

Outline Plan Conditions of Approval

These conditions relate to the approval of the Outline Plan (Recommendation 1) where Calgary Planning Commission is the Approving Authority. Attachment for Council's reference only.

The following Conditions of Approval shall apply:

Planning/Subdivision Services:

1. All residential development within the 25-30 Noise Exposure Forecast (NEF) contour zones of the Calgary International Airport shall conform to the special soundproofing requirements of the Alberta Building Code and the standard City of Calgary and a NEF Restrictive Covenant shall be registered on all parcels to that effect;
2. A restrictive covenant shall be registered against the parcels prohibiting the construction, erection or placement of any building or structure within 18 metres of the top of the escarpment ("the Setback Area") as determined by the Calgary Planning Commission or the Subdivision Authority and providing that the owner of the Servient Tenement shall not permit, construct, erect, place or allow to remain within the Setback Area any building or structure except decks, patios, balconies, and bay windows, which shall not extend more than 1.5 metres into the Setback Area if constructed at any level other than at grade level of the Setback Area. The 18 metre setback line shall be shown on a plan of survey, showing dimensions from the rear property line of the parcels to the setback line, to the satisfaction of the Subdivision Authority prior to any Tentative Plan approval for the affected lands;
3. Prior to approval of any affected Tentative Plan and / or submission of construction drawings, the proposed street names shall be submitted and approved, to the satisfaction of the Subdivision Authority. The new street name will need Council approval prior to endorsement of the legal plan.
4. Prior to approval of any affected Tentative Plan, the green building incentive and design guidelines including implementation of the Low Carbon Energy Study shall be submitted for review by The City of Calgary Planning, who will collaborate with RE&DS to contribute and enhance the incentive program and performance requirements established by RE&DS. The design guidelines shall be registered on all parcels;
5. Prior to endorsement of the final subdivision instrument, discharge the Easement (registration number 941 274 553);
6. The closed rights-of-way should be removed from the City's ownership and sold to the Developer and consolidated into adjacent parcels. Prior to Tentative Plan submission, the developer shall enter into negotiations with Corporate Properties and Buildings for the purchase of the closed road right-of-way. Please contact the Coordinator, Real Estate Sales in Real Estate and Development Services (RE&DS) at 403-268-2276 or 403-993-9157 to commence negotiations.
7. The Developer is responsible for all costs associated with the road closure, including all necessary physical construction, removal, rehabilitation, utility relocation, etc.

8. A deferred reserve caveat in the amount of 10% of the titled area of Plan 2113 JK, Block 1, shall be registered on Plan 2113 JK, Block 1, concurrent with the final instrument.
9. The balance of reserves owing in the amount of 8.68 hectares shall be deferred by caveat pending future subdivision of Plan 2113 JK, Block 1. (COT 011375070+1)
10. A legal agreement shall be entered into between the City and the developer, to the satisfaction of the City Solicitor, deferring the provision of an undetermined amount of Environmental Reserve which may be required upon further subdivision of the residual lands. Said agreement is to be registered against the residual lands by Caveat concurrent with the final instrument.

Development Engineering:

11. The parcels shall be developed in accordance with the development restriction recommendations outlined in the following reports:
 - Preliminary Geotechnical Evaluation and Slope Stability Assessment (Revision 1) Redevelopment of Midfield Mobile Home Park, Former RCMP Property, and EMS Station #4 Moncton Road NE and 16 Avenue NE Calgary, Alberta, prepared by Tetra Tech (File No.704-ENG.CGEO03639-01), dated February 2020.
 - Phase II Environmental Site Assessment 16 Moncton RD NE, 920 – 16 Avenue NE, and 954, 970, 990, and 1020 – 16 Avenue NE. Calgary, Alberta, prepared by Tetra Tech, dated December 13, 2019).
12. Further slope stability analysis will be required at the tentative plan stage. On parcels abutting the north and east escarpment, site specific slope stability analysis will be required at the development permit stage.
13. Servicing arrangements shall be to the satisfaction of the Manager Infrastructure Planning, Water Resources.
14. **Prior to endorsement of a tentative plan**, execute a Development Agreement. Contact the Infrastructure Strategist (Jill Thomson), Calgary Approvals Coordination for further information at 403-268-5782 or email jill.a.thomson@calgary.ca.
15. Off-site levies, charges and fees are applicable. Contact the Infrastructure Strategist (Jill Thomson), Calgary Approvals Coordination for further information at 403-268-5782 or email jill.a.thomson@calgary.ca. The Off-site levy will be charged as per Bylaw 2M2016.
16. The Developer, at its expense, but subject to normal oversize, endeavours to assist and boundary cost recoveries shall be required to enter into an agreement to:
 - a. Install the offsite sanitary sewers, storm sewers and water mains and construct the offsite temporary and permanent roads required to service the plan area. The developer will be required to obtain all rights, permissions, easements or rights-of-way that may be required to facilitate these offsite improvements.

