

# Proposed Outline Plan Conditions of Approval

*These conditions relate to the decision of the Outline Plan (Recommendation 1) where Calgary Planning Commission is the Approving Authority.*

The following Conditions of Approval shall apply:

## Subdivision Services:

1. The Calgary Planning Commission approval for this Outline Plan does not constitute a growth management overlay removal and/or a land use amendment approval. The Growth Management Overlay will require removal through an Area Structure Plan amendment. The land use for the Outline Plan will require a future separate approval from Council.
2. Subdivision applications will be accepted but deemed refused where the Growth Management Overlay is still in effect over the Outline Plan area.
3. The approval of the Outline Plan is valid for a period of five (5) years from the date of Calgary Planning Commission approval.
4. If the growth management overlay has not been removed after five (5) years from the date of Calgary Planning Commission approval, The City will require a review of the Outline Plan and all associated supporting studies. The scope of the review, including the possibility of submission of a new Outline Plan or supporting studies, will be established when the five-year time limit for Outline Plan approval is exceeded and the developer wishes to keep the approval of the Outline Plan and associated supporting studies. This review:
  - a) will validate the assumptions in the associated supporting studies and timelines for the data;
  - b) will validate the Outline Plan and associated supporting studies to current planning practices and contemporary engineering principles; and
  - c) may result in a new Outline Plan or changes to the existing Outline Plan and to the associated supporting studies.
5. Any existing buildings shall be removed prior to endorsement of the final instrument.
6. Relocation of utilities shall be at the developer's expense and to the appropriate standards.
7. If the community name and street names were not approved by Council prior to approval of the outline plan, they shall be approved prior to approval of the first tentative plan.
8. With each Tentative Plan, the developer shall submit a density phasing plan indicating the intended phasing of Subdivision within the Outline Plan area and the projected number of dwelling units within each phase and demonstrating compliance with minimum required densities in accordance with the Area Structure Plan.

The density phasing plan shall include a breakdown of the type of units anticipated within the R-G and R-Gm land use districts.

9. The standard City of Calgary Party Wall Agreement regarding the creation of the separate parcels for all semi-detached dwellings, rowhouses, or townhouses shall be executed and registered against the titles concurrently with the registration of the final instrument.

**Development Engineering:**

10. Prior to approval affected tentative plan, provide a copy of the report presenting the results of the soil assessment completed during the Bonavista pipeline removal.

All information submitted will be reviewed to the satisfaction of The City of Calgary, Environmental and Safety Management.

11. The parcels shall be developed in accordance with the development restriction recommendations outlined in the following report(s):
- Slope Stability Analysis Report – Lewiston – Outline Plan and Land Use Redesignation – Calgary Alberta, prepared by McIntosh Lalani Engineering Ltd. (File No. ML 02001641.000), dated August 26, 2020.
  - Geotechnical Report – Lewiston Community - ASP, prepared by McIntosh Lalani Ltd. (File No ML 02001641.000), dated September 2, 2020.
  - Review of Groundwater Conditions, prepared by McIntosh Lalani Engineering Ltd. (File No. ML 02003899.000), dated March 18, 2021.
  - Deep fills Report – Lewiston Calgary Alberta (in association with stripping & grading development permit DP2020-2952), prepared by McIntosh Lalani Engineering Ltd. (File No. ML 020M9433.002), dated August 7, 2020.
12. Prior to endorsement of the first tentative plan in the plan area, execute and register on all affected title(s) a geotechnical covenant by way of caveat prohibiting the development of the lands, except in strict accordance with the accepted Deep Fills Report, prepared by McIntosh Lalani Engineering Ltd. (File No. ML 020M9433.002), dated August 7, 2020. A copy of the above noted report should be attached to the covenant as Schedule A.

Or

The developer must develop and use this site in accordance with the Development and Geotechnical Covenant that is registered on title by way of caveat.

