) consents to the disposition (or agreement) for the purpose of giving up the life estate and
 other dower rights in the homestead given to (or him) by THE DOWER ACT, to the extent
 necessary to give effect to the said disposition;
- (d) is executing the document freely, and not under any compulsion on the part of her husband
 (or his wife).

DATED at _____
 in the Province of _____
 this _____ of _____ A.O. 1997) A Commissioner for Oaths in and for the Province
 Of Alberta



PLAN VIEW

I : 4000

LEGAL DESCRIPTION

BLOCK: 0
 PLAN: 7558 AF
 SECTION: 35-23-29-4

THE CITY OF CALGARY
 ELECTRIC SYSTEM

TITLE

POWC:R LINE EASEMENT

DATE		REVISIONS		APPROVED
DESIGNED	DOOW	ORATIN	RZ	CHECKED
APPROVED J		9,w		SCALE 0 10 20m
DATE		11/01/11		SHEET 1 OF 1
				FILE NO. 555-1440-001

01/29/97 08:15:03 3

6. The City will indemnify and save harmless the Grantor from and against all claim, damages, debt, due, suits, action, and cause, or actions, with or without sums or money that the Grantor may suffer or be put to by reason of anything done by the City in the exercise of its rights and privileges herein granted.
7. This warranty of right-of-way and the covenants herein granted are and shall be covenants running with the land.
8. The rights, privileges and obligations hereunder shall extend to and shall be binding upon The City of Calgary, its successors and assigns, and upon the Grantor its successor, and assign.

IN WITNESS WHEREOF The City of Calgary has caused its Clerk to be affixed, and attested by its proper officers in this behalf, and the Grantor has caused its corporate seal to be affixed to the hands of its proper officer in this behalf, at Calgary, in the Province of Alberta, this 24th day of February, 1997.

APPROVED	
LAND AND HOUSING	<i>[Signature]</i>
ENGINEERING SERVICES	
ELECTRIC SYSTEM	<i>[Signature]</i>
AS TO FORMS SOLICITORS	

CITY OF CALGARY
MANAGER OF SALES AND LEASING
City Clerk
FEB 24 1997

SIGNED, and SEALED
by
in the presence of

BY:

[Signature]
MANAGER OF SALES AND LEASING
CITY CLERK
FEB 24 1997

AFFIDAVIT OF EXECUTION

CANADA/
PROVINCE OF ALBERTA) I _____ of _____ (Occupation)
TOWIT) in the Province of Alberta,
) MAKE OATH AND SAY:

1. That I was personally known to me to be the person(s) named therein, duly sign and execute the same for the purpose named therein.
2. That the same was executed by the City of _____ in the Province of Alberta, and that I am the subscribing witness hereunto.
3. That I know _____ who in my belief is of the full age of eighteen years.

SWORN at _____

in the Province of Alberta, this _____ day)
of _____ A.D., 1997)

A Commissioner of Oaths in and for the Province of Alberta

-2-

LR 200A (07-78)

POWER LINE
Section: 35-23-29-4

THE CITY OF CALGARY
OF P.O. BOX 2100
STATION H
CALGARY ALBERTA
T2P 1M5

(hereinafter referred to as "the Grantor") being the registered owner of all those certain lands situate in the Province of Alberta, and more particularly described as follows, namely:

PLAN 7558AF
BLOCK Q
EXCEPTING THEREOUT ALL MINES AND MINERALS

HEREBY in consideration of the sum of one (\$1.00) dollar and other good and valuable consideration, the receipt whereof is hereby acknowledged, GIVE, GRANT, TRANSFER AND MAKE OVER unto The City of Calgary, (hereinafter referred to as "the City") the right, privilege and easement of a right-of-way, through and over the following land, namely:

THE EASTERN 5.0 METRES IN PERPENDICULAR WIDTH THROUGHOUT OF THE ABOVE SAID BLOCK Q.
EXCEPTING THEREOUT ALL MINES AND MINERALS

(hereinafter referred to as "the right-of-way") for the digging, putting down, taking up, relaying, connecting, constructing, reconstructing, repairing, replacing, maintaining, inspecting, all operating an overhead line for the transmission of electrical energy, telephone and telecommunication lines, or any one or more of them, together with the usual and ordinary appurtenances thereto (hereinafter referred to as "the utility line or lines") to be constructed over or across the right-of-way, the said right, privilege and easement being subject to the following terms and conditions which are hereby agreed to by and between the City and the Grantor, namely:

1. The term "the City" wherever used in these presents, shall include and shall be interpreted to mean The City of Calgary and the nominees or appointees of the City.
2. The easement of right-of-way hereby granted shall be for such length of time as the utility line or lines are required by the City.
3. The City, its tenants, contractors, subcontractors, employees, agents and workmen shall have the full and free right and liberty to have ingress, egress and to pass and regress on the right-of-way either on foot or by means of vehicles or machines, and to remain on the right-of-way for all purposes of digging, putting down, relaying, connecting, disconnecting, constructing, repairing, replacing, maintaining, inspecting and operating the utility line or lines.
4. The City in carrying out any of the aforesaid operations will do so in a good and lawful manner and with as little damage as possible, and if any excavation or workings are made or done in connection therewith the land shall, so far as is reasonably practicable, be restored to its former condition. The replacement of trees, shrubs and landscaping on the land shall be deemed to be impracticable.
5. The Grantor that it shall not build, erect or maintain nor permit or suffer to be built, erected or maintained on the right-of-way any building or structure, nor allow changes to the design or construction thereof, nor plant or maintain, nor allow or suffer to be planted or maintained thereon any trees, shrubs or landscaping which would or could prevent or hinder the exercise by the City of any of the rights hereinbefore granted.

LR OG (07-78)

-1-

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

131110464

ORDER NUMBER: 52456843

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U12)e475

141230175 REGISTERED 2014 08 29

EASE - **EASEMENT**

DOC 2 OF 2 ORR#: B104FC4 ADR/DMACNEIL

LINC/S: 0035676980 +

AFFIDAVIT FORMS FOR A CORPORATION SIGNING WITHOUT A CORPORATE SEAL

AFFIDAVIT VERIFYING CORPORATE SIGNING AUTHORITY

I, Michael Vunderford, of the City of Vancouver, in the Province of British Columbia, MAKE OATH AND SAY THAT:

3. I am an officer or a director of HPWC 5495 61st Avenue GP Ltd. named in the within or annexed instrument.
4. I am authorized By HPWC 5495 61st Avenue GP Ltd. to execute the instrument without affixing a corporate seal.

SWORN BEFORE ME at the City of
Vancouver, in the Province of British,
Columbia
this 11 day of AUGUST, 2014.

Signature of a Notary Public in and
for the Province of British Columbia

SCOTT D. SMYTHE

Barrister & Solicitor

McCarthy Tetrault LLP

1300 • 777 DUNSMUIR STREET
VANCOUVER, B.C. V7Y 1K2

CAWIA 604-643-7152)

PROVINCE OF ALBERTA)

TOWIT:)

Signature

AFFIDAVIT OF EXECUTION

I, Y41!C, of the
City of Vancouver, in the Province of British Columbia,
MAKE OATH AND SAY:

2. I was personally present and did see t.t\('nClel Huh5e(.furd who is known to me to be the person named in the within (or annexed) instrument, duly sign the instrument;

or

I was personally present and did see Miehe.tel Hun5er+ord who, on the basis of the identification provided to me, I believe to be the person named in the within (or annexed) instrument, duly sign the instrument;

3. The instrument was signed at the City of Vancouver, in the Province of British Columbia, and that I am the subscribing witness thereto.
4. I believe the person whose signature I witnessed is at least eighteen (18) years of age.

SWORN BEFORE ME at the City of
Vancouver, in the Province of British,
Columbia
this 11 day of AUGUST, 2014.

Signature of a Notary Public in and
for the Province of British Columbia

JEFFREY J. KNOWLES

Barrister & Solicitor

McCarthy Tetrault LLP

300 • 777 DUNSMUIR STREET
VANCOUVER, B.C. V7Y 1K2
OFFICE 604-643-7194

Signature

AFFIDAVIT FORMS FOR A CORPORATION SIGNING WITHOUT A CORPORATE SEAL

AFFIDAVIT VERIFYING CORPORATE SIGNING AUTHORITY

I _____, of the City of Calgary, in the Province of Alberta, MAKE OATH AND SAY THAT:

1. I am an officer or a director of Welco Holdings Ltd. named in the within or annexed instrument.
2. I am authorized by Welco Holdings Ltd. to execute the instrument without affixing a corporate seal.

SWORN BEFORE ME at the City of
Calgary, in the Province of Alberta,
this __ day of _____, 2014.

)
)
)
)
)
)

Signature

Signature of Commissioner for Oaths in and
for the Province of Alberta
Commission Expires: _____

Print Name of Commissioner: _____

AFFIDAVIT OF EXECUTION

CANADA
PROVINCE OF ALBERTA
TOWIT:

)
)
)

I, _____, of the
City of Calgary, in the Province of Alberta,
MAKE OATH AND SAY:

1. I was personally present and did see _____ who is known to me to be the person named in the within (or annexed) instrument, duly sign the instrument;

or

I was personally present and did see _____ who, on the basis of the identification provided to me, I believe to be the person named in the within (or annexed) instrument, duly sign the instrument;

1. The instrument was signed at the City of Calgary, in the Province of Alberta, and that I am the subscribing witness thereto.
2. I believe the person whose signature I witnessed is at least eighteen (18) years of age.

SWORN BEFORE ME at the City of
Calgary, in the Province of Alberta,
this __ day of _____, 2014.

)
)
)
)
)
)

Signature

Signature of Commissioner for Oaths in and
for the Province of Alberta
Commission Expires: _____

Print Name of Commissioner: _____

any obligation hereunder be taken or held to be a waiver of the performance of any other obligation herein.

7.15 Party A's or Party B's waiver of all or any portion of this Agreement must, without exception, be in writing and signed by the Director of Transportation Planning, and any action that fails to comply with this requirement shall under no circumstances be considered or construed to be a waiver.

7.16 Time shall be of the essence of this Agreement.

7.17 The above recitals and attached schedules shall form part of this Agreement.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement to be effective on the Effective Date.

WELCO HOLDINGS LTD.

Witness (if necessary)

Per: Michael White

(Corporate Seal)

Witness (if necessary)

Per: _____

HPWC 5495 61ST AVENUE GP LTD.

AA
Witness (if necessary)

Per: [Signature]

(Corporate Seal)

Witness (if necessary)

Per: -----

- 7.08 This Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors, successors in title and assigns.
- 7.09 Nothing in this Agreement shall relieve Party A or Party B from compliance with all applicable municipal bylaws, laws or regulations established by any other government authority which may have jurisdiction over Parcel A and Parcel B.
- 7.10 This Agreement does not constitute a development permit or any other permit issued by the City.
- 7.11 The parties acknowledge and agree that this Agreement is to be registered against title to Parcel A and Parcel B.
- 7.12 The parties acknowledge and agree that the parties shall not discharge this Agreement from title to Parcel A and/or Parcel B without the written consent of the Director of Transportation Planning obtained through an application in writing to the Development or Subdivision Authority for consent to discharge this Mutual Access Easement Agreement which application must 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 or such other process at the City that may be in place at the time of the requested discharge.
- 7.13 The parties acknowledge that the failure to obtain the written consent of the Director of Transportation Planning before discharging this agreement from title to Parcel A and Parcel B may result in enforcement procedures being taken under Section 43(d) of The City of Calgary Land Use Bylaw, as amended and Section 645 and 656 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, including the suspension or cancellation of the development permit, if any, and the issuance of a stop orders. Request for such consent may be sent to the following address:

To the City: The City of Calgary
 6th Floor, Municipal Building
 800 Macleod Trail S.E.
 Calgary, Alberta T2P 2M5
 Fax: (403) 268-3636
 Attention: Director of Transportation Planning

With a copy to: The City of Calgary
 Law Department
 12th Floor, 800 Macleod Trail S.E.
 Calgary, Alberta T2P 2M3
 Fax No.: (403) 268-4634
 Attention: City Solicitor

- 7.14 The failure of Party A or Party B at any time to require strict performance by Party A or Party B of any obligation under this Agreement shall in no way affect its right thereafter to enforce such obligation, nor shall the waiver by Party A or Party B of the performance of

the other of them in the exercise of any one or more of the rights and privileges granted in this Agreement.

6. ASSIGNMENT ON DISPOSITION AND POSTPONEMENT

- 6.01 Concurrent with the assignment, sale or transfer of the entirety of Parcel A or Parcel B or any interest therein by which the rights and obligations under this Agreement are assigned, sold or transferred, Party A and Party B shall cause its assignee, purchaser or transferee to enter into an Assumption Agreement duly executed by the assignee, purchaser or transferee, in a form acceptable to Party A and Party B, which shall provide for the assumption by such assignee, purchaser or transferee of all of the obligations imposed by this Agreement with respect thereto, at which time the assignor, vendor or transferor shall be deemed to be released from such obligations.

7. GENERAL

- 7.01 Notwithstanding Clause 3.01, Party A and Party B shall take reasonable measures to restrict access to the Access Easement Area until such time as the Access Easement Area is safe and fit for the purpose of the easement as set out at Clause 3.01.
- 7.02 If any provision of this Agreement or application thereto to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, other than such term, shall be valid and enforced to the extent permitted by law.
- 7.03 This Agreement shall be interpreted and enforced in accordance with the laws of the Province of Alberta.
- 7.04 No action shall lie against either Party A or Party B for damages, for breach of any one or more of the covenants contained in this Agreement unless Party A or Party B were, at the time of the alleged breach, an owner of either Parcel A or Parcel B and alleged and found by a court of competent jurisdiction to be in breach of this Agreement. This covenant shall constitute an absolute defence to any such action and may be pleaded as such.
- 7.05 Throughout this Agreement, the singular shall include the plural and the masculine shall include the feminine as the case may be, and vice versa. Should Party A or Party B at any time and from time to time comprise two or more persons, each such person shall be jointly and severally bound with the other and others for the performance of the obligations of Party A or Party B of such rights.
- 7.06 The parties hereby acknowledge and agree that every obligation or duty imposed upon them under this Agreement shall constitute a covenant, whether expressed as covenant or not.
- 7.07 All obligations contained herein, although not expressly covenants shall be deemed to be covenants running with the Parcel A and Parcel B.

and/or sign, tree, shrub, vegetation, landscaping or other works which could interfere in any way with Party A's or Party B's rights pursuant to this Agreement;

unless approved by the Development or Subdivision Authority pursuant to a development permit or subdivision approval.

5. CONSTRUCTION AND MAINTENANCE OF ACCESS EASEMENT AREA

- 5.01 Party A and Party B are jointly and severally responsible for the construction, operation, and maintenance, which includes snow removal and repair of the Access Easement Area, to a good operating condition.
- 5.02 Notwithstanding Clause 5.01, all costs and expenses in connection with the construction, operation and maintenance (including snow removal and repair) of the Access Easement Area and any common driveway located thereon shall be borne equally by Party A and Party B. In the event any such maintenance is required, the owner of the portion of the Access Easement Area requiring such maintenance shall, at its sole cost and expense, carry out and complete the required maintenance in an expeditious and good and workmanlike manner so as to avoid any undue or prolonged interruption in the use of the Access Easement Area. If either party fails to complete any maintenance to the portion of the Access Easement Area owned by it in accordance with the foregoing, the other party may give written notice specifying the nature of the failure in sufficient detail to allow the party receiving such notice to remedy such failure. If the party receiving such notice fails to remedy such failure within 30 days (or such shorter period of time as may be reasonable given the circumstances) following the date of receipt of such notice then the party giving such notice may rectify the failure and all costs and expenses incurred by it in rectifying the failure shall be reimbursed by the other party to it forthwith upon demand therefor.
- 5.03 Without limiting either party's rights or remedies under Clause 5.04 below, if either Party A or Party B or such party's tenants, employees, agents, contractors, subcontractors, officers, servants and invitees, or any of them, intentionally damages the Access Easement Area then such party shall, at its sole cost and expense, carry out and complete any repairs or replacements required to the Access Easement Area as a result of such intentional damage.
- 5.04 Party A and Party B hereby indemnify and hold each other harmless from and against any actions, costs (including legal costs on a solicitor and its own client basis), claims, damages and demands that may arise out of the use or abuse of the Access Easement Area by the other of them and their respective tenants, employees, agents, contractors, subcontractors, officers, servants and invitees, or any of them.
- 5.05 Each of Party A and Party B will indemnify and hold harmless the other from and against all claims, demands, damages, debts, suits, dues, actions, liabilities and causes of action, costs (including legal costs on a solicitor and its own client basis), or sums of money whatsoever that Party A or Party B may suffer or be put to by reason of anything done by

(b) "Term" has the meaning ascribed in Clause 2 herein.

2. TERM OF AGREEMENT

2.01. Party A and Party B agree that this Agreement and the rights and privileges granted herein comes into full force and effect on the Effective Date and continues for as long as required by the Development or Subdivision Authority in connection with approval of DP2013-5229. This Agreement may be extinguished with the consent of the Director of Transportation Planning which may be obtained through an application in writing to the Director of Transportation Planning accompanied by a registerable discharge of easement and a copy of the certificate of title downloaded or obtained from Alberta Land Titles within one week of submission of the application or such other process at the City that may be in place at the time of the requested discharge.

3. ACCESS EASEMENT

3.01 Subject to Clause 7.01, Party A and Party B, each on behalf of itself and every transferee from it and every person deriving title to Parcel A and Parcel B, hereby grant, convey, give, transfer and set over to the other, every transferee from them and every person deriving title from them, together with their tenants, contractors, subcontractors, servants, tenants, and invitees, the non-exclusive right, privilege and easement over and through the Access Easement Area on Parcel A and Parcel B for the perpetual and non-exclusive right, privilege and easement, in, across, through, over, from and to the Access Easement Area, at all times, without notice, for the purpose of:

- (a) vehicular access; and
- (b) pedestrian access.

3.02 Party A and Party B shall retain a right of egress and ingress in, through on and over the Access Easement Area subject to any restrictions contained in this Agreement.

4. PARTY A AND PARTY B COVENANTS

4.01 Party A and Party B covenants and agrees that they shall not:

- (a) do any act or thing that would damage the Access Easement Area or infrastructure located thereon or which could interfere in any way with Party A's or Party B's rights pursuant to this Agreement;
- (b) change or permit a change to be made to the existing surface grade of Parcel A and/or Parcel B in such a manner that could interfere in any way with Party A's or Party B's rights pursuant to this Agreement; and
- (c) build, erect, plant or maintain or permit to be built, erected, planted or maintained on the Access Easement Area any building, fence, structure, including a cafe

1 DEFINITIONS

1.01 In this Agreement, the following words and phrases when capitalized shall have the following meanings:

- (a) "Access Easement Area" means that portion of Parcel A and Parcel B which lies within the access right of way plan, registered as Plan number 14-123 51.
- (b) "Agreement" means this Mutual Access Easement Agreement and all amendments thereto, together with all the above recitals and schedules attached hereto;
- (c) "Development or Subdivision Authority" means a person or body appointed as a Development Authority or a Subdivision Authority as contemplated by and in accordance with the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended;
- (d) "Director of Transportation Planning" means the City employee appointed to the position of Director, Transportation Planning, or the individual authorized to act in his place generally or for the purpose of administering this Agreement;
- (e) "Effective Date" means the date at the top of this Agreement;
- (f) "Parcel A" means the lands owned by Party A and legally described as:

Plan 1311314
Block 6
Lot 3
Excepting Thereout All Mines and Minerals
Area: 0.818 Hectares (2.02 Acres) More or Less
- (g) "Parcel B" means the lands owned by Party B and legally described as:

Plan 1311314
Block 6
Lot 4
Excepting Thereout All Mines and Minerals
Area: 0.909 Hectares (2.25 Acres) More or Less
- (a) "Party A" means the registered owner(s) from time to time of Parcel A, or any portion thereof, and their heirs, successors and assigns and/or any subsequent purchasers or transferees of Parcel A;
- (h) "Party B" means the registered owner(s) from time to time of Parcel B, or any portion thereof, and their heirs, successors and assigns and/or any subsequent purchasers or transferees of Parcel B;

MUTUAL ACCESS EASEMENT AGREEMENT
 CONDITION OF SUBDIVISION OR DEVELOPMENT PERMIT
 THE CITY OF CALGARY IS NOT A PARTY TO THE AGREEMENT
 INDIVIDUAL(S) OR CORPORATION

THIS MUTUAL ACCESS EASEMENT AGREEMENT dated on the 16th day of July, 2014.

BETWEEN:

WELCO HOLDINGS LTD.

("Party A")

- and -

HPWC 5495 61ST AVENUE GP LTD.

("Party B")

MUTUAL ACCESS EASEMENT AGREEMENT

RECITALS:

WHEREAS Party A is the registered owner of Parcel A;

AND WHEREAS Party B is the registered owner of Parcel B;

AND WHEREAS pursuant to Party A's development permit number **DP2013-5229**, the City approved the development of Parcel A subject to certain conditions of approval, including a condition requiring the parties enter into a Mutual Access Easement Agreement and register such agreement prior to The City of Calgary releasing the development permit;

AND WHEREAS Party A and Party B intend to grant mutual access easement over the Access Easement Area;

NOW THEREFORE IN CONSIDERATION of the mutual covenants contained herein, the payment of Ten Dollars (\$10.00) from Party A to Party B and from Party B to Party A, the approval of **DP2013-5229** and such other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the provisions of this Agreement to be performed, kept and observed by the parties as herein provided, **THE PARTIES AGREE AS FOLLOWS:**

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

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ORDER NUMBER: 48000150

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DOC 3 OF 4 ORR#: A01FB79 ADR/DMACNEIL

BETWEEN:

THE CITY OF CALGARY

. and

THE CITY OF CALGARY

**RESTRICTIVE COVENANT AND
EASEMENT AGREEMENT**

PAULL. TOLLEY, Q.C.
CITY SOLICITOR
The City of Calgary
Law Department

12th Floor, Calgary Municipal Building
800 Macleod Trail SE
Calgary, AB T2G 2M3

(P. O. Box 2100, Station "M" (8053)
Calgary, AB T2P 2M5)

Law File No.: RE2529 (L. Lau)

OLSH File No.: 5309, 5353, 5391, 5423, 5451, 5475,
5495, & 5480 61st Avenue SE (I. Stark)

SCHEDULE "B"

Servient Tenement Lands		Dominant Tenement Lands			
Plan 9612303	Block	Lot	Adjacent to		Design High Water Level (metres geodetic).
	3		61 st Avenue SE		1042.560
	4		61 st Avenue SE		1042.560
	5		61 st Avenue SE		1042.974
Plan <u>3/3/t-</u>	6	1	61 st Avenue SE		1042.974
	6	2	61 st Avenue SE		1042.974
	6	3	61 st Avenue SE		1043.096
	6	4	61 st Avenue SE		1043.096
	6	5	61 st Avenue SE		1043.096

Note: Elevations are in metres and referred to Canadian Vertical Datum (CVD)

SCHEDULE "A"**THE SERVIENT TENEMENT LANDS**

PLAN 9612303

BLOCK 3, 4, 5

Excepting thereout all mines and minerals

and

PLAN J// 3/ 1---

BLOCK 6

LOTS 1, 2, 3, 4, 5

Excepting thereout all mines and minerals

THE DOMINANT TENEMENT LANDS

Includes any and all portions of any Streets.

