

Architectural Control Guidelines for the

Dufferin South

Industrial Lands

Introduction

The Vendor, through the Office of Land Servicing & Housing ('OLSH'), has established Guidelines for the Dufferin South land's to ensure higher levels of architecture and design, create an improved and ordered industrial park environment and provide business owners with long term benefits that sustain and support social, economic and environmental vitality.

The Guidelines were created to:

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

1. Definitions

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

- (a) "Architect" means a registered professional architect, licensed to practice in the Province of Alberta;
- (b) "Development" means the construction, placement, erection or alteration of any buildings, structures, improvements upon the Servient Lands and also includes, but is not limited to any landscaping, clearing, grading, or paving of the Servient Lands;
- (c) "Development Authority" means the municipal approving authority having jurisdiction and lawfully empowered to make or impose bylaws, rules or regulations with respect to planning and development within Dufferin South;
- (d) "Dominant Lands" means those lands benefitted by this restrictive covenant and legally described in Appendix "A" attached hereto;
- (e) "DP" means the development permit to be obtained by the lot purchaser, or any Proponent, for any development in Dufferin South;
- (f) "DRC" means the design review committee;
- (g) "Dufferin South" means The City of Calgary's Dufferin South industrial lands as legally described in Appendix "A" attached hereto;
- (h) "Guidelines" means these architectural guidelines for Dufferin South;
- (i) "Lot(s)" means one or more of the lots in Dufferin South and legally described in Appendix "A" attached hereto;

- (j) "LUB1P2007" means the *Land Use Bylaw* (1P2007), as amended from time to time;
- (k) "Proponents" means all owners, tenants, developers, builders, and design consultants;
- (l) "Restrictive Covenant" means this restrictive covenant, which incorporates the Guidelines;
- (m) "Servient Land(s)" means those lands burdened by this restrictive covenant, consisting of one or more of the Lot(s) and is legally described in Appendix "A" attached hereto; and
- (n) "Vendor" means The City of Calgary.

2. Restrictive Covenant

- 2.01 The Vendor is the registered owner of an estate in fee simple of the Dominant Lands and the Servient Lands. The Vendor is not acting in the capacity as the Development Authority.
- 2.02 The Vendor is selling the Servient Lands which will be subject to a development described as Dufferin South and will be registering the Guidelines as a restrictive covenant against the Servient Lands for the purpose of establishing and maintaining the general development and individual character of Dufferin South and to enhance and protect the value, market desirability, and aesthetic attractiveness of Dufferin South.
- 2.03 No Development shall be permitted on the Servient Lands unless it conforms to and complies with the Guidelines for a period of TEN (10) YEARS commencing on the 30 day of November, 2013, and as part of complying with the Guidelines, the Proponent(s) shall follow the approval process as set out in Section 3.

3. Basic Requirements, Review Process and Role of the Guidelines

- 3.01 Proponents shall retain the services of an Architect to prepare submissions required by the DRC.
- 3.02 The Proponents shall not make a DP submission or permit any Development prior to receiving written authorization from the DRC.
- 3.03 The Vendor will establish a DRC. The DRC will monitor adherence to the Guidelines by the Proponents by reviewing and approving documentation required for development within Dufferin South as stipulated within the Guidelines. The intent of the reviews is to ensure and enforce the Guidelines' requirements.
- 3.04 The Proponents shall arrange for a design review(s) with the DRC to review the Proponents' project.
- 3.05 For the design review(s) the Proponents shall submit the necessary documentation required by the DRC to convey the full design intent of the Proponents' project and its adherence to the Guidelines. This may include but is not be limited to: site development plans, landscaping, a draft development site servicing plan ("DSSP"), renderings, building elevations, materials, finishes, and colours.
- 3.06 Upon the Proponents' submission of its project, the DRC shall review same and either reject or accept it. If the DRC rejects the Proponents' project, the DRC shall provide comments and the process set out in Sections 3.04, 3.05, and 3.06 shall be repeated until the Proponent(s)' project is approved.
- 3.07 Upon receipt of written approval by the DRC, the Proponents shall submit a copy of such written approval with the DP application to the Development Authority.

