

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

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BETWEEN:

THE CITY OF CALGARY

and

THE CITY OF CALGARY

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

1. DEFINITIONS AND INTERPRETATION

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

- (a) "Agreement" means this restrictive covenant agreement, all attached schedules and any subsequent amendments hereto;
- (b) "City" means The City of Calgary;
- (c) "Consultant" means an architect or engineer registered to practice in Alberta retained by an Owner of the Servient Lands;
- (d) "Design Review Committee" means the design review committee which shall be comprised of individuals appointed by RE&DS from time to time;
- (e) "Development" means constructing, placing or erecting upon the Servient Lands any buildings, structures, landscaping or improvements;
- (f) "Dominant Lands" means the lands legally described in Schedule "A" attached to this Agreement;
- (g) "Government Authority" means any federal, provincial, municipal or other governmental body, agency, tribunal, or authority having jurisdiction and lawfully empowered to make or impose laws, by-laws, rules or regulations with respect to the Dominant Lands or the Servient Lands and the parties' obligations hereunder;

- (h) "Guidelines" means the Architectural Design Guidelines, a copy of which is attached hereto as Schedule "B";
- (i) "Owner of the Dominant Lands" means a registered owner from time to time of any of the Dominant Lands;
- (j) "Owner of the Servient Lands" means a registered owner from time to time of any of the Servient Lands;
- (k) "Restrictions" means the provisions, restrictions and stipulations contained in Section 2.01;
- (l) "RE&DS" means The City of Calgary, Real Estate & Development Services business unit or its equivalent; and
- (m) "Servient Lands" means the lands legally described in Schedule "C" attached to this Agreement.

2. RESTRICTIVE COVENANT

2.01. The City, as owner of the Servient Lands and the Dominant Lands, annexes to the Dominant Lands the benefit of the Restrictions, and burdens the Servient Lands with the Restrictions; namely that no Development shall be permitted on the Servient Lands unless it conforms to and complies with the Guidelines for a period of TWENTY (20) YEARS commencing on May 1, 2024. As part of complying with the Guidelines, an Owner of the Servient Lands shall follow the approval process set out in Article 3.

3. APPROVAL PROCESS

3.01. At least TWENTY (20) BUSINESS DAYS prior to submission of a development permit application to the applicable Government Authority, the Consultant shall submit to the Design Review Committee, for pre-development permit approval, all documents as set out in Section 4.07 of the Guidelines and such other documents, plans and information as may reasonably be required by the Design Review Committee (the "Pre-DP Application"). The Design Review Committee shall review the Pre-DP Application and either approve or reject it. If rejected, the process set out in this section shall be repeated until the Pre-DP Application is approved.

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

3.03. During the development permit review and approval process, the Owner of the Servient Lands shall advise the Design Review Committee if the changes requested by the applicable Government Authority deviates in substance and in spirit from the Guidelines and/or the plans approved by the Design Review Committee.

4. GENERAL PROVISIONS

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

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

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



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

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

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

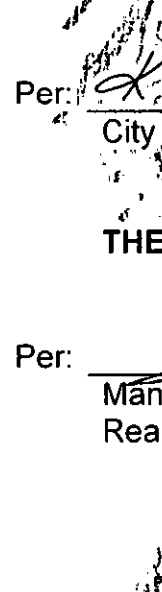
IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

APPROVED	
As to Content RE&DS	
As to Form Law Corporate Approval: s.25 RPB File No: RE4392 (LKY/LA. Decaria)	

THE CITY OF CALGARY

Per: 

 Manager, Sales & Acquisitions
 Real Estate & Development Services

Per: 

 City Clerk (seal)
 Katarzyna Martin
 City Clerk
 MAY 15 2024

THE CITY OF CALGARY

Per: 

 Manager, Sales & Acquisitions
 Real Estate & Development Services

Per: 

 City Clerk (seal)
 Katarzyna Martin
 City Clerk
 MAY 15 2024

SCHEDULE "A"

DOMINANT LANDS

1. PLAN 2410858
BLOCK 5
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.1 HECTARES (2.72 ACRES) MORE OR LESS

2. PLAN 2410858
BLOCK 5
LOT 2
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.01 HECTARES (2.5 ACRES) MORE OR LESS

3. PLAN 2410858
BLOCK 5
LOT 3
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.906 HECTARES (2.24 ACRES) MORE OR LESS

4. PLAN 2410858
BLOCK 5
LOT 4
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.851 HECTARES (2.1 ACRES) MORE OR LESS

5. PLAN 2410858
BLOCK 5
LOT 5
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.99 HECTARES (2.45 ACRES) MORE OR LESS

6. PLAN 2410858
BLOCK 5
LOT 6
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 4.66 HECTARES (11.52 ACRES) MORE OR LESS

7. PLAN 2410858
BLOCK 5
LOT 7
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 2.53 HECTARES (6.25 ACRES) MORE OR LESS
8. PLAN 2410858
BLOCK 5
LOT 10
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 3.29 HECTARES (8.13 ACRES) MORE OR LESS
9. PLAN 2410858
BLOCK 6
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.39 HECTARES (3.43 ACRES) MORE OR LESS
10. PLAN 2410858
BLOCK 6
LOT 2
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.892 HECTARES (2.2 ACRES) MORE OR LESS
11. PLAN 2410858
BLOCK 6
LOT 3
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.753 HECTARES (1.86 ACRES) MORE OR LESS
12. PLAN 2410858
BLOCK 6
LOT 5
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.34 HECTARES (3.31 ACRES) MORE OR LESS
13. PLAN 2410858
BLOCK 6
LOT 4PUL (PUBLIC UTILITY LOT)
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.58 HECTARES (3.9 ACRES) MORE OR LESS

SCHEDULE "B"