1948 1 1 1948

1948 1 1 1948

GENERAL PROVISIONS

8. The Grantor hereby gives, grants, transfer and makes over unto the Grantee the restrictive covenants set out Sections 5, 6, and 7 in accordance with Section 651.1 of the **MGA**, as amended or replaced from time to time. The restrictive covenants as set out in Sections 5, 6, and 7 including all of the terms and conditions herein contained, are and shall be of the same force and effect as covenants running with the lands, and is intended by the parties to be registered against the certificates of title of the Servient Tenement Lands, and shall extend to and be binding upon and inure to the benefit of the heirs, executors, administrators, successors-in-title and assigns of the parties hereto.
9. The Grantee agrees to indemnify and save harmless the Granter from and against all claims, damages, debts, dues, suits, actions and causes of actions, costs or expense arising out of or attributable to any negligent act or omission of the Grantee in the exercise of the rights and privileges granted under this Agreement. Notwithstanding the foregoing, the cost of any cleanup or rehabilitation of the right-of-way after a storm event shall be the responsibility of the Granter which, for greater certainty, shall be deemed to include the removal of any storm water deposited material, sediment or debris.
10. The Granter agrees to indemnify and save harmless the Grantee from and against all claims, damages, debts, dues, suits, actions and causes of actions, costs or expense arising out of or attributable to any negligent act or omission of the Granter or any person for whom the Grantor is in law responsible, in the exercise of the rights and privileges granted under this Agreement.
11. This Agreement and all of the rights, privileges and obligations herein contained shall be deemed to be covenants running with and annexed to the Servient Tenement Lands and the Dominant Tenement Lands and is intended by the parties to be registered against the certificates of title of the Servient Tenement Lands, and shall extend to be binding upon and inure to the benefit of the heirs, executors, administrators, successors-in-title and assigns of the parties hereto.
12. No actions shall lie against the Granter for damages for the breach of any one or more of the covenants contained in this Agreement unless such party either remains the registered owner of the lands or was the registered owner at the time the breach occurred and is proven by a court of competent jurisdiction to be in breach of this Agreement.
13. This Agreement and all of the rights, privileges and obligations herein shall commence on the date of execution of this Agreement and shall be for such length of time as the restrictive covenants, Easement and any other property rights are required by the Grantee.

4. The Grantee, may, at its sole discretion and option, alter the surface of the Easement for the purposes of controlling and directing the flow of storm water from and to the Dominant Tenement Lands. The Grantee; in carrying out any of the aforesaid operations will do so only in a good and workmanlike manner and will cause or do as little damage and inconvenience to other areas of the Servient Tenement Lands as is reasonably practicable. The replacement of pavement or hard surfaces, other than patching disturbed areas and the replacement of trees, shrubs, landscaping other than the seeding of grass, is hereby agreed to by the parties to be impracticable.

RESTRICTIVE COVENANT

5. The Granter covenants and agrees that he shall not develop or use any portion of the Servient Tenement Lands unless along the length of the Control Grade Zone in the general direction of and parallel to the adjacent Street there is a continuous minimum ground geodetic elevation in the Control Grade Zone that is at least 0.30 METRES above the Design High Water Level associated with that relevant portion of the Control Grade Zone such that no impounded storm water will enter into the Servient Tenement Lands beyond the Control Grade Zone as shown on the Building Grade Plan. The Granter covenants and agrees that in instances where a Control Grade Zone extends across more than one parcel, the minimum ground geodetic elevation shall be continuous across the shared property line of the parcels.
6. The Granter covenants and agrees that portions of the Servient Tenement Lands within the Control Grade Zone, adjacent to a storm water impoundment area, with an elevation equal to or less than the associated Design High Water Level as set out in Schedule "B" shall not be used for any development of any kind that involves the erection, construction or maintenance of any buildings, structures or other improvements of any kind or involves any change or changes to the existing design grades of the Servient Tenement Lands unless they are in strict compliance with the Building Grade Plan, save and except for landscaping which does not materially alter the design grade.
7. The Granter covenants and agrees that it shall not erect, construct, maintain or alter nor permit or suffer to be built, erected or maintained on the Servient Tenement Lands any building, structure or other improvement which has any openings in the walls that are adjacent to the Easement such that storm water could enter the said building, structure or other improvement unless the bottom of such openings have a minimum geodetic elevation of 1043.75 METRES. The Granter further covenants and agrees that it will not make or allow any changes to the design grades of the Servient Tenement Lands unless they are in strict compliance with the Building Grade Plan.

- c) "City" means the City of Calgary, a municipal corporation in the Province of Alberta;
- d) "Control Grade Zone" means areas within the Servient Tenement Lands TWELVE (12) METRES in perpendicular width throughout and adjacent to and parallel to any of the Streets which border the Servient Tenement Lands and where a storm water impoundment area exists;
- e) "Design High Water Level" means the maximum geodetic elevation which storm water may impound for each storm water impoundment area on the Servient Tenement Lands or the Dominant Tenement Lands as listed on Schedule "B";
- f) "Grantee" means the City, its officers, employees, servants, agents, contractors and subcontractors;
- g) "Grantor" means the registered owner of any one or more parcels of the Servient Tenement Lands as described in Schedule "A";
- h) "Manager of Urban Development" means that person or his designate who is employed with the City of Calgary;
- i) "MGA" means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26;
- j) "Plans" mean the registered plans of subdivision that contain the Servient Tenement Lands and the Dominant Tenement Lands and is registered at the Alberta Land Titles Office as Plan No. 9612303 and Plan No. 131/14 and
- k) "Street or Streets" means any of the public streets, lanes, avenues located adjacent to the Servient Tenement Lands which are contained within the boundaries of the Plans.

EASEMENT

2. The Granter hereby gives, grants, transfers and makes over unto the Grantee the right and privilege of an easement and right-of-way in, through and over those certain portions of the Servient Tenement Lands which have an elevation equal to or less than the Design High Water Level as set out in Schedule "B" (the "Easement") for the storage of storm water from and to the Dominant Tenement Lands and for the benefit of the Dominant Tenement Lands. The Easement hereby granted shall be for such time as the Easement is required by the Grantee.
3. The Grantee shall have the full and free right and liberty to have ingress and egress to, and pass and repass on the Easement; either on foot or by means of vehicles or necessary machines whatsoever in the exercise of the rights and privileges granted under this Agreement.

approved by the subdivision authority in order to prevent the storm water from entering into the non-easement portions of the Servient Tenement Lands; and

WHEREAS the Grantor acknowledges that the design of the storm sewer system may also cause that there be more than one storm water impoundment area adjacent to or within any particular parcel located within the Servient Tenement Lands and that the Grantor acknowledges and agrees that for each storm water impoundment area there is an associated Design High Water Level as further described in Schedule "B"; and

WHEREAS the purpose of the Control Grade Zone is to prevent the impounded storm water from crossing the Control Grade Zone and entering into and remaining within any other portions of the Servient Tenement Lands; and

WHEREAS the Grantor has agreed to grant a restrictive covenant to the Grantee on the terms and conditions set out in this Agreement and subject to the subdivision approval and in accordance with section 651.1 of the *MGA*, as amended or replaced from time to time, whereby the Servient Tenement Lands will be burdened and the Dominant Tenement Lands will be benefited for the purposes of ensuring that the Servient Tenement Lands are developed in strict compliance with any conditions and requirements of the subdivision and any development permits issued by the City and that once such lands are built to the said conditions and requirements, that these lands shall not be altered, modified or changed without the written consent of the City; and

WHEREAS the Grantor agrees to grant an easement and a right-of-way in, through, and over certain portions of the Servient Tenement Lands for the temporary storage of storm water from and to the Dominant Tenement Lands, whereby the Dominant Tenement Lands will be benefited and the Servient Tenement Lands will be burdened;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement, the following terms are as follows:
 - a) "Agreement" means this Restrictive Covenant and Easement Agreement and amendments thereto, together with Schedule "A" and Schedule "B";
 - b) "Building Grade Plan or Building Grade Plans" means any design, calculation, drawing or plan that complies with any conditions and requirements set out in any development permit or the subdivision approval for the Servient Tenement Lands and the Dominant Tenement Lands or any portion thereof, including but not limited to any design, calculation, drawing or plan that accurately represents the design of the storm sewer system, existing surface elevations and surface grades for the Servient Tenement Lands and the Dominant Tenement Lands or any portion thereof duly signed and certified by a qualified and registered Alberta Land Surveyor, Professional Engineer or Architect all of the above subject to the satisfaction of the Manager of Urban Development;

THIS RESTRICTIVE COVENANT AND EASEMENT AGREEMENT dated for reference this 11th day of February, 2013.

BETWEEN:

THE CITY OF CALGARY,
A Municipal Corporation in the Province of Alberta
(the "Granter")

-and-

THE CITY OF CALGARY,
A Municipal Corporation in the Province of Alberta
(the "Grantee")

WHEREAS the granter is the registered owner or entitled to become the registered owner of those lands legally described as follows and attached hereto in Schedule "A":

PLAN 9612303

BLOCK 3, 4, 5

Excepting thereout all miries and minerals

and

PLAN 131{ 3/4 -

BLOCK 6

LOTS 1,2,3,4,5

Excepting thereout all mines and minerals

(the "Servient Tenement Lands"); and

WHEREAS the Grantee has title to Streets located within the City and municipally described in Schedule "A" attached hereto (the "Dominant Tenement Lands"); and

WHEREAS the City, in approving the design for the storm sewer system for the Servient Tenement Lands and the Dominant Tenement Lands, has determined that during some storm events, storm water may impound on the Servient Tenement Lands and the Dominant Tenement Lands at location(s) in accordance with the approved design to an elevation which is limited in height at each location by the Design High Water Level; and

WHEREAS the Servient Tenement Lands shall only be constructed and maintained to the original elevations and grading of the lots based on the Building Grade Plans as

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AFFIDAVIT IN SUPPORT OF CAVEAT

I, JOEL ARMITAGE, agent for the Caveator, make oath and say as follows:

1. I am the within named agent for the Caveator.

2. I believe that the Caveator has a good and valid claim on the land, and I say that this caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

Sworn before me at the City of
Calgary, in the Province of Alberta,
this 30 day of April, 2012.

Joel Armitage

Commissioner for Oaths in and for the Province of Alberta
Commission Expires:

Angela M. deCaria
A Commissioner for Oaths
in and for the Province of Alberta
My commission expires: _____

t

CAVEAT _FORBIDDING REGISTRATION

Take notice that The City of Calgary, a municipal corporation in the Province of Alberta, (the "Caveator") claims an interest under and by virtue of an Easement Agreement, dated for reference the 11th day of February, 2013 and made between The City of Calgary and the Caveator, a copy of which is attached as Schedule "A" and forms part of this Caveat. The interest claimed is in the land described as follows:

PLAN 9612303

BLOCK 3,4, 5

Excepting thereout all mines and minerals

and

PLAN /3/ !'3I+

BLOCK 6

LOTS 1, 2, 3, 4, 5

Excepting thereout all mines and minerals

standing in the register in the name of The City of Calgary and the Caveator forbids the registration of any person as transferee or owner of, or of any instrument affecting that estate or interest, unless the certificate of title is expressed to be subject to its claim.

It appoints the office of the City Solicitor, Municipal Building, 12th Floor, 800 Macleod Trail S.E., Calgary, Alberta, T2G 2M3, as the place at which notice and proceedings relating hereto may be served.

DATED this g j _ day of A,r,./, 2013.

THE CITY OF CALGARY
By its Agent in that Behalf

Paul Amstutz
Dir
Office of Land Servicing & Housing

SCHEDULE "A" TO CAVEAT

RESTRICTIVE COVENANT AS TO USE OF LAND

KNOW ALL MEN BY THESE PRESENTS THAT THE CITY OF CALGARY, a body corporate authorized to carry on business in the City of Calgary, in the Province of Alberta, being the registered owner of an Estate in Fee Simple in possession of the lands situated in the City of Calgary, in the Province Alberta and more particularly described as follows, namely:

LOTS 1, 2, 3, 4 AND 5

BLOCK 6

PLAN 31/3/4-

EXCEPTING THEREOUT ALL MINES AND MINERALS

(the "Lands")

does for itself and its successors in title covenant and agree to observe and be bound by the hereinafter mentioned covenant running with the Lands which shall be appurtenant to all of the Lands for the benefit of The City of Calgary by virtue of its ownership of streets, lanes and public reserves including **61 AVENUE S.E.** adjacent to the Lands, namely that:

UNLESS OTHERWISE APPROVED IN WRITING BY THE DIRECTOR, TRANSPORTATION PLANNING OF THE CITY OF CALGARY, VEHICULAR ACCESS SHALL BE BY RIGHT TURN ONLY FROM TO **61 AVENUE S.E.** TO/FROM THE SAID LANDS.

IN WITNESS WHEREOF THE CITY OF CALGARY, has hereunto authorized its corporate seal to be affixed by the hands of proper officers in this behalf at the City of Calgary, in the Province of Alberta, this 14 day of February, 2013.

APPROVED AS TO CONTENT);	INITIALS
Bus. Unit: Transportation Planning	M.
Name: Ryan Vanderputten	
APPROVED AS TO FORM BY;	INITIALS
u w DEPARTMENT	
Name: Cheryl Hamilton	
Law File: SUB1463	

THE CITY OF CALGARY

Per:

[Signature]
General Manager
Transportation *Malcolm Logan*

Per:

[Signature]
City Clerk

FEB 14 2013

CAVEAT FORBIDDING REGISTRATION

To THE REGISTRAR OF THE SOUTH ALBERTA LAND REGISTRATION DISTRICT

Take Notice that **THE CITY OF CALGARY**, a municipal corporation in the Province of Alberta, claims an interest in the following described lands namely:

LOTS 1, 2, 3, 4 AND 5

BLOCK 6

PLAN 13/13/4-

EXCEPTING THEREOUT ALL MINES AND MINERALS

(the "Lands")

standing in the register in the name of: **THE CITY OF CALGARY**

under and by virtue of a Restrictive Covenant as to Use of Land dated the £ day of **February, 2013**, a copy of which is marked as Schedule "A" and attached to and made part of this Caveat, executed by **THE CITY OF CALGARY** for the benefit of The City of Calgary by virtue of its ownership of streets, lanes and public reserves including **61 AVENUE S.E.** adjacent to the Lands, namely that:

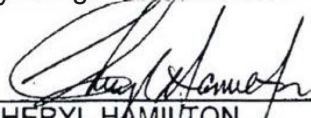
UNLESS OTHERWISE APPROVED IN WRITING BY THE DIRECTOR,
TRANSPORTATION PLANNING OF THE CITY OF CALGARY,
VEHICULAR ACCESS SHALL BE BY RIGHT TURN ONLY FROM TO 61
AVENUE S.E. TO/FROM THE SAID LANDS.

It forbids the registration of any person as transferee or owner of, or of any instrument affecting the said estate or interest unless the instrument or certificate of title, as the case may be, is expressed to be subject to its claim.

It appoints the office of the City Solicitor, Law Department, Municipal Building, 12th Floor, 800 Macleod Trail S.E., Calgary, Alberta, T2P 2M5 as the place at which notices and proceedings relating hereto may be served.

DATED this 9 day of February, 2013.

THE CITY OF CALGARY
By its Agent in that behalf


CHERYL HAMILTON
PARALEGAL - PLANNING
LAW DEPARTMENT

EEB 17 5013

1311212

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

131110465

ORDER NUMBER: 52456843

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THIS RESTRICTIVE COVENANT AGREEMENT dated for reference the 11th day of February, 2013.

BETWEEN:

THE CITY OF CALGARY

and

THE CITY OF CALGARY

THIS RESTRICTIVE COVENANT AGREEMENT WITNESSES THAT, for good and valuable consideration, including the provisions of this Agreement, the receipt and sufficiency of which is hereby acknowledged, THE PARTIES AGREE AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

1.01. In the Agreement the following words and phrases when capitalized shall have the following meanings:

- (a) "Agreement" means this restrictive covenant agreement, all attached schedules and any subsequent amendments hereto;
- (b) "City" means The City of Calgary;
- (c) "Consultant" means an architect or engineer registered to practice in Alberta retained by an Owner of the Servient Lands;
- (d) "Design Review Committee" means OLSH, singularly, or OLSH in combination with such other firm or person as the City may appoint from time to time;
- (e) "Development" means constructing, placing or erecting upon the Servient Lands any buildings, structures, landscaping or improvements;

- (f) "Dominant Lands" means the lands legally described in Schedule "A" attached hereto;
- (g) "Government Authority" means any federal, provincial, municipal or other governmental body, agency, tribunal, or authority having jurisdiction and lawfully empowered to make or impose laws, by-laws, rules or regulations with respect to the Dominant Lands or the Servient Lands and the parties' obligations hereunder;
- (h) "Guidelines" means the Architectural Control Guidelines, a copy of which is attached hereto as Schedule "B";
- (i) "OLSH" means The City of Calgary, Office of Land Servicing & Housing, in its capacity as the developer of the Starfield (61st Avenue SE, Calgary, Alberta) Industrial Lands;
- (j) "Owner of the Dominant Lands" means a registered owner from time to time of any of the Dominant Lands;
- (k) "Owner of the Servient Lands" means a registered owner from time to time of any of the Servient Lands;
- (l) "Restrictions" means the provisions, restrictions and stipulations contained in Article 2;
- (m) "Servient Lands" means the lands legally described in Schedule "A" attached hereto.

2 RESTRICTIVE COVENANT

2.01. The City, as owner of the Servient Lands and the Dominant Lands, annexes to the Dominant Lands the benefit of the Restrictions, and burdens the Servient Lands with the Restrictions; namely that no Development shall be permitted on the Servient Lands unless it conforms to and complies with the Guidelines for a period of TWENTY (20) YEARS commencing on the 1st day of March 2013. As part of complying with the Guidelines, an Owner of the Servient Lands shall follow the approval process set out in Section 3.

3. APPROVAL PROCESS

3.01. Prior to commencing Development, the Consultant shall submit to the Design Review Committee, for preliminary review and comment, all documents set out in Section 4.05 of the Guidelines and such other documents, plans and information as may reasonably be required by the Design Review Committee. The Design Review Committee shall review the documents and provide comments (the "Pre-DP Application Submission Review").

3.02. At least TWENTY (20) BUSINESS DAYS prior to submission of a development permit application, the Consultant shall submit to the Design Review Committee, for pre-development permit approval, all documents as set out in Section 4.05 of the Guidelines, including any necessary revisions as set out in Section 4.06, with confirmation that all issues identified in the Pre-OP Application Submission Review have been satisfactorily addressed and such other documents, plans and information as may reasonably be required by the Design Review Committee (the "Pre-DP Application Submission"). The Design Review Committee shall review the Pre-DP Application Submission and either approve or reject it. If rejected, the process set out in this section shall be repeated until the Pre-DP Application Submission is approved.

3.03. Upon the Design Review Committee's written approval of the Pre-DP Application Submission, the Owner of the Servient Lands shall submit this written approval along with the development permit application to the applicable Government Authority.

3.04. Upon the development permit being approved, the Owner of the Servient Lands shall submit one set of stamped development permit plans to the Design Review Committee. The Design Review Committee shall review the stamped development permit plans for confirmation of conformance to the Guidelines. If the Design Review Committee determines that the stamped development permit plans do not conform to

the Guidelines, the Owner of the Servient Lands and the Design Review Committee shall work together to make any appropriate revisions.

3.05. Upon the Design Review Committee's written confirmation that the stamped development permit plans conform to the Guidelines, the Owner of the Servient Lands shall submit this written confirmation along with the building permit application to the applicable Government Authority.

4. GENERAL PROVISIONS

4.01. The provisions of the Agreement are enforceable by any one or more Owner(s) of the Dominant Lands. Any abrogation or waiver from strict compliance with any provision of the Agreement shall not of itself constitute an abrogation or a waiver from strict compliance with:

- (a) any other provision of the Agreement;
- (b) the same provision in the future; or
- (c) any provision of the Agreement by any other owner.

4.02. Nothing herein shall require the City or the Design Review Committee to enforce the Restrictions contained in the Agreement or render the City or the Design Review Committee responsible or liable for the failure of any owner to adhere to or comply with the Restrictions contained in the Agreement, it being the intention that the obligation to comply with the Restrictions runs with the Servient Lands and the benefits of the Restrictions run with the Dominant Lands. No action shall lie against the City or the Design Review Committee for any breach of any of the Restrictions unless one or more of these parties are the then registered Owner(s) of the Servient Lands. This provision shall constitute an absolute defence to any such action and may be pleaded as such.

4.03. If any one of the provisions for the application thereof shall be held by any Court of competent jurisdiction to be invalid or unenforceable to any extent, then such provision shall be severed from the Agreement and the remainder of the Agreement shall be valid and enforceable to the fullest extent permitted by the law.

4.04. The Restrictions are in addition to any requirements of the applicable Government Authority in respect of the development and use of the Servient Lands and nothing contained herein shall be construed as modifying or superseding anything which is required by any applicable Government Authority.

This portion intentionally left blank

4.05. In the event of any conflict between the provisions contained in the body of the Agreement and the provisions contained in the schedules to the Agreement, the provisions contained in the body of the Agreement shall prevail.

IN WITNESS WHEREOF the parties hereto have duly executed the
• Agreement.

APPROVED	
As to Content Corporate Services	"117
As to Form Law	<i>Ly</i>

THE CITY OF CALGARY

Per: J. LYf.
Director
Office of Land Servicing & Housing

Per: 5: 1/2" x 2 1/2" = - - - - -
City Clerk **MAR 15 2013** (seal)

THE CITY OF CALGARY

Per: J./"
Director
Office of Land Servicing & Housing

Per: S
City Clerk **MAR 15 2013** (seal)

STOS 1 " H-17

STOS 1 1 SWAP

SCHEDULE "A"LANDS1. Dominant Lands:

PLAN 9612303
 BLOCK 3
 EXCEPTING THEREOUT ALL MINES AND MINERALS
 AREA: 1.065 HECTARES (2.63 ACRES) MORE OR LESS

Municipally known as 5309 61 AV SE

PLAN 9612303
 BLOCK 4
 EXCEPTING THEREOUT ALL MINES AND MINERALS
 AREA: 0.976 HECTARES (2.41 ACRES) MORE OR LESS

Municipally known as 5353 61 AV SE

PLAN 9612303
 BLOCK 5
 EXCEPTING THEREOUT ALL MINES AND MINERALS
 AREA: 0.976 HECTARES (2.41 ACRES) MORE OR LESS

Municipally known as 5391 61 AV SE

PLAN /3//.3/4-
 BLOCK 6
 LOT 1
 EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 5423 61 AV SE

PLAN /3//3/4:
 BLOCK 6
 LOT 2 -
 EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 5451 61 AV SE

PLAN / 3 / 13 / 4 -

BLOCK 6

LOT 3

EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 5475 61 AV SE

PLAN / 3 / 13 / 4 -

BLOCK 6

LOT 4

EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 5495 61 AV SE

PLAN / 3 / 3 1' (- -

BLOCK 6

LOTS

EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 5480 61 AV SE

2 Servient Lands:

PLAN 9612303

BLOCK 3

EXCEPTING THEREOUT ALL MINES AND MINERALS

AREA: 1.065 HECTARES (2.63 ACRES) MORE OR LESS

Municipally known as 5309 61 AV SE

PLAN 9612303

BLOCK 4

EXCEPTING THEREOUT ALL MINES AND MINERALS

AREA: 0.976 HECTARES (2.41 ACRES) MORE OR LESS

Municipally known as 5353 61 AV SE

PLAN 9612303
 BLOCK 5
 EXCEPTING THEREOUT ALL MINES AND MINERALS
 AREA: 0.976 HECTARES (2.41 ACRES) MORE OR LESS

Municipally known as 5391 61 AV SE

PLAN I 3 / 1 3 / 4 -
 BLOCK 6
 LOT 1
 EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 5423 61 AV SE

PLAN I' / 1 . . (4 -
 BLOCK 6
 LOT 2
 EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 5451 61 AV SE

PLAN / J I t , / 4 -
 BLOCK 6
 LOT 3
 EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 5475 61 AV SE

PLAN I J I J / 4 -
 BLOCK 6
 LOT 4
 EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 5495 61 AV SE

PLAN / j / / J / 4 -
 BLOCK 6
 LOTS
 EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 5480 61 AV SE

SCHEDULE "B"**GUIDELINES**

The following
Architectural Control Guidelines
have been prepared for the use of:



THE CITY OF
CALGARY

for the
Starfield (61st Avenue SE) Industrial Lands

OFFICE OF LAND SERVICING & HOUSING
2013.02.20

INTRODUCTION

The Vendor, through OLSH, has established the Guidelines for Starfield (being those lands as shown on Map I, on pg. 9) to develop higher levels of architecture and design, create an improved and ordered industrial park environment and provide business owners with long term benefits that sustain and support social, economic and environmental vitality.