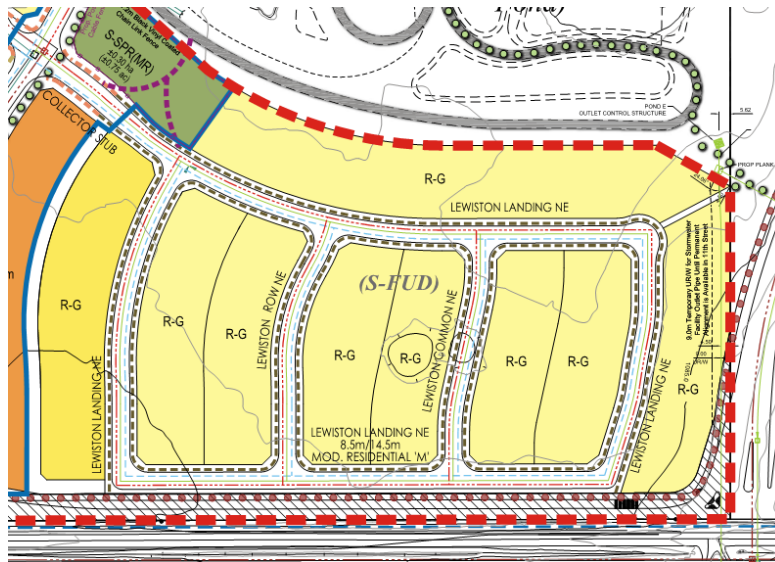
**Note** - This is in association with the area stripping & grading development permit (DP2020-2952) and the registration of a geotechnical covenant required for Deep Fills report (recommendation of an 18 month time lag in area of temporary pond).

13. Prior to decision of the affected tentative plans, submit a post grading slope stability report for all areas where final design grades exceed 15 percent. Submit an electronic version of a post development Slope Stability Report to the Development Engineering Generalist. The report must be prepared by a qualified Geotechnical Engineer under seal and permit to practice stamp to the satisfaction of the Geotechnical Engineer, Roads.

If required, a Development and Geotechnical Covenant may be registered against the affected lot(s) concurrent with the registration of the final instrument/prior to release of

the development permit, prohibiting the development of the lot(s), except in strict accordance with the development restriction recommendations in the Slope Stability Report.

- The area in the southeast corner of the plan along and south of Lewiston Landing NE form a P-loop from a fire access standpoint. Should the density of the R-G units along and south of Lewiston Landing NE within the P-loop exceed 100, an emergency access connecting Lewiston Landing NE and 144<sup>th</sup> Ave NE may be required concurrent with registration of the affected tentative plan.



- A 9.0m temporary UR/W is indicated on the southeast corner of the plans to allow for a capital stormwater line from 144<sup>th</sup> Avenue to the stormwater pond. The stormwater line is eventually intended to be via future 11 Street NE, however, future 11 Street NE is currently on private property and has not been dedicated to the City. It is not currently clear if/when 11 Street NE will be dedicated. Should the capital stormwater line to the stormwater pond be constructed via the temporary UR/W, moving the stormwater line to 11 Street NE at a later date will be at the expense of the developer.
- Concurrent with the registration of the final instrument**, execute and register on all parcels with double frontage lots that are adjacent to a collector road, a neighbourhood boulevard, an urban boulevard, an arterial road, a skeletal road, or a Transportation Utility Corridor, a Screening Fence Access Easement Agreement with the City of Calgary. The agreement and registerable access right of way plan shall be approved by the Manager, Infrastructure Planning and the City Solicitor **prior to endorsement of the final instrument**. A standard template for the agreement will be provided by the Development Engineering Generalist. Prepare and submit three (3) copies of the agreement for the City's signature.
- This subject plan area is within the boundary of the Nose Creek drainage catchment and subject to stormwater volume control measures and irrigation reuse of S-SPR(MSR) areas. Please refer to the approved Livingston Community C and Livingston Pond E Staged Master Drainage Plan (LOC2019-0135) for details.