- b. Construct the onsite and offsite storm water management facilities (wet pond, wetlands, etc) to service the plan area according to the most current City of Calgary Standard Specifications Sewer Construction, Stormwater Management and Design Manual and Design Guidelines for Subdivision Servicing.
 - c. Construct the underground utilities and surface improvements within and along the boundaries of the plan area.
 - d. Construct a wood screening fence, chain link fence, sound attenuation fence, whichever may be required, inside the property line of the residential lots where required along the boundary of the plan area.
 - e. Construct the MSR/MR within the plan area.
 - f. Construct the regional pathway within and along the boundaries of the plan area, to the satisfaction of the Director of Parks Development.
17. This subject plan area is within the boundary of the Nose Creek drainage catchment and subject to stormwater volume control measures. Customer applications will be reviewed for the potential to retain open space, reduce the potential effects of increased imperviousness, consider existing slope stability recommendations and implement green infrastructure systems into the overall development plan. Please refer to the April 2019 Industry bulletin Interim Runoff Volume Control for additional information.
 18. An Access Easement Agreement and right of way plan for the proposed storm pond and access route shall be executed and registered on title **concurrent with the registration of the final instrument** at the Tentative Plan stage.
 19. Multi-residential sites within the plan area may require additional access points depending on the final building layout and/or total number of units. Sites with over 100 dwelling units require a secondary public access. A third access is required for sites in excess of 600 dwelling units two of which must be public.
 20. An Emergency Access Easement Agreement(s) and right of way plan shall be executed and registered on title **concurrent with the registration of the final instrument** at the Tentative Plan stage.
 21. The total number of dwelling units permitted on Sites 3-7 must be less than 600 due to a lack of a third public access point.
 22. Register on all affected titles, a utility right-of-way plan and an accompanying City of Calgary General Utility Easement Agreement for the existing and/or proposed public underground utilities (sanitary and storm) within the subject site **concurrent with the registration of the final instrument** at the Tentative Plan stage. A utility right-of-way will also be required for all storm pond related infrastructure.

Transportation:

23. **In conjunction with the Applicable Tentative Plan whereby Sites 4, 6 or 7 are established**, and subject to normal endeavours to assist, the developer will be required to construct the regional pathway connection in the north boulevard of 16 Avenue, connecting between the Nose Creek Pathway and Stratus Link NE.
24. **In conjunction with the Initial Tentative Plan**, submit a letter of credit for the signalization of the intersection of 16 Avenue NE and Stratus Drive. The letter of credit is required prior to endorsement of the Tentative Plan. Note, the developer shall also provide a letter, under Corporate Seal, indicating that they are responsible for any additional costs of signalization that could be in excess of the amount identified in the Letter of Credit.
25. **In conjunction with the Initial Tentative Plan**, the developer will be required to construct the regional pathway connection on the north boulevard of 16 Avenue, connecting between Stratus Link and Moncton Road NE.
26. **In conjunction with the Initial Tentative Plan**, the developer will be required to dedicate the required road widening and reconstruct the east boulevard along Moncton Road NE, as per current City specification for Complete Streets. The improvements shall include and not be limited to a 6.1m wide boulevard including: streetlights, street trees and 3.0m wide regional pathway.
27. **In conjunction with the Initial Tentative Plan**, and subject to normal endeavours to assist, the developer will be required to construct the intersection of Stratus Link and 16 Avenue NE. The design of the north – south pedestrian crossing of 16 Avenue with the associated connections to Remington Road NE will be to the satisfaction of affected utility owners and Transportation Planning.
28. **In conjunction with the Initial Tentative Plan**, the developer will be required to construct the proposed angled parking entrance road and all associated infrastructure (driveway or curb return access to 16 Avenue, median, streetlighting, pathways, private road vehicular connection to Nimbus Plaza).
29. **In conjunction with the Initial Tentative Plan**, the developer will be required to submit a lighting plan prepared and authenticated by a certified engineer for the revised street lighting within the 16 Avenue boulevard resulting from the addition of angled parking adjacent development. The lighting plan must be approved **Prior to Decision of the Initial Tentative Plan**.
30. **In conjunction with the Applicable Tentative Plan** a 15.86m wide public access easement shall be registered over Site 1 for the main access road and associated sidewalks connecting between 16 Avenue and Nimbus Plaza NE. A Public Access Easement Agreement and right of way plan shall be executed and registered on the applicable title(s) **concurrent with the registration of the final instrument**.