The Guidelines were created to:

- (a) ensure a high-quality sustainable industrial park development is achieved through augmented requirements above the bylaw that achieve good quality building and site design;
- (b) conserve resources through sustainable land and building development by purchasers;
- (c) encourage industrial development that represents good urban design and planning, with attention to overall site development and landscaping, building and site safety, external storage of goods and materials;
- (d) enhance the quality of the industrial park through the incorporation of aesthetic and environmental guidelines for the design of each property within Starfield;
- (e) maintain a standard that links development to property value, quality of life, and enhances competitiveness;
- (f) protect owners, lessees and / or tenants of buildings within Starfield against incompatible and improper use of other building sites, and to foster the implementation of high quality improvements for all building sites; and
- (g) supplement the existing land use bylaw standards and requirements.

The implementation of the Guidelines will ensure that:

- (a) development decisions are predictable, fair and cost-effective; and
- (b) industrial development policies do not give an explicit competitive advantage to some types of businesses over others.

The Guidelines consist of two types of criteria: mandatory and encouraged. The mandatory criteria are identified by "shall", "will", and "are required", while the encouraged criteria are identified by words such as "encouraged", "preferably", "desirable", or "should." Although these latter criteria are not mandatory, the Design Review Committee will encourage consideration of the criteria at the time of the design reviews.

I. DEFINITIONS

1.01 In the Guidelines, the following words and phrases when capitalized shall have the following meanings:

- (a) "Architect" means a registered professional architect, licensed to practice in the Province of Alberta;
- (b) "Development Authority" means the municipal approving authority having jurisdiction and lawfully empowered to make or impose bylaws, rules or regulations with respect to planning and development within Starfield;
- (c) "Development Permit" means the development permit to be obtained by the lot purchaser, or any Proponent, for any development in Starfield;
- (d) "DRC" means the design review committee;
- (e) "Guidelines" means these architectural and development control guidelines for Starfield;
- (f) "Lot(s)" means one or more of the lots in Starfield and legally described in Appendix "A" attached hereto;
- (g) "LUB 1P200T" means the *Land Use Bylaw (1P2007)*, as amended from time to time;

- (h) "OLSH" means The City of Calgary, Office of Land Servicing & Housing;
- (j) "Proponents" means all owners, tenants, developers, builders, and design consultants;
- (j) "Starfield" means The City of Calgary's Starfield (61" Avenue SE) Industrial Lands
- (k) "Restrictive Covenant" means this restrictive covenant, which incorporates the Guidelines; and
- (l) "vendor" means The City of Calgary.

2 RESTRICTIVE COVENANT

- 2.01 The Vendor is the registered owner of an estate in fee simple of the Lots. The Vendor is acting solely as the land developer of Starfield and not in the capacity as the Development Authority.
- 2.02 The Vendor is developing a planned industrial development described as Starfield and will be registering the Restrictive Covenant against all the LoL for the purpose of establishing and maintaining the general development and individual character of each Lot.
- 2.03 It is the intention of the Vendor to control the development of Starfield by means of the restrictions and conditions of the Guidelines and to set these forth as the covenants registered against each Lot, which covenants are intended to be common to all the Lots to enhance and protect the value, market desirability, and aesthetic attractiveness of all the Lots, to their mutual benefit.

3. ROLE OF ARCHITECTURAL CONTROL GUIDELINES

- 3.01 The Guidelines apply to building and sitc dsig11 of developments in Starfield. The Guidelines are to be adhered to by the Proponent of any development in Starfield. No improvement shall be constructed, placed, altered, erected, maintained or permitted on any Lot unless it complies with the Guidelines, and only if and when it has been approved by the DRC.
- 3.02 Any Proponent shall also provide a copy of the Guidelines to its consultant and construction team prior to constructing any improvement to the Lot(s) which it owns. If any requirements of the Guidelines are at variance with the LUB IP2007 requirements the more restrictive of such requirements shall apply.
- 3.03 The Vendor will establish a DRC. The DRC will monitor adherence to the Guidelines by the Proponents by reviewing and approving documentation required for development within Starfield as stipulated within the Guidelines. The intent of the reviews is to ensure and enforce the Guidelines' requirements. The DRC shall, at its discretion, interpret the Guidelines, with the fundamental intent of upholding both the specific and the broad intents of the Guidelines.
- 3.04 The DRC, at its discretion, reserves the right to vary compliance with the Guidelines. It is, however, the intent of the Vendor to maintain the applicability and validity of the Guidelines for the duration of the land sales, and, principally, to reserve the right to alter the Guidelines if market indicators warrant the alteration.
- 3.05 A copy of, or access to, the Guidelines shall be made available to any Proponent seeking approval for a development within Starfield. This information is to be read in conjunction with the information related to engineering matters that was provided to the D1 purchaser at the time they initiated a land purchase arrangement with OLSH.
- 3.06 The Vendor has assigned the reviewing authority to OLSH, who in conjunction with any other consultant representation as appointed by the Vendor from time to time, shall be the DRC. Any notice, request or communication shall be in writing and delivered to the DRC at the following address:

P.O. Box 2100, Stn. M, #195

Calgary, AB T2P 2M5
or, by facsimile at 403-537-3099.

The principal contact is the Coordinator, Business Services, who may be reached directly at 403.268.1462. by email scott.pickles@calgary.ca or at the OLSH offices at 403.268.4930. As a secondary the identified Project Manager for Starfield may be reached at the OLSH offices at 403.268.4930.

- 3.07 Each required submission shall be submitted in legible 11"x 17" format for architectural drawings, and supporting documentation. The last submission prior to the DP submission may be in portable document format.
- 3.08 Each initially submitted set shall be accompanied by a letter of authorization or an authorized signature of the legal owner or occupant of the Lot(s), or both or the authorized agent thereof.
- 3.09 Application to the Development Authority for the DP may not be made prior to receiving authorization in writing from the DRC and prior to the undertaking of any Lot improvements. Any subsequent revisions to the accepted DP shall be sent to the DRC prior to a re-submission to the Development Authority for additional comments. Changes from the originally approved DP shall be highlighted and identified to the DRC. Lot improvements include, but are not limited to, construction or installation, clearing, grading, paving, landscaping, buildings, building additions or alterations, or signage.
- 3.10 Review and approval will be based upon requirement, as stipulated within the Guidelines. Submissions will be assessed not only for the quality of the specific proposal, but also for the development's effect and impact upon its neighbors and surroundings. Concern for spatial relationships between buildings and other adjacent elements, and careful consideration of location and treatment of utility and service facilities will be given. Lot ingress and egress may be limited in the interests of efficient traffic flow on adjoining streets.

4 BASIC REQUIREMENTS AND REVIEW PROCESS

- 4.01 Proponents shall retain the services of an Architect to prepare submissions required for the design review and approval by the DRC.
- 4.02 The following provides an overview of the DRC review process:
 - (a) pre-design meeting with Proponent and DRC;
 - (b) proponent submits pre-DP-application submission to DRC;
 - (c) DRC comments copied to Proponent;
 - (d) upon DRC approval of pre-DP application submission, DRC provides approval letter to Proponent;
 - (e) DRC provides DP application letter to Proponent;
 - (f) proponent approved for DP application; and
 - (g) upon DP approval from the Development Authority, Proponent provides a copy of approval to the DRC.

Pre-Design Meeting

- 4.03 A pre-design meeting is recommended to provide an overview of the requirements and process prior to the initial design development. This meeting should clarify any questions, comments, or concerns a Proponent may have. It is the Proponent's responsibility to make request in writing to set up a pre-design meeting. The DRC will be available on a limited basis for further discussion with Proponent, who have questions on matters regarding interpretation of the Guidelines for development within Starfield.
- 4.04 To facilitate an expeditious and aligned approval process with OLSH and the Development Authority, the Proponent may choose to coordinate a joint pre-application and pre-design meeting at its sole discretion. If interested it is the Proponent's responsibility to coordinate and arrange such meeting.

Pre-DP Application Submission Review

4.05 For the pre-DP application submission review, the following shall be prepared and submitted by the Architect:

- (a) all correspondence and all documentation shall reference the legal description (lot, block, and plan) and municipal address of the Lot;
- (b) if the development is phased, the extent of phasing and the requirements for the development proposed for each phase shall be clearly identified. Required parking and planting ratio requirements shall be met for each phase in such a staged development. A master plan will be required by the DRC for phased development, which shall be reviewed before preliminary submission drawings can be reviewed;
- (c) submission will be of a quality and completeness equal to that required by the Development Authority for submitting an application for a DP. The architectural drawings will be sufficient to completely convey the full design intent of the project. The submission for this review shall include the following:
 - (i) site development plans, including identification and location of all components existing and proposed pertinent to the development - i.e. building(s), parking areas, access and egress points, existing features (hydrants, power poles, light standards, boulevard trees), service and storage areas, rights-of-way, required yard setbacks, garbage enclosure location, a key plan locating the Lot(s) in the context of adjacent Lot(s) and streets, a landscaping plan and legend, signage, lighting, and all relevant project data with respect to the Guidelines and the LUBIP2007 district requirements. A shadow study may also be required. Preliminary grading plans are also strongly encouraged and clear indication of the elements and nature of the amenity space required for each Lot shall be evident;
 - (ii) site plan, as well as, but not limited to, grading and storm retention areas, curb, bollard, and wheel-stop details; amenity space details; site lighting; berthing (where required) and planting details; a detailed plant list, quantity, and sizing of plant materials; garbage enclosure details; fencing details; transformer location and screening; location of municipal address signage, and any trees requiring line assignments within City boulevards;
 - (iii) a draft development site servicing plan ("DSSP") prepared by a professional engineer in Alberta and actively engaged in land development or storm water management engineering shall be submitted together with the architectural review submission". This DSSP will be commented on by OLSH only with a view to encouraging adherence to the lot grading conditions of the engineering design and suggest revisions that reduce the cost of the installation of utilities in the street. The Proponent is obligated to deal with OLSH for the "off-site" portion of the service connection installation and the driveways/service connection trench rehabilitation. Note that this review is NOT part of the Development Authority process and that the applicant shall submit the proposed DSSP for approval in accordance with The City of Calgary's standard process. It is also important to note that the DSSP consultant responsible for the design remains responsible for all the details on the plan and that any conflicts with other infrastructure that is installed prior to DSSP approval will be the responsibility of the Proponent to resolve;

- (iv) building plan(s) identifying overall dimensions, principal entrance, windows and doors; roof plans with, if applicable, roof-top equipment; and, if applicable, parkade plans;
- (v) building elevations identifying all exterior materials, finishes, and colours, building heights, screening of mechanical equipment, and finished grades, and building-mounted lighting;
- (vi) building sections shall only be required if site grade conditions dictate building sections of a complexity, without which a proper understanding of the project intent would not be possible;
- (vii) proposed outdoor storage areas and screening identifying exterior materials, finishes and colours, building heights, finished grades and building-mounted lighting;
- (viii) a rendering which accurately conveys the massing, materials, finishes, colours, and context, and which aids in a more complete understanding of the project would be helpful and will be encouraged;
- (ix) a true colour image/ photo of a material and finish sample board with exterior building finishes (An actual sample board will not be accepted);
- (x) an indication of proposed signage details as required by the Guidelines and as required by Part 3 Division 5. Signs LUB IP2007 10 be included as part of the pre-DP application set
- (xi) any additional information which the Proponent may deem helpful in demonstrating compliance with the Guidelines;

Upon receipt of an application with all the documentation included and complete the DRC will diligently respond.

- 4.06 The DRC shall complete its final review and provide its comments to be returned to the Proponent. If authorization is not granted, the same provisions as contained herein shall again apply, and the Proponent will revise the documentation, outlined in 4.05, and make the modifications or changes required for granting of written authorization. Upon authorization by the DRC, a copy of such approval shall be submitted with the Proponent's DP application to the Development Authority.

DP Approval & DRC Review

- i.07 Upon approval of the DP application from the Development Authority, the Proponent shall advise the DRC and provide one of two returned DP approval copies to the DRC for review. With confirmation by the DRC of compliance with the Guidelines' intent, the Proponent shall include this latter approval with the Proponent's building permit application. The DP approval set will be returned to the Proponent.
- c.08 The DRC will review approved plans for conformance to mandatory and encouraged criteria contained in the Guidelines and items discussed during the review process.

Construction Documentation

- 4.09 Construction documentation shall conform to the approved DP drawings.

Interpretation and Waiver

- 4.10 The DRC's interest in reviewing submissions is to ensure that compatible development of a quality described within the Guidelines is consistently achieved. When questions of judgment or interpretation arise, the decision of the DRC is final. Any issue not addressed specifically by the Guidelines, will be resolved by the DRC on an individual case by case basis.
- 4.11 In order to best resolve certain unforeseen circumstances, it may be preferable on occasion for the DRC to allow variances of specific requirements. Any such variance granted is so granted mindful of the collective benefit within the overall development of Starfield, and is not to be construed as precedent setting. Any such variance or waiver by the DRC shall not be construed as a waiver in favour of any other development on any other Lot, nor a waiver of any other restrictions or conditions contained within the Guidelines.

DRC and Vendor not Liable for Approval

- 4.12 The DRC (either Vendor and / or the Vendor's consultant) shall not be liable for any loss, expense, damage, action, claim or proceeding suffered, incurred or brought against any person on account of:
- (a) the authorisation or disapproval of any plans, drawings and documentation, whether or not in any way defective;
 - (b) the development of any Lot; or
 - (c) the construction of any improvement, or performance of any work, whether or not pursuant to approved plans, drawings and any other documentation.
- 4.13 Any authorisation given by the DRC shall not evidence or confirm compliance with or approval of any bylaws, codes, laws, or requirements of the Development Authority or of any plans, drawings, and documentation submitted to the DRC.
- 4.14 Prior to development, each Proponent shall ensure compliance with current applicable bylaws, codes, or laws, and is responsible for acquiring such required approvals from the Development Authority. Any requirements of the Guidelines at variance from requirements set forth by regulatory agencies, shall apply if they are the more restrictive.

No Action Against DRC

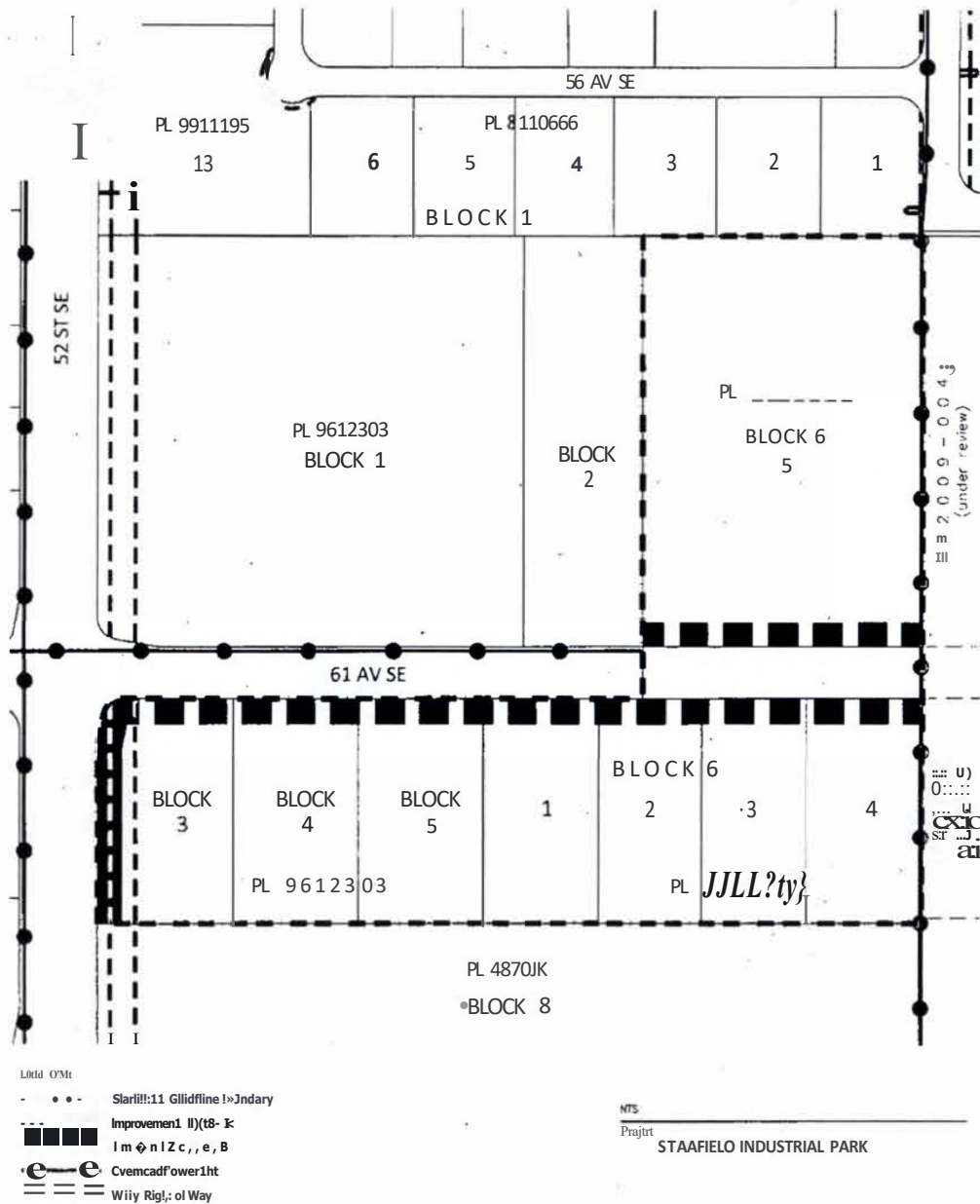
- 4.15 No action shall lie against the DRC or the Vendor for damages for breach of any one or more of the requirements of the Guidelines or of the covenants contained within the Guidelines, and this shall constitute an absolute defense to any such action and may be pleaded as such.

5 DEVELOPMENT PERMIT REQUIREMENTS

- 5.01 Before a building permit may be obtained, a DP shall first be applied for and issued by the Development Authority, who may set conditions under which development may take place that may be in addition to normal land use district requirements and the Vendor's Guidelines. It is required that the Guidelines be reviewed in detail to ascertain compliance for any proposed development within Starfield. (See Article 4 for the basic requirements and review process for submission and compliance requirements).

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MAP 1: STARFIELD DEVELOPMENT STRATEGY



6 OUTLINE PLAN AND DEVELOPMENT STRATEGY MAP

- 6.01 Refer to Map I. for the development concept for the subject areas.
- 6.02 The Guidelines apply specifically to Starfield with the intention to make them applicable to all Lots. However, the Vendor, in its discretion, reserves the right to modify the Guidelines for any reason it deems necessary.
- 6.03. All new construction, any additions visible to the public and all major exterior alterations shall comply with the applicable design criteria stipulated within the Guidelines. Minor changes to the exterior of buildings such as door or window additions, temporary construction buildings, and modifications to existing landscaped areas or parking lots, where no additional enclosed area is added, are exempt from the Guidelines. For partial modifications to buildings and Lots, the Guidelines shall only apply to those applicable areas.

7 IMPROVEMENT AND INTERSECTION ZONES AFFECTING PRIVATE LAND

- 7.01 Certain lands shall be considered improvement and intersection zones, which require additional elevated level of quality and design in order to place emphasis either on the location or intersection where they are situated.
- 7.02 Improvement Zone A; as shown outlined on Map I. (all Lots fronting onto 52nd Street SE) shall:
- (a) accept the responsibility to provide an upgraded or improved lot and building design commensurate with their high visibility (i.e. entranceway to the park, corner lot, intersection)
 - (b) have those facades facing the perimeter transportation corridors utilize the same predominant building, material and means of articulation of the principal building facade;
 - (c) shall not incorporate pre-engineered or portal frame structures without significant design upgrades (see 10.01(g), 11.0.1(q));
 - (d) landscaping to be designed to provide a significance to the point of entry to Starfield; and
 - (e) there shall be clear designation as to the lands that are within and outside of Starfield.
- 7.03 Improvement Zone D; as shown outlined on Map I. (all Lots backing, facing or are adjacent to 61st Street SE) shall:
- (a) have a contiguous yard setback;
 - (b) have mound berming to accentuate the landscaping design area excluding any requirements for utility right of ways;
 - (c) be landscaped at a ratio of ONE (1) tree / THIRTY FIVE (35) SQUARE METRE within the rear yard setbacks; and
 - (d) provide trees and shrubs planted in a linear arrangement along the length of the setback area.

8 Architectural Control Guidelines

- 8.01 The Guidelines includes two types of criteria: mandatory and encouraged.

8.02 Certain terms are used in the Guidelines to indicate guideline priority and the degree of flexibility available to implement a guideline. These terms are explained below:

- (a) "shall" is the strongest term used. It addresses high-priority items that form the basic framework of the Guidelines and must be adhered to ensure compliance with regulatory policies;
- (b) "should" addresses lower priority items and generally refers to guidelines that implement the higher priority items. There is some degree of flexibility in how the Guidelines are achieved and whether they are applicable in all situations. Some of the Guidelines are "common sense" items that are included only to ensure that they are not forgotten; and
- (c) "encouraged" and "consider" are the least restrictive terms. They are generally used to present ideas or suggestions to successfully achieve the Guidelines' intent, but they are not absolute requirements. These guidelines have the greatest degree of flexibility. Although these latter criteria are not mandatory, the DRC encourages consideration of the criteria at the time of the design reviews.

8.03 The following Sections 9-16 outline mandatory and encouraged guidelines that will ensure Starfield achieves its sustainable development goals and objectives.

9. Sustainable Development Requirements

9.01 The concepts of "sustainable building" and "sustainable site" design are required to support sustainable goals and objectives. Appendix -8- has been provided as a suggested option list for consideration.

9.02 Proponents shall summarize as part of their submission how their development will:

- (a) improve energy efficiency through building and equipment design, including but not limited to:
 - (i) building orientation, and/or glazing to incorporate solar opportunities; and
 - (ii) sustainable and renewable energy technologies;
- (b) incorporate sustainable site design elements including but not limited to:
 - (i) reduce erosion and sediment control during and after construction;
 - (ii) provide a high level solid construction waste management plan; and
 - (iii) reduce heat islands through a reduction of impervious surfaces;
- (c) promote water conservation initiatives through but not limited to:
 - (i) surface water management at the site level; and
 - (ii) utilize natural features (i.e. drainage, vegetation patterns) to increase onsite infiltration and minimize runoff.

10. Site Design Guidelines

10.01 New development shall in all ways enhance the character of its surrounding area through quality architecture, enhanced landscaping, and appropriate and considered site configuration. Furthermore, a "thread of continuity" shall exist throughout Starfield in order for any sense of community or a controlled development to be perceived as evident.

As a result, the following site designs are specified below:

- (a) buildings, parking areas and driveways, landscaping, outdoor storage and other outdoor operation

functions shall be configured to minimize aesthetic impacts visible from the street:

- (b) buildings shall be oriented so that building entrances, office areas, and pedestrian-scaled amenities are visible from the street;
- (c) noise and / or odour generating functions on the Lot - service lanes and loading zones, dumpsters and compactors, guard dogs, loudspeakers, etc. - shall not be situated so as to negatively impact adjacent Lots, and, if they exist, sufficient buffer space, mechanical dampening and landscaping shall be incorporated to successfully mitigate such negative impact;
- (d) where reasonable, customer and staff vehicular traffic and parking shall be separated from truck loading access;
- (e) an outdoor employee area shall be provided and connected via a walkway system to the on-site principal building(s). Employee areas are to provide seating capability and landscaping as appropriate to the application;
- (f) the provision of a separate public amenity area will also be encouraged;
- (g) the location and design of communication towers will be subject to review by the DRC. Preferred locations will be located at the rear of Lots;
- (h) each development is encouraged to provide preferential parking space for use by car pools, hybrid and car share vehicles; and
- (i) corner Lots shall be sited and designed to address adjacent public streets.