18. The adjacent storm water pond (LOC2019-0135/SB2020-0147) will require temporary maintenance access easements through the LOC2020-0057 plan area in order to provide access to the pond. Prior to endorsement of the affected tentative plan, discuss with Water Resources & Development Engineering on the right of way requirements.
19. Servicing arrangements shall be to the satisfaction of the Manager Infrastructure Planning, Water Resources.
20. Prior to endorsement of the final instrument, execute a Development Agreement. Contact the Infrastructure Strategist, Calgary Approvals Coordination for further information at 403-268-5782 or email [jill.a.thomson@calgary.ca](mailto:jill.a.thomson@calgary.ca).
21. Pursuant to Bylaw 2M2016, off-site levies are applicable.
22. 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 underground utilities (sanitary sewer, storm sewer, water mains) and surface improvements within and along the boundary of the plan area.
  - c) 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.
  - d) Construct a wood screening fence, chain link fence, sound attenuation fence, whichever may be required, along the boundary of the plan area.
  - e) Construct the MSR/MR within the plan area.
  - f) Construct the regional and multiuse pathways within and along the boundaries of the plan area, to the satisfaction of the Director of Parks Development.

**Transportation:**

23. In conjunction with the applicable Tentative Plan, the Developer shall register a road plan to the satisfaction of the Director, Transportation Planning for the boundary half of 6 Street NE from 144 Avenue NE to the north boundary of the Outline Plan, inclusive.
24. In conjunction with the applicable Tentative Plan, the Developer shall construct the boundary half of 6 Street NE from the 144 Avenue NE to the north boundary of the Outline Plan. 6 Street NE and ancillary works (boulevard, noise attenuation, etc) necessary to support the plan shall be designed and constructed at the Developer's sole expense, subject to normal oversize, endeavours to assist, and boundary cost recoveries.

25. In conjunction with the initial Tentative Plan, the Developer shall register a road plan to the satisfaction of the Director, Transportation Planning for the boundary half of 144 Avenue NE from 6 Street NE to 11 Street NE, inclusive.
26. In conjunction with the initial Tentative Plan, the Developer shall construct the boundary half of 144 Avenue NE from Lewiston Gate NE (9 Street NE) to 11 Street NE. 144 Avenue NE and ancillary works (boulevard, noise attenuation, etc) necessary to support the plan shall be designed and constructed at the Developer's sole expense, subject to normal oversize, endeavours to assist, and boundary cost recoveries.
27. In conjunction with the initial Tentative Plan, the Developer shall construct the boundary half of 6 Street NE from the 144 Avenue NE to Lewiston Drive (Livingston Way). 6 Street NE and ancillary works (boulevard, noise attenuation, etc) necessary to support the plan shall be designed and constructed at the Developer's sole expense, subject to normal oversize, endeavours to assist, and boundary cost recoveries.

Additionally, it must be confirmed to the satisfaction of the Director, Transportation Planning, that the north half of 144 Avenue NE spanning Livingston Hill to 6 Street NE is constructed to the full Arterial standard including pedestrian facilities, lighting, etc.

Alternatively:

In conjunction with the initial Tentative Plan, it must be confirmed to the satisfaction of the Director Transportation Planning, that the block of Livingston Way spanning Calhoun Rise/Herron Rise to 6 Street NE is constructed to the full Primary Collector standard including pedestrian facilities, lighting, etc.

28. In conjunction with the applicable Tentative Plan, the Developer shall construct the boundary half of 144 Avenue NE from 6 Street NE to Lewiston Gate NE (9 Street NE). 144 Avenue NE and ancillary works (boulevard, noise attenuation, etc) necessary to support the plan shall be designed and constructed at the Developer's sole expense, subject to normal oversize, endeavours to assist, and boundary cost recoveries.
29. In conjunction with the initial Tentative Plan, the Developer shall register a road plan to the satisfaction of the Director, Transportation Planning for the northwest intersection corner of 144 Avenue and 11 Street NE.
30. In conjunction with the initial Tentative Plan, the Developer shall construct the northwest intersection corner of 144 Avenue and 11 Street NE to the satisfaction of the Director, Transportation Planning. Note: receiving lanes are required for the dual northbound left turn lanes at the intersection.
31. In conjunction with the applicable Tentative Plan, the Applicant shall submit construction drawings with cross sections and grading profiles to verify the ultimate grading requirements for the lands adjacent to 6 Street NE, 144 Avenue NE, 11 Street NE. **Prior to Approval of the Tentative Plan(s)**, the grading requirements adjacent to these streets shall be designed to the satisfaction of the Director, Transportation Planning.