GUIDELINES

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



for the
Constellation Industrial Park Phase 1A

REAL ESTATE & DEVELOPMENT SERVICES

2024.05.01

INTRODUCTION

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

The Guidelines were created to:

- (a) ensure a high-quality sustainable industrial park development is achieved through augmented requirements above the requirements of LUB 1P2007;
- (b) achieve good quality building and site design;
- (c) encourage resource conservation and promote climate resiliency through sustainable land and building development by purchasers;
- (d) encourage industrial development that represents good urban design and planning, with attention to overall site development and landscaping, building and site safety, and external storage of goods and materials;
- (e) enhance the quality of the industrial park through the incorporation of aesthetic and environmental guidelines for the design of each property within Constellation Phase 1A;
- (f) maintain a standard that links development to property value and enhanced competitiveness; and
- (g) protect owners, lessees and / or tenants of buildings within Constellation Phase 1A against incompatible and improper use of other building sites, and to foster the implementation of high quality improvements for all building sites.

The implementation of the Guidelines will ensure that DRC decisions are transparent, predictable, fair, and cost-effective.

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

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

- (a) "shall", "will", and "are required" are the strongest terms used. It addresses high-priority, mandatory items that form the basic framework of the Guidelines and must be followed to ensure compliance with the Guidelines;

- (b) "encourage", "encouraged", "prefer", "preferred", "preference", "preferable", "preferably", "desirable", "consider", "advise", "advised", "recommend", and "recommended" address lower priority items and generally refer/present ideas or suggestions that augment the higher priority items and are generally used to enhance the Guidelines' intent, but they are not mandatory.

1. DEFINITIONS

1.01 In the Guidelines and the introduction, 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) "Climate Resiliency Strategy" means The City of Calgary's 2018 Climate Resilience Strategy, which aims to maximize the resilience of Calgary in the context of a changing climate, as may be amended or replaced from time to time;
- (c) "Consultant" means the Architect or Engineer retained by a Proponent(s);
- (d) "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 Constellation Phase 1A;
- (e) "DRC" means the design review committee which shall be comprised of individuals appointed by RE&DS from time to time;
- (f) "Developer" means The City of Calgary;
- (g) "DP" means the development permit to be obtained by the owner(s) of the Lot(s) or any Proponent(s), for any development on the Lot(s);
- (h) "Engineer" means a registered professional engineer, licensed to practice in the Province of Alberta;
- (i) "Guidelines" means these architectural design guidelines for Constellation Phase 1A;
- (j) "Lot(s)" means one or more of the lots in Constellation Phase 1A and are legally described in Appendix "A" attached hereto;
- (k) "LUB 1P2007" means the Land Use Bylaw 1P2007, as may be amended or replaced from time to time;

- (l) "MDP" means the Municipal Development Plan, as may be amended or replaced from time to time
- (m) "RE&DS" means The City of Calgary, Real Estate & Development Services business unit or its equivalent;
- (n) "Proponent(s)" means such party proposing any development on the Lot(s);
- (o) "Constellation Phase 1A" means The City of Calgary's Constellation Industrial Park Phase 1A; and
- (p) "Restrictive Covenant" means this restrictive covenant, which incorporates the Guidelines.

2. RESTRICTIVE COVENANT

- 2.01 The Developer is the registered owner of an estate in fee simple of the Lot(s). The Developer is acting solely as the land developer of Constellation Phase 1A and not in the capacity as the Development Authority.
- 2.02 The Developer is developing a planned industrial development described as Constellation Phase 1A and will be registering the Restrictive Covenant against all the Lot(s) for the purpose of establishing and maintaining the general development and individual character of the Lot(s).
- 2.03 It is the intention of the Developer to control the development of Constellation Phase 1A by means of the restrictions and conditions in the Guidelines and to set these forth as the covenants registered against the Lot(s), which covenants are intended to be common to all the Lot(s) to enhance and protect the value, market desirability, and aesthetic attractiveness of all the Lot(s), to their mutual benefit.

3. ROLE OF ARCHITECTURAL DESIGN GUIDELINES

- 3.01 The Guidelines apply to building and site design of all developments in Constellation Phase 1A as set within the boundaries shown on Map 1. The Guidelines are to be adhered to by the Proponent(s). No development shall occur or improvement shall be constructed, placed, altered, erected, maintained or permitted on any Lot(s) unless it complies with the Guidelines, and only if and when it has been approved by the DRC.
- 3.02 In addition to compliance with LUB 1P2007, the Proponent(s) shall be required to comply with the Guidelines, even if the Guidelines are more restrictive.
- 3.03 Notwithstanding Sections 3.01 and 3.02, all municipal, provincial or federal

developments, including but not limited to developments for fire, police, emergency medical services, shall not be subject to the requirements of the Guidelines.

- 3.04 The Developer has assigned the reviewing authority to the DRC. Any notice, request or communication shall be in writing and delivered to the DRC at the following address:

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

The principal contact is the Development and Planning Advisor, who may be reached directly at 403-268-8979.