11. Building Form and Character

11.01 Building design, material, and exterior finishes, colours, and landscaping shall support the creation of an attractive industrial environment and shall conform to the provisions of the Guidelines. The Guidelines are provided to ensure all buildings within Starfield meet the basic requirements represented within this section, including integration of the design of all structures within the overall site design, and the use of materials deemed suitable and recommended by the DRC. The basic guidelines are outlined as follows:

- (a) all facades shall have architectural expression including plane articulation, controlled changes of material, texture and colour, and have a generous percentage of windows and openings;
- (b) principal entrances shall be oriented to the street and be well-defined;
- (c) front facades shall be designed to create visual interest;
- (d) all colours and branding schemes shall be approved by the DRC;
- (e) blank wall on any facade are not permitted;
- (f) entries shall be defined architecturally;
- (g) in multi-building complexes, a consistent architectural concept shall be maintained through the use of complimentary building design, material and colours;
- (h) all mechanical, electrical, pollution control or waste handling equipment ancillary to the building shall be screened from view and from public rights of way;
- (i) buildings are encouraged to have end of trip facilities;

- (j) natural lighting is encouraged to provide a significant part of the building illumination strategy;
- (k) lighting energy demand to be provided through high efficiency luminaires;
- (l) outdoor lighting shall be designed to minimize the amount of light produced;
- (m) the use of durable exterior materials is encouraged;
- (n) the use of glass will be encouraged - particularly in areas where the impact of natural daylighting would have most benefit to building occupants - for the office and the warehouse / workshop / manufacturing components of the building(s);
- (o) parapet height and variation shall not be arbitrary;
- (p) all fans, vents, and any roof-top mechanical equipment shall be located in a manner to minimize the distraction they create from the attractiveness of the architecture. shall be screened from public view, and shall be hidden by screening designed as an integral part of the building; and
- (q) pre-engineered buildings if used shall be subject to a review of their design, pattern, building details, colour and choice of materials to ensure a standard of quality is maintained.

12. Parking, Circulation and Service Facilities

1201 Vehicular and pedestrian circulation within the Lots shall be designed to function efficiently and to provide maximum safety, using the following guidelines:

- (a) the location of parking spaces within parking areas on a Lot shall be subject to the approval of the DRC;
- (b) pedestrians shall be separated from vehicular traffic and be clearly demarcated;
- (c) landscape buffers shall always be provided between parking lots and public streets;
- (d) appropriate landscaping between parking lots and buildings shall be provided at reasonable locations. At minimum these buffers shall be a minimum of NINE (9) FEET or TWO POINT SEVEN FIVE (2.75) METRES wide, whether only landscaping or when equal to the width of the sidewalk with the exception of staff parking in side or rear yards adjacent to a building facade without doors or windows;
- (e) no parking shall be permitted closer than FOUR (4) FEET or ONE POINT TWO (1.2) METRES from an interior property line, and only when wheel stops are provided to prevent overhang onto the FOUR (4) FOOT or ONE POINT TWO (1.2) METRE yard;
- (f) all roads provided in Starfield will have an integral concrete curb and gutter. It shall be the responsibility of Proponent to provide curb-cuts for their entrance driveways. Proposed entrance driveways will match existing curb and road pavement grades and design, and/or, comply with The City of Calgary standards;
- (g) adequate drainage shall be provided by the Proponent in accordance with the overall drainage plan for Starfield, and all storm, run-off from the Lot shall be retained internally;
- (h) all loading dock configurations shall be approved by the DRC;
- (i) all service areas - vehicular activity yards, garbage enclosures, outside storage, loading and

**ALBERTA GOVERNMENT SERVICES
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131110466 REGISTERED 2013 05 14
RESC - RESTRICTIVE COVENANT
DOC 4 OF 4 ORR#: A01F879 ADR/DMACNEIL

BETWEEN:

THE CITY OF CALGARY

and

THE CITY OF CALGARY

RESTRICTIVE COVENANT AGREEMENT

PAULL. TOLLEY, Q.C.

CITY SOLICITOR

The City of Calgary

Law Department

12th Floor, Calgary Municipal Building

800 Macleod Trail SE

Calgary, AB T2G 2M3

(P. O. Box 2100, Station 'M' (8053)

Calgary, AB T2P 2M5)

Law File No.: RE2529 (L. Lau)

OLSH File No.: 5309, 5353, 5391, 5423, 5451, 5475,
5495, & 5480 61st Avenue SE (L. Stark)

3. Renewable Energy and Materials

- 4.01 Renewable and low embodied energy materials are strongly encouraged. Contracts for energy from renewable energy are encouraged.

4. Indoor Environment

- 5.01 For better indoor air quality, use non-toxic materials. The health of occupants should be of primary consideration when selecting interior materials and finishes. Daylighting to all work areas should be provided - including low occupancy warehouses and workshops:

- (a) enhance indoor air quality in buildings to improve the comfort and well-being of the occupants;
- (b) increase air ventilation to improve indoor air quality; and
- (c) reduce indoor air contaminants that are harmful to the comfort of the occupants.

5. Resource Conservation

- 6.01 Consider the use of materials and strive for methods to reduce material use:

- (a) divert construction and demolition debris from disposal in landfills and incineration facilities;
- (b) minimize construction dust, construction waste, and to re-use construction material;
- (c) incorporate recycled materials into construction such as fly ash in concrete, gypsum board, carpet using recycled materials, misc. steel, insulation, aluminum panels, roofing components etc.;
- (d) develop a construction waste management plan that includes measures to control soil erosion during construction is desirable;
- (e) incorporate the storage and collection of recyclables within the development; and
- (f) develop a recycling plan for the site.

6. Landscape Maintenance

- 7.01 Provide and implement a landscape maintenance program without pesticides or herbicides.

7. Energy Efficient Lighting

- 8.01 Energy efficient light fixtures should be used for lighting all work areas. Occupancy sensors, or programmed light usage management should be incorporated. In general, low general illumination levels both indoors and outdoors should be implemented on site.

APPENDIX "B"

SUSTAINABLE DESIGN PRINCIPLES FOR ACHIEVING BEST PRACTICE OBJECTIVES

The currently accepted and established industry practices for sustainable building and site design should be applied to achieve sustainable objectives for development within Starfield. The following represents a suggested option list of sustainable design strategies which all Proponents may use to help enable them to incorporate as many best practice building and site design principles as possible. It is ultimately the responsibility of each Proponent to determine to what degree these strategies are implemented, but unquestionably, there are many market-driven reasons to make each development as aligned as possible with the objectives of the items listed below in order for that project to be deemed 'sustainable development'.

I. Sustainable Sites

- 101 Develop through proper selection and provision of amenities sustainable site amenities which encourage or provide:
- (a) alternative transportation amenities such as bicycle storage and changing rooms, fuel efficient vehicle parking;
 - (b) protection of existing natural areas, or restoration of damaged areas to provide habitat and promote biodiversity;
 - (c) maximize open space to promote biodiversity;
 - (d) reduce heat islands through considered Lot and building coverage materials;
 - (e) minimize light pollution and trespass; and
 - (f) increase tree ratios around paved areas to increase site shading.

I. Water Efficiencies

- 201 Increase water efficiencies through to reduce impact on municipal water supply:
- (a) rainwater harvesting technologies, which are encouraged to eliminate use of potable water for landscaping requirements;
 - (b) provide alternate storm water management strategies, which recharge ground water and supplement on-site irrigation;
 - (c) incorporation of low impact development; and
 - (d) provide dual flush and/or low flow toilets and fixtures; provide waterless urinals.

2 Energy Efficiency

- 301 Maximizing energy efficiency and the use of passive heating and cooling technologies will be encouraged:
- (a) provide climatically effective horizontal sun-shading devices on south elevations;
 - (b) provide operable windows for natural cross ventilation;
 - (c) provide landscaping or vertical sun shading devices to screen west elevation to reduce excessive heat gain;
 - (d) provide "white" (high albedo) membrane material for flat roofs to reduce "heat island effect";
 - (e) provide a heat recovery mechanism on exhaust air;
 - (f) improve the quality and performance of the building envelope and incorporate higher value walls and roof;
 - (g) provide spectrally selective glazing in thermally broken frames; and
 - (h) provide daylight and views into the regularly occupied areas of the building.

APPENDIX "A"

DESCRIPTION OF LANDS

LEGAL DESCRIPTIONS

Block 3, Plan 961 2303 (5309 61" Avenue SE)
 Block 4, Plan 961 2303 (5353 61" Avenue SE)
 Block 5, Plan 961 2303 (5391 61" Avenue SE)
 Lot 1, Block 6, Plan J . j ♦ (5423 61" Avenue SE)
 Lot 2, Block 6, Plan H/J/4 (5451 61" Avenue SE)
 Lot 3, Block 6, Plan (3/IJ/4- (5475 61" Avenue SE)
 Lot 4, Block 6, Plan U/114 (5495 61" Avenue SE)
 Lot 5, Block 6, Plan .LJLnJ(5480 61" Avenue SE)

EXCEPTING THEREOUT ALL MINES AND MINERALS

Starfield; and

- (c) all site signs and their proposed locations to be approved by the DRC. The DRC reserves the right to request signage review for approval even when the signage application occurs after DRC approval has been given for the DP application.

15. Lighting

- 15.01 The lighting of buildings and their surroundings should be low-key, yet lighting design should provide for safety and security on the building site. Lighting should be used to accent entrances, facade features, and to illuminate parking areas with lighting levels which promote a sense of safety. Floodlighting which causes light spillage and glare shall not be permitted.
- 15.02 Appropriately integrated and controlled ground-mounted or complementary up-down wall-wash lighting of buildings will be the only type of lighting permitted. Where lighting fixtures are attached to the building, the design and colour of the fixture will be compatible.

16. Equivalences

- 16.01 Proponents are required to meet or exceed the standards of the Guidelines. Any exceptions are to be approved by the DRC.

specifications of The City of Calgary, Parks Department;

- (g) landscaped islands and peninsulas shall be a minimum of FIVE (5) FEET TEN (10) INCHES or ONE POINT SEVEN FIVE (1.75) METRES wide and shall be provided every TEN (10) parking spaces, and, for double-loaded aisles, shall be provided in either an alternating or a synchronized pattern. A major shade tree shall be planted in each peninsula, and a minimum of two shade trees shall be planted in each island. No parking stall row shall end without an island or peninsula of landscaping;
- (h) a safe and logical pedestrian circulation pathways from parking areas to the building(s) should be provided;
- (i) a parking area which is visible from public streets shall be partially screened;
- (j) a garbage collection area or an outdoor service area which is visible from an adjoining site or street shall have screen planting;
- (k) deciduous trees shall have a minimum calliper of FIFTY (50) MILLIMETRES and at least FIFTY (50.0) PERCENT of the provided deciduous trees shall have a minimum calliper of SEVENTY (75) MILLIMETRES at the time of planting;
- (l) mechanical equipment should not be located within the front yard setback between the building(s) and the public rights-of-way;
- (m) perimeter landscaping shall transition or integrate with the landscaping of adjacent lots to create streetscape continuity. While improvement zones will have established a tree planting strategy for the identity of streetscapes within Starfield, the private sector landscaping component shall comply to help define a sense of planned streetscape;
- (n) landscaped areas shall be located to create a continuity of landscaped areas with adjacent lots;
- (o) landscape areas shall be concentrated or clustered to avoid sparse tree planting and create functional green spaces;
- (p) plants shall be chosen that reduce the need for maintenance, pesticide use and irrigation and be native to the area (as identified on the native plant list available from the Development Authority), include a combination of groundcover, shrubs and trees, planted to provide a multi-storey vegetative community hardy, drought-tolerant;
- (q) trees and shrubs should be planted to protect buildings from prevailing winter winds and summer sun, intercept precipitation, reduce surface heating, enhance appearance and protect pedestrians from the elements; and
- (r) climate controlled irrigation should be incorporated to minimize water demands.

14. Signage

14.01 In general, signage will be utilized as an additional unifying element within Starfield to provide a sense of continuity and community within the development. The Proponent shall use the following guidelines when dealing with signage in Starfield:

- (a) the only signs that shall be permitted on any building site are those indicating the name, address, and type of business(es) which is (are) located and operating on the lot(s);
- (b) third party advertising, other advertising devices and any other signs, shall not be permitted within

receiving areas, at-grade or roof-top mechanical equipment - shall be located at the rear of Lot(s) so as to be visually screened from public thoroughfares, and, shall be integrated with the building character and constructed of the same materials employed on the principal building(s). Any exceptions to be approved by the DRC, at its sole discretion;

- (j) garbage storage facilities shall be compatible with and / or finished with the same predominant exterior material(s) as the principal building(s);
- (k) garbage storage facilities shall be screened such that they are screened from any street, adjacent Lot, or building entrance;
- (l) outside product display shall be limited to items of equipment, product or process produced and / or sold by the business or industry on the Lot;
- (m) significant fence improvements shall be provided to screen the storage or yard areas from the street; and
- (n) parking and other paved areas are encouraged to be designed to reduce surface run off volume and improve quality, and to direct storm water runoff into the landscape design.

13. Landscaping

- 13.01 The general intent is for Proponents to predominantly use drought resistant, indigenous species for all landscape planting to create a simplified yet strong naturalized landscape environment which complements the buildings and streets. A limited planting palette with strategic layout of the plant species will strengthen this intent. Winter appearance should be considered and species chosen appropriately. Where landscaping is used to provide screening, coverage shall be retained on a year-round basis.
- 13.02 Landscaping treatment is intended to provide a consistent and continuous treatment from Lot to Lot and shall therefore provide a degree of visual continuity throughout Starfield. All open site areas without parking, storage, circulation, or buildings principally within, but not limited to, the front, side, and rear yard setback areas shall be planted and landscaped according to an approved plan.
- 13.03 The Proponents are to refer to the following guidelines when it comes to landscaping the Lots:
 - (a) only drought-resistant, and preferably indigenous, grasses and plants shall be used for all Lots. The Proponent is responsible to provide the DRC appropriate documentation to indicate the proposed landscaping meets the landscaping intent;
 - (b) the use of plants that do not require irrigation but which can survive well on available rain water, and the employment of naturalized grass are encouraged;
 - (c) landscaping shall be predominantly living plant material that meets or exceeds Canadian Nursery Trades Association Standards and Specifications. Decorative sandstone boulders, wood / bark mulch, and river rock, may also be incorporated to enhance the design, but these shall not replace the living plant material;
 - (d) the owner of the Lot, or his successor/ assignees, shall be responsible for the proper maintenance of the landscaping;
 - (e) boulevard ground-cover landscaping from the edge of the road to the property line will be installed by the Proponent and will be maintained by the Lot owner from the installation date;
 - (f) all landscaping - both within the property line boundaries of each individual parcel and including the City boulevard - is solely the responsibility of the Proponent, and shall be constructed to the

Northern RNA Inc.

owner(s)

Thomas Hansen

contact name

335 - 25th Street SE, Calgary AB T2A 7H8

contact address

contact email

City of Calgary

Planning & Development

P.O. Box 2100, Stn. M, T2P 2M5

Calgary, AB, Canada T2P 2M5

Whom It May Concern,

With regards to 5495 61 Ave. SE, Ca, AB. T2C 5K8
property address

Please be advised that I, Thomas Hansen am:
fulln:1mc

(select one)

- ☐ the owner of the above mentioned property, and that I authorize
☐ an officer or director of the owner(s) of the above mentioned property,
and that I am authorized by that owner to authorize

The Mustard Seed and/or its Tamer Takla
agent or company name 3pplcanc, consultant, contractor (if applicable)

to apply for any and all Land use redesignation (change of use)
perm/c type

for the above mentioned property.

I further agree to immediately notify The City of Calgary, in writing, of any changes regarding the above information.

December 19, 2024

date signed

Thomas Hansen

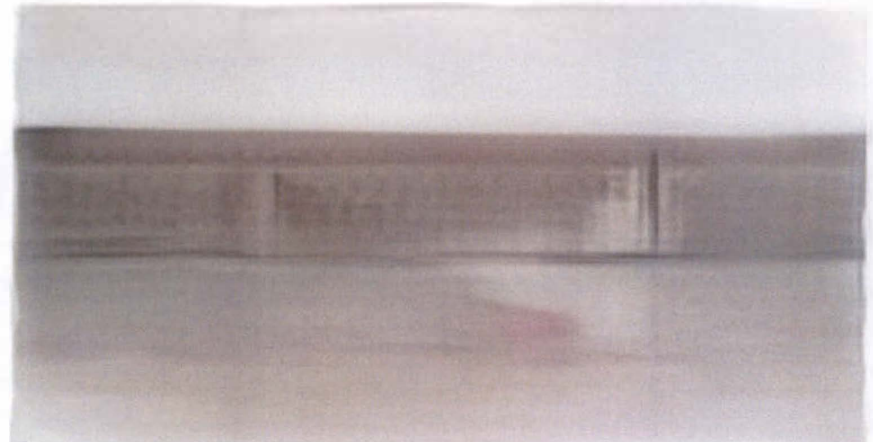
signature of owner

Thomas Hansen

name of owner (printed)

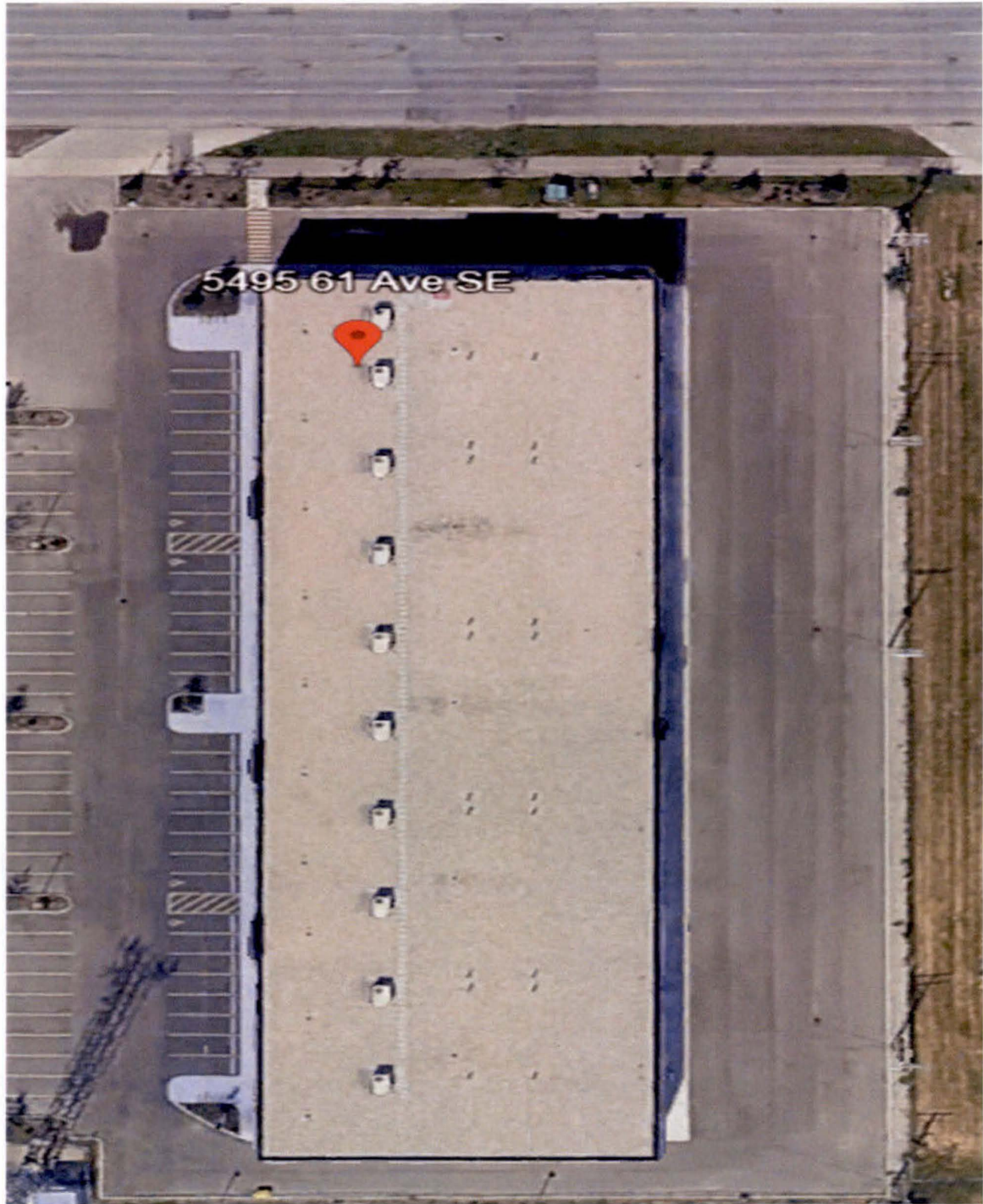
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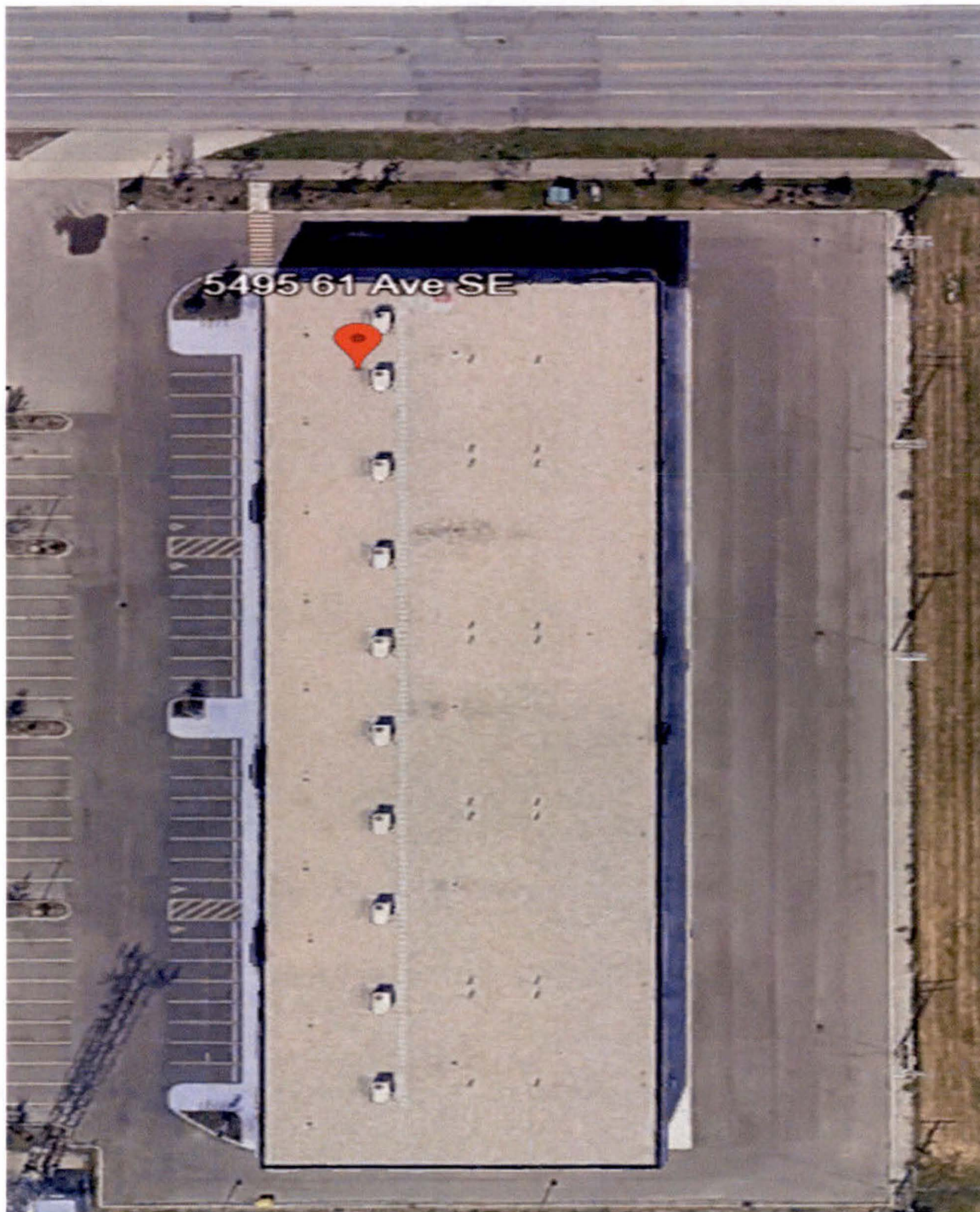
















Calgary

Public Tree Disclosure Statement

7

The City of Calgary Street Bylaw (20M88) and the Tree Protection Bylaw (23M2002) protect trees growing on City (public) land. An approved Tree Protection Plan is required when construction activities occur within 6m of a public tree. More information regarding protecting trees during construction and development is found here. Public trees are required to be shown on plans submitted for this application.

