REPORT TO THE CALGARY PLANNING COMMISSION

DEVELOPMENT PERMIT	IT	ITEM NO: 03	
	CPC DATE:	2007 August 09	
	DP NO:	DP2007-0919	

DOWNTOWN COMMERCIAL CORE (Ward 8 - Alderman King)



PROPOSAL:

Office Buildings (2), +15 Bridges (2) and commercial uses (Retail, Restaurantlicensed and Drinking Establishment) at grade and +15 levels

APPLICANT: Gibbs Gage Partnership	OWNER: Penny Lane Shopping Centre Ltd.
MUNICIPAL ADDRESS: 506, 510, 516, 528 – 9 Avenue SW; 513, 535 – 8 Avenue SW; 826 – 5 Street SW	LEGAL DESCRIPTION: Plan A1, Block 50, Lots 24 to 38; Plan 0513554; Block 50, Lot 40 Plan 0614525, Block 50, Lot 41 (Map 16C)
EXISTING LAND USE DISTRICT(S): CM-2	Downtown Business District
AREA OF SITE: 1.16 ha \pm (2.87 ac \pm)	

CURRENT DEVELOPMENT:	Various commercial buildings (under demolition),
	surface parking lot

ADJACENT DEVELOPMENT:

- NORTH: Eaton Centre / Western Gas Tower, surface parking;
- SOUTH: 9 Avenue SW, surface parking lot;

EAST: Commercial buildings, parking structure; and

WEST: Centennial Parkade, office building (under Construction)

DEVELOPMENT SUMMARY					
RULE	BYLAW STANDARD	PROPOSED	RELAXATION		
DENSITY	In accordance with the bonus provisions of the CM-2 District	16.22 FAR	None		
HEIGHT	No Restriction	West Tower– 41 Storeys (166.05 metres) East Tower 51 Storeys (210.5 metres)	None		
PARKING	1 stall per 140 square metres of net floor area or 1143 stal	1143 stalls provided Is required	None		

EXTERIOR FINISH MATERIALS

Podium: Transparent Glazing, Granite Tower: Vision glass and spandrel curtain wall, vertical mullions

PLANNING EVALUATION

Introduction

This development permit application is for a 188,156 sq m (2,025,290 sq ft) office and retail development in the downtown core, consisting of two office towers of 51 and 41 storeys; a two storey podium development for retail uses and underground parking on 5 levels. The proposal includes the majority of the block between 8 and 9 Avenue SW and 4 and 5 Street SW, except for the easterly portion at 505 8 Avenue SW ("Shaw Building"). A previous version of this project was approved by Calgary Planning Commission on 2006 August 24.

Site Context

The site was formerly occupied by retail developments (Penny Lane Mall), restaurants, drinking establishments and a surface parking lot. The existing buildings on the site are currently being demolished. The site is bounded by 8 Avenue SW, which is a local road and retail area with considerable pedestrian traffic just one block west of the Stephen Avenue Mall; 9 Avenue SW which is a major, car oriented one-way connection into downtown, but identified in the Centre City plan as a Boulevard; and 4 and 5 Streets SW which are major pedestrian corridors into the downtown core. The Shaw building, adjacent to the site, will remain. The rear access to the Shaw building shall be maintained for the development.

Legislation & Policy

Development on the site is guided by the policies of the Centre City Plan (approved by Council 2007 May). The site is located within the Downtown area of the plan, identified as a primary office location with enhancements through the provision of a quality public realm and supportive amenities and services.

The project also complies with key design initiatives, including

- All buildings should be sited and designed with consideration to the visual impact they will have on the existing positive skyline character, including the appropriateness of how they are clustered; the proportions, massing and shape of the body and top of the building; textures, materials, colours and achieving visual lightness, and reflectivity of surfaces.
- The street wall should be complemented by other elements such as a single or double row of trees, a dense rhythm of pedestrian scaled street lighting or other special features, or through fine articulation of building base/façade with appropriate canopies, overhangs, and similar architectural devices. This will be achieved through ensuring new development creates a human scaled and active street wall and streetscape.
- Promote distinctive treatments of the building base through creative massing, articulation, use of textures, materials and colours that enhance the pedestrian experience.

- The "fifth elevation" or view of roof areas from above and its impact on neighbouring buildings shall be considered.
- Very large buildings, either in height or width, should consider massing that has "breaks" in height or is punctuated with architectural treatments that provide relief from the overall mass of the building. This may be achieved through setbacks, material changes, gaps, or "holes" in the façade or other treatments.
- Encourage specific green building design initiatives on all new and renovated developments throughout the Centre City. These initiatives may be based on and equivalent to the LEED system but will be specific to the Calgary context.
- Encourage the provision of street level retail wherever possible in the Downtown
- Buildings that are oriented towards public or semi-private places shall be lined with active and appropriate land uses at grade such that activity and natural surveillance are provided.
- Office lobbies and large scale uses should be minimized in order to encourage a more active public realm

Density is to be determined through application of the bonus system with associated mandatory features and optional on-site amenities. The proposed project complies with this policy direction.

Land Use District

Development within the CM-2 Downtown Business District permits office, retail, and other commercial uses. Under CM-2 rules, commercial density on a site is established through the application of a bonus system that allows for additional floor area if certain public amenity features are provided. A base density of 7 FAR (Floor Area Ratio) can be achieved through the provision of at-grade open space and contributions to the +15 system, with additional density opportunity based on the provision of the specified bonuses.

The overall density achieved is 16.22 FAR. The following table illustrates how areas have been apportioned to the various bonus categories.