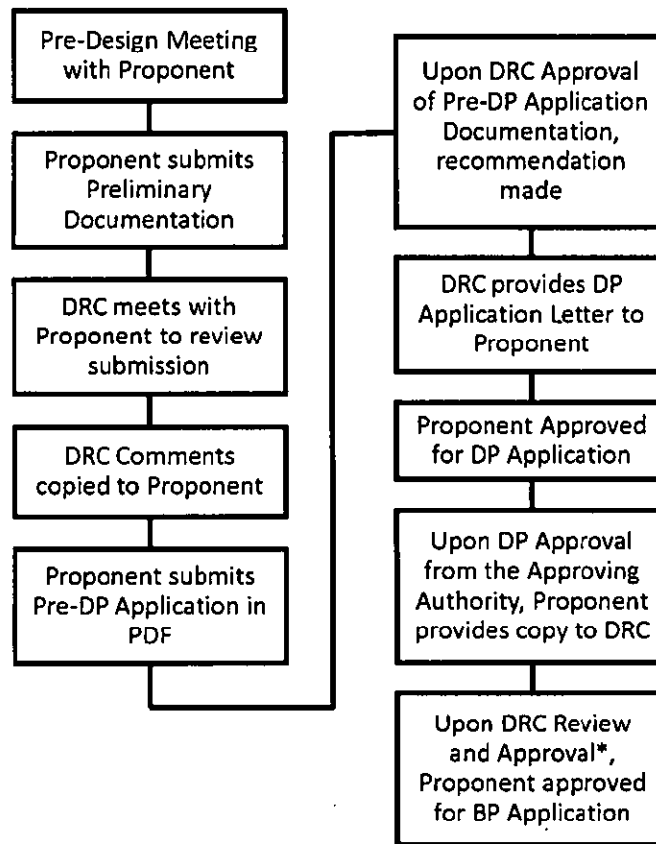
- 3.05 The DRC will monitor the Proponent(s)' adherence to the Guidelines by reviewing and approving documentation required for development within Constellation Phase 1A. The intent of the review(s) is to ensure compliance with the Guidelines' requirements. The DRC shall, at its sole discretion, interpret the Guidelines, with the fundamental purpose of upholding the intent of the Guidelines.
- 3.06 A copy of, or access to, the Guidelines shall be made available to any Proponent(s) seeking approval for a development on the Lot(s). This information is to be read in conjunction with the information related to engineering matters that is provided as part of the agreement of purchase and sale for the Lot(s).
- 3.07 The Proponent(s) shall also provide a copy of the Guidelines to its consultants and construction team prior to constructing any improvement on the Lot(s).
- 3.08 The Consultants and/or construction team are encouraged to contact the DRC to discuss the Guidelines and the review process.
- 3.09 Review and approval by the DRC will be based upon requirements as stipulated within the Guidelines. Submissions will be assessed not only for the quality of the specific proposal, but also for the development's effect and impact upon its neighbours and surroundings. Concern for spatial relationships between buildings and other adjacent elements, and careful consideration of location and treatment of utility and service facilities will be given. Lot ingress and egress may be limited in the interests of efficient traffic flow onto abutting streets.
- 3.10 Fulfillment of the Guidelines and approval of pre-DP submissions by the DRC does not guarantee approval of DP applications by the Development Authority. The Proponent(s) may wish to engage the Development Authority in a pre-application meeting to identify potential issues of the proposed development.

4. BASIC REQUIREMENTS AND REVIEW PROCESS

4.01 The following and Chart 1 provides an overview of the DRC's review process:

- (a) a pre-design meeting with the Proponent(s) and the DRC to discuss the purpose, intent, design programme, and vision of the proposed development;
- (b) the Proponent(s) will submit the pre-DP application to the DRC – submission requirements are outlined in Section 4.07;
- (c) the DRC will review the pre-DP application and will provide comments to the Proponent(s);
- (d) upon the DRC's approval of the pre-DP application, the DRC will provide an approval letter to the Proponent(s);
- (e) the Proponent(s) will submit their DP application to the Development Authority which is to include the DRC's approval letter;

Chart 1: DRC Review Process Model



* stamped development permit will be returned to proponent after review

- (f) the Development Authority will review the DP application and approve or refuse same; and
 - (g) if the Development Authority approves the DP, the Proponent(s) will provide a copy of the approval to the DRC. If the Development Authority refuses the DP, the Proponent(s) must inform the DRC and the Developer.
- 4.02 Proponent(s) shall retain the services of the Consultant to prepare the submissions required for the review process.
- 4.03 Each required submission shall be submitted in legible 11" x 17" format for architectural drawings, and supporting documentation, including a design rationale for the proposed development and project intent. The last submission prior to the DP submission may be in portable document format (PDF).
- 4.04 Each initially submitted set shall be accompanied by a letter of approval or an authorized signature of either the legal owner or occupant of the Lot(s) or the authorized agent thereof.
- 4.05 Application to the Development Authority for the DP may not be made prior to receiving approval in writing from the DRC nor prior to commencing any improvements on the Lot(s) including, but not limited to any construction or installation, clearing, grading, paving, landscaping, buildings, building additions or alterations, and signage.

Pre-Design Meeting

- 4.06 A pre-design meeting is strongly recommended to provide an overview of the Guidelines' requirements and processes prior to the pre-DP application review. This meeting will help clarify any questions, comments, or concerns a Proponent(s) may have. It is the Proponent(s)' responsibility to make a request in writing to set up a pre-design meeting. The DRC will be available on a limited basis after the pre-design meeting if the Proponent(s) have further questions regarding the Guidelines.

Pre-DP Application Review

- 4.07 For the pre-DP application review, the following shall be prepared and submitted by the Consultant:
- (a) cover letter describing the purpose and intent of the proposed development. The letter shall also:
 - (i) identify any aspects of the proposed development that do not comply with the design guidelines, and, where such non-compliance is proposed, provide a rationale for the non-compliance; and