1. Are there public trees on the City lands within six meters of and/or overhanging the development site? ☐ Yes ☒ No

If you answered yes, ensure all trees identified are shown on the submitted plans.

Note: if you are not sure how to determine which trees are yours and which are public, you can:

- Use the [City's tree map](#) (may not be up to date for your property)
- Contact 3-1-1 to put in a "development tree inquiry" to get confirmation from an Urban Forester
- Send inquiries to tree.protection@calgary.ca

2. Who will be submitting the Tree Protection Plan for this development?

☒ Applicant ☐ Owner ☐ Builder ☐ Other:

If Other:

Name:

Tamara | 4

Phone:

Email:

The Tree Protection Plan must be submitted directly to Urban Forestry at tree.protection@Calgary.ca following the [Tree Protection Plan Guidelines](#).

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Site Contamination Statement

Application # -----
for office use only

Site Address: (41st hwy SE, LA, AB, T2C 5K8)

Legal Description:

The information provided in this disclosure statement will assist the Development, Land Use and Subdivision Authorities in processing planning applications. The Authorities rely on the information provided in this statement to assist in determining the potential for site contamination, which may have been caused by current or historic activities.

You are responsible for the accuracy of the information provided in this statement. The questions must be answered to the best of your knowledge based upon diligent inquiry and the thorough inspection and review of all documents and other information pertaining to the subject property.

Please be aware that further site assessments may be required as part of the review of your application.

1. Are you aware of any environmental investigations (audits, assessments, tests, surveys or studies) for this site?

☒ Yes ☐ No

If yes, please provide copy(s).

2. Are you aware of any environmental requirements associated with any previous planning applications on this site?
(i.e. development permit, land use redesign or subdivision)

☐ Yes ☒ No

If yes please provided a brief description and the associated development application number(s):

3. Has there been site remediation or a request for such on the site?

☒ Yes ☐ No

If yes, please provide a brief description:

4. Are you aware of any regulatory actions, past or current, which have been applied to this site?

D Yes ☒ No

Examples include (but are not limited to):

- Environmental Protection Orders
- Reclamation Orders or Certificates
- Control / Stop Orders, fines, tickets or prosecutions
- Violations of environmental statutes, regulations and bylaws
- Administrative penalties and warning letters

If yes, please describe and provide copies of relevant documents:

5. Have any permits been issued or are you currently operating under a license or approval issued by federal or provincial authorities (including, but not limited to the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission, Minister of Environment and Parks) or the Calgary Fire Department for activities which may impact the property? (e.g. certificates of approval, storage tank regulations, plant operating permits)

O Yes ☐ No ☒

If yes, please describe:

6. Has there been contact with Alberta Environment or Calgary Regional Health Authority regarding possible contamination on the site?

D Yes ☐ No ☒

If yes, please provide a brief description:

NOTE: This form is to be signed by the titled owner(s) of the property or their authorized agents or consultants.

I, the D owner, III authorized agent, D authorized consultant, state that, to the best of my knowledge, the information provided in this statement is accurate, complete and is based on diligent inquiry and thorough inspection and review of all the documents and other information reasonably available pertaining to the subject property. I am not aware of any other information that may indicate that the subject property is potentially contaminated.

20/03/2025
Date

Tan
Applicant Signature

Tanvi Takla
Applicant Name (Please Print)

The Mustard Seed
Company Name (Please Print)

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Climate Resilience Inventory Additions and new buildings

Purpose

- This form is intended to assist in the evaluation of applications for alignment with the climate policies of the Municipal Development Plan and [Climate Change Strategy](#).
- Information provided will be used to advance implementation of these policies at The City and inventory current practices.
- While The City encourages innovation and commitment towards meeting these policy requirements, not all applications will be expected to include features which are highlighted below.
- Scale and scope of the project are relevant considerations.
- For a helpful resource to assist in completing this form, refer to the [Climate Resilience Inventory User Guide](#)
- For assistance contact CPclimate@calgary.ca

SECTION 1: Application information

Applicant name: /4 f(i.u '10.K\Q	Company name (if applicable): IN- Mustard Seed
Email: [REDACTED]	Phone number (during business hours): [REDACTED]
Applicant signature: [Signature]	

- Correspondence will be sent to only the applicant

SECTION 2: Certification

Is the project seeking green building certification?

Q Yes, indicate type and level:

No, explain why not: It is a residential building, not a commercial building. It is a small building, not a large building. It is a new building, not an existing building. It is a building that is not a building.

Does the energy modelling indicate improved energy performance over energy code minimum? If yes, provide details on improved energy performance: 0 Yes [8] No

SECTION 3: Energy efficiency and renewables

Describe how the development will improve energy performance over energy code minimum and incorporate renewable energy generation. If no features are proposed, outline the rationale for not including.

N/A

0 Photovoltaics: 1 kW rated output

SECTION 4: Low carbon mobility

Describe how the development will prioritize low-carbon transportation choices (transit, wheeling, walking) and support the adoption of electric vehicles. If no features are proposed, outline the rationale for not including.

N/A

DE V charging stations	Level of EV charging stations	Number of stalls	qbof total stalls
------------------------	-------------------------------	------------------	-------------------

SECTION 5: Green infrastructure

Describe the low-impact development (LID) and green infrastructure features of the proposed development, including but not limited to rain gardens, bioswales, green roofs and walls, and enhanced landscaping. If no features are proposed, outline the rationale for not including.

N/A

<input type="checkbox"/> Green roof	Area: m ²	Percent of building foot print covered by green roof: %	
D Permeable surfaces	Area m ²	Permeable area: qbo	

SECTION 6: Flood and Disaster Resilience

Describe the flood and disaster-resilience features of the proposed development. If no features are proposed, outline the rationale for not including.

N/A

D Building envelope meets Passive House Standard

SECTION 7: Other features

Describe any other sustainable or resilient design features that are not captured above:

N/A

SECTION 8: Issues

To enable the City to collect information where there may be municipal obstacles to climate resilience outcomes, explain any design features that were considered, but not included, for reasons related to City regulations, standards, or processes

FO/P DISCLAIMER: The personal information on this form is being collected under the authority of section 5(1) of Bylaw 39M2018 and amendments thereto, as well as section 33(c) of the FOIP Act. This information is being collected for the purpose of permit review and inspection processes and may be communicated to relevant City Business Units, utility providers, and Alberta Health Services.

A It may also be used to conduct ongoing evaluations of services received from Planning & Development. The name of the applicant and the nature of the permit will be available to the public, as authorized by the FOIP Act. You may direct questions about the collection, use or disclosure of your personal information by the City of Calgary at 800 Macleod Trail SE Calgary, Alberta in relation to this program by emailing the FOIP Program Administrator for Planning and Development at plngbldg@calgary.ca or by telephone at (403)268-5311.



Re: DP2025-01634 COMPLETENESS REVIEW - 5495 61 AV SE

Dear Applicant,

I am the file manager who will be leading the review of your development permit application.

A review of your application has been undertaken and it has been determined that your application is a complete application. A comprehensive review is now underwa

For more information about the development permit process please visit www.calgary.ca/dpprocess.

Please track your application, using your Job Access Code (JAC) DP2025-01634-66370, at www.calgary.ca/vista.

Should you have any questions or concerns, please contact me at your convenience.

Regards,

REYNOLD CASKEY
Planner 2
Reynold.Caskey@calgary.ca
(587) 224-3062
www.calgary.ca/PDMap

Samnick, Cyrille

From: Waite, Debbie
Sent: Friday, April 11, 2025 9:35 AM
To: Caskey, Reynold
Cc: Cui, Mengqiao
Subject: RE: Design Guidelines for RC
Attachments: Starfield arch_control_guidelines-SCHEDULE B.PDF

Hi Reynold,

Please find attached the design guidelines for Starfield (Schedule B).

I have confirmed that a design review is not required for these changes.

Regards,

Debbie Waite, BA, CPT
 Development & Planning Technician
 Real Estate & Development Services (RE&DS)
 The City of Calgary | Mail Code: #195
 C 587.229.7790
 P.O. Box 2100, Str. M, #195 Calgary, AB T2P 2M5

ISC: Protected

From: Caskey, Reynold <Reynold.Caskey@calgary.ca>
Sent: Wednesday, April 9, 2025 3:15 PM
To: Waite, Debbie <Debbie.Waite@calgary.ca>
Subject: Design Guidelines for RC

Hi Debbie,

I have a file in Starfield Industrial on 61 AV SE (The Mustard Seed Shelter). They're proposing to make some exterior changes to the site - smoking amenity area and secure enclosure fencing for parking area. An RC is registered on title that says the DP must be reviewed by REDS and confirmed with a letter of acceptance.

What I can't find are the design guidelines - the RC says they should be attached as Schedule B but I don't have them. Do you happen to have a copy? I've been looking around in documents and can't find it internally.

[POSSE - DP2025-01634 - DP \(Development Permit\)](#)

Lastly-this is from when the city was developer- and is both parties on the RC. Would we even bother enforcing this?

Thanks for the help,
 Reynold

Reynold Caskey, BAAS
 Planner I
 Greater Downtown | Community Planning
 The City of Calgary | Mail code: #8062
 M 587.224.3062 | reynold.caskey@calgary.ca
 5th Floor, Municipal Building, 800 Madeod Tr. S.E.
 P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5

SCHEDULE "B"**GUIDELINES**

The following
Architectural Control Guidelines
have been prepared for the use of:



THE CITY OF
CALGARY

for the
Starfield (61st Avenue SE) Industrial Lands

OFFICE OF LAND SERVICING & HOUSING
2013.02.20

INTRODUCTION

The Vendor, through OLSH, has established the Guidelines for Starfield (being those lands as shown on Map 1, on pg. 9) to develop higher levels of architecture and design, create an improved and ordered industrial park environment and provide business owners with long term benefits that sustain and support social, economic and environmental vitality.

The Guidelines were created to:

- (a) ensure a high-quality sustainable industrial park development is achieved through augmented requirements above the bylaw that achieve good quality building and site design;
- (b) conserve resources through sustainable land and building development by purchasers;
- (c) encourage industrial development that represents good urban design and planning, with attention to overall site development and landscaping, building and site safety, external storage of goods and materials;
- (d) enhance the quality of the industrial park through the incorporation of aesthetic and environmental guidelines for the design of each property within Starfield;
- (e) maintain a standard that links development to property value, quality of life, and enhances competitiveness;
- (f) protect owners, lessees and / or tenants of buildings within Starfield against incompatible and improper use of other building sites, and to foster the implementation of high quality improvements for all building sites; and
- (g) supplement the existing land use bylaw standards and requirements.

The implementation of the Guidelines will ensure that:

- (a) development decisions are predictable, fair and cost-effective; and
- (b) industrial development policies do not give an explicit competitive advantage to some types of businesses over others.

The Guidelines consist of two types of criteria: mandatory and encouraged. The mandatory criteria are identified by "shall", "will", and "are required", while the encouraged criteria are identified by words such as "encouraged", "preferably", "desirable", or "should." Although these latter criteria are not mandatory, the Design Review Committee will encourage consideration of the criteria at the time of the design reviews.

I. DEFINITIONS

1.01 In the Guidelines, the following words and phrases when capitalized shall have the following meanings:

- (a) "Architect" means a registered professional architect, licensed to practice in the Province of Alberta;
- (b) "Development Authority" means the municipal approving authority having jurisdiction and lawfully empowered to make or impose bylaws, rules or regulations with respect to planning and development within Starfield;
- (c) "Development Permit" means the development permit to be obtained by the lot purchaser, or any Proponent, for any development in Starfield;
- (d) "DRC" means the design review committee;
- (e) "Guidelines" means these architectural and development control guidelines for Starfield;
- (f) "Lot(s)" means one or more of the lots in Starfield and legally described in Appendix "A" attached hereto;
- (g) "LUB 1P200T" means the *Land Use Bylaw* (1P2007), as amended from time to time;

- (h) "OLSH" means The City of Calgary, Office of Land Servicing & Housing;
- (j) "Proponents," means all owners, tenants, developers, builders, and design consultants;
- (j) "Starfield," means The City of Calgary's Starfield (61" Avenue SE) Industrial Lands
- (k) "Restrictive Covenant" means this restrictive covenant, which incorporates the Guidelines; and
- (l) "vendor" means The City of Calgary.

2 RESTRICTIVE COVENANT

- 2.01 The Vendor is the registered owner of an estate in fee simple of the Lots. The Vendor is acting solely as the land developer of Starfield and not in the capacity as the Development Authority.
- 2.02 The Vendor is developing a planned industrial development described as Starfield and will be registering the Restrictive Covenant against all the LoL for the purpose of establishing and maintaining the general development and individual character of each Lot.
- 2.03 It is the intention of the Vendor to control the development of Starfield by means of the restrictions and conditions of the Guidelines and to set these forth as the covenants registered against each Lot, which covenants are intended to be common to all the Lots to enhance and protect the value, market desirability, and aesthetic attractiveness of all the Lots, to their mutual benefit.

3. ROLE OF ARCHITECTURAL CONTROL GUIDELINES

- 3.01 The Guidelines apply to building and sitc dsig11 of developments in Starfield. The Guidelines are to be adhered to by the Proponent, of any development in Starfield. No improvement shall be constructed, placed, altered, erected, maintained or permitted on any Lot unless it complies with the Guidelines, and only if and when it has been approved by the DRC.
- 3.02 Any Proponent shall also provide a copy of the Guidelines to its consultant and construction team prior to constructing any improvement to the Lot(s) which it owns. If any requirements of the Guidelines are at variance with the LUB IP2007 requirements, the more restrictive of such requirements shall apply.
- 3.03 The Vendor will establish a DRC. The DRC will monitor adherence to the Guidelines by the Proponents by reviewing and approving documentation required for development within Starfield as stipulated within the Guidelines. The intent of the reviews is to ensure and enforce the Guidelines' requirements. The DRC shall, at its discretion, interpret the Guidelines, with the fundamental intent of upholding both the specific and the broad intents of the Guidelines.
- 3.04 The DRC, at its discretion, reserves the right to vary compliance with the Guidelines. It is, however, the intent of the Vendor to maintain the applicability and validity of the Guidelines for the duration of the land sales, and, principally, to reserve the right to alter the Guidelines if market indicators warrant the alteration.
- 3.05 A copy of, or access to, the Guidelines shall be made available to any Proponent seeking approval for a development within Starfield. This information is to be read in conjunction with the information related to engineering matters that was provided to the D1 purchaser at the time they initiated a land purchase arrangement with OLSH.
- 3.06 The Vendor has assigned the reviewing authority to OLSH, who in conjunction with any other consultant representation as appointed by the Vendor from time to time, shall be the DRC. Any notice, request or communication shall be in writing and delivered to the DRC at the following address:

P.O. Box 2100, Stn. M, #195

Calgary, AB T2P 2M5
or, by facsimile at 403-537-3099.

The principal contact is the Coordinator, Business Services, who may be reached directly at 403.268.1462. by email scott.pickles@calgary.ca or at the OLSH offices at 403.268.4930. As a secondary the identified Project Manager for Starfield may be reached at the OLSH offices at 403.268.4930.

- 3.07 Each required submission shall be submitted in legible 11"x 17" format for architectural drawings, and supporting documentation. The last submission prior to the DP submission may be in portable document format.
- 3.08 Each initially submitted set shall be accompanied by a letter of authorization or an authorized signature of the legal owner or occupant of the Lot(s), or both or the authorized agent thereof.
- 3.09 Application to the Development Authority for the DP may not be made prior to receiving authorization in writing from the DRC and prior to the undertaking of any Lot improvements. Any subsequent revisions to the accepted DP shall be sent to the DRC prior to a re-submission to the Development Authority for additional comments. Changes from the originally approved DP shall be highlighted and identified to the DRC. Lot improvements include, but are not limited to, construction or installation, clearing, grading, paving, landscaping, buildings, building additions or alterations, or signage.
- 3.10 Review and approval will be based upon requirement, as stipulated within the Guidelines. Submissions will be assessed not only for the quality of the specific proposal, but also for the development's effect and impact upon its neighbors and surroundings. Concern for spatial relationships between buildings and other adjacent elements, and careful consideration of location and treatment of utility and service facilities will be given. Lot ingress and egress may be limited in the interests of efficient traffic flow on adjoining streets.

4 BASIC REQUIREMENTS AND REVIEW PROCESS

- 4.01 Proponents shall retain the services of an Architect to prepare submissions required for the design review and approval by the DRC.
- 4.02 The following provides an overview of the DRC review process:
 - (a) pre-design meeting with Proponent and DRC;
 - (b) proponent submits pre-DP-application submission to DRC;
 - (c) DRC comments copied to Proponent;
 - (d) upon DRC approval of pre-DP application submission, DRC provides approval letter to Proponent;
 - (e) DRC provides DP application letter to Proponent;
 - (f) proponent approved for DP application; and
 - (g) upon DP approval from the Development Authority, Proponent provides a copy of approval to the DRC.

Pre-Design Meeting

- 4.03 A pre-design meeting is recommended to provide an overview of the requirements and process prior to the initial design development. This meeting should clarify any questions, comments, or concerns a Proponent may have. It is the Proponent's responsibility to make request in writing to set up a pre-design meeting. The DRC will be available on a limited basis for further discussion with Proponent, who have questions on matters regarding interpretation of the Guidelines for development within Starfield.
- 4.04 To facilitate an expeditious and aligned approval process with OLSH and the Development Authority, the Proponent may choose to coordinate a joint pre-application and pre-design meeting at its sole discretion. If interested it is the Proponent's responsibility to coordinate and arrange such meeting.

Pre-DP Application Submission Review

4.05 For the pre-DP application submission review, the following shall be prepared and submitted by the Architect:

- (a) all correspondence and all documentation shall reference the legal description (lot, block, and plan) and municipal address of the Lot;
- (b) if the development is phased, the extent of phasing and the requirements for the development proposed for each phase shall be clearly identified. Required parking and planting ratio requirements shall be met for each phase in such a staged development. A master plan will be required by the DRC for phased development, which shall be reviewed before preliminary submission drawings can be reviewed;
- (c) submission will be of a quality and completeness equal to that required by the Development Authority for submitting an application for a DP. The architectural drawings will be sufficient to completely convey the full design intent of the project. The submission for this review shall include the following:
 - (i) site development plans, including identification and location of all components existing and proposed pertinent to the development - i.e. building(s), parking areas, access and egress points, existing features (hydrants, power poles, light standards, boulevard trees), service and storage areas, rights-of-way, required yard setbacks, garbage enclosure location, a key plan locating the Lot(s) in the context of adjacent Lot(s) and streets, a landscaping plan and legend, signage, lighting, and all relevant project data with respect to the Guidelines and the LUBIP2007 district requirements. A shadow study may also be required. Preliminary grading plans are also strongly encouraged and clear indication of the elements and nature of the amenity space required for each Lot shall be evident;
 - (ii) site plan, as well as, but not limited to, grading and storm retention areas, curb, bollard, and wheel-stop details; amenity space details; site lighting; berthing (where required) and planting details; a detailed plant list, quantity, and sizing of plant materials; garbage enclosure details; fencing details; transformer location and screening; location of municipal address signage, and any trees requiring line assignments within City boulevards;
 - (iii) a draft development site servicing plan ("DSSP") prepared by a professional engineer in Alberta and actively engaged in land development or storm water management engineering shall be submitted together with the "architectural review submission". This DSSP will be commented on by OLSH only with a view to encouraging adherence to the lot grading conditions of the engineering design and suggest revisions that reduce the cost of the installation of utilities in the street. The Proponent is obligated to deal with OLSH for the "off-site" portion of the service connection installation and the driveways/service connection trench rehabilitation. Note that this review is NOT part of the Development Authority process and that the applicant shall submit the proposed DSSP for approval in accordance with The City of Calgary's standard process. It is also important to note that the DSSP consultant responsible for the design remains responsible for all the details on the plan and that any conflicts with other infrastructure that is installed prior to DSSP approval will be the responsibility of the Proponent to resolve;

- (iv) building plan(s) identifying overall dimensions, principal entrance, windows and doors; roof plans with, if applicable, roof-top equipment; and, if applicable, parkade plans;
- (v) building elevations identifying all exterior materials, finishes, and colours, building heights, screening of mechanical equipment, and finished grades, and building-mounted lighting;
- (vi) building sections shall only be required if site grade conditions dictate building sections of a complexity, without which a proper understanding of the project intent would not be possible;
- (vii) proposed outdoor storage areas and screening identifying exterior materials, finishes and colours, building heights, finished grades and building-mounted lighting;
- (viii) a rendering which accurately conveys the massing, materials, finishes, colours, and context, and which aids in a more complete understanding of the project would be helpful and will be encouraged;
- (ix) a true colour image/ photo of a material and finish sample board with exterior building finishes (An actual sample board will not be accepted);
- (x) an indication of proposed signage details as required by the Guidelines and as required by Part 3 Division 5. Signs LUB IP2007 10 be included as part of the pre-DP application set
- (xi) any additional information which the Proponent may deem helpful in demonstrating compliance with the Guidelines;

Upon receipt of an application with all the documentation included and complete the DRC will diligently respond.

- 4.06 The DRC shall complete its final review and provide its comments to be returned to the Proponent. If authorization is not granted, the same provisions as contained herein shall again apply, and the Proponent will revise the documentation, outlined in 4.05, and make the modifications or changes required for granting of written authorization. Upon authorization by the DRC, a copy of such approval shall be submitted with the Proponent's DP application to the Development Authority.

DP Approval & DRC Review

- i.07 Upon approval of the DP application from the Development Authority, the Proponent shall advise the DRC and provide one of two returned DP approval copies to the DRC for review. With confirmation by the DRC of compliance with the Guidelines' intent, the Proponent shall include this latter approval with the Proponent's building permit application. The DP approval set will be returned to the Proponent.
- c.08 The DRC will review approved plans for conformance to mandatory and encouraged criteria contained in the Guidelines and items discussed during the review process.

Construction Documentation

- 4.09 Construction documentation shall conform to the approved DP drawings.

Interpretation and Waiver

- 4.10 The DRC's interest in reviewing submissions is to ensure that compatible development of a quality described within the Guidelines is consistently achieved. When questions of judgment or interpretation arise, the decision of the DRC is final. Any issue not addressed specifically by the Guidelines, will be resolved by the DRC on an individual case by case basis.
- 4.11 In order to best resolve certain unforeseen circumstances, it may be preferable on occasion for the DRC to allow variances of specific requirements. Any such variance granted is so granted mindful of the collective benefit within the overall development of Starfield, and is not to be construed as precedent setting. Any such variance or waiver by the DRC shall not be construed as a waiver in favour of any other development on any other Lot, nor a waiver of any other restrictions or conditions contained within the Guidelines.