BONUS	AREA	F.A.R.
A1-A3 (Mandatory) at grade open space & pedestrian. circulation +15 provisions	Provided	7
B1 At grade Plaza	2320 m2	3.03
B2 Other at grade space	259.1m2	0.17
B5. Outdoor built over space	464.9 m2	0.16
B6. Indoor Park	3480.09 m2	1.49
B7. +15 walkway enhancement	87.3 m2	0.03
B8. +15 bridges (skylit)	744.6 m2	0.72
B9. Escalators to +15	50.4 m2	0.13

B10. Lane Link (skylit)	24m2	0.03
B11. Adjacent right of way improve's	2077.7 m2	0.45
B12. Sculpture Onsite	\$2,389,661.00	1.0
B12 Sculpture Offsite	\$1,887,832.80	0.79
	•	
TOTAL F.A.R. (A + B)	(maximum allowed)	15
TOTAL F.A.R. (A + B)C2. Off-site Improvements	(maximum allowed) \$1,661,770.82	15 1.22

Bonus Standards A and B have been fully utilized as appropriate to the design solution for this site and building to achieve 15 FAR. The additional density of 1.22 FAR is to be achieved through provisions under Bonus Group C with contributions to other off-site funds. Utilizing Bonus Standard C2 provisions will permit the developer to contribute to the Downtown improvement fund, for items identified in the Centre City Plan located within the downtown area. Since a maximum of 20 FAR is possible under the bonus provisions of the Bylaw, the amount of additional density is reasonable given the site access and its location within the downtown, the design merits of the building and the amenities provided for the benefit of the public.

Site Layout & Building Design

The project is a two tower office building on a podium of retail and restaurant uses. The 8 Avenue frontage has been designed to provide an attractive pedestrian oriented environment with individual access to retail units from the street. In an effort to replicate the fine-grained feel of the previous Penny Lane building, the applicant has designed this frontage to maintain that fine grained feel of the street, with potential for numerous small scale commercial spaces. A pilaster rhythm of stone and glass to a 4.5m module make for a street frontage that is visually varied and of similar scale to previous storefronts, with increased number of doors and potential business entrances also help with the division of façade in both the horizontal and vertical. Further pedestrian scale is provided through the use of continuous 'transom' glazing above door height. All glazing at podium level is clear, allowing for maximum visual participation with interior activities.

The lobby entrances have been minimized along 8 Avenue to encourage as much retail space as possible. An aluminum "brow" projects out and runs continuously along the façade, punctuated by larger glass canopies marking the tower entries. Signage has been provided at grade to be human scale and easily legible from or across the street. This façade is highly articulated through the use of transparent glazing, mullions, granite banding, and individual canopies. This retail space has been continued along the 5 Street edge, providing retail or a larger scale drinking establishment along this façade.

Along 9 Avenue SW at grade, the applicant has provided a large plaza space. This plaza space is bounded by the two interior office lobbies and an indoor winter garden. It was recommended that the applicant wrap the retail space along this façade to provide active uses along this plaza space. The applicant was unable to achieve this based on the layout of the interior lobby space, as well as their priority to maximize retail opportunities along 8 Avenue and 5 Street SW, and the 4 Street corner façade. These areas have been treated with transparent glass walls that are intended to blur the distinction of interior and exterior spaces as much as possible.

At the 9 Avenue and 4 Street corner, the applicant has terraced the development to alleviate the grade change due to the 4 Street underpass. Large open spaces with small clusterings of stairs help open up this area and adjust to the grade difference. The upward terraced plaza approach has been taken with a softening of the street corner to provide pedestrian access from 4 Street to 9 Avenue. The applicant has proposed a two storey restaurant/drinking establishment in this location, with a well placed outdoor patio space to animate this area and compliment the pedestrian experience.

In the centre of the project is a large indoor winter garden. Shaped like a crystal, this is a four storey volume that provides sunlight to the interior, as well as visual interest adjacent to the plaza space along 9 Avenue SW. Located between the two towers, the winter garden marks a central gathering place and hub for pedestrian circulation both at grade and the plus 15 level. Articulated by an exposed steel truss system, the winter garden is wrapped on the top and sides with dot fritted transparent glass to minimize solar gain and glare. The large south window will remain clear to maximize exposure to the landscaped plaza, as will the north wall facing 8 Avenue.

At the Plus 15 level, the retail spaces continue along the entire Plus 15 corridor, creating two levels of retail along the 8 Avenue and 5 Street locations. This space is open to sky along the winter garden area, with the exception of glass walkways (with glass flooring) that still allow light to permeate the space.

On three street frontages along 8 and 9 Avenue and 5 Street SW, upgraded and widened sidewalks with decorative paving, deciduous trees and pedestrian scale lighting will provide for an attractive pedestrian environment. There is a partial widening of 4 Street SW adjacent to the development, but complete upgrading shall be done along this frontage similar to the other streets.

A sunlight & shadow study indicates that the new development will have no additional impact on the protected areas of Stephen Avenue and Barclay Walk. Areas of Barclay Walk that could potentially be impacted by shadowing from the proposal are already impacted by existing buildings (Eaton Centre, Canada Trust Tower). The pedestrian level wind study predicts a wind climate for the proposed development at grade that is acceptable for all of the test locations, In all of these locations around the site it is considered comfortable to be either sitting or standing in summer as well as winter conditions.

The tower elevations have been sculpted to play with the metaphor of the mountain location. The applicant has provided significant notches in the design of the project at the north and south facades to provide visual articulation of the towers. These notches are 1.5 metres in width on the north facade and 3.7 metres on the south façade so the articulation will read from a distance. The east and west facades have been broken up due to the shaping of the towers, with the corners angled to create a more oval building floor plate instead of a rectangular design.

The tower concept is based on the idea that reducing the mass of a typical rectangular foot print can be achieved via subtle glass face manipulations. In the applicant's opinion, gently angled facades with only 3 bays maximum on one plane create significant visual variation when viewed from any angle – and tower sculpting that modifies significantly from purely vertical glazing enhances the reading of the curve. The additional vertical expression of mullions at every 1.5m create the soaring verticality of a much taller building.

The rooftops for this project have been sculpted to provide active uses throughout the building. At the 41 floor for the larger tower (and the 30 floor for the smaller tower), the tower begins to shape and take on the mountain metaphor through sloping edges. The towers' design metaphorically references the peaked Rocky Mountains. Their angled plans and varied and sloped surfaces will animate the skyline with a constantly shifting palette of light, reflection and urban color. The towers' diagonal and asymmetrical siting creates a dynamic composition and maximizes panoramic views back to the mountains.