- 3.08 Upon approval of the DP application from the Development Authority, the Proponent(s) shall advise the DRC in writing.
- 3.09 Any subsequent revisions to the originally approved DP shall be sent to the DRC prior to a re-submission to the Development Authority for additional comments. Changes from the originally approved DP shall be highlighted and identified to the DRC.
- 3.10 Any notice, request or communication shall be in writing and delivered to the DRC at the following address:

P.O. Box 2100, Stn. M, #195
Calgary, AB T2P 2M5
or, by facsimile at (403)537-3099.

The principal contact is the Coordinator, Business Services who may be reached at the OLSH offices at (403) 268-1462 or by email at scott.pickles@calgary.ca.

- 3.11 The DRC, at its discretion, reserves the right to vary compliance with the Guidelines. It is, however, the intent of the DRC to maintain the applicability and validity of the Guidelines for the duration of the land sales, and, principally, to reserve the right to alter the Guidelines if market indicators warrant the alteration.

DRC and Vendor not Liable for Approval

- 3.12 The DRC and the Vendor shall not be held liable for any loss, expense, damage, action, claim or proceeding suffered, incurred or brought against any person on account of:
- (a) the approval or disapproval of any plans, drawings and documentation;
 - (b) the Development; or
 - (c) the construction of any improvement, or performance of any work, whether or not pursuant to approved plans, drawings and any other documentation.
- 3.13 Approval by the DRC shall not provide evidence or confirm compliance with or approval of any bylaws, codes, laws, or requirements of the Development Authority.
- 3.14 No action shall lie against the DRC or the Vendor for damages for breach of any one or more of the requirements of the Guidelines or of the covenants contained within the Guidelines, and this shall constitute an absolute defense to any such action and may be pleaded as such.

4. Sustainable Development Requirements

- 4.01 The concepts of “sustainable building” and “sustainable site” design are encouraged.
- 4.02 Proponents shall summarize as part of their submission how their development will:
- (a) improve energy efficiency through building and equipment design;
 - (b) incorporate sustainable site design elements; and
 - (c) promote water conservation initiatives.

5. Site Design Guidelines

5.01 New development shall in all ways enhance the character of its surrounding area through quality architecture, enhanced landscaping, and appropriate and considered site configuration. As a result, the following site designs are specified below:

- (a) Lot(s) facing on 52 Street SE accept the responsibility to provide an upgraded or improved lot and building design commensurate with their high visibility (i.e. entranceway to the park, corner lot, intersection);
- (b) Lot(s) facing 52 Street SE shall not incorporate pre-engineered or portal frame structures without significant design upgrades (see 6.01(o));
- (c) buildings, parking areas and driveways, landscaping, outdoor storage and other outdoor operation functions shall be configured to minimize aesthetic impacts visible from the street;
- (d) buildings shall be oriented so that building entrances, office areas, and pedestrian-scaled amenities are visible from the street;
- (e) noise and / or odour generating functions on the Lot(s) – service lanes and loading zones, dumpsters and compactors, guard dogs, loudspeakers, etc. – shall not be situated so as to negatively impact adjacent Lot(s), and, if they exist, sufficient buffer space, mechanical dampening and landscaping shall be incorporated to successfully mitigate such negative impact;
- (f) where reasonable, customer and staff vehicular traffic and parking shall be separated from truck loading access;
- (g) an outdoor employee area shall be provided and connected via a walkway system to the on-site principal building(s). Employee areas are to provide seating capability and landscaping as appropriate to the application;
- (h) the provision of a separate public amenity area will also be encouraged; and
- (i) corner Lot(s) shall be sited and designed to address adjacent public streets.