32. In conjunction with the applicable Tentative Plan, the Applicant shall submit construction drawings with cross sections, grading profiles and geometric design requirements for the intersections of 6 Street and 144 Avenue NE; Lewisburg Gate and 144 Avenue NE; and 11 Street and 144 Avenue NE. **Prior to Approval of the Tentative Plan(s)**, the grading and right-of-way requirements for these intersections shall be to the satisfaction of the Director, Transportation Planning.
33. In conjunction with the applicable Tentative Plan, the Applicant shall submit construction drawings to confirm design and right-of-way requirements for the proposed custom knuckles at the bends in Lewiston Street, Lewiston Path and Lewiston Park NE. **Prior to Approval of the Tentative Plan(s)**, the design and right-of-way requirements for these knuckles shall be to the satisfaction of the Director, Transportation Planning.
34. In conjunction with the applicable Tentative Plan, all residential street carriageway widths shall adhere to the requirements for emergency vehicles. For emergency vehicle access purposes, the 8.5m Residential M street carriageway width cannot be applied adjacent to lots with access to residential lanes; or adjacent to lot flankages.
35. In conjunction with the applicable Tentative Plan, the Developer shall enter into a Development Agreement for offsite improvements necessary to service the proposed development to the satisfaction of the Approving Authority.
36. In conjunction with the applicable Tentative Plan, the Developer shall register road plans for collector and residential standard streets within the subject lands to the satisfaction of the Director, Transportation Planning that provides continuous active modes and vehicle routing through the community with at least two points of public access around the Tentative Plan boundary connecting to the arterial street network.
37. In conjunction with the applicable Tentative Plan, and prior to approval of construction drawings and permission to construct surface improvements, the Developer shall provide signed copies of backsloping agreements where private lands are proposed to be impacted by the proposed development. Grading into City of Calgary road right-of-way to support proposed development is not permitted.
38. In conjunction with the applicable Tentative Plan or Development Permit, the Developer shall enter into a Construction Access Roads Agreement with Roads Maintenance.
39. In conjunction with the applicable Tentative Plan, bus bays shall be provided along 144 Avenue NE to the satisfaction of the Director, Transportation Planning.
40. In conjunction with the applicable Tentative Plan or Development Permit for the staged construction of the road network, transit stops shall be provided to the satisfaction of the Director, Transportation Planning. All bus zones shall be located:
  - a) Where commercial areas are concentrated;
  - b) Where the grades and site lines are compatible to install bus zones; and
  - c) Where pedestrian walkways, pathways, and roadway crossing opportunities are provided.