Materials used for the project are clear glazing and spandrel, with granite at the base. There was discussion about the tinting of the glazing, in order to provide less reflectivity to the project. The applicant has provided energy efficient double glazed insulated units and carried this the full length of the tower to minimize impacts on adjacent streets. The tower glazing can best be described as a neutral silvery warm grey, and is purposefully designed to take on constantly changing surrounding color hues – reds and peaches in the evenings, blues and greys during the days. This also carries the metaphor of the Calgary location in the applicant's viewpoint as this is the land of changing skies and this tower celebrates the constantly changing diversity – subtle and sometimes dramatic.

The application was circulated to the Urban Design Review Panel (see comments in APPENDIX IV). The following table lists the main comments of the panel and how they were addressed during the review of this application.

Urban Design Review Panel Comment	Applicants Response
The Panel encourages the applicant to maximize the level of transparency on the vision glass on the towers;	Applicant has provided materials that are transparent at grade. Materials board provided achieve this goal.
The Panel supports the widening of the corridor to the winter garden from 8 Avenue;	Noted and addressed by the applicant
The Panel encourages the applicant to include as many street trees along 9 Avenue as possible;	Noted and addressed by the applicant. Street trees have been provided in double rows in some locations. Applicant has provided at street trees on all four streets.
The Panel suggests the applicant to use high quality paving materials and/or finishes on the grade level of all public spaces particularity the large 9 Avenue plaza;	Noted and addressed by the applicant. Granite banding is used indoors, with concrete banding used on the exterior.
The landscaped plan shows a well developed overall concept however, requires a more fine grained detail such as bench type locations, lighting type and location, paving materials and types, etc;	Noted and addressed by the applicant. The first submission started the forced perspective. Through discussions with the applicant, revisions to the landscaping to have the shrubs and benches enhance the forced perspective have been completed.
The Panel is concerned with the podium roof- top and encourages the applicant to provide an esthetically pleasing solution;	The applicant has provided pavers with a geometric pattern.

Plus 15 System

The proposed development provides four access points and connections to the Plus 15 system. There are two existing connection points that tie in from adjacent developments, and two proposed as a result of this development. The existing Plus 15 bridges across 8 Avenue and 5 Street will be incorporated into the new development. In return for a corresponding bonus floor area the developer will provide a money contribution to the Plus 15 Fund for the City-funded bridge to the Centennial Parkade across 5 Street SW.

Additionally, two new skylit bridges are proposed to the south and to the east. The south bridge would in the future connect to the surface parking area south of 9 Avenue and allow Calgary Transit passengers easy access to the system. The east bridge across 4 Street would link to connections through existing buildings on both the west and east side of 4 Street. The Plus 15 Committee considers both new bridges, which feature a design inspired by railway bridges in the Rocky Mountains with exposed structures, as beneficial for the system. Transparent glazing in accordance with +15 policy has been provided.

Heritage Considerations

The existing Penny Lane complex is listed on the City of Calgary's Inventory of Potential Heritage Sites as a Category B. The potential for retention of all or portions of these character buildings was taken into careful consideration during the previous approval of the project in 2006 August. After a detailed review the Calgary Heritage Authority has determined that a retention is not warranted from a heritage perspective due to the irreversible alterations that have occurred over the past 25 years. That opinion has been maintained through the development of this design. Although retention of significant façades was an option that the Authority has considered in the past, it was not feasible due to the scale of the interior and exterior alterations and the extensive damage that has occurred due to sandblasting of the brick façades. There are no original internal features remaining that would have merited retention.

The applicant has indicated they will salvage many of the sandstone blocks on the north façade of the building, as well as some of the fir timbers and columns used in the internal structure of Penny Lane. While part of it will be incorporated into the new development as an interpretive feature to address the significance of the site's contribution to the development of Calgary and its historic downtown core, the remainder shall be used in the repair and restoration of other historic buildings in the owner's holdings.

Sustainable Design Features

As part of the sustainable features for this project, the applicant has indicated trying to achieve a LEED silver rating for the building. While no intent to certify has been discussed, the project has been designed to shadow and achieve the points required.

Landscaping

As a feature for this project, a large plaza space has been provided at the southwest corner of the project. Because of the location of the plaza, there will be maximum sunlight exposure throughout the year on this space. The design utilizes a false perspective, with planting provided to draw the eye to the crystal in the building centre. The creation of the false perspective is aided by tree planting and shrubs shaped to reinforce and define the edges of the plaza space. Public art locations have been strategically placed to further enhance the experience. Complimenting the planting is the use of uplighting of the trees, which in combination with the evening illumination of the crystal will enhance the nighttime experience of the plaza space. Benches have been placed along the edges of the space for animation.

On the interior, a winter garden has been proposed under the "crystal" space for the project, planted with black olive trees. The interior spaces continue the banding patterns from the exterior space, but use granite flooring on the interior instead of the concrete banding of the exterior

The proposed development provides for the bylawed 2.134 metre setbacks along 8 and 9 Avenue SW, and 5 Street SW. These setbacks, and sidewalk areas will be upgraded with decorative banding, including the space in front of the existing "Shaw" building, allowing the entire block to have one consistent paving pattern. Street Trees have been maximized along the 8 Street Façade, with tree planting placed to compliment the shaping of the towers and the plaza along the 9 Avenue façade. A prior to release condition has been added to attempt to further maximize the tree locations along 5 Street SW.

Site Access & Traffic

There are two vehicular access points for this project. The primary access for automobiles is from 9 Avenue SW, which is considered a primary transportation route through the Downtown. A secondary access point has been provided along 4 Street SW which is primarily for the Shaw Building.

Loading access has been provided along 9 Avenue SW as a one way loading system where trucks enter along 9 Avenue SW and exit along 4 Street SW. The project has been designed to minimize impact between automobile and loading spaces.

As part of the project, a mutual access agreement was executed between Penny Lane Developments and the adjacent building to maintain loading and vehicle access.

The proposed development respects a required underground LRT right of way on 8 Avenue SW and allows for a future centre loading subway station projected for this block. Access points to the future station are incorporated into the design.