- (ii) summarise the key design elements of the site and the building(s);
- (b) all correspondence and all documentation shall reference both the legal description (plan, block and lot) and municipal address of the Lot(s);
- (c) if the development is phased, a master plan for phased development will be required for review. It may be submitted prior to or concurrent to submission of the pre-DP application drawings. The extent of phasing and the requirements for the development proposed for each phase shall be clearly identified. Parking and planting ratio requirements shall be met for each phase of the staged development; and
- (d) submitted drawings must be sufficient to completely convey the full design intent of the development. The submission will be of a quality and completeness equal to that required by the Development Authority for submitting an application for a DP, including the resolution of all outstanding issues identified in the preliminary review(s). The submission set for this review shall include the following:
 - (i) site development plans, including identification and location of all components existing and proposed pertinent to the development – i.e. building(s), parking areas, access and egress points, existing features (hydrants, power poles, light standards, boulevard trees), service and storage areas, rights-of-way, required yard setbacks, waste and recycling enclosure location(s) and design details, transformer location and screening, location of municipal address signage, future trees requiring line assignments within City boulevards, a key plan locating the Lot(s) in the context of adjacent Lot(s) and streets, and all relevant project data with respect to the Guidelines and the LUB 1P2007 requirements;
 - (ii) a coloured landscaping plan and legend including a detailed plant list, planting material sizes and count requirements, berming, amenity space details, fencing details, signage, and lighting;
 - (iii) a rendering which accurately conveys the massing, materials, finishes, colours, and context, and which aids in a more complete understanding of the project. This shall include the primary building, all secondary buildings, and the outdoor amenity structure;
 - (iv) a true colour image / photo of a material and finish sample board with exterior building finishes. (An actual sample board will not be accepted);
 - (v) a shadow study, if applicable;

- (vi) preliminary grading plan demonstrating grading and storm water retention areas;
- (vii) a draft development site servicing plan ("DSSP") prepared by an Engineer, actively engaged in land development or storm water management engineering. This DSSP will be commented on by the DRC only with a view to encouraging adherence to the lot grading conditions of the engineering design and suggest revisions that reduce the cost of the installation of utilities in the street. The Proponent(s) is obligated to work with RE&DS for the "off-site" portion of the service connection installation and the driveways/service connection trench rehabilitation. This review is not part of the development Authority's process. The Proponent(s) shall still be required to submit the proposed DSSP for approval in accordance with the Development Authority's standard process. It is also important to note that the DSSP consultant responsible for the design remains responsible for all the details on the plan and any conflicts with other infrastructure that is installed prior to DSSP approval will be the responsibility of the Proponent(s) to resolve;
- (viii) building plan(s) identifying overall dimensions, principal entrance, windows and doors; roof plans including, if applicable, roof-top equipment; and, if applicable, parkade plans;
- (ix) building elevations identifying all exterior materials, finishes, colours, building heights, screening of mechanical equipment, finished grades, and building-mounted lighting;
- (x) building sections shall only be required if site grade conditions are FIVE (5.0%) PERCENT or greater or if there are floor slab elevation changes, which will dictate building sections of a complexity, without which a proper understanding of the project intent would not be possible;
- (xi) proposed outdoor storage areas and screening identifying exterior materials, finishes, colours, building heights, finished grades and building-mounted lighting;
- (xii) an indication of proposed signage details as required by the Guidelines and as required by Part 3 Division 5, Signs of the LUB1 P2007, as such Part and Division may be amended or replaced from time to time; and
- (xiii) any additional information which the Proponent(s) may deem helpful in demonstrating compliance with the Guidelines.

- 4.08 The Development Authority will require the submission of The City of Calgary's Climate Resilience Inventory for the proposed development at the time of development permit submission – see Appendix B. The DRC advise that Climate Resilience Inventory form be submitted as part of the DRC review package to ensure the proponents have taken climate resiliency in consideration when preparing their development plans.
- 4.09 The DRC shall complete its final review and provide its comments to the Proponent(s) upon receipt of a complete application as described above.
- 4.10 If approval is not granted, the same provisions as contained herein shall again apply, and the Proponent(s) will revise the documentation and make the modifications or changes required for granting of written approval. Upon approval by the DRC, a copy of such approval shall be submitted with the Proponent(s)' DP application to the Development Authority.
- 4.10 All subsequent revisions to the approved pre-DP drawings during the DP approval process shall be sent to the DRC prior to re-submission to the Development Authority to confirm compliance with the Guidelines.
- 4.11 All subsequent revisions to the 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.

Construction Documentation

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

Interpretation and Variance

- 4.13 Proponent(s) are required to meet or exceed the standards of the Guidelines. Any exceptions are to be approved by the DRC.
- 4.14 The DRC's interest in reviewing submissions is to ensure that compatible development of a quality described within the Guidelines is consistently achieved. When questions of judgment or interpretation arise, the decision of the DRC is final.
- 4.15 The DRC, in its discretion, may allow variances/relaxations of specific requirements. Any such variance/relaxation granted is so granted mindful of the collective benefit within the overall development of Constellation Phase 1A, and is not to be construed as precedent setting. Any such variance/relaxation by the DRC shall not be construed as a variance/relaxation in favour of any other development on any other Lot(s), nor a variance/relaxation of any other restrictions or conditions contained within the Guidelines.

4.16 The DRC reserves the right to amend the Guidelines if economic indicators, market conditions, environmental standards, and building technologies warrant the amendment. Any amendments made will be mindful of the collective benefit within the overall development of Constellation Phase 1A.

DRC and Developer not Liable for Approval

4.17 The DRC and the Developer shall not be liable for any loss, expense, damage, action, claim or proceeding suffered, incurred or brought against any person on account of:

- (a) non-compliance with the basic requirements and review process identified in Article 4 of the Guidelines;
- (b) the approval or disapproval of any plans, drawings and documentation, whether or not in any way defective;
- (c) the development of any Lot(s); or
- (d) the construction of any improvement, or performance of any work, whether or not pursuant to approved plans, drawings and any other documentation.

4.18 Any approval(s) given by the DRC for any plans, drawings, and documentation submitted during the DRC's review process, shall not be evidence of approval or confirm compliance with any bylaws, codes, laws, or requirements of the Development Authority.

4.19 Prior to development, each Proponent(s) shall ensure compliance with current applicable bylaws, codes, or laws, and is responsible for acquiring such required approvals from the Development Authority.

No Action Against DRC

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

5. DEVELOPMENT PERMIT REQUIREMENTS

5.01 The Proponent(s) must apply for and obtain a DP from the Development Authority prior to obtaining a building permit. The Development Authority may set out further conditions for the development which may be in addition to the requirements in LUB 1P2007 and the Guidelines.