6. Building Form and Character

6.01 Building design, materials and exterior finishes, colours, and landscaping shall support the creation of an attractive industrial environment and shall conform to the provisions of the Guidelines. The basic guidelines are outlined as follows:

- (a) all façades shall have architectural expression including plane articulation, controlled changes of material, texture and colour, and have a generous percentage of windows and openings;
- (b) principal entrances shall be oriented to the street and be well-defined;
- (c) front façades shall be designed to create visual interest;
- (d) all colours and branding schemes shall be approved by the DRC;

- (e) blank walls on any façade are not permitted;
- (f) entries shall be defined architecturally;
- (g) in multi-building complexes, a consistent architectural concept shall be maintained through the use of complimentary building design, material and colours;
- (h) all mechanical, electrical, pollution control or waste handling equipment ancillary to the building shall be screened from view and from public rights of way;
- (i) natural lighting is encouraged to provide a significant part of the building illumination strategy;
- (j) lighting energy demand to be provided through high efficiency luminaires;
- (k) outdoor lighting shall be designed to minimize the amount of light produced;
- (l) the use of glass will be encouraged – particularly in areas where the impact of natural daylighting would have most benefit to building occupants – for the office and the warehouse / workshop / manufacturing components of the building(s);
- (m) parapet height and variation shall not be arbitrary;
- (n) all fans, vents, and any roof-top mechanical equipment shall be located in a manner to minimize the distraction they create from the attractiveness of the architecture, shall be screened from public view, and shall be hidden by screening designed as an integral part of the building; and
- (o) pre-engineered buildings if used shall be subject to a review of their design, pattern, building details, colour and choice of materials to ensure a standard of quality is maintained.

7. Parking, Circulation and Service Facilities

7.01 Vehicular and pedestrian circulation within the Lot(s) shall be designed to function efficiently and to provide maximum safety, using the following guidelines:

- (a) the location of parking spaces within parking areas on Lot(s) shall be subject to the approval of the DRC;
- (b) pedestrians shall be separated from vehicular traffic and be clearly demarcated;
- (c) landscape buffers shall always be provided between parking lots and public streets;
- (d) appropriate landscaping between parking lots and buildings shall be provided at reasonable locations. These buffers shall be a minimum of NINE (9) FEET or TWO POINT SEVEN FIVE (2.75) METRES wide, whether only landscaping or when equal to the width of the sidewalk with the exception of staff parking in side or rear yards adjacent to a building façade without doors or windows;
- (e) all roads provided in Dufferin South will have an integral concrete curb and gutter. It shall be the responsibility of the Proponents to provide curb-cuts for their entrance driveways. Proposed entrance driveways will match existing curb and road pavement grades and design, and/or,

comply with The City of Calgary standards;

- (f) adequate drainage shall be provided by the Proponent in accordance with the overall drainage plan for Dufferin South, and all storm run-off from the Lot shall be retained internally;
- (g) all loading dock configurations shall be approved by the DRC;
- (h) all service areas – vehicular activity yards, garbage enclosures, outside storage, loading and receiving areas, at-grade or roof-top mechanical equipment – shall be located at the rear of Lot(s) so as to be visually screened from public thoroughfares, and, shall be integrated with the building character and constructed of the same materials employed on the principal building(s). Any exceptions to be approved by the DRC, at its sole discretion;
- (i) garbage storage facilities shall be compatible with and / or finished with the same predominant exterior material(s) as the principal building(s);
- (j) garbage storage facilities shall be screened such that they are screened from any street, adjacent Lot(s), or building entrance;
- (k) outside product display shall be limited to items of equipment, product or process produced and / or sold by the business or industry on the Lot(s);
- (l) significant fence improvements shall be provided to screen the storage or yard areas from the street; and
- (m) parking and other paved areas are encouraged to be designed to reduce surface run off volume and improve quality, and to direct storm water runoff into the landscape design.