41. In conjunction with the applicable Tentative Plan or Development Permit, temporary oil and gravel bus turnaround / cul-de-sac with a minimum radius of 15.25 meters 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 meters. 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. Post and cable fence is required where the temporary turnaround is anticipated to be required for a period greater than one year.
42. A restrictive covenant shall be registered against the specific lot(s) identified by the Director, Transportation Planning concurrent with the final instrument prohibiting the construction of front driveways over the bus loading area(s).
43. No direct vehicular access is permitted along 6 Street NE, 144 Avenue NE and 11 Street NE from the single or multi-family residential lots. A restrictive covenant shall be registered concurrent with the registration of the final instrument to that effect at the tentative plan stage.
44. No direct vehicular access is permitted along the east side of Lewiston Gate NE between 144 Avenue NE and Lewiston Landing NE. A restrictive covenant shall be registered concurrent with the registration of the final instrument to that effect at the tentative plan stage.
45. No direct vehicular access shall be permitted along Lewiston Boulevard NE between Lewiston Drive NE and the north outline plan boundary from the R-G and R-Gm lots. A restrictive covenant shall be registered on all applicable titles **concurrent with the registration of the final instrument** to that effect at the applicable Tentative Plan stage.
46. In conjunction with the applicable Tentative Plan or Development Permit, access for all multi-family, mixed-use, and commercial sites shall be designed and located to the satisfaction of the Director, Transportation Planning.
47. In conjunction with the applicable Tentative Plan or Development Permit, as well as in conjunction with any Land Use or Outline Plan amendments, further transportation analysis is required at the discretion and to the satisfaction of the Director, Transportation Planning.
48. In conjunction with the initial Tentative Plan, the Developer shall provide a Letter of Credit or payment for the proportionate share the pedestrian-actuated traffic signals located at the mid-block pedestrian crossing on 6 Street NE between Lewiston Drive and the north outline plan boundary. 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 or payment, and is required to submit payment in support of the Tentative Plan. The installation of the crossing signals shall occur in conjunction with the construction of the affected section of 6 Street NE to its ultimate cross section as a 4-lane arterial street.

49. In conjunction with the applicable Tentative Plan, the Developer shall ensure that all pathways from MR lands have direct pedestrian connection by sidewalk or pathway to crossing locations at intersections to the satisfaction of the Director, Transportation Planning.
50. In conjunction with the applicable Tentative Plan, sidewalks along a school site frontage shall be designed and constructed at the Developer's sole expense as mono-walks with a minimum width of 2.0 meters or mono-pathways with a minimum width of 3.5m.
51. For intersections adjacent to school sites and high-volume pedestrian crossing locations, curb extensions shall be provided to the satisfaction of the Director, Transportation Planning.
52. In conjunction with the applicable Tentative Plan or Development Permit, a noise attenuation study is required for residential development adjacent to all Arterial standard streets, certified by a Professional Engineer with expertise in the subject of acoustics related to land use planning, shall be submitted to Transportation Development Services for approval. Note that where sound attenuation is not required adjacent to Arterial streets, a uniform screening fence shall be provided to the satisfaction of the Director, Transportation Planning.
53. In conjunction with the applicable Tentative Plan or Development Permit, all noise attenuation features (noise walls, berms, etc) and ancillary facilities required in support of the development shall be constructed entirely within the development boundary (location of noise walls, berms, etc and associated ancillary works shall not infringe into the road right-of-way).
54. In conjunction with the applicable Tentative Plan or Development permit, all community entrance features shall be located outside the public right-of-way.

**Parks:**

55. Prior to the approval of the affected tentative plan, the developer shall submit Landscape Construction drawings for all open space lands including Municipal Reserve, Environmental Reserves, Municipal and School Reserve parcels to Calgary Parks for review. The construction drawings shall be in accordance with *Development Guidelines and Standard Specifications: Landscape Construction* (current version).

With the submission of Landscape Construction Drawings, the developer shall include a detailed Restoration Plan including a maintenance schedule for each Environmental Reserve 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. If ER is disturbed the vegetation must be restored to the reference community outlined in the BIA.

This restoration plan should use the Prairie Ecoregion as a reference community and be based on information from the City of Calgary Plant List, City of Calgary Seed Mix Guidelines and the City of Calgary Soil Handling Guidelines.