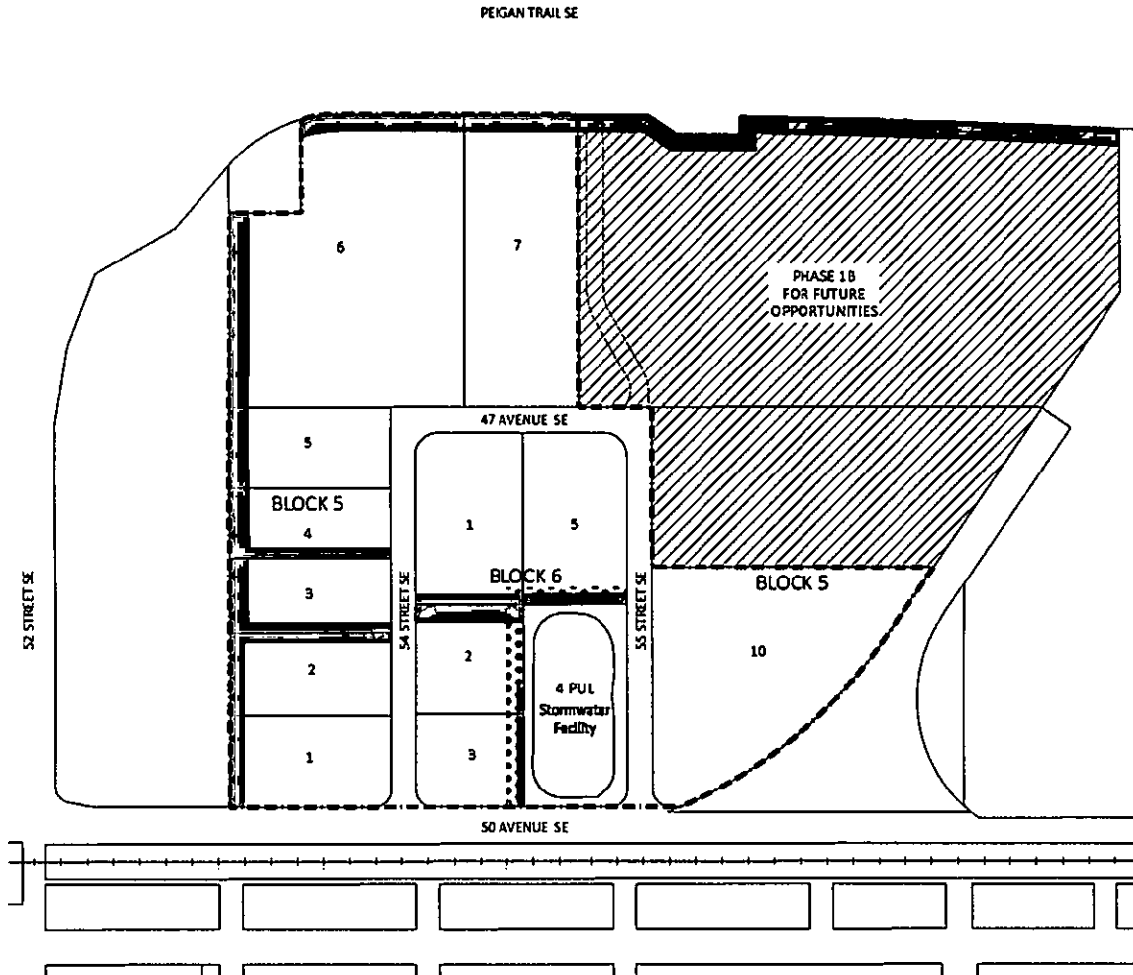
6. OUTLINE PLAN AND DEVELOPMENT STRATEGY MAP

- 6.01 Refer to Map 1, for the development concept for the subject areas.
- 6.02 All new construction, any additions visible to the public and all major exterior alterations shall comply with the applicable design criteria stipulated within the Guidelines. Minor changes to the exterior of buildings such as door or window additions, temporary construction buildings, and modifications to existing landscaped areas or parking lots, where no additional enclosed area is added, are exempt from the Guidelines. For partial modifications to buildings and Lot(s), the Guidelines shall only apply to those modified areas.

7. IMPROVEMENT AND INTERSECTION ZONES AFFECTING PRIVATE LAND

- 7.01 Certain Lot(s) shall be considered improvement and intersection zones, where an elevated level of quality and design is required to place emphasis either on the location or the intersection where the Lot(s) are situated.
- 7.02 Improvement Zone A, as shown outlined on Map 1, are "buffer" areas (created to screen the use from the major public roadway). These setback areas along Peigan Trail SE shall:
- (a) with the exception of driveway crossing(s), have a contiguous yard setback;
 - (b) have minimum One point Five (1.50 m) mound berming contoured at 2:1 to 3:1 slope.
 - (c) be landscaped with shrubs / hedges / trees / grasses extending the full length of the setback area excluding any requirements for utility rights of way and driveway crossing(s);
 - (d) be landscaped at a ratio of ONE (1.0) tree for every THIRTY FIVE (35.0 m²) SQUARE METRES within the front yard setbacks; and
 - (e) fencing may also be provided as a screen in addition to berming.
- 7.03 Improvement Zone B, as shown outlined on Map 1 – all Lot(s) flanking or backing onto the storm pond or municipal reserve) shall have those façades facing the storm pond or municipal reserve utilize the same predominant architectural and design elements as the front façade. Architectural and design elements include, but are not limited to, building materials and colours, lighting, articulation, and landscaping.