DRC and Vendor not Liable for Approval

- 4.12 The DRC (either Vendor and / or the Vendor's consultant) shall not be liable for any loss, expense, damage, action, claim or proceeding suffered, incurred or brought against any person on account of:
- (a) the authorisation or disapproval of any plans, drawings and documentation, whether or not in any way defective;
 - (b) the development of any Lot; or
 - (c) the construction of any improvement, or performance of any work, whether or not pursuant to approved plans, drawings and any other documentation.
- 4.13 Any authorisation given by the DRC shall not evidence or confirm compliance with or approval of any bylaws, codes, laws, or requirements of the Development Authority or of any plans, drawings, and documentation submitted to the DRC.
- 4.14 Prior to development, each Proponent shall ensure compliance with current applicable bylaws, codes, or laws, and is responsible for acquiring such required approvals from the Development Authority. Any requirements of the Guidelines at variance from requirements set forth by regulatory agencies, shall apply if they are the more restrictive.

No Action Against DRC

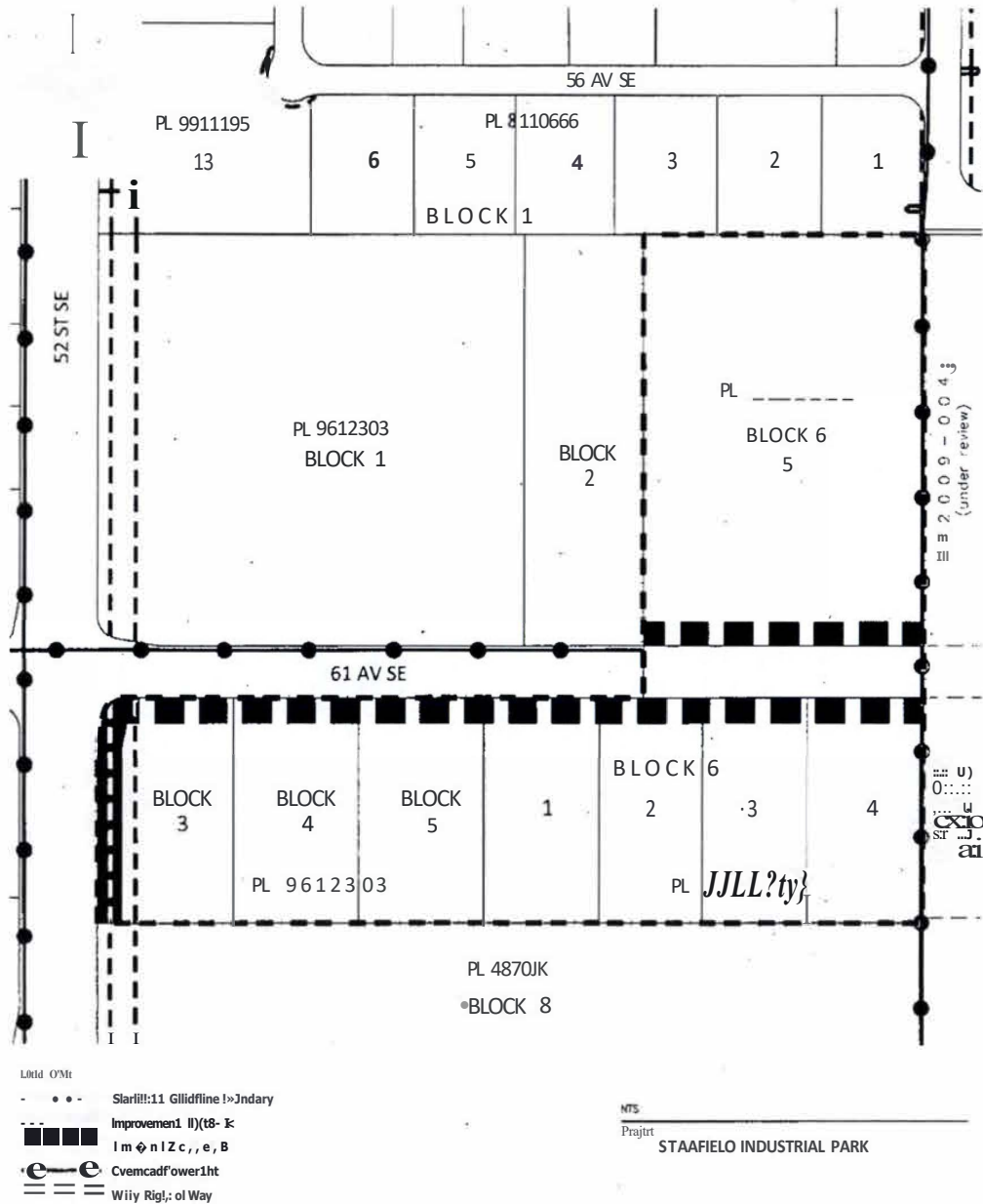
- 4.15 No action shall lie against the DRC or the Vendor for damages for breach of any one or more of the requirements of the Guidelines or of the covenants contained within the Guidelines, and this shall constitute an absolute defense to any such action and may be pleaded as such.

5 DEVELOPMENT PERMIT REQUIREMENTS

- 5.01 Before a building permit may be obtained, a DP shall first be applied for and issued by the Development Authority, who may set conditions under which development may take place that may be in addition to normal land use district requirements and the Vendor's Guidelines. It is required that the Guidelines be reviewed in detail to ascertain compliance for any proposed development within Starfield. (See Article 4 for the basic requirements and review process for submission and compliance requirements).

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MAP 1: STARFIELD DEVELOPMENT STRATEGY



6 OUTLINE PLAN AND DEVELOPMENT STRATEGY MAP

- 6.01 Refer to *Map 1* for the development concept for the subject areas.
- 6.02 The Guidelines apply specifically to Starfield with the intention to make them applicable to all Lots. However, the Vendor, in its discretion, reserves the right to modify the Guidelines for any reason it deems necessary.
- 6.03. All new construction, any additions visible to the public and all major exterior alterations shall comply with the applicable design criteria stipulated within the Guidelines. Minor changes to the exterior of buildings such as door or window additions, temporary construction buildings, and modifications to existing landscaped areas or parking lots, where no additional enclosed area is added, are exempt from the Guidelines. For partial modifications to buildings and Lots, the Guidelines shall only apply to those applicable areas.

7 IMPROVEMENT AND INTERSECTION ZONES AFFECTING PRIVATE LAND

- 7.01 Certain lands shall be considered improvement and intersection zones, which require additional elevated level of quality and design in order to place emphasis either on the location or intersection where they are situated.
- 7.02 Improvement Zone A; as shown outlined on Map 1, (all Lots fronting onto 52nd Street SE) shall:
- (a) accept the responsibility to provide an upgraded or improved lot and building design commensurate with their high visibility (i.e. entranceway to the park, corner lot, intersection)
 - (b) have those facades facing the perimeter transportation corridors utilize the same predominant building, material and means of articulation of the principal building facade;
 - (c) shall not incorporate pre-engineered or portal frame structures without significant design upgrades (see 10.01(g), 11.0.1(q));
 - (d) landscaping to be designed to provide a significance to the point of entry to Starfield; and
 - (e) there shall be clear designation as to the lands that are within and outside of Starfield.
- 7.03 Improvement Zone D; as shown outlined on Map 1, (all Lots backing, facing or are adjacent to 61st Street SE) shall:
- (a) have a contiguous yard setback;
 - (b) have mound berming to accentuate the landscaping design area excluding any requirements for utility right of ways;
 - (c) be landscaped at a ratio of ONE (1) tree / THIRTY FIVE (35) SQUARE METRE within the rear yard setbacks; and
 - (d) provide trees and shrubs planted in a linear arrangement along the length of the setback area.

8 Architectural Control Guidelines

- 8.01 The Guidelines includes two types of criteria: mandatory and encouraged.

8.02 Certain terms are used in the Guidelines to indicate guideline priority and the degree of flexibility available to implement a guideline. These terms are explained below:

- (a) "shall" is the strongest term used. It addresses high-priority items that form the basic framework of the Guidelines and must be adhered to ensure compliance with regulatory policies;
- (b) "should" addresses lower priority items and generally refers to guidelines that implement the higher priority items. There is some degree of flexibility in how the Guidelines are achieved and whether they are applicable in all situations. Some of the Guidelines are "common sense" items that are included only to ensure that they are not forgotten; and
- (c) "encouraged" and "consider" are the least restrictive terms. They are generally used to present ideas or suggestions to successfully achieve the Guidelines' intent, but they are not absolute requirements. These guidelines have the greatest degree of flexibility. Although these latter criteria are not mandatory, the DRC encourages consideration of the criteria at the time of the design reviews.

8.03 The following Sections 9-16 outline mandatory and encouraged guidelines that will ensure Starfield achieves its sustainable development goals and objectives.

9. Sustainable Development Requirements

9.01 The concepts of "sustainable building" and "sustainable site" design are required to support sustainable goals and objectives. Appendix -8- has been provided as a suggested option list for consideration.

9.02 Proponents shall summarize as part of their submission how their development will:

- (a) improve energy efficiency through building and equipment design, including but not limited to:
 - (i) building orientation, and/or glazing to incorporate solar opportunities; and
 - (ii) sustainable and renewable energy technologies;
- (b) incorporate sustainable site design elements including but not limited to:
 - (i) reduce erosion and sediment control during and after construction;
 - (ii) provide a high level solid construction waste management plan; and
 - (iii) reduce heat islands through a reduction of impervious surfaces;
- (c) promote water conservation initiatives through but not limited to:
 - (i) surface water management at the site level; and
 - (ii) utilize natural features (i.e. drainage, vegetation patterns) to increase onsite infiltration and minimize runoff.

10. Site Design Guidelines

10.01 New development shall in all ways enhance the character of its surrounding area through quality architecture, enhanced landscaping, and appropriate and considered site configuration. Furthermore, a "thread of continuity" shall exist throughout Starfield in order for any sense of community or a controlled development to be perceived as evident.

As a result, the following site designs are specified below:

- (a) buildings, parking areas and driveways, landscaping, outdoor storage and other outdoor operation

functions shall be configured to minimize aesthetic impacts visible from the street:

- (b) buildings shall be oriented so that building entrances, office areas, and pedestrian-scaled amenities are visible from the street;
- (c) noise and / or odour generating functions on the Lot - service lanes and loading zones, dumpsters and compactors, guard dogs, loudspeakers, etc. - shall not be situated so as to negatively impact adjacent Lots, and, if they exist, sufficient buffer space, mechanical dampening and landscaping shall be incorporated to successfully mitigate such negative impact;
- (d) where reasonable, customer and staff vehicular traffic and parking shall be separated from truck loading access;
- (e) an outdoor employee area shall be provided and connected via a walkway system to the on-site principal building(s). Employee areas are to provide seating capability and landscaping as appropriate to the application;
- (f) the provision of a separate public amenity area will also be encouraged;
- (g) the location and design of communication towers will be subject to review by the DRC. Preferred locations will be located at the rear of Lots;
- (h) each development is encouraged to provide preferential parking space for use by car pools, hybrid and car share vehicles; and
- (i) corner Lots shall be sited and designed to address adjacent public streets.

11. Building Form and Character

11.01 Building design, material, and exterior finishes, colours, and landscaping shall support the creation of an attractive industrial environment and shall conform to the provisions of the Guidelines. The Guidelines are provided to ensure all buildings within Starfield meet the basic requirements represented within this section, including integration of the design of all structures within the overall site design, and the use of materials deemed suitable and recommended by the DRC. The basic guidelines are outlined as follows:

- (a) all facades shall have architectural expression including plane articulation, controlled changes of material, texture and colour, and have a generous percentage of windows and openings;
- (b) principal entrances shall be oriented to the street and be well-defined;
- (c) front facades shall be designed to create visual interest;
- (d) all colours and branding schemes shall be approved by the DRC;
- (e) blank wall on any facade are not permitted;
- (f) entries shall be defined architecturally;
- (g) in multi-building complexes, a consistent architectural concept shall be maintained through the use of complimentary building design, material and colours;
- (h) all mechanical, electrical, pollution control or waste handling equipment ancillary to the building shall be screened from view and from public rights of way;
- (i) buildings are encouraged to have end of trip facilities;

- (j) natural lighting is encouraged to provide a significant part of the building illumination strategy;
- (k) lighting energy demand to be provided through high efficiency luminaires;
- (l) outdoor lighting shall be designed to minimize the amount of light produced;
- (m) the use of durable exterior materials is encouraged;
- (n) the use of glass will be encouraged - particularly in areas where the impact of natural daylighting would have most benefit to building occupants - for the office and the warehouse / workshop / manufacturing components of the building(s);
- (o) parapet height and variation shall not be arbitrary;
- (p) all fans, vents, and any roof-top mechanical equipment shall be located in a manner to minimize the distraction they create from the attractiveness of the architecture. shall be screened from public view, and shall be hidden by screening designed as an integral part of the building; and
- (q) pre-engineered buildings if used shall be subject to a review of their design, pattern, building details, colour and choice of materials to ensure a standard of quality is maintained.

12. Parking, Circulation and Service Facilities

1201 Vehicular and pedestrian circulation within the Lots shall be designed to function efficiently and to provide maximum safety, using the following guidelines:

- (a) the location of parking spaces within parking areas on a Lot shall be subject to the approval of the DRC;
- (b) pedestrians shall be separated from vehicular traffic and be clearly demarcated;
- (c) landscape buffers shall always be provided between parking lots and public streets;
- (d) appropriate landscaping between parking lots and buildings shall be provided at reasonable locations. At minimum these buffers shall be a minimum of NINE (9) FEET or NINE POINT SEVEN FIVE (2.75) METRES wide, whether only landscaping or when equal to the width of the sidewalk with the exception of staff parking in side or rear yards adjacent to a building facade without doors or windows;
- (e) no parking shall be permitted closer than FOUR (4) FEET or ONE POINT TWO (1.2) METRES from an interior property line, and only when wheel stops are provided to prevent overhang onto the FOUR (4) FOOT or ONE POINT TWO (1.2) METRE yard;
- (f) all roads provided in Starfield will have an integral concrete curb and gutter. It shall be the responsibility of Proponent to provide curb-cuts for their entrance driveways. Proposed entrance driveways will match existing curb and road pavement grades and design, and/or, comply with The City of Calgary standards;
- (g) adequate drainage shall be provided by the Proponent in accordance with the overall drainage plan for Starfield, and all storm, run-off from the Lot shall be retained internally;
- (h) all loading dock configurations shall be approved by the DRC;
- (i) all service areas - vehicular activity yards, garbage enclosures, outside storage, loading and



EN MAX Power Corporation
141 - 50 Avenue SE
Calgary, AB T2G 4S7
Tel (403) 514-3000
enmax.com

2025-04-17

File No: DP2025-01634

Location: 5495 61 AV S E

EN MAX Power Corporation (EPC) has reviewed the above permit application dated 2025-03-27 and based on the information provided and as of the above noted date the proposed development does not conflict with EN MAX facilities in respect of the requirements set forth in 10-002 Overhead System (Table 7) and 12-002 Underground Systems of the Alberta Electrical Utility Code (AEUC) under the *Safety Codes Act* (Alberta). This non-conflict letter does not reduce or limit responsibility to comply with all laws and regulations regarding utility facilities and all requirements under the *Alberta Occupational Health & Safety Act* (OHS) (including any code or regulations thereunder) and the applicant shall observe all such laws and regulations when commencing any work related to the permit application. If a situation arises where there is a discrepancy between ENMAX required setbacks and the AEUC or the OHS, the stricter set of requirements shall govern. Please refer to EN MAX Ground Disturbance Guidelines while working near EN MAX Facilities.

Pursuant to Section 225(1) of Part 17 of the *OHS Code*, anyone working near overhead powerlines must maintain safe limits of approach as provided in Schedule 4, Table 1 of the *OHS Code* or Table 1 in the AEUC. Anyone excavating must contact Utilities Safety Partners for locations of all buried facilities. All contractors, prime or sub (excavating company) must contact hotdigs@enmax.com to obtain a permission letter prior to disturbing the ground within 2 metres of any ENMAX underground facility. As a condition of this no-conflict letter, and despite any existence of a permit, the applicant must contact EPC Lineinspection@enmax.com or call (403) 514-3117 prior to the commencement of any construction where any workers or equipment will be within 7.0m of existing overhead EPC facilities. If EPC is contacted in accordance with the above, no construction work shall be commenced thereafter unless and until EPC determines the minimum safe limit of approach distance in relation to the overhead facilities present at the project site.

****NOTE:** This letter provided by ENMAX Power Corporation is intended for information purposes only and is not in any manner intended to nor shall be construed to derogate from applicant's obligations to follow any applicable law. The provision of this no-conflict letter is not a representation that work will meet any legislative or regulatory obligations. This no-conflict letter is provided as of the date first noted above - the applicant is still required to perform their own due diligence prior to any development activities and resolve any conflicts (new or existing) at the Developer's sole expense. ENMAX expressly disclaims any liability related to applicant's responsibility to comply with such laws and regulations and ENMAX's required setbacks.

If you require any additional information regarding this Development Permit, please contact the Project Administrator at EPC_Permits@enmax.com. For new services inquiries, please contact ENMAX GetConnected at GetConnected@enmax.com.

Sincerely,

Marcelo Singson P.Eng
Distribution Engineering

QR Code for EN MAX Ground
Disturbance Guidelines



7.2.12 Land Use Amendment in Starfield (Ward 9) at 5495 - 61 Avenue SE,
LOC2024-0323, CPC2025-0204

The following documents were distributed with respect to Report
CPC2025-0204:

- A presentation entitled "LOC2024-0323 / CPC2025-0204 Land Use Amendment"; and
- A presentation entitled "ATS Healthcare".

The Public Hearing was called and the following speakers addressed
Council with respect to Bylaw 6302025:

1. James Gardiner, The Mustard Seed Society {The Seed}
2. Karin Finley, ATS Healthcare
3. Bonnie Anderson

By General Consent, pursuant to Section 90(2) of Procedure Bylaw
35M2017, the Chair recalled the applicant to allow Members of Council to
ask additional questions of clarification.

By General Consent, Council modified the lunch recess to start following
the conclusion of Item 7.2.12.

Moved by Councillor Carra

Seconded by Councillor Spencer

That with respect to Report CPC2025-0204, the following be adopted:

That Council give three readings to Proposed Bylaw 6302025 for the
redesignation of 0.91 hectares± (2.25 acres±) located at 5495 - 61
Avenue SE (Plan 1311314, Block 6, Lot 4) from Industrial-General (I-G)
District to Direct Control (DC) District to accommodate a Temporary
Shelter, with guidelines (Attachment 2).

For: (12): Councillor Demong, Councillor Penner, Councillor Wyness,
Councillor Spencer, Councillor Dhaliwal, Councillor Mian, Councillor Chu,
Councillor Walcott, Councillor Sharp, Councillor Carra, Councillor Chabot,
and Mayor Gondek

Against: (2): Councillor Wong, and Councillor McLean

MOTION CARRIED

That Bylaw 63D2025 be introduced and read a first time.

MOTION CARRIED

Council recessed at 12:22 p.m. and reconvened at 1:18 p.m. on 2025 April 8 with Mayor Gondek in the Chair.

ROLL CALL

Councillor Carra, Councillor Chabot, Councillor Chu, Councillor Dhaliwal, Councillor McLean, Councillor Mian, Councillor Penner, Councillor Sharp, Councillor Spencer, Councillor Walcott, Councillor Wong, Councillor Wyness, and Mayor Gondek

Absent from Roll Call: Councillor Demong

Moved by Councillor Sharp

Seconded by Councillor Chabot

That Proposed Bylaw 63D2025 be amended, as follows:

1. Inserting the words "for the temporary relocation of such use to this site limited to one development permit for this parcel that does not exceed 2 years following vacation of the current shelter" after the words "use of temporary shelter" in Schedule B, Section 1;
2. Deleting the word "five" in Schedule B, Section 7, and insert the word "two" in its place; and
3. Inserting the words "following vacation of the current shelter" after the word "years."

Pursuant to Section 100(3) of Procedure Bylaw 35M2017, the motion was withdrawn by General Consent.

Moved by Councillor Sharp

Seconded by Councillor Chabot

That Proposed Bylaw 63D2025 be amended by deleting Schedule B, Section 7, Additional Temporary Shelter Rules, and replacing it with the following:

Additional Temporary Shelter Rules

7 A *development permit* for a Temporary Shelter:

(a) may only be issued once on a *parcel*; and

(b) must only be approved for a period of time not greater than two years commencing at the time the applicant begins occupying the *parcel* and operating the ♦ -

For: (11) Councillor Wyness, Councillor Wong, Councillor Dhaliwal, Councillor Mian, Councillor McLean, Councillor Chu, Councillor Walcott, Councillor Sharp, Councillor Carra, Councillor Chabot, and Mayor Gondek

Against: (2): Councillor Penner, and Councillor Spencer

MOTION CARRIED

That Bylaw 63D2025 be read a second time, **as amended**.

MOTION CARRIED

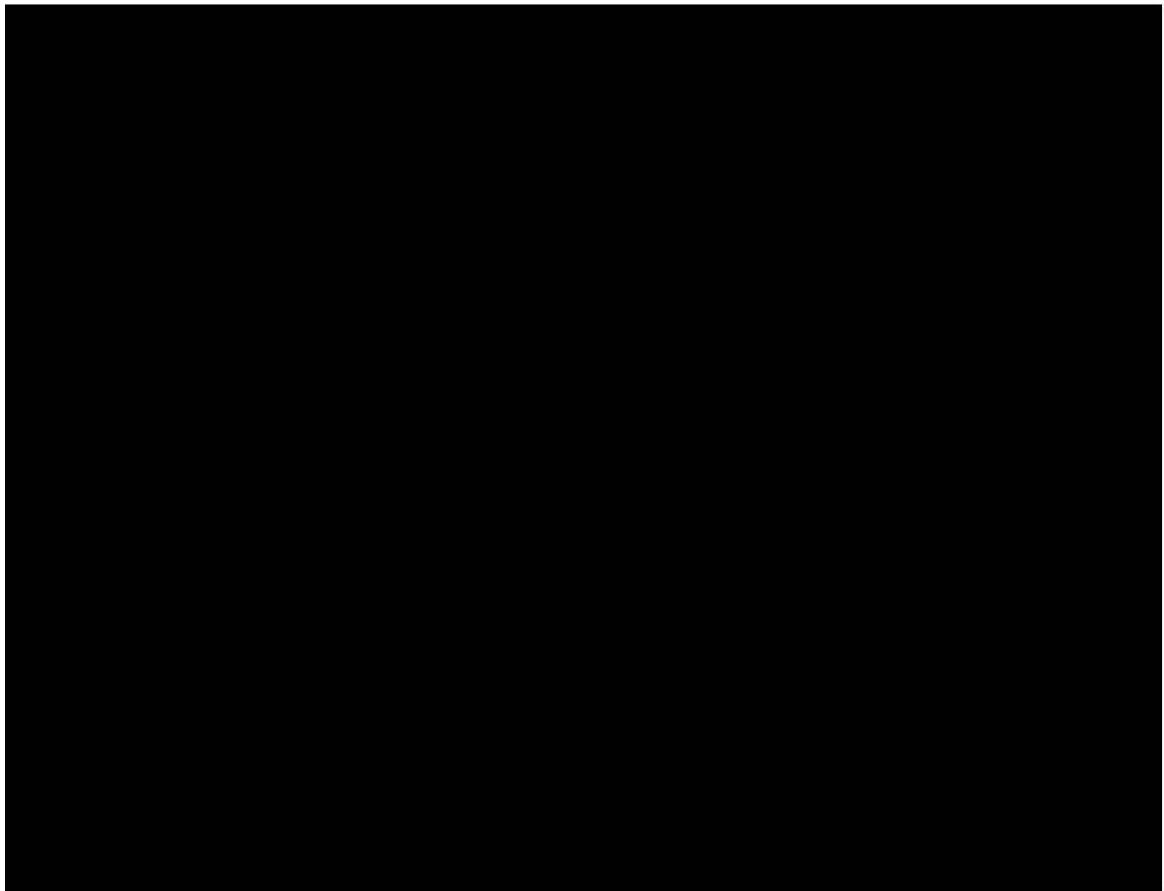
That authorization now be given to read Bylaw 63D2025 a third time, **as amended**.