Parking

Although the north half of the development site is located within the restricted downtown parking area, the south half has access to 9 Avenue and therefore allows for parking provision up to 100% of the required parking on site. A total of 1144 stalls are provided in 5 underground parking levels. This meets the standards of Bylaw 2P80.

Bicycle storage facilities at-grade are located along the 8 Avenue and 5 Street facades. Storage facilities inside have been provided to the satisfaction of Transportation Planning.

Site Servicing for Utilities

Servicing for the site is available. The applicant is responsible for the cost of any required upgrading of services.

Environmental Site Assessment

An Environmental Site Assessment (ESA) was submitted with the application and reviewed by Environmental Management. No concerns or issues arose.

Calgary Downtown Association Comments

The Calgary Downtown Association provided comments (see APPENDIX III of the report). While they were in support of the project, they had two main concerns. Their first one was snow removal. The building has been designed that any snow or ice that might happen to accumulate on the sloped surfaces of the tower slides down and is captured by either a gutter or snow ledge where it is then melted away.

The second concern related to phasing of the project and timing of construction. The CDA was concerned that because there was no major tenant (and because demolition has started), the site will have no development except for possibly a surface parking lot on the site. Through the development agreement on the site, there is an expectation that something will be provided to link the +15 connection points from Centennial Parkade to Watermark Tower. There is no mechanism to force development on the site outside of the existing Development agreements for the bridges.

CONCLUSION:

The proposal is supported for the following reasons:

- 1. The project meets the goals of the Centre City Plan to enhance the vibrancy of the downtown core;
- 2. The project provides a positive edge at the street level through the extensive use of the street level and the utilization of the +15 area; and
- 3. The building design provides a positive contribution to the city skyline.

CORPORATE PLANNING APPLICATIONS GROUP RECOMMENDATION: APPROVAL

The Corporate Planning Applications Group recommends APPROVAL with the following conditions:

Prior to Release Requirements

The following requirements shall be met prior to the release of the permit. All requirements shall be resolved to the satisfaction of the Approving Authority.

Planning:

- 1. Submit a total of **FIVE** complete sets of amended plans (file folded and collated) to the File Manager that comprehensively address the prior to decision issues of all Departments as specified below. In order to expedite the review of the amended plans, one plan set shall highlight all of the amendments.
- 2. A Development Agreement shall be executed in conformity with all reports, plans and materials submitted to and approved by the Development Authority, including
 - a) A +15 Development Agreement with The City to the satisfaction of the City Solicitor,
 - b) The delineation of +15 easement areas, schedules and maintenance obligations,

- c) Details of responsibilities for and construction of all improvements within the adjacent public rights-of-way,
- d) If applicable, details with respect to contributions to off-site improvement funds in accordance with Bonus standard C2 of Bylaw 2P80, and
- e) Details of the sculpture and/or amount to be contributed with respect to the provision of sculpture in accordance with Bonus standard B12 of Bylaw 2 P80.
- 3. Provide contribution to the +15 Fund at the rate current at the time of payment.
- 4. Provide payment for the +15 bridges included as bonusing for this development (spanning 9 Avenue SW and 5 Street SW). This shall be at the rate current at the time of payment.
- 5. Submit details of how the parking supply will be restricted to a maximum of 100% of the required parking for phase 1, or an agreement to the satisfaction of the Approving Authority regarding the management of any surplus parking for public short-stay parking only.
- 6. Provide requested <u>bylawed setback and corner cut</u> and execute a Land Dedication Agreement for 5 Street SW and 9 Avenue SW.
- 7. Delete the overparking of four stalls from the statistics sheet for this development.
- 8. Revise the drawings to maximize the street tree locations and planting along the 5 Street SW corridor.
- 9. Provide a site lighting plan for the development, showing illumination levels at night for
 - a) the plaza space at grade,
 - b) the 9 Avenue/4 Street transition,
 - c) the crystal indoors,
 - d) the crystal at the edge of the exterior, and
 - e) the public realm along the four street edges for the development.
- 10. Provide details on the heritage features that will form the commemoration on site for this project.
- 11. Provide an interim access plan showing the provision of a safe and secure +15 route through the project, upon the project reaching the +15 level. This connection would restore the +15 connection, thereby reconnecting the two existing bridges.

Urban Development:

- 12. The developer shall consolidate the subject parcels onto a single title and provide a copy of the Certificate of Title.
- 13. Address the requirements of the Business Unit(s) as listed below:

Water Resources – Water Servicing

a. An adequate water meter room adjacent to an exterior wall where the services enter building.

Calgary Roads

- a. A detailed driveway cross-section complete with ramp grades and elevations at face of curb, back of sidewalk, property line and driveway ramp on private property.
- b. Provide typical cross sections and additional details complete with elevations along the 9 Avenue/CPR railway overpass. Show access easement and pedestrian connection on site plan.
- c. Show all support piers for future +15 pedestrian bridges on private property.
- 14. The developer shall remit payment for the Centre City Utility Levy, **in the amount of \$985,300.00**, to Urban Development. This off-site levy is for the construction, upgrading and replacement of water and sanitary sewer mains required for or impacted by the proposed development in the Centre City Area. The Utility Levy amount above is determined by using \$3,970 per meter of site frontage (on the avenues only) of the proposed development.
- 15. The developer shall remit payment, in the form of a certified cheque, bank draft, or letter of credit. An estimate of the costs will be prepared by the City and provided to the applicant. The estimate will be prepared once the applicable comments relating to the Business Unit(s) noted below are resolved on the plans.

Calgary Roads

- a. Approved driveway crossings
- b. Driveway crossing closures
- c. Sidewalks
- d. Wheelchair ramps
- e. Curb and gutter
- f. Streetlight upgrading
- 16. The developer shall provide a letter of understanding to accept responsibility to ensure driveways will be constructed to plans approved by Calgary Roads. The letter must be signed by the land owner or authorized company representative.