31. **At the development permit application stage** a Traffic Noise Analysis Report for the adjacent multi-family/residential developments adjacent to 16 Avenue NE, certified by a Professional Engineer with expertise in the subject of acoustics related to land use planning, and including finalized lot and building grades, shall be submitted to Transportation Planning for approval.
32. No direct vehicular access shall be permitted to or from 16 Avenue and Moncton Road NE; and a restrictive covenant shall be registered **concurrent with the registration of the final instrument** to that effect.
33. **In conjunction with the applicable Tentative Plan**, temporary oil and gravel bus turnaround / cul-de-sac with a minimum radius of 15.25 metres is required at the terminus of each construction phase. Where the developer intends to fence the turnaround, the minimum radius shall be increased to 16.25 metres. If road construction or construction phasing affects the operations of transit service, the Developer is required to provide an interim transit route replacement, to the satisfaction of the Director, Transportation Planning.

Parks:

34. The developer shall submit detailed Engineering Construction Drawings and Landscape Construction Drawings for the proposed wetland/storm pond to both Water Resources and Parks for review.
35. Site grading within the constructed pond shall match the existing grades of the adjacent properties with all grading confined to subject site, unless otherwise approved by the affected landowners.
36. Prior to approval of the first Tentative Plan or related Stripping and Grading Permit, the developer shall submit:
 - a. Detailed finalized concept drawings (including cross-sections) for the storm water management facility, with the Restoration Plan to include a functional wetland edge (transitional zone) and an upland grassland
37. No disturbance of Environmental reserve lands/existing park is permitted without written permission from the Parks Generalist for this area Karen Moug (403-268-1396).
38. The developer shall restore, to a natural state, any portions of the environmental reserve lands/existing park along the boundaries of the plan area that are damaged in any way as a result of this development. The restored area is to be maintained until established and approved by the Park Development Inspector Annie Rodrigues (403-804-9397).
39. Prior to the approval of the affected tentative plan, the developer shall confirm fencing requirements adjacent to MR, MSR, ER parcels and existing park to the satisfaction of the Director, Calgary Parks.
40. Prior to approval of the first tentative plan or stripping and grading permit (whichever comes first), it shall be confirmed that grading of the development site will match the existing grades of adjacent parks and open space (MR and/or ER), with all grading confined to the private property, unless otherwise approved by Parks.

41. **Prior to approval of the tentative plan or stripping and grading permit** (whichever comes first), an onsite meeting shall be arranged to confirm that the surveyed boundaries of the environmental reserve/existing park area meet Parks approval. A plan illustrating the surveyed ER boundaries must be provided to Parks in advance of the onsite meeting.
42. With the submission of Landscape Construction Drawings, the developer shall include a detailed Restoration Plan including a maintenance schedule for each Environmental Reserve/existing park proposed to be affected by any construction. The Plan should indicate how it will be rehabilitated and restored. The restored area(s) shall be maintained by the developer until it is established and approved by Parks prior to Final Acceptance Certificate.
43. The developer shall minimize stripping and grading within the Environmental Reserve/existing Park. Any proposed disturbance within the ER, including that for roadways, utilities, and storm water management infrastructure, shall be approved by Calgary Parks **prior to stripping and grading**.
44. The developer shall install and maintain a temporary construction fence on the private property line with the adjacent Environmental Reserve/Municipal Reserve/Existing Park to protect public lands **prior to the commencement of any stripping and grading** related to the site and during all phases of construction. Contact the Parks Development Inspector Annie Rodrigues (403-804-9397) to approve the location of the fencing prior to its installation.
45. Prior to the approval of a stripping and grading permit, a Development Agreement or a subject area Tentative Plan, Parks requires details pertaining to the total limit of disturbance resulting from the proposed development in its entirety.
46. The developer shall submit a detailed Restoration Plan including a maintenance schedule for each Environmental Reserve/existing park proposed to be impacted by any construction. The Plan should indicate how it will be rehabilitated and restored. The restored area(s) shall be maintained by the developer until it is established and approved by Parks.
47. When a Regional Pathway is also to be used as a service vehicle access road, the pathway is to be constructed to a Residential Road standard so that the pathway can support the weight of maintenance vehicles.
48. Construct all regional pathway routes within and along the boundaries of the plan area according to Parks' **Development Guidelines and Standard Specifications – Landscape Construction** (current version), including setback requirements, to the satisfaction of the Director, Parks.
49. Plant all public trees in compliance with the approved Public Landscaping Plan.
50. Any development or grading related to permanent disturbance which results from storm water infrastructure within lands designated as environmental reserve, requires approval from the Director of Parks.
51. **Prior to the approval of the affected tentative plan**, finalized concept plans for all MR and MSR sites shall be submitted for Parks' review and approval.