MOTION CARRIED UNANIMOUSLY

That Bylaw 63D2025 be read a third time, **as amended**.

MOTION CARRIED

Council then dealt with Item 7.2.6.



BYLAW NUMBER 63D2025

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2024-0323/CPC2025-0204)**

WHEREAS it is desirable to amend the Land Use Bylaw Number 1P2007 to change the land use designation of certain lands within the City of Calgary;

AND WHEREAS Council has held a public hearing as required by Section 692 of the Municipal Government Act, R.S.A. 2000, c.M-26 as amended;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by deleting that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw and replacing it with that portion of the Land Use District Map shown as shaded on Schedule "B" to this Bylaw, including any land use designation, or specific land uses and development guidelines contained in the said Schedule "B".
2. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME ON APRIL 08, 2025

READ A SECOND TIME, AS AMENDED, ON APRIL 08, 2025

READ A THIRD TIME, AS AMENDED, ON APRIL 08, 2025



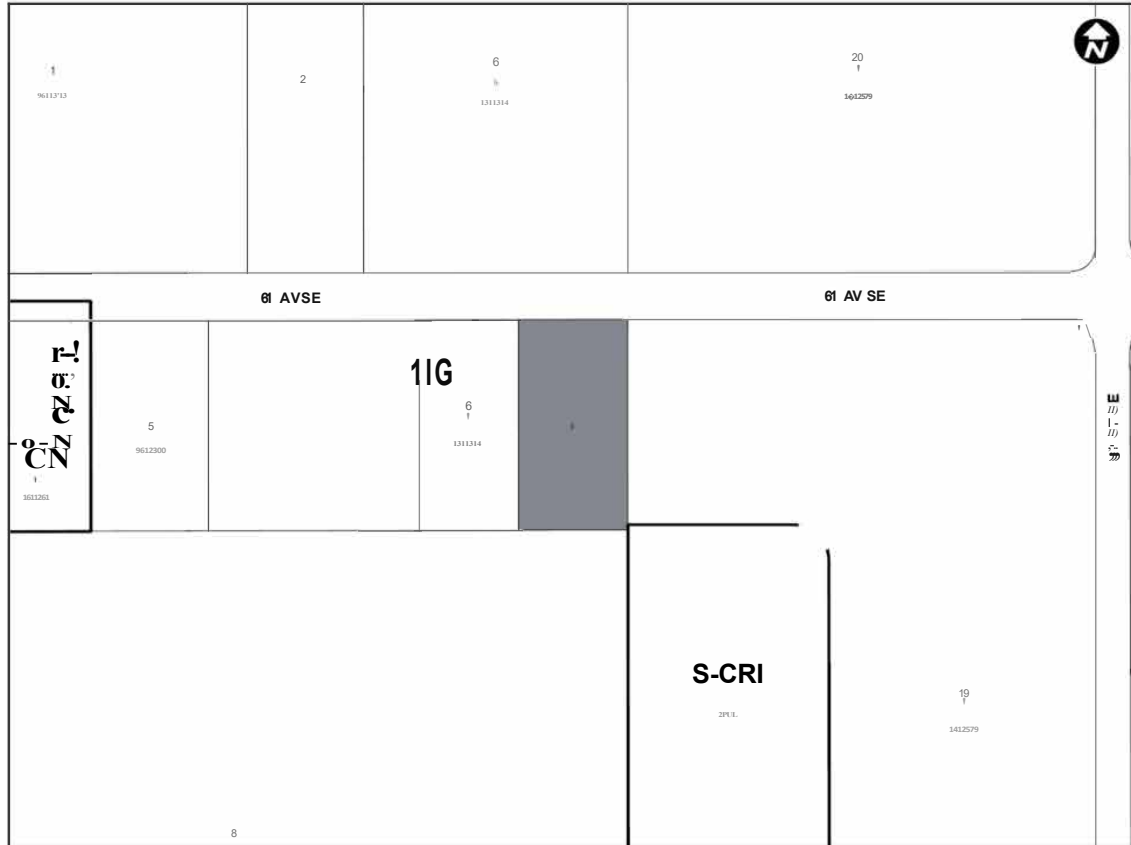
MAYOR
SIGNED ON APRIL 29, 2025.



DEPUTY CITY CLERK
SIGNED ON APRIL 29, 2025

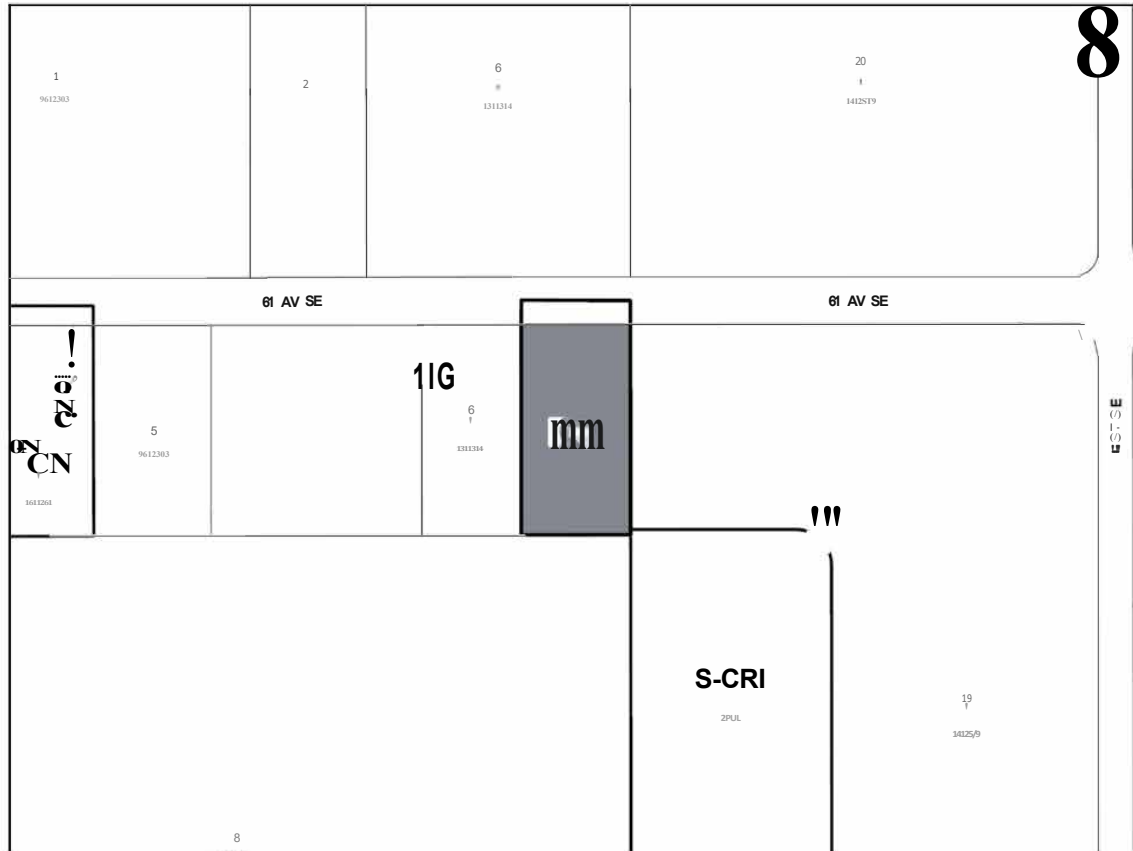
AMENDMENT LOC2024-0323/CPC2025-0204
BYLAW NUMBER 63D2025

SCHEDULE A



AMENDMENT LOC2024-0323/CPC2025-0204
BYLAW NUMBER 63D2025

SCHEDULE B



DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District Bylaw is intended to accommodate the additional use of temporary shelter.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District Bylaw.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District Bylaw, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Permitted Uses

- 4 The **permitted uses** of the Industrial - General (I-G) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

AMENDMENT LOC2024-0323/CPC2025-0204
BYLAW NUMBER 63D2025

Discretionary Uses

5 The ***discretionary uses*** of the Industrial - General (I-G) District are the ***discretionary uses*** in this Direct Control District, with the addition of:

- (a) **Temporary Shelter.**

Bylaw 1P2007 District Rules

6 Unless otherwise specified, the rules of the Industrial - General (I-G) District of Bylaw 1P2007 apply in this Direct Control District.

Additional Temporary Shelter Rules

7 A ***development permit*** for a **Temporary Shelter**:

- (a) may only be issued once on a ***parcel***; and
- (b) must only be approved for a period of the time not greater than two years commencing at the time the applicant begins occupying the ***parcel*** and operating the ***use***.

Relaxations

8 The ***Development Authority*** may relax the rules contained in Section 6 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

(1) Indicate the type of client that will use the facility. For example; Low-income seniors, Low-income families, etc.

- The facility will be used by anyone 18 years and older who is currently unhoused.

(2) Indicate amenity spaces for tenants within the building. For example; is there a place to develop communication and bring a sense of place to the clients? Meeting rooms, shared kitchen facilities, outdoor gathering, learning rooms, gym, etc. Demonstrate what space is available and what is the intent.

- There is a dining room for guests to sit with each other and staff to develop a sense of community and belonging;
- There is a smoke pit where guests can gather outside to smoke and talk with each other;
- There are books and board games available for guests to use in the dining room;
- There is a computer lab where guests can access a computer for personal use;
- There is a multipurpose room that holds programs for guests, drop-in medical appointments (i.e. pharmacist).
- There is a phone for public use, and private office space can be provided for calls requiring privacy;
- Meals are provided;
- Bedding is provided;
- Hygiene items provided;
- Personal lockers provided;
- Case management;
- Wi-fi provided;

(3) Provide accessibility routes as well as the sidewalks in a plan, showing site circulation with routes to, from and on the site.

Attached Pictures

(4) Provide in a formal document, the operational parameters and programming details of the facility. Include the safety considerations, staffing training and onsite protocols, evening and nighttime details to be included.

See Permit- Operational Parameters

(5) Provide details of the proposed or existing landscaping. Include any and all spaces around the site. For example, the function, is it extensively shadowed, with adequate size and dimensions.

Attached Pictures

(6) Indicate the timeline for development and expected construction schedule.

Start construction: April 10th

Finish construction: June 1st.

Operational Parameters

Number of clients: 370

Number of staff: Peak staffing includes 15 direct client care staff, 7 non-direct client care staff (food services, facilities)

- Staff are onsite 24/7
- The number staff directly engaging with the guests ranges from 6-15 throughout a 24-hour period
- Every shift has either a supervisor or designated team lead
- The Shelter Manager is present during the day

Staff Training

- Staff interacting with guests are required to have valid certification for the following training:
 - o FOIP
 - o First Aid
 - o Non-Violent Crisis Intervention - de-escalation training
 - o Narcan Administration
 - o Living Works - suicide intervention training
- Kitchen staff are required to have the following training:
 - o First Aid
 - o Food Safety
- Facilities Staff are required to have the following training:
 - o **WHMIS**
 - o First Aid
- Staff are trained in emergency procedures for the following events:
 - o Flooding
 - o Excessive heat
 - o Loss of power
 - o Loss of heat
 - o Bomb or other threats
 - o Mass casualty
 - o Weapons and aggressive persons
 - o Chemical spills
 - o Cold Weather Plan
 - o Pandemic Response Plan

Number of beds: 400 mats

Programming and hours of operations:

Services provided

- Food Service
 - o Breakfast is served from 6:30AM to 8:00AM

Created: January 31, 2025 for the City of Calgary City Planning Commission

- o Lunch is served from 12:00PM to 1:00PM (bagged lunches are provided to guests leaving for the day)
- o Dinner is served from 6:00PM to 7:45PM
- o All meals are for guests that are checked in and staying at the shelter that night
- Case management
 - o Advocacy- connecting guests with government resources and other agencies
 - o Housing- assisting guests with finding housing and rent/damage deposit support
 - o Employment-assisting guests with finding employment, gaining job skills, and obtaining work gear
 - o Chaplaincy- supporting guests spiritually through programming and one-on-one meetings
 - o Diversion - assisting guests with connecting to natural supports to avoid staying in the shelter
- Personal Storage
 - o Guests are provided with a personal locker (subject to availability), and are able to store two large bags in long-term storage

Safety Protocols

- Controlled access
 - o Guests will only be able to access the shelter once we have confirmed they meet our admission criteria
 - Admission criteria include:
 - Not under the influence of substances;
 - Over 18 years of age;
 - Not on a current ban;
 - Able to care for themselves within the shelter setting without exceptional medical assistance.
- Sleeping Arrangements
 - o Men and women are provided separate sleeping areas. Gender-diverse guests are welcome to stay in the section that best aligns with their identity and ensures their comfort and safety.
- Washroom Facilities
 - o Separate washrooms are designated for men and women, and gender-diverse guests may use the washroom that aligns with their identity or personal comfort.
- Trauma-informed approach
 - o Our staff use trauma informed communication techniques when speaking with escalated guests to avoid causing further harm
- Radio calls
 - o Radio codes allow for quick mobilization of staff during emergencies (eg. "Code blue zone 3" indicates there is a medical emergency in zone 3.)
- Cooperation with CPS and EMS
 - o When a guest is creating an unsafe environment for other guests, we will partner with CPS to have that individual removed from the shelter

- o When a guest is in medical distress we will apply applicable First Aid until EMS arrives.
- Random searches
 - o Guests are subject to random searches before they enter the shelter, and while they are in the shelter.

Amenities

Dining room
Smoke pit
Books and board games
Computer lab
Multipurpose room for programming and drop-in medical support
Public phone
Meals
Bedding
Washrooms, showers, and hygiene products
Personal lockers
Case management
Wi-fi
Onsite parking

BYLAW NUMBER 4602012**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2011-0103)**

WHEREAS it is desirable to amend the Land Use Bylaw Number 1P2007 to change the land use designation of certain lands within the City of Calgary;

AND WHEREAS Council has held a public hearing as required by Section 692 of the Municipal Government Act, R.S.A. 2000, c.M-26 as amended;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by deleting that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District Map shown as shaded on Schedule "B" to this Bylaw, including any land use designation, or specific land uses and development guidelines contained in the said Schedule "B".
2. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS 10TH DAY OF SEPTEMBER, 2012.

READ A SECOND TIME THIS 10TH DAY OF SEPTEMBER, 2012.

READ A THIRD TIME THIS 10TH DAY OF SEPTEMBER, 2012.

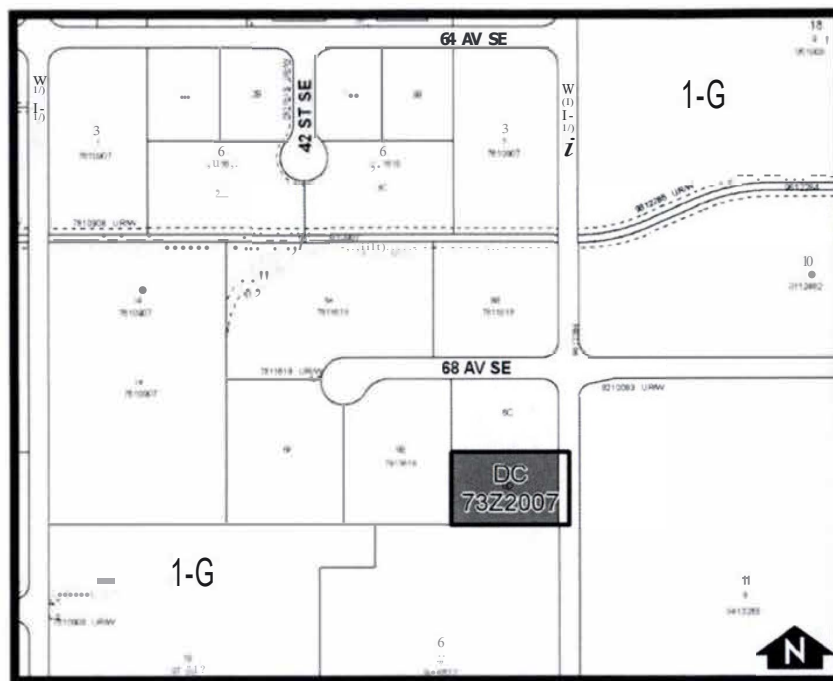


MAYOR : --
SIGNED THIS 10TH DAY OF SEPTEMBER, 2012.

LE:::f/4/
SIGNED THIS 10TH DAY OF SEPTEMBER, 2012.

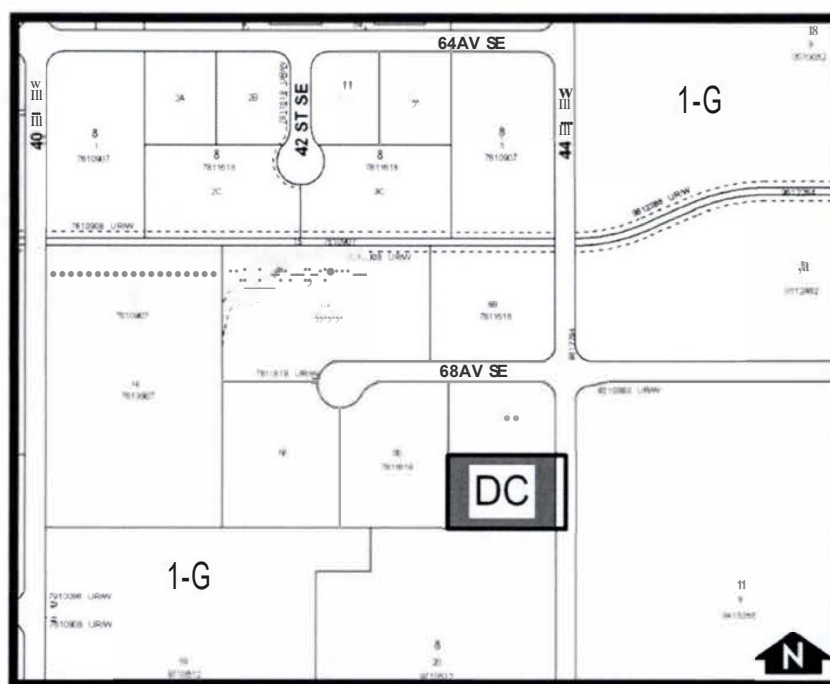
AMENDMENT LOC2011-0103
BYLAW NUMBER 46D2012

SCHEDULE A



AMENDMENT LOC2011-0103
BYLAW NUMBER 46D2012

SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (a) Allow for temporary **Emergency Shelter** and **Temporary Shelter uses**; and
 - (b) Provide for five year temporary **development permit** time periods for these **uses**.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

**AMENDMENT LOC2011-0103
BYLAW NUMBER 4602012**

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Permitted Uses

- 4 (1) The ***permitted uses*** of the Industrial - General (I-G) District are the ***permitted uses*** in this Direct Control District.
- (2) The following ***uses*** are ***permitted uses*** in this Direct Control District if they are located within existing approved ***buildings***:
- (a) **Emergency Shelter**; and
 - (b) **Temporary Shelter**.

Discretionary Uses

- 5 (1) The ***discretionary uses*** of the Industrial - General (I-G) District of Bylaw 1P2007 are the ***discretionary uses*** in this Direct Control District.
- (2) The following ***uses*** are ***discretionary uses*** in this Direct Control District if they are located within proposed ***buildings*** or additions to existing ***buildings***:
- (a) **Emergency Shelter**; and
 - (b) **Temporary Shelter**.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Industrial - General (I-G) District of Bylaw 1P2007 apply in this Direct Control District.

Rules for Emergency Shelter and Temporary Shelter Uses

- 7 (1) The maximum total combined occupancy for **Emergency Shelter** and **Temporary Shelter uses** is 460 persons.
- (2) Any ***development permit*** application for an **Emergency Shelter** or **Temporary Shelter** must be accompanied by detailed operational parameters.
- (3) A ***development permit*** for an **Emergency Shelter** or **Temporary Shelter** may only be issued for a maximum of 5 years.

Comment Summary



Permit#: DP2025-01634
 Address: 5495 61 AV SE
 Job Description: Change of Use: Change of Use: Temporary Shelter; Changes to Site Plan: changes to amenity area

Name:	Gian-Carlo Carra	Created Date:	April 9, 2025
Phone:	4032682477	Circulation Referee:	Y
Email:	eaward9@calgary.ca	Number:	581309597
Address:	Circulation Referee No Address		
Overall:	In support of this application		

Area of Concern

Other

General Comment

This is important.

Attachments

Name:	Enmax	Created Date:	April 17, 2025
Phone:		Circulation Referee:	Y
Email:	EPC_Permits@enmax.com	Number:	583235934
Address:	Circulation Referee No Address		
Overall:	Neither in support nor in opposition of this application		

Area of Concern

Site layout

General Comment

No conflict with existing Enmax facilities.

Attachments
[SUPPORTING DOCUMENT- CIRCULATION COMMENTS - DP2025-01634-Reply Letter-2025-04-17.pdf](#)

Samnick, Cyrille

From: Bonnie Anderson [REDACTED] >
Sent: Monday, April 28, 2025 7:58 AM
To: Caskey, Reynold
Cc: Silot, Joseph A.
Subject: [External] Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments - Letter from Rose LLP for Andlauer
Attachments: DP2025-01634 - Letter - Rose LLP to City of Calgary - Comments from Adjacent Landowner - April 27 2025.pdf

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Good morning,
 Further on this matter, I attach our letter in relation to this application.
 Should you have any questions or concerns, please do not hesitate to reach out.
 Cheers,

Bonnie J. Anderson, Senior Legal Counsel

- | Main Office [REDACTED] | E [REDACTED]
 Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9



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From: Bonnie Anderson
Sent: Friday, April 25, 2025 2:11 PM
To: Caskey, Reynold 1Reynold.Caskey@calgary.ca>
Cc: Silot, Joseph A. <Joseph.Silot@calgary.ca>
Subject: RE: Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments

Good afternoon,
 I am awaiting client instructions on comments, which I should have by Monday.
 Cheers,

Bonnie J. Anderson, Senior Legal Counsel

[REDACTED] | Main Office [REDACTED]
 [REDACTED] 5E9



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From: Caskey, Reynold <Reynold.Caskey@calgary.ca>
Sent: Wednesday, April 23, 2025 8:12 AM

To: Bonnie Anderson [REDACTED]; Silot, Joseph A. <Joseph.Silot@calgary.ca>
 Subject: RE: Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments

Hi Bonnie,

No indication from the Seed at this time. The Development Authority is making a decision on the file so if you have comments it's best to provide them. The DMAP website will update when a decision is made.

Thanks,

Reynold Caskey, BAAS

Planner I

Greater Downtown I Community Planning

The City of Calgary I Mail code: #8075

M 587.224.3062 I reynold.caskey@calgary.ca

5th Floor, Municipal Building, 800 Macleod Tr. S.E.

P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5

ISC: Confidential



From: Bonnie Anderson [REDACTED] >
Sent: Tuesday, April 22, 2025 5:33 PM
To: Caskey, Reynold <Reynold.Caskey@calgary.ca>; Silot, Joseph A. <Joseph.Silot@calgary.ca>
Subject: [External] RE: Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments

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Good afternoon,

Look forward to hearing from you as to your email and the applicant's response.

In the interim, I will assume that no decision has been made yet by the DA and I have no need to review the website for any appeal deadlines.

Cheers,

Bonnie J. Anderson, Senior Legal Counsel

[REDACTED]

Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9



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From: Caskey, Reynold <Reynold.Caskey@calgary.ca>
Sent: Thursday, April 17, 2025 4:29 PM
To: Bonnie Anderson <[REDACTED]>; Silot, Joseph A.<Joseph.Silot@calgary.ca>
Subject: RE: Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments

Hi Bonnie,

Just to follow up from my email, administration does endeavor to provide full transparency on this (and all) development permits. The applicant has also provided transparency on this file throughout the land use change. Including floorplans with development permits is not something that occurs regularly or with ease. Over the course of the last few weeks we have met, provided information and responded to your inquiries to help you and give your client the best information.