The letter should state the following:

Company letterhead or Land Owner's Name and Address

Development Permit Application #: _____ Date: _____

I understand that I am responsible to ensure that approved driveways required for this development must be constructed to the ramp grades shown on the approved plans. I understand that negative sloping of the driveway within the City boulevard is not acceptable to the City. Furthermore, I will be responsible for all cost associated with the removal and reconstruction of the entire driveway ramp if actual grades do not match the approved grades.

Signature of land owner or authorized company representative _____

- 17. The developer shall execute Public Access Easement Agreement for the bylawed setback and corner cut areas, the 9 Avenue and 4 Street underpass location, a 1.31 meter wide area in addition to the setback is required adjacent to proposed left turn lane along 5 Street. All agreement shall be to the satisfaction of the Manager of Urban Development.
- 18. A 3.0m wide maintenance easement is required by the City for access to maintain or reconstruct the existing retaining wall in the future. This area should be free of obstructions to permit access by maintenance and/or construction vehicles. Underground parking structures to be designed to support anticipated weight of vehicles.
- 19. The developer shall provide a letter to confirm the owner will **remove** or **relocate** the CANOPIES from future bylaw setback **at the owner's expense** within 30 days' notice from The City of Calgary requesting removal due to road widening, sidewalk construction, utility installation, etc.

Transportation:

- 20. Provide a protocol and indicate and label where generator refuelling by truck takes place. It was indicated on the memo included with the amended plan set that this was addressed but Transportation did not see it. If possible, in the next memo, indicate on which sheet of the drawing set this information can be found, or e-mail Transportation to indicate where this information can be found on the current amended plans.
- 21. The parking levels are fairly complex in that they contain one way sections and merging/diverging sections. Show all signage (stop signs, no entry, one way, yield signs, etc.) within the levels of the parkade (including any painted arrows or lane striping).
- 22. Provide a protocol for the doors to the parkade as well as a parking access protocol for all users of the parkade. Trucks should not be made to wait outside the entrance on 9 Avenue SW as they will block the sidewalk.
- 23. A future on-street cycling route is planned for the following roadway and it shall be identified as a "future bikeway" on all development plans: 8 Avenue.
- 24. A future bicycle lane or wide curb lane for on-street cycling has been planned for the following roadways and they shall be identified as "future bicycle lane or wide curb lane" on all development plans: 4 Street, 5 Street.

Parks:

25. Provide a design detail for the air intake grate.

Permanent Conditions

Planning:

- 1. The development shall be completed in its entirety, in accordance with the approved plans and conditions; any changes to the approved plans (including non-completion of the development) shall be submitted for approval to the Development Authority.
- 2. No changes to the approved plans shall take place unless authorized by the Development Authority.

- 3. A Development Completion Permit shall be applied for, and approval obtained, prior to any occupancy. Call the Development Field Inspection Group at 268-5491 to request that a Field Inspector conduct a site inspection and sign the Development Completion Permit.
- 4. This approval recognizes Two (2) phases on the approved plans. A Development Completion Permit may be issued for each phase. The podium, underground parkade, and one tower shall be constructed as the first phase, with the second tower being the second phase.
- 5. Fascia signage shall be placed only in the designated sign area as indicated on the approved plans and shall not require a development permit.
- 6. Any trees and shrubs indicated on the site plan which die after completion of the project must be replaced on a continuing basis with trees or shrubs of a comparable species and size.
- 7. All enclosed parking areas shall have walls and ceilings painted a white or light colour and have a lighting system to meet the average minimum lighting illumination of 54 LUX.
- 8. Parking areas shall be for the sole use of building occupants and their guests. Parking stalls shall not be sold or leased to the general public for the purpose of long stay parking in the downtown core.
- 9. The properly executed Development Agreement referenced in the Planning Prior to Release conditions shall remain in force and on title throughout the life of this development.
- 10. If construction of the subsequent phase has not commenced within five years of the issuance of the most recent Development Completion Permit, a new development permit for the second tower shall be required.

Urban Development:

- 11. If during construction of the development, the applicant, the owner of the development, or any of their agents or contractors becomes aware of any contamination:
 - a. The person discovering such contamination shall forthwith report the contamination to Alberta Environment, the Calgary Health Region and The City of Calgary,
 - b. The applicant shall submit a current Phase II Environmental Site Assessment report to The City of Calgary, and
 - c. If required, the applicant shall submit a Remedial Action Plan and/or a Risk Management Plan to The City of Calgary.

Prior to issuance of a Development Completion Permit, a letter from the qualified professional who prepared the Remedial Action Plan and/or a Risk Management Plan is to be issued to The City of Calgary in which the qualified professional certifies that the Remedial Action Plan and/or Risk Management Plan has been implemented.

All reports are to be prepared by a qualified professional and shall be to the satisfaction of The City of Calgary (Environmental Management).

- 12. The developer shall be responsible for the cost of public work adjacent to the site in City rights-of-way, as required by the Manager of Urban Development, including but not being limited to:
 - a. Removal of any existing facilities not required for the new development (old driveways and redundant services, etc.)
 - b. Relocation of works (survey monuments and underground/overhead utilities, etc.)
 - c. Upgrading of works (road widening and watermain upgrading, etc.)
 - d. Construction of new works (lane, paving, sidewalks, curbs, etc.
 - e. Reconstruction of City facilities damaged during construction

All work performed on public property shall be done in accordance with City standards and include, but not necessarily be limited to driveways, walks, curbs, gutters, paving, retaining walls, stairs, guard rails, street lighting, traffic signs and control devices, power and utility poles, electrical vaults, transformers, power lines, gas lines, communication lines, water lines, hydrants, sanitary lines, storm sewer lines, catch basins, manholes, valves, chambers, service connections, berms, swales, fencing and landscaping.

Every effort will be made to identify the cost of public works associated with this development in advance of work proceeding; however, in some cases, this will be impossible to predict. Where the actual cost exceeds the estimate, the developer shall pay the difference, upon receipt pf notice, to The City.