Map 1: Constellation Phase 1A Development Strategy



- Land Uses
- Constellation Phase 1A Guidelines Boundary
 - Improvement Zone - A
 - Improvement Zone - B
 - Overland Drainage Right-of-Way
 - Utility Right-of-Way
 - Access Right-of-Way

NTS
 Project: **CONSTELLATION INDUSTRIAL PARK
 PHASE 1A**
 Title: **Development Strategy**

8. Climate Resilience Strategy

- 8.01 In 2018, The City of Calgary adopted the Climate Resilience Strategy. The Climate Resilience Strategy outlines The City's strategies and actions to:
- (a) reduce Calgary's contributions to climate change by improving energy management and reducing greenhouse gas emissions; and
 - (b) respond to a changing climate by implementing risk management measures to reduce the impact of extreme weather events and climatic changes on infrastructure and services.
- 8.02 The Development Authority currently requires the submission of a Climate Resiliency Inventory as part of all development permit submissions – see Appendix B. It is intended to assist in the evaluation of applications for alignment with the climate policies of the MDP and Climate Resilience Strategy. The DRC strongly encourages Proponents to include this form in their submission to demonstrate how their proposal addresses climate resiliency.
- 8.03 The DRC recommends that all proposals address the following climate mitigation themes:
- (a) building and energy systems:
 - (i) outline energy performance standards, especially if they exceed National Energy Code of Canada for Buildings requirements at the time of proposed development;
 - (ii) provide energy consumption information;
 - (iii) provide on-site renewable and/or low carbon energy systems e.g., photovoltaic, wind energy conversion, etc.; and
 - (b) transportation
 - (i) encourage electric and low-emissions vehicles as appropriate for the technology as the development submission (e.g., charging stations, designated stalls, etc.); and
 - (ii) encourage use of low or zero-emissions transportation modes (e.g., end of trip facilities for staffing cycling to work).
- 8.04 All industrial developments in Constellation Phase 1A are encouraged to address the following climate adaptation themes identified in the Development Authority's Climate Resilience Strategy and Climate Resilience Inventory:

- (a) people: a city where people can thrive by reducing Calgarians' vulnerability to the impacts of climate change:
 - (i) manage air quality for building occupants;
- (b) water management: every drop counts in preparing for increasing risks of flooding, drought, and declining water quality:
 - (i) reduce stormwater volume flows into municipal infrastructure; and
 - (ii) reduce water consumption and demand on Calgary and the region's long-term water supply.

9. Site Design Guidelines

9.01 New development shall in all ways enhance the character of its surrounding area through quality architecture, enhanced landscaping, and appropriate and considered site configuration. Furthermore, a "thread of continuity" shall exist throughout Constellation Phase 1A in order for any sense of community or a controlled development to be perceived as evident.

As a result, the following site designs are required:

- (a) buildings, parking areas and driveways, landscaping, outdoor storage and other outdoor operation functions shall be configured to minimize the aesthetic impacts visible from the street;
- (b) buildings shall be oriented so that building entrances, office areas, and pedestrian-scaled amenities are visible from the street;
- (c) noise and/or odour generating functions on the Lot(s), such as 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, a sufficient buffer space, mechanical dampening and landscaping shall be incorporated to successfully mitigate such negative impact;
- (d) where reasonable, customer and staff vehicular traffic and parking shall be separated from truck loading access;
- (e) those Lot(s) which occupy nodal locations within Constellation Phase 1A – i.e., entranceways to the park, corner Lot(s), or intersections – shall be designed to commensurate with their high visibility in the overall development;

- (f) the location and design of communication towers will be subject to review by the DRC. Preferred locations will be located at the rear of Lot(s); and
- (g) corner Lot(s) shall be sited and designed to address adjacent public streets.

10. Outdoor Amenity Area

10.01 All proposed developments shall provide an outdoor amenity area to provide a refuge within an industrial environment. The amenity area shall:

- (a) typically be located at the front or side of the principal building, but the microclimates should determine location considerations;
- (b) connect to the principal building(s) via a walkway system;
- (c) provide a minimum capacity seating for four (4) people, and include at least a patio, garden or walking surface areas;
- (d) have a minimum area of 4.5 m x 4.5 m defined by grass-pavers, or integrally-coloured patterned concrete, or pre-cast integrally-coloured concrete pavers; and
- (e) landscape as appropriate to the proposed development.

10.02 In addition to the requirements of 10.01, the amenity space will ideally have some form of trellis, arbor, or pergola to help define the space and shade it from wind and sun.

10.03 For multi-tenant sites, or those sites which propose developments of such a scale which warrants a greater number of amenity areas, the DRC reserves the right in its sole discretion to request that such additional amenity spaces be provided on an equitable per tenancy or per square metre basis.

11. Building Form and Character

11.01 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 Guidelines are provided to ensure all buildings within Constellation Phase 1A meet the basic requirements represented within this section, including integration of the design of all structures within the overall site design, and the use of materials deemed suitable and recommended by the DRC. The basic guidelines are outlined as follows:

- (a) all façades shall have architectural expression including plane articulation, and controlled changes of material, texture and colour;
- (b) principal entrances shall be oriented to the street and well-defined;