The Seed has indicated they need more time to respond and given the upcoming significance of the weekend for them, they won't be making a decision until next week.

Best,

Reynold Caskey, BAAS
 Planner I
 Greater Downtown I Community Planning
 The City of Calgary I Mail code: #8075
 M 587.224.3062 | reynold.caskey@calgary.ca
 5th Floor, Municipal Building, 800 Macleod Tr. S.E.
 P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5
 ISC: Confidential

• 1

From: Bonnie Anderson <[REDACTED]> [m>](#)
Sent: Tuesday, April 15, 2025 3:29 PM
To: Caskey, Reynold <Reynold.Caskey@calgary.ca>; Silot, Joseph A.<Joseph.Silot@calgary.ca>
Subject: [External] RE: Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments

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Hi folks,

I do not mean to be uncooperative, but I can advise that I don't know how anyone (not just us) could provide comments. There is nothing to comment on.

The DP plans show absolutely nothing other what we know already. The floor plan and elevations are of the *exterior* of a building. The applicant at the rezoning application failed to commit to any details. Thus, anyone who looked at this DP would be scratching their head as to what comments could be provided.

There are no relevant details, which begs the question as to whether legislative requirements have been met for a complete application.

I've been doing this for close to 25 years, and this is the first DP application that I have hit with no detail. At some point, this does tend to feel rather performative.

In any event, I will take this to the client to determine what they want to do.

Cheers,

Bonnie J. Anderson, Senior Legal Counsel

- | Main Office 403.776.0541 | [REDACTED]
Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9



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From: Caskey, Reynold <Reynold.Caskey@calgary.ca>
Sent: Tuesday, April 15, 2025 3:19 PM
To: Bonnie Anderson [REDACTED]; Silot, Joseph A. <Joseph.Silot@calgary.ca>
Subject: RE: Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments

Hi Bonnie,
The scope is the smoking amenity area on the east side of the building. There's no further update the plans.
If you could confirm whether you're providing comment that would help.

Reynold

Reynold Caskey, BAAS
Planner I
Greater Downtown | Community Planning
The City of Calgary | Mail code: #8075
M587.224.3062 | reynold.caskey@calgary.ca
5th Floor, Municipal Building, 800 Madeod Tr. S.E.
P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5
ISC: Confidential



From: Bonnie Anderson [REDACTED]
Sent: Tuesday, April 15, 2025 2:59 PM
To: Caskey, Reynold <Reynold.Caskey@calgary.ca>; Silot, Joseph A. <Joseph.Silot@calgary.ca>
Subject: [External] RE: Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments

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Hi folks,

I just downloaded the new plans (attached) and, much to my surprise, there is really nothing new as they still have no details.

Can I assume that this is all that is going to be circulated about what is proposed?

Kindly advise so I can provide that information to my clients as well.

Cheers,

Bonnie J. Anderson, Senior Legal Counsel

██████████ | Main Office 403.776.0541 | ██████████
Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9

ROSE LLP This message, including any attachments, is intended only for the addressee and contains information that is confidential and may be privileged. If you are not the intended recipient, please notify the sender by reply e-mail and delete this message immediately.

From: Bonnie Anderson

Sent: Tuesday, April 15, 2025 2:48 PM

To: Caskey, Reynold <Reynold.Caskey@calgary.ca>; Silot, Joseph A. <Joseph.Silot@calgary.ca>

Subject: RE: Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments

I will pass that along. Thank you.

Bonnie J. Anderson, Senior Legal Counsel

██████████ | Main Office 403.776.0541 | ██████████
Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9

ROSE LLP This message, including any attachments, is intended only for the addressee and contains information that is confidential and may be privileged. If you are not the intended recipient, please notify the sender by reply e-mail and delete this message immediately.

From: Caskey, Reynold <Reynold.Caskey@calgary.ca>

Sent: Tuesday, April 15, 2025 2:43 PM

To: Bonnie Anderson <b.██████████@calgary.ca>; Silot, Joseph A. <Joseph.Silot@calgary.ca>

Subject: RE: Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments

Bonnie,

I can accept comments to be considered while it's under review, however given that it's a priority, the timelines are faster than normal and I'm targeting completion this week. If providing comment, the best time is now.

Reynold

Reynold Caskey, BAAS

Planner I

Greater Downtown ICommunity Planning

The City of Calgary IMail code: #8075

M 587.224.3062 | reynold.caskey@calgary.ca

5th Floor, Municipal Building, 800 Macleod Tr. S.E.

P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5

ISC: Confidential



From: Bonnie Anderson <[REDACTED]>
Sent: Tuesday, April 15, 2025 2:17 PM
To: Caskey, Reynold <Reynold.Caskey@calgary.ca>; Silot, Joseph A <Joseph.Silot@calgary.ca>
Subject: [External] RE: Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments

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Hi Reynold,
 Thank you so much.
 Do you have a deadline for review?
 I just need to advise clients when that deadline might be, should they want to submit comments.
 Let me know.
 Thanks,

Bonnie J. Anderson, Senior Legal Counsel
 [REDACTED]

Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9



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From: Caskey, Reynold <Reynold.Caskey@calgary.ca>
Sent: Tuesday, April 15, 2025 2:07 PM
To: Bonnie Anderson <[REDACTED]>; Silot, Joseph A <Joseph.Silot@calgary.ca>
Subject: RE: Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments

Hi Bonnie,
 Sorry for the delay in responding.
 There's an amended set of plans on [DMap](#) now that you can view. The changes were to remove the enclosed parking area on the south west of the site.

Any member of the public can submit comments now while review is under way.

Thanks,
 Reynold

Reynold Caskey, BAAS
 Planner I
 Greater Downtown I Community Planning
 The City of Calgary I Mail code: #8075
 M 587.224.3062 I reynold.caskey@calgary.ca
 5th Floor, Municipal Building, 800 Macleod Tr. S.E.
 P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5
 ISC: Confidential



From: Bonnie Anderson [REDACTED]
Sent: Monday, April 14, 2025 3:39 AM
To: Caskey, Reynold <Reynold.Caskey@calgary.ca>; Silot, Joseph A <Joseph.Silot@calgary.ca>
Subject: [External] Deadline - DP2025-01634 - Request for DP Details and Any Deadlines for Comments

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Good morning,

Kindly advise whether additional DP details/plans are available and when comments are due, so that I can advise my client of any upcoming deadlines.

Regards,

Bonnie J. Anderson
 Senior Legal Counsel
 Rose LLP
403 229 9445
 Email sent from phone

From: Caskey, Reynold <Reynold.Caskey@calgary.ca>
Sent: Monday, April 7, 2025 8:51:30 AM
To: Bonnie Anderson [REDACTED]; Silot, Joseph A <Joseph.Silot@calgary.ca>
Subject: RE: RESPONSE REQUIRED - LOC2024-0323 (rezone for Shelter use) - Related DP2025-01634 - Request for Rezoning and DP Details

Hi Bonnie,
 Sorry I missed you on Friday.

The spreadsheet you're referring to was information collected by the applicant when they did their outreach. That would be available from the applicant as we do not have a copy of it, just the summary of the outreach performed. You can reach out to The Mustard Seed to make a request.

Regarding DP2025-01634, you have the ability to make comments using the *share your comments* button at the top of the applicant information page at the moment through [DMAP](#).

Thanks,
 Reynold

Reynold Caskey, BAAS
 Planner I
 Greater Downtown I Community Planning
 The City of Calgary | Mail code: #8075

M 587.224.3062 | reynold.caskey@calgary.ca
 5th Floor, Municipal Building, 800 Macleod Tr. S.E.
 P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5
 ISC: Confidential



From: Bonnie Anderson <[REDACTED]>
Sent: Friday, April 4, 2025 12:28 PM
To: Silot, Joseph A. <Joseph.Silot@calgary.ca>
Cc: Caskey, Reynold <Reynold.Caskey@calgary.ca>
Subject: [External] RESPONSE REQUIRED - LOC2024-0323 (rezone for Shelter use) - Related DP2025-01634 - Request for Rezoning and DP Details
Importance: High

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Good morning,

I spoke with Reynold twice earlier this week asking for more information about the DP as the blurry plans on DMAP show no details. He said he had no other details.

The DC is inextricably tied to the DP because the DC is completely unnecessary for anything else but the Mustard Seed facility, we need details on both applications. There are no details on either, and the DC is sparse - allowing a facility that could be in the location for 20 years as the DC is similar to the current site (with even less details).

I also sent Reynold an email late yesterday with questions about stakeholder engagement responses. I received no response. I followed up with Reynold this morning, and received his auto-absence response.

I understand you have been away all this week. There appears no one to contact late yesterday or today.

Kindly advise if you are able to provide a response to our questions about stakeholder engagement details.

It appears that none of the immediately adjacent property owners (who collectively occupy close to 2+million sf of space) have any details about being contacted any time before late last week about the rezoning application. That has left all of us with less than 2 business days to submit a written response to the rezoning application.

We look forward to hearing from you asap as the public hearing is Tuesday.

Cheers,

Bonnie J. Anderson, Senior Legal Counsel

[REDACTED]
 Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9



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From: Bonnie Anderson

Sent: Friday, April 4, 2025 9:44 AM

To: 'Caskey, Reynold' <Reynold.Caskey@calgary.ca>

Subject: Response Required - RE: Request for Spreadsheet - RE: Time Sensitive - Request for Call - DP2025-01634 - DP for Relocation of Mustard Seed - DP Details

Importance: High

Hi Reynold,

I am following up on my email late yesterday.

Kindly advise as soon as possible whether you have the information requested.

Look forward to hearing from you.

Cheers,



Community Outreach for Planning & Development Applicant-led Outreach Summary

What did you hear?

Provide a summary of main issues and ideas that were raised by participants in your outreach.

Concerns About Guests' Behavior:

Hesitations about potential issues arising from guests. Assurance provided that this is a sober shelter, with regular perimeter checks in place. Option to connect with the Shelter Manager for concerns.

Previous Negative Experiences: Reference to challenges at a previous store on 17 Ave. Acknowledgment of uncertainty and hesitation about the shelter's impact, though recognizing the decision is final.

Safety Concerns: Worry about incidents involving a nearby lake and potential risks with guests.

Interest in Volunteering: Inquiries about ways to get involved as a volunteer.

How did input influence decisions?

Provide a summary of how the issues and ideas summarized above influenced project decisions. If they did not, provide a response for why.

Feedback about past challenges in other areas of the city highlighted the need to acknowledge community hesitations and build trust through consistent engagement, transparency, and proactive problem-solving. This likely informed strategies to strengthen community relationships, which we will continue to do throughout the duration of the project.

How did you close the loop?

Provide a summary of how you shared outreach outcomes and final project decisions with those who participated in your outreach. (Please include any reports or supplementary materials as attachments)

We are currently using a tracking spreadsheet with all internal stakeholders detailing all of the businesses we connected with in person, the handbill we provided, noted their feedback.

Bonnie J. Anderson, Senior Legal Counsel

Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9



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From: Bonnie Anderson

Sent: Thursday, April 3, 2025 3:51 PM

To: Caskey, Reynold <Reynold.Caskey@calgary.ca>

Subject: Request for Spreadsheet - RE: Time Sensitive - Request for Call - DP2025-01634 - DP for Relocation of Mustard Seed - DP Details

Importance: High

Hi Reynold,

There is a tracking spreadsheet referenced in CPC materials (page 2 Attach #4 CPC2025-0204).

I don't believe those details were contained in CPC materials.

Are you able to provide a copy of the spreadsheet, who they spoke to, a copy of the handbill provided, who/where it was left, and noted feedback?

Let me know.

Many thanks,

Bonnie J. Anderson, Senior Legal Counsel

Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9



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From: Bonnie Anderson

Sent: Tuesday, April 1, 2025 3:51 PM

To: Caskey, Reynold <Reynold.Caskey@calgary.ca>

Subject: RE: Time Sensitive - Request for Call - DP2025-01634 - DP for Relocation of Mustard Seed - DP Details

Hi Reynold,

I left a voicemail with Tamer Takla who is listed as the contact at Mustard Seed (MS) for the rezoning application.

If you have any other contact info for Tamer, or any other rep involved from the MS, let me know.

Our client will want to be involved in the first conversations with the MS about our unique situation and concerns.

So, if you can refrain from talking about details you and I discussed in any communications with MS, that would be appreciated for now.

Many thanks,

Bonnie J. Anderson, Senior Legal Counsel

Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9



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From: Caskey, Reynold <Reynold.Caskey@calgary.ca>

Sent: Tuesday, April 1, 2025 2:23 PM

To: Bonnie Anderson <bonnie.anderson@rosellp.com>

Subject: RE: Time Sensitive - Request for Call - DP2025-01634 - DP for Relocation of Mustard Seed - DP Details

Hi Bonnie,

Hope you were able to get your comments in on time on behalf of the client.

I just wanted to follow up and suggest reaching out to the applicant to understand what work was undertaken. I know you were waiting on direction from the client but it would be best to understand how the applicant conducted their outreach work.

Best,

Reynold Caskey, BAAS

Planner I

Greater Downtown I Community Planning

The City of Calgary I Mail code: #8075

M 587.224.3062 I reynold.caskey@calgary.ca

5th Floor, Municipal Building, 800 Macleod Tr. S.E.

P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5

ISC: Confidential



From: Bonnie Anderson [REDACTED]

Sent: Monday, March 31, 2025 9:27 AM

To: Caskey, Reynold <Reynold.Caskey@calgary.ca>

Subject: [External] RE: Time Sensitive - Request for Call - DP2025-01634 - DP for Relocation of Mustard Seed - DP Details

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One other quick question: Who is the City contact for the DC?

Bonnie J. Anderson, Senior Legal Counsel

[REDACTED]

Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9



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From: Bonnie Anderson

Sent: Monday, March 31, 2025 9:24 AM

To: Caskey, Reynold <Reynold.Caskey@calgary.ca>

Subject: RE: Time Sensitive - Request for Call - DP2025-01634 - DP for Relocation of Mustard Seed - DP Details

Thanks Reynold. I will take you up on the call at 11:30. I'll send a Teams invitation.

Bonnie J. Anderson, Senior Legal Counsel

[REDACTED]

Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9



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From: Caskey, Reynold <Reynold.Caskey@calgary.ca>

Sent: Monday, March 31, 2025 9:07 AM

To: Bonnie Anderson [REDACTED]
 Subject: RE: Time Sensitive - Request for Call - DP2025-01634 - DP for Relocation of Mustard Seed - DP Details

[. !... Y. n yattachn:1... i]

Hi Bonnie,

There are two related applications for the site at 5495 61 AV SE. LOC2024-0323 is to rezone the site to include temporary shelter as a use. This is to facilitate the Mustard Seed, currently operating at 7025 44 St SE, to temporarily relocate to 61 AV while they undertake repairs to their roof.

The DP2025-01634 is for changes to site plan for an amenity area outside and some fencing. You have the plans attached and unfortunately I have no further information beyond that.

You're right you have until April 1 at 12pm to provide comments through the [DMAP portal](#) regarding the rezoning (LOC2024-0323). The plans submitted, while related, are not part of that application, it is to add the use of temporary shelter under a direct control district.

You can also provide comment on DP2025-01634 through the DMAP portal which will be receiving comments until a minimum of 21 days from March 28, but you can always email those to me as the file manager if the portal does not accept them anymore.

I'm available today to discuss at 11 :30am this morning if you need any more information.

Regards,

Reynold Caskey, BAAS
 Planner I
 Greater Downtown | Community Planning
 The City of Calgary | Mail code: #8075
 M 587.224.3062 | reynold.caskey@calgary.ca
 5th Floor, Municipal Building, 800 Macleod Tr. S.E.
 P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5
 ISC: Confidential



From: Bonnie Anderson <[REDACTED]>
Sent: Sunday, March 30, 2025 4:31 PM
To: Caskey, Reynold <Reynold.Caskey@calgary.ca>
Subject: [External] Time Sensitive - Request for Call - DP2025-01634 - DP for Relocation of Mustard Seed - DP Details
Importance: High

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Good afternoon Reynold,

I am a municipal planning lawyer and have been retained by a neighbour to review the proposed development.

We understand Council is looking to rezone this property DC, with written submissions due noon Tues April 1 and public hearing set for Tues April 8.

We are having difficulty finding any details about the proposed development at this location - other than a couple plans available online (which are difficult to read).

Kindly advise if you are available for a call Monday to discuss, or let me know who can provide further details?

Look forward to hearing from you.

Cheers,

Bonnie J. Anderson, Senior Legal Counsel

[Redacted]

Suite 2100, 440 - 2nd Avenue SW, Calgary, AB, Canada T2P 5E9



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Suite 2100, 440 - 2nd Avenue S.W.
Calgary, Alberta T2P 5E9

MAIN -
FAX

www.RoseLLP.com

Bonnie J. Anderson

Phone: [REDACTED]

Email: [REDACTED]

April 27, 2025

File No.: 11128.001 BJA

VIA EMAIL- REYNOLD.CASKEY@CALGARY.CA

City of Calgary
Calgary Municipal Building
800 Macleod Trail SE
Calgary, AB

Attention: Reynold Caskey. File Manager

Dear Sirs/Mesdames:

Re: DP2025-01634: Temporary Shelter, Changes to Site Plan
Subject Site: 5495 61 Ave SE, Starfield
Adjacent Landowner: Andlauer Properties and Leasing Inc., ATS Healthcare et al ("Andlauer")
Comments on behalf of Andlauer

We act for the immediately adjacent owner at 5480 61 Avenue, Andlauer. We understand that you are accepting comments on this application and that a decision will be made very soon.

Our clients have had a further discussion with the Applicant and I have had multiple communications with you and Joseph Silot.

While we understand that the smoking area has changed outside and that can be confirmed in the plan, we have no other concrete details about the application in the plans or in writing.

We are unable to provide comments in such circumstance.

Should you have any questions or concerns, please do not hesitate to reach out.

Yours truly,
ROSE LLP

B.J. Anderson

Bonnie J. Anderson

/bj

{00945295-1}

Mustard Seed Temporary Shelter - Relocation

5495 61 Ave SE, Calgary AB

Issued for Development Permit - March 18, 2025

RE-ISSUED FOR DEVELOPMENT PERMIT -2025.04.25

ARCHITECTURAL DRAWING LIST

A00	COVER / TECHNICAL SHEET
A11	SITE PLAN
A21	MAIN FLOOR PLAN
A22	ARCHIVAL FLOOR PLAN
A31	EXTERIOR ELEVATIONS



PROJECT NAME: MUSTARD SEED TEMPORARY SHELTER - RELOCATION	DATE: 2025.04.25
PROJECT NO: 24-031	ISSUED FOR: DEVELOPMENT PERMIT
CLIENT: 5495 61 AVE SE, CALGARY, AB T2C 5K8	ISSUED PURSUANT TO THE ARCHITECTS ACT OF ALBERTA
DESIGNER: FRANK HILBICH ARCHITECT INC.	ISSUED PURSUANT TO THE ARCHITECTS ACT OF ALBERTA
ISSUED FOR: DEVELOPMENT PERMIT	2025.03.31
RE-ISSUED FOR: DEVELOPMENT PERMIT	2025.04.25
RE-ISSUED FOR: DEVELOPMENT PERMIT	2025.04.25



PROJECT
Temporary Shelter,
Calgary - Relocation

SAND 61 Ave SE
Calgary, AB T2C 5K8
CANADA T2C 5K8

**COVER / TECHNICAL
SHEET**

SCALE
DATE: 2025.04.25
PROJ. No: 24-031
ISSUED FOR: DEVELOPMENT PERMIT

A.O.O.



NOTE

- EXISTING ELEMENTS ARE HALF-TONED
- ALL EXISTING LANDSCAPING TO REMAIN AS IS



FRANK HILBICH ARCHITECT INC.
PERMIT No. A C 10214
ISSUED PURSUANT TO THE
ARCHITECTS ACT OF ALBERTA

Temporary Shelter, Calgary - Relocation

5495 61 Ave SE
Calgary, AB T2C 5K8
DRAWING TITLE:

SITE PLAN

· @ SITE PLAN
· A1.1 1:200

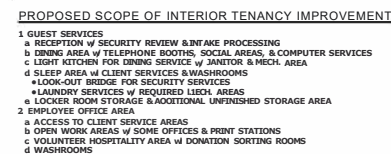
PROPOSED SCOPE OF SITE WORK

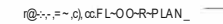
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SCALE 1 : 200
DATE 2025.04.25
PROJ. No 24-031

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3731A - 98 STREET
EDMONTON, AB
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REVISIONS	
ISSUED FOR PRELIMINARY REVIEW	2025-03-27
ISSUED FOR DEVELOPMENT PERMIT	2025-03-19
RE-ISSUED FOR DEVELOPMENT PERMIT	2025-01-28

NOTE:
• EXISTING ELEMENTS ARE HALF-TONED

10

EXISTING SPACE TO
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EXISTING AREAS
REQUIRING UPDATED
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TENANCY
IMPROVEMENT

NEW EXTERIOR
FENCED AREA

2025-03-31

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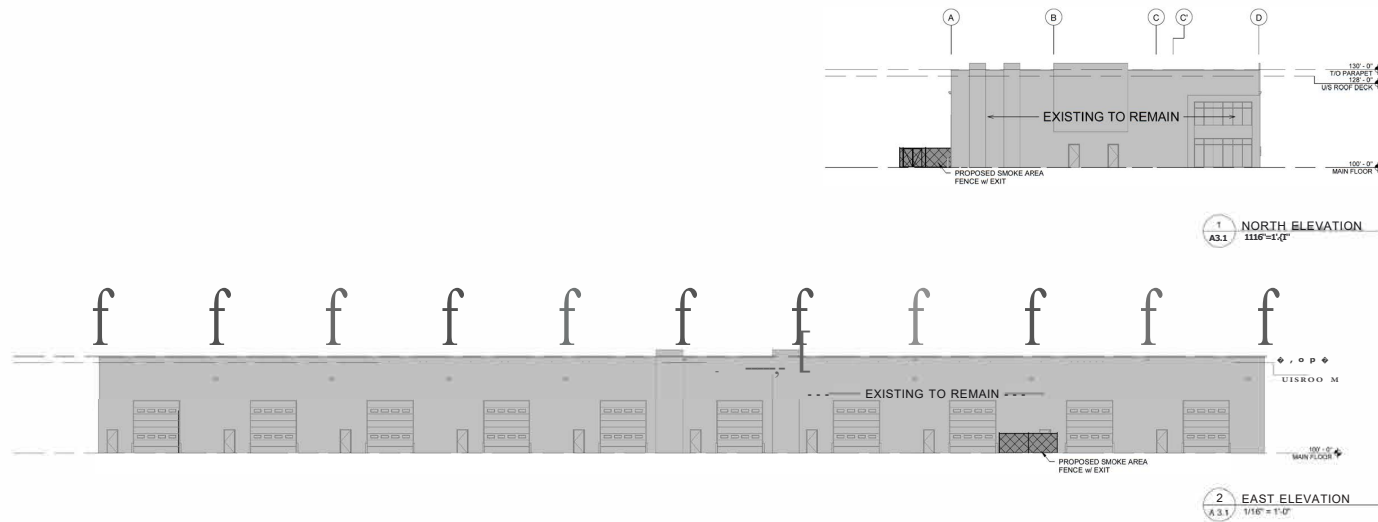
Temporary Shelter,
Calgary - Relocation

S49561AveSE
a TC 9-8

ADMIN ENLARGED
PLAN

SCALE	As indicated
DATE	2025.04.25
PROJ. No	24-031

A22



DEVELOPMENT
PERMIT
DECISION
RENDERED
ON THIS PLAN

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EDMONTON, AB
T: (781) 485-9080

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RE-ISSUED FOR DEVELOPMENT PERMIT 2025-03-28

NOTE:
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SUBJECT
Temporary Shelter,
Calgary - Relocation

S49561AWSE
City of Alberta/CCSKB
DRAWING TITLE

EXTERIOR
ELEVATIONS

SCALE: 1/16" = 1'-0"
DATE: 2025-04-25
PROJ. No. 24-031

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