- 13. Indemnity Agreements are required for any work to be undertaken adjacent to or within the City right-of-way or setback areas for purpose of shoring, tie-backs, piles, sidewalks, lane paving, lay-bys, utility work, +15 bridges, culverts, etc. All temporary shoring, etc., installed in City rights-of-way and setback areas must be removed to the satisfaction of the Manager of Urban Development, at the developer's expense, upon completion of foundation work.
- 14. In accordance with the Encroachment Policy adopted by Council on 1996 June 24, and as amended on 1998 February 23, (retaining walls, planters, entry features, building projections) are not permitted to extend into the City right-of-way. New encroachments that are a result of this development are to be removed at the developer's expense, prior to issuance of a Development Completion Permit.
- 15. The developer shall submit an "As Constructed Grade Certificate" signed and sealed by a Professional Engineer, registered Architect, or a Professional Land Surveyor confirming that the development has been constructed in functional compliance with the Development Site Servicing Plan. Certification is to be completed within the timelines specified in the Lot Grading Bylaw 32M2004. Functional compliance is solely determined by the City to mean compliance with all City Bylaws, Standards, Specifications and Guidelines.
- 16. The developer, and those under their control, shall develop an erosion and sediment control drawing and implement good housekeeping practices to protect onsite and offsite storm drains, and to prevent or mitigate the offsite transport of sediment by the forces of water, wind and construction traffic (mud-tracking). Some examples of good housekeeping include stabilization of stockpiles, stabilized and designated construction entrances and exits, lot logs and perimeter controls, suitable storm inlet protection and dust control. The developer, or their representative, shall designate a person to inspect all controls and practices every seven days and within 24 hours of precipitation or snowfall events. Please refer to the¹Current edition of The City of Calgary Guidelines for Erosion and Sediment Control for more information.

all controls and practices every seven days and within 24 hours of precipitation or snowfall events. Please refer to the current edition of The City of Calgary Guidelines for Erosion and Sediment Control for more information.

Transportation:

17. Class II bicycle parking has been provided in the road ROW. Should the curb alignment be altered in the future and the bicycle parking is forced to be relocated, it shall be relocated onto the client's property following best practices for locating bicycle parking at the client's cost.

Advisory Comments

The following advisory comments are provided as a courtesy to the applicant and property owner. They 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:

- 1. This development permit approval makes no provision for revisions. Revised plans shall be submitted to, and approved by, the Development Authority.
- 2. The development must commence before 2008 January 1, or this permit will no longer be valid.
- 3. Any of the conditions of the development permit approval may be appealed. If you decide to file an appeal, it must be submitted to the Manager, Subdivision and Development Appeal Board (Plaza Level, Municipal Building, #8110) within 14 days of receipt of this letter.
- 4. All measures relating to handicapped accessibility in the design of this project shall be maintained and operable for the life of the building, including those which are required through the building permit process.
- 5. In addition to your Development Permit, you should be aware that a Building Permit is also required. Now that your Development Permit application has been approved, you may apply for a Building Permit. Please contact Building Regulations at 268-5311 for further information.

Urban Development:

Environmental Development Review

6. Environmental site information indicate that this building(s) may contain hazardous materials including, but not limited to, asbestos construction material (ACM), lead based paint (LBP), UREA formaldehyde foam insulation (UFFI), mercury containing switches, and/or polychlorinated biphenyls (PCB) within fluorescent light fixtures. A current assessment of the building may be required prior to renovation or demolition of the building(s). Handling and disposal of any hazardous building material must be done in accordance to applicable legislation/guidelines.

Calgary Roads

- 7. Property line is 5.5m from lip of gutter, 0.0m from back of sidewalk on 8 Avenue SW.
- 8. Property line is 3.4m from lip of gutter, 0.2m from back of sidewalk on 9 Avenue SW Page 16

- 9. Property line is 2.9m from lip of gutter, 0.0m from back of sidewalk on 4 Street SW.
- 10. Property line is 3.4m from lip of gutter, 0.0m from back of sidewalk on 5 Street SW.
- 11. Future lip of gutter is 6.19m and future back of sidewalk is 0.0m from existing/ultimate property line on 8 Avenue SW.
- 12. Future lip of gutter is 3.3m and future back of sidewalk is 0.0m from existing/ultimate property line on 9 Avenue SW.
- 13. Future lip of gutter is 2.896m and future back of sidewalk is 0.0m from existing/ultimate property line on 4 Street SW.
- 14. Future lip of gutter is 3.76 /2.454m and future back of sidewalk is 0.0m from existing/ultimate property line on 5 Street SW.
- 15. A bylawed setback of 2.134m is required adjacent to 8 Avenue SW as per the Land Use Bylaw.
- 16. A bylawed setback of 2.134m is required adjacent to 9 Avenue SW as per the Land Use Bylaw.
- 17. A bylawed setback of 2.134m is required adjacent to 5 Street SW as per the Land Use Bylaw.
- 18. A corner cut of 3.0m x 3.0m is required adjacent to 8 Avenue SW & 5 Street SW in addition to the bylawed setback.
- 19. A corner cut of 3.0m x 3.0m is required adjacent to 9 Avenue SW & 5 Street SW in addition to the bylawed setback.
- 20. Left turns only will be permitted to 9 Avenue SW and 4 Street SW (one way traffic).
- 21. Locations and dimensions of driveways must be approved by Transportation Planning. New driveways including driveway modifications or relocation must be constructed to City standards at the owner's expense. Obstructions such as storm catch basins, hydrants, power poles, etc. must be relocated to City standards at owner's expense. Wheelchair ramps are required where proposed driveway grades do not match intersecting sidewalk.
- 22. Calgary Roads is to determine if the existing driveway crossings, existing sidewalks, streetlighting, curb and gutter, etc. are to City standards. Replacement and/or rehabilitation is to be at the owner's expense.
- 23. On all developments with under drive garages or parking lots that are lower than the back of walk or curb or lane grade, the owner is to confirm in writing that all approved driveways required for this development will be constructed to ramp grades as shown on the plans submitted and approved by Calgary Roads. Negative sloping of driveways within City road right-of-way is not acceptable. If actual constructed grades do not match approved grades, the owner is responsible for all costs to remove and reconstruct driveway ramp grades to the approved grades.
- 24. Boulevard grade differences between existing/ultimate curbs and existing/ultimate property lines are not to exceed 2%.