56. The developer is responsible for constructing all MR parcels within the boundaries of the plan area with relative compliance with the approved concept plans and built in accordance with the Parks' *Development Guidelines and Standard Specifications: Landscape Construction* (current version).
57. No disturbance of Environmental Reserve lands is permitted without written permission from the Parks Generalist for this area. The Parks Generalist Benson Liu (403-512-0759).
58. All mitigation measures and recommendations from the BIA for the subject lands must be adhered to throughout the development process.
59. The developer shall restore, to a natural state, any portions of the Environmental Reserve lands 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.
60. The developer shall minimize stripping and grading within the Environmental Reserve. 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.
61. 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.
62. 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 area meet Parks' approval. A plan illustrating the surveyed ER boundaries must be provided to Parks in advance of the onsite meeting.
63. The developer shall install and maintain a temporary construction fence on the private property line with the adjacent Environmental Reserve 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 at 403-804-9397) to approve the location of the fencing prior to its installation.
64. Compensation for the dedication of Municipal Reserve in excess of 10% of the calculated net developable area is deemed to be \$1.00.
65. Site grading on private lots shall match the existing grades of adjacent MR and ER lands with all grading confined to private property, unless otherwise approved by the Director, Parks.
66. Storm water or other drainage from privately-owned parcels onto adjacent Environmental Reserve parcels is not permitted. Any unauthorized drainage from private parcels onto adjacent Municipal Reserve, Environmental Reserve or municipal school reserve parcels must be resolved to the satisfaction of the Director, Parks and any damage resulting from such drainage will require restoration at the developer's expense. Resolution of drainage issues must be approved by the Parks Development Inspector.

67. For Municipal Reserve lands abutting Environmental Reserve lands, native species shall be used in the planting plan.
68. Any damage to MR lands as a result of this development shall be restored at the developer's expense, to the satisfaction of Parks.
69. Any damage to boulevards or public trees as a result of this development shall be restored at the developer's expense, to the satisfaction of Parks.
70. Development activities must ensure that suitable erosion and sedimentation controls are being implemented to protect our environment and drainage systems.

Please refer to The City of Calgary's Guidelines for Erosion and Sediment Control:  
<http://www.calgary.ca/UEP/Water/Documents/Water-Documents/escguidelines2001-02-12.pdf>

71. Stockpiling or dumping of construction materials on Environmental Reserve lands is not permitted, unless otherwise authorized by Parks in writing.
72. Borrow pits are not permitted within Municipal School Reserves and Municipal Reserves lots, unless otherwise authorized by Parks in writing.
73. Construction access through Environmental Reserve lands is not permitted, unless otherwise authorized by Parks in writing.
74. Retaining walls within reserve lands (ER and MR) are not permitted, unless otherwise authorized by Parks in writing.
75. Any public trees shall be planted in compliance with the approved Public Landscaping Plan.
76. The developer shall submit under separate cover, Utility Line Assignment Construction Drawings for trees installed within City of Calgary boulevards and/or right of ways to Utility Line Assignment and Parks for review and approval.

No person shall plant trees or shrubbery on City Lands without prior written authorization from the Director, Calgary Parks and in the case of walkways, medians, boulevards, and road rights of way, without additional prior written authorization from the Director, Development Engineering.

77. Any tree planting in City boulevards shall be performed and inspected in accordance with Parks' *Development Guidelines and Standard Specifications: Landscape Construction* (current edition).
78. Construct all regional and local pathway routes within and along the boundaries of the plan area according to Parks' *Development Guidelines and Standard Specifications: Landscape Construction* (current version), including applicable setback requirements, to the satisfaction of Parks.

79. Acceptance of concept plans provided through the Outline Plan is an agreement to the overall landscape concept with the understanding by the Developer and Calgary Parks that construction details including – but not limited to – irrigation, plantings, and structures are not known at the time of concept submission, but that best efforts will be made to represent the future intended use of the MR/ER and other Open Spaces. Construction details are addressed through the Landscape Construction Drawing (LCD) submission process with submitted LCD showing general conformance to Outline Plan landscape concepts.
80. Backsloping from adjacent development sites into reserve lands (ER, MR, MSR) is not permitted, unless otherwise authorized by Parks in writing.
81. Any private back of lot drainage that cannot be directed away from ER lands shall provide: a topsoil depth of 300 to 600 mm in the back of lot; appropriate pathway setbacks from residential lots; roof leaders are to drain to the front/street; and vegetated swales within private property.
82. Utility easements, transformers or joint service pedestals are not permitted in MR lands.
83. Optional amenities agreements will be required for any amenities exceeding Parks' standards, such as the shade structure, picnic pavilion and entrance feature.