8. Landscaping

8.01 The Proponents are to refer to the following guidelines when it comes to landscaping the Lot(s):

- (a) all open site areas without parking, storage, circulation, or buildings principally within, but not limited to, the front, side, and rear yard setback areas shall be planted and landscaped according to an approved plan;
- (b) only drought-resistant, and preferably indigenous, grasses and plants shall be used for all Lots. The Proponents are responsible to provide the DRC appropriate documentation to indicate the proposed landscaping meets the landscaping intent;
- (c) landscaping shall be predominantly living plant material that meets or exceeds Canadian Nursery Trades Association Standards and Specifications.
- (d) the owner of the Lot(s), or his successor / assignees, shall be responsible for the proper maintenance of the landscaping;
- (e) boulevard ground-cover landscaping from the edge of the road to the property line will be installed by the Proponents and will be maintained by the owner of the Lot(s) from the installation date;
- (f) landscaped islands and peninsulas shall be a minimum of FIVE (5) FEET TEN (10) INCHES or ONE

POINT SEVEN FIVE (1.75) METRES wide and shall be provided every TEN (10) parking space. A major shade tree shall be planted in each peninsula, and a minimum of two shade trees shall be planted in each island. No parking stall row shall end without an island or peninsula of landscaping;

- (g) a safe and logical pedestrian circulation pathways from parking areas to the building(s) should be provided;
- (h) a parking area which is visible from public streets shall be partially screened;
- (i) deciduous trees shall have a minimum calliper of FIFTY (50mm) MILLIMETRES and at least FIFTY (50.0%) PERCENT of the provided deciduous trees shall have a minimum calliper of SEVENTY (75mm) MILLIMETRES at the time of planting;
- (j) mechanical equipment should not be located within the front yard setback between the building(s) and the public rights-of-way;
- (k) trees and shrubs should be planted to protect buildings from prevailing winter winds, and summer sun, intercept precipitation, reduce surface heating, enhance appearance and protect pedestrians from the elements; and
- (l) climate controlled irrigation should be incorporated to minimize water demands.

9. Signage

9.01 The Proponents shall use the following guidelines when dealing with signage in Dufferin South:

- (a) signage will be utilized as an additional unifying element within Dufferin South to provide a sense of continuity and community within the development;
- (b) the only signs that shall be permitted on any building site are those indicating the name, address, and type of business(es) which is (are) located and operating on the Lot(s);
- (c) third party advertising, other advertising devices and any other signs, shall not be permitted within Dufferin South; and
- (d) all site signs and their proposed locations to be approved by the DRC. The DRC reserves the right to request signage review for approval even when the signage application occurs after DRC approval has been given for the DP application.

10. Lighting

10.01 The lighting of buildings and their surroundings should be low-key, yet lighting design should provide for safety and security on the building site. Lighting should be used to accent entrances, façade features, and to illuminate parking areas with lighting levels which promote a sense of safety. Floodlighting which causes light spillage and glare shall not be permitted.

10.02 Where lighting fixtures are attached to the building, the design and colour of the fixture will be compatible.

APPENDIX "A"
DESCRIPTION OF LANDS

LEGAL DESCRIPTIONS

1. PLAN 0112722
BLOCK 1
LOT 6
CONTAINING 3.24 HECTARES (8.01 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

	HECTARES	(ACRES)	MORE OR LESS
A) PLAN 1013755 ROAD	0.508	1.30	

EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as 10 Dufferin Place SE

2. PLAN 0112600
BLOCK 1
LOT 7
EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as: 5300 Dufferin Boulevard SE

3. PLAN 0112600
BLOCK 2
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as: 11333 54 Street SE

4. PLAN 0112600
BLOCK 2
LOT 2
EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as: 11375 54 Street SE

5. PLAN 0112600
BLOCK 2
LOT 3
EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipally known as: 11411 54 Street SE