- 25. The owner is to be advised that the City does not grant approval for the placement of underground irrigation sprinkler systems on City owned lands or boulevards that are adjacent to development site and are installed at the owner's 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.
- 26. If the adjacent Shaw building at 8 Avenue & 4 Street will be demolished for new development in the future, the development site will be too small to accommodate ramps for underground parking. Roads highly recommends that the developer consider incorporating possible access openings on all parking levels that can be "knocked out" in the future to provide a common shared access from the Penny Lane Towers development.

<u>Waterworks</u>

- 27. Water connection available from 8 Avenue SW or 9 Avenue SW
- 28. Show details of servicing and metering on Development Site Servicing Plan. Provide adequate water meter room where services enter building. If static pressure exceeds 550 kpa install pressure reducing device after meter.
- 29. Review with Fire Prevention Bureau for on-site hydrant coverage. A stamped approved plan by Fire Prevention Bureau to be submitted with the Development Site Servicing Plans for Building Permit approval.
- 30. Contribution required for upgrading hydrant coverage to Development standards.
- 31. Existing water service to be killed by City Waterworks and a new service installed at owner's expense.
- 32. Applicant must apply for water and sewer connections as per City Standards.
- 33. If further subdivision occurs in the future (including strata subdivision), <u>each titled parcel</u> <u>MUST</u> have separate service connections to the public mains (water and sanitary).
- 34. It will be the responsibility of the developer to repair, at their expense, any damage to the adjacent public mains or mains in which they connect during the construction of the site as per the current Waterworks Specifications. The watermains are 90 years and older and although there has been minimum breaks during their life span, any disturbance during construction such as a new service connection or other alterations can cause breaks. Lead joints of old cast iron mains are very sensitive to ground movements.

Wastewater & Drainage

- 35. Sanitary sewer connection available from 9 Avenue SW or 5 Street SW.
- 36. Storm sewer connection available from 8 Avenue SW, 9 Avenue SW or 5 Street SW.
- 37. Show all existing and proposed sewers on the Development Site Servicing Plans at the Building Permit stage.

- 38. Sanitary service test facility is required.
- 39. Drainage from all underground or covered parking areas is to be directed towards the sanitary sewer system, as per Sewer Service Bylaw 24M96.
- 40. All open ramp run-off shall drain to on-site storm sewer and covered ramp shall drain to sanitary sewer.
- 41. Direct all roof drainage to on-site storm.
- 42. All building openings, ramps, etc, adjacent to trap lows are to be min. 0.3 metres higher than the maximum water elevation at the 1:100 yr. depth or depth of spill, whichever is greater.
- 43. Storm Redevelopment Fees will be required.
- 44. Contain storm runoff on site.
- 45. All on-site sewers are to be designed to City of Calgary specifications.

Utility Line Assignments

- 46. The applicant must apply for a line assignment from Utility Line Assignments for tree planting in the City road right-of-way (boulevard). This application consists of a letter, on letterhead, requesting approval to plant trees in the boulevard and five (5) landscape plans showing all of the following information:
 - property lines
 - curb/sidewalks
 - species and caliper of proposed trees (evergreen and poplar trees are not permitted in boulevards)
 - existing features (streetlight poles, hydrants, existing trees, utilities, etc.)
 - dimensions from property line to all of the above features.
- 47. Include the Development Permit Number in your letter. Shrub and flowerbeds are not permitted in City boulevards. Due to the number of applications reviewed by this office, it will typically take two weeks for a response. The letter can be addressed to Mr. Sid Hoover, Supervisor, Utility Line Assignments, 6th Floor 800 Macleod Trail S.E., Calgary, Alberta, T2P 2M5.

Waste & Recycling Services

48. Construct Garbage Collection Facilities in accordance with the current Waste & Recycling Design Guidelines.

Transportation:

49. Pedestrian-oriented entrances at the street corners would benefit the pedestrian environment at the west end of the north streetscape (8 Avenue at 5 Street SW) and at the east end of the south streetscape (9 Avenue at 4 Street SW).

- 50. Transportation Solutions recommends the provision of showers, lockers, and change rooms in each building to encourage employee commuting by active modes. The provision of shower facilities is welcomed by Transportation.
- 51. Recommend that 10% of all parking stalls be signed and operated as carpool stalls and sign them for peer enforcement. Locate these stalls closest to elevators within parkade.
- 52. In keeping with the principles of Crime Prevention Through Environmental Design (CPTED), landscaping and fencing materials adjacent to pedestrian routes are to be of a height that minimizes potential hiding places and maximizes visual surveillance of the pedestrian route. This is of particular concern along the south end of the east streetscape (drawing DP-3.003).
- 53. In keeping with the principles of Crime Prevention Through Environmental Design (CPTED), pedestrian oriented lighting is to be provided along pedestrian routes.
- 54. The City of Calgary will install AltPay machines on 8 Avenue from 4 Street to 5 Street SW to control parking. Machines will also be installed on 5 Street north of 9 Avenue SW.
- 55. AM Peak Hour parking restrictions will exist on the north side of 9 Avenue SW (layby) to facilitate parkade loading, with AltPay during non-peak hours.
- 56. At some point in the future, the existing median on 4 Street may be extended further north to 8 Avenue to reduce weaving issues.
- 57. The 4 Street access/egress to the parking and loading facilities may create operational issues in the future.

Dwayne Drobot August 2007

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Gibbs Gage

ARCHITECTS

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August 1, 2007

The City of Calgary Planning & Building Department P.O. Box 2100, Station M Calgary, Alberta T2P 2M5

Attention: Mr. Dwayne Drobot, File Manager.