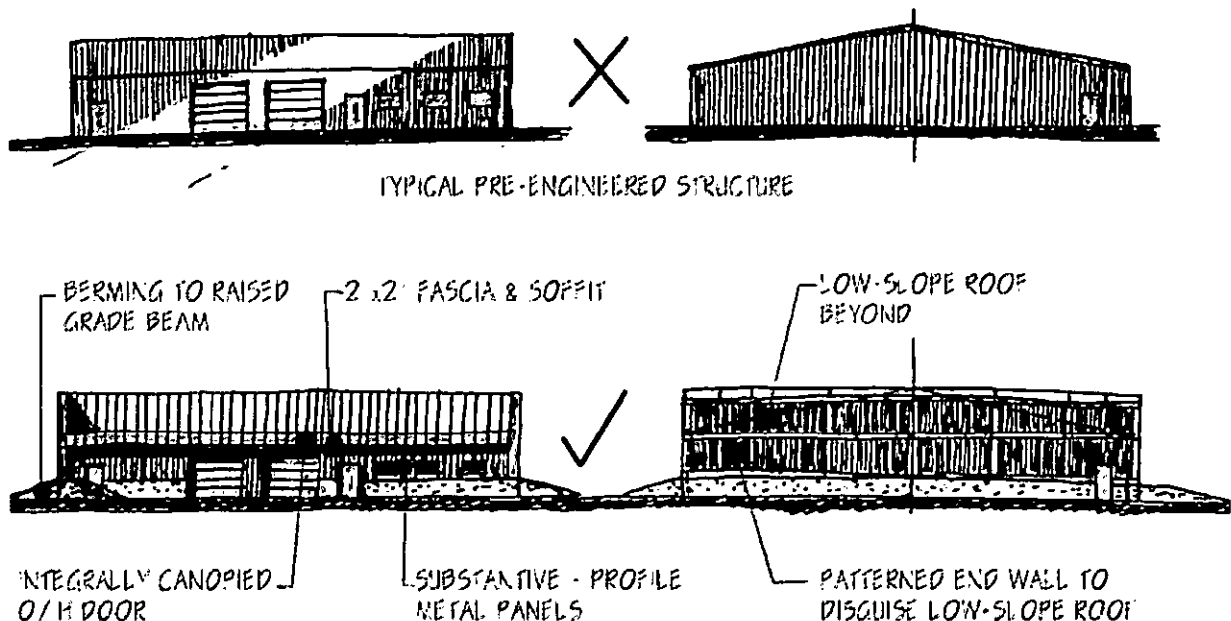
- (c) front façades shall be designed with a minimum of SIX (6) architectural and design elements to create visual interest. Architectural and design elements include, but are not limited to, building materials and colours, lighting, and articulation. Architectural and design elements may not be a variation of elements that fall into a single category. For example, Four (4) different colours of the building façade do not constitute as four different elements;
- (d) all colours and branding schemes shall be approved by the DRC;
- (e) blank walls on any façade shall not be permitted;
- (f) entries visible from the street shall be defined architecturally through the use of at least THREE (3) architectural and design elements including, but not limited to, building materials, colours, lighting, and hard and soft landscaping. Architectural and design elements may not be a variation of elements that fall into a single category. For example, THREE (3) different colours of the building façade do not constitute as four different elements;
- (g) in multi-building complexes, a consistent architectural concept shall be maintained through the use of complimentary building designs, materials and colours;
- (h) all mechanical, electrical, pollution control or waste handling equipment ancillary to the building shall be screened from view and from public rights of way;
- (i) buildings shall have end of trip facilities;
- (j) lighting energy demand shall be provided through high efficiency luminaires;
- (k) outdoor lighting shall be designed to minimize the amount of light produced;
- (l) when practical, facades shall have a generous percentage of windows and openings;
- (m) parapet height and variation shall not be arbitrary;
- (n) all fans, vents, and any roof-top mechanical equipment shall be:
 - (i) located in a manner to minimize the distraction they create from the attractiveness of the architecture;
 - (ii) screened from public view; and

- (iii) hidden by screening designed as an integral part of the building.
- (o) minimally-pitched roofs typical of pre-engineered construction are undesirable and, if accepted, shall, minimally, be disguised by end-wall parapets; and
- (p) pre-engineered buildings are strongly discouraged. However, if used, they shall be subject to a review by the DRC of their design, pattern, colour and choice of materials to ensure compatibility with surrounding buildings and with the intent and spirit of the Guidelines.

11.02 Pre-engineered structures or portal frame structures are undesirable from a purely aesthetic point of view, but their inherent economy of capital expenditure is acknowledged for an industrial application, and, therefore they are permitted provided that they shall (see Figure 3):

- (a) be of two paint pre-finished colours minimally separated without one colour appearing as a striped within the field of another colour;
- (b) disguise the low-slope end walls and with an extended parapet end wall;
- (c) have defined fascia and soffits detailing – minimum 0.6 m (2 ft) high fascias and 0.6 m (2 ft) deep soffits; and
- (d) use Figure 3 as a guided illustration.

Figure 3: Pre-Engineered Structures



11.03 In addition to the mandatory form and character elements above, the following elements are encouraged:

- (a) natural lighting to provide a significant part of the building illumination strategy;
- (b) the use of glass, 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); and
- (c) the use of durable exterior materials/envelope.

12. Parking, Circulation and Service Facilities

12.01 Vehicular and pedestrian circulation within the Lot(s) shall be designed to function efficiently to reduce conflict between vehicles and pedestrians. On-site parking and circulation shall be designed to enhance the pedestrian experience using the following guidelines:

- (a) pedestrian walkways shall be separated from vehicular traffic and be clearly demarcated;
- (b) landscape buffers shall always be provided between parking lots and public streets;
- (c) appropriate landscaping buffers between parking lots and buildings shall be provided where there are no conflicts between building entrances, and electrical and/or mechanical structures. At minimum, these buffers shall be a minimum of TWO AND SEVENTY-FIVE HUNDREDTH (2.75 m) 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;
- (d) no parking shall be permitted closer than ONE AND TWO TENTH (1.2 m) METRES from an interior property line, and only when wheel stops are provided to prevent overhang onto the ONE AND TWO TENTH (1.2 m) METRE yard;
- (e) all roads provided in Constellation Phase 1A will have an integral concrete curb and gutter. It shall be the responsibility of the Proponent(s) 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's standards; and

- (f) adequate drainage shall be provided by the Proponent(s) in accordance with the overall drainage plan for Constellation Phase 1A.