Re: Development Permit Application for the PLD Office and Retail Development, 9th Ave SW and 5th Street SW, Calgary Alberta DP 2007-0919 Prior to Decision Submission GGA File 07007 / 1.2A

Dear Dwayne;

The Penny Lane Development is a new office tower and retail development of a much loved city block in downtown Calgary known as Penny Lane, and located between 4th and 5th Streets SW and between 8th and 9th Avenues. It has a proposed new developed area of 186,156m² which is just over 2 million square feet, and comprises two office towers resting on a podium that mixes retail tenant spaces, an atrium wintergarden, two tower lobbies, and a very generous landscaped outdoor plaza space. The towers are uniquely chiseled to provide a contemporary architectural expression on the Calgary skyline, and are materialed to complement the rich interplay of our dramatic skies.

The site historically was used as warehouse space, the temporary site of the Colonel Belcher Hospital and, more recently, several local landmark establishments. It was composed of a lovely tumble of brick and sandstone building facades, and the mix of exciting retail tenant spaces created a pleasant pedestrian experience – especially along 8th Avenue, combined with mature trees and bustling street activity.

The new Penny Lane development has been designed to be very sympathetic to the previous pedestrian experience along 8th Avenue. An alternating rhythm of warm toned limestone pilasters and transparent glass bays combine to make a street frontage that is visually varied and of similar scale to the previous storefronts. An aluminum "brow" projects out and runs continuously along the façade and, along with the continuous transom glazing above the doors, helps to accentuate the pedestrian scale. The brow is then punctuated by larger glass canopies to mark the tower entries. The glassy façade encourages street-level pedestrian activity with nearly continuous direct street access to shopping and restaurants; these entrances further add to the articulation of the façade. The widened pedestrian walk allows more light penetration on the South side of 8th Ave, and will give numerous trees room to grow. All glazing at podium level is clear, allowing for maximum visual connection with the interior activities of the building. The street will become wonderfully energized with storefronts and pedestrian activity.

The towers' design metaphorically references the peaked and faceted Rocky Mountains that provide such a compelling backdrop to Calgary's skyline. Their gently angled plan shapes and their varied, sloped surfaces tracing up the façade will animate downtown with a constantly shifting palette of light, reflection and urban color as the viewer moves around the buildings. The towers' diagonal and asymmetrical sitting creates a dynamic composition and maximizes panoramic views back to Mountains. There is a dominant vertical expression of multions at every 1.5m creating the soaring verticality of a much taller building. The tower glazing will be a lightly reflective, neutral gray color, and its appearance will vary, as do the constantly changing surrounding color hues - reds and peaches in the evenings, blues and grays during the days. Calgary is the land of changing skies and these towers will celebrate the constantly changing diversity at times subtle, others dramatic.

Located between the two towers, a crystalline wintergarden formed by faceted glass planes will serve as a nucleus for functions both formal and informal, becoming a year round, sun-filled public gathering space for tenants and the public to relax, dine and socialize. The wintergarden will become a major hub for pedestrian circulation both at grade and the plus 15 level. Articulated by an architecturally designed, exposed steel truss system, the wintergarden will be wrapped on the top and sides with transparent glass, dot fritted to minimize solar gain and glare. The large south window will remain clear to maximize exposure to the landscaped plaza, as will the north wall facing 8th Avenue. The crystal will glow into the night, becoming a beacon for the development and bringing life to the street and the plaza.

Along the 8th Avenue facade, upgraded and widened sidewalks will be enhanced with decorative paving, deciduous trees and pedestrian scale lighting. The façade is a highly articulated blend of transparent glass and warm-toned limestone and granite. An aluminum "brow" projects out and runs continuously along the façade, punctuated by larger glass canopies marking the tower entries. Stone piers (enhanced with decorative uplighting) march rhythmically along the street alternating with glass bays. The façade encourages street-level pedestrian activity with nearly continuous shopping and restaurants, all with direct access off the street. High quality retail signage will be integrated into the façade. Retail tenant spaces form a major part of the podium on both the main and +15 floors, with the 8th Avenue facade having even more doors onto the street than the previous frontage

In addition to the above façade treatment that not only fronts onto 8th avenue, but portions of 4th & 5th street, as well as 9th avenue, the face of the towers sets back to form a colonnade as they come to the ground. Pedestrian scale is enhanced by a floating horizontal sunshade that is attached to these columns. The Southeast corner of the site includes terracing at grade and a second floor setback that allows for outdoor dining at the +15 level.

The plaza is flanked on two sides by office lobbies and on the third by the wintergarden, all with transparent glass walls that are intended to blur the distinction of interior and exterior spaces as much as possible. Seating areas within these spaces will encourage people to sit and look out at the plaza, thereby enhancing security. There will be constant activity within these spaces as people come and go throughout the day.

Located between the two towers, the wintergarden will serve as a venue for both formal functions as well as a year round, sun-filled public gathering space for tenants and the public to relax, dine and socialize. The wintergarden marks a central gathering place and hub for pedestrian circulation both at grade and the plus 15 level. Articulated by an exposed steel truss system, the wintergarden will be wrapped on the top and sides with dot fritted transparent glass to minimize solar gain and glare. The large south window will

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remain clear to maximize exposure to the landscaped plaza, as will the north wall facing 8th Avenue.

The towers' design metaphorically references the peaked and faceted Rocky Mountains that provide such a compelling backdrop to Calgary's skyline. Their angled floor plans and varied and sloped surfaces will animate downtown with a constantly shifting palette of light, reflection and urban color. The towers' diagonal and asymmetrical sitting creates a dynamic composition and maximizes panoramic views back to Mountains.

The project will provide a significant pedestrian hub at the +15 level, by connecting ultimately to 4 bridges – one in each primary direction. Site vehicular access is located directly from 9th Avenue, a major downtown thoroughfare, and the site provides 1143 parking stalls on 6 levels. Vehicular egress is via two site exits, one again onto 9th Avenue going Eastbound, and the other Northbound on 4th Street W. Loading is located below grade on the P2 level, leaving the main floor for more pedestrian oriented activities, as described above.

We hope you can discover the many exciting aspects to this project through the materials we have provided, and we seek the approval of this development permit. Many thanks to all your efforts in helping to make this a successful development.

Yours truly, GIBBS GAGE ARCHITECTS

Marten Rhead, B.Sc., M.E.Des.(Arch)

MR:mcr

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APPENDIX II






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