13. Service Facilities

13.01 The visual impact of all service areas, which includes, but is not limited to, vehicular activity yards, garbage enclosures, outside storage, loading and receiving areas, at-grade or roof-top mechanical equipment, shall be minimized. The basic guidelines are outlined as follows:

- (a) all service areas shall be designed and located so as to be visually screened from public thoroughfares;
- (b) all service areas shall be integrated with the building character and constructed of the same materials used on the principal building(s);
- (c) loading and receiving areas shall not face the street. Any exceptions are to be approved by the DRC, at its sole discretion;
- (d) all loading dock configurations shall be approved by the DRC;
- (e) garbage storage facilities shall be compatible with and/or finished with the same predominant exterior material(s) as the principal building(s);
- (f) garbage storage facilities shall be screened from view of any street;
- (g) any 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); and
- (h) fence improvements that provide effective screening shall be provided to screen the storage or yard areas from the street or pathway. Fencing for screen purposes shall not be plain chain-link. Use Figure 4 and 5 as guided illustrations.

Figure 4: Acceptable Screen Fencing

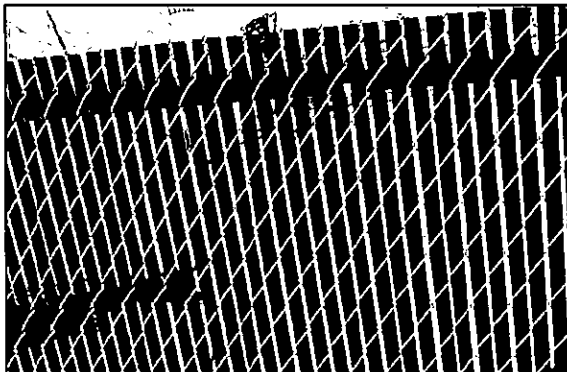
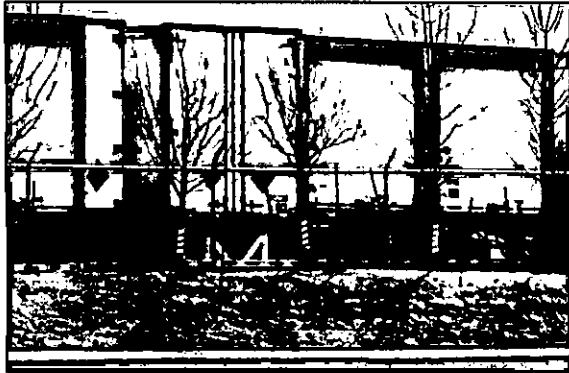


Figure 5: Unacceptable Screen Fencing



14. Landscaping

14.01 The general intent is for the Proponent(s) to predominantly use drought resistant, indigenous species for all landscaping planted to create a simplified yet strong naturalized landscape environment which complements the buildings and streets. A limited planting palette with strategic layout of the plant species will strengthen this intent. Winter appearance shall be considered and species be chosen appropriately.

14.02 Where landscaping is used to provide screening, coverage shall be retained on a year-round basis.

14.03 Landscaping treatment is intended to provide a consistent and continuous treatment from lot to lot and shall therefore provide a degree of visual continuity throughout Constellation Phase 1A. 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.

14.04 The Proponent(s) is to refer to the following guidelines when it comes to landscaping the Lot(s):

- (a) only drought-resistant, and preferably indigenous, grasses and plants shall be used for all Lot(s) – see Appendix “C” for a list of suggested plants. Preference shall be given to indigenous species. The Proponent(s) shall provide the DRC appropriate documentation to indicate the proposed landscaping meets the landscaping intent;
- (b) total landscaping shall be at least SIXTY (60.0%) PERCENT living plant material that meets or exceeds Canadian Nursery Trades Association Standards and Specifications. Decorative sandstone boulders, wood/bark mulch, and river rock, may also be incorporated to enhance the design, but

these shall not replace the living plant material;

- (c) proper maintenance and landscaping shall be the responsibility of the owner of the Lot(s), or its successor, or its assignees, including the replacement of dead vegetation (that was approved in the DRC approval), from the installation date;
- (d) boulevard ground-cover landscaping from the edge of the road to the property line shall be installed by the Proponent(s) and will be maintained by the Lot(s) owner, or its successor, or its assignees from the installation date;
- (e) all landscaping within the property line of each Lot(s) and also the City boulevard, is solely the responsibility of the Proponent(s), and shall be constructed to the standards and specifications of The City of Calgary, Parks department or its equivalent;
- (f) landscaped islands and peninsulas shall be a minimum of ONE AND SEVENTY-FIVE HUNDREDTH (1.75 m) METRES wide and shall be provided for every TEN (10) parking stalls. 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 a landscaped island or peninsula;
- (g) deciduous trees shall have a minimum caliper of FIFTY (50.0 mm) MILLIMETRES and at least FIFTY (50.0%) PERCENT of the provided deciduous trees shall have a minimum caliper of SEVENTY (75.0 mm) MILLIMETRES at the time of planting;
- (h) perimeter landscaping shall be provided to minimize runoff, promote infiltration, and reduce heat islands;
- (i) perimeter landscaping shall transition or integrate with the landscaping of adjacent Lot(s) to create streetscape continuity;
- (j) landscaped areas fronting a street shall be designed to create a continuity of landscaped areas with adjacent Lot(s);
- (k) landscape areas on Lot(s) shall be concentrated or clustered to avoid sparse tree plantings and create functional green spaces;
- (l) plants shall be chosen that reduce the need for maintenance and pesticide use; and
- (m) plants shall be native to the area (as identified on the native plant list available from the Development Authority), include a combination of

groundcover, shrubs and trees, and be planted to provide a multi-storey vegetative community that is hardy and drought-tolerant.

14.05 The Proponent(s) shall refer to the following guidelines when it comes to landscaping the Lot(s):

- (a) mechanical equipment should not be located within the front yard setback between the building(s) and the public rights-of-way;
- (b) trees and shrubs should be planted to protect buildings from prevailing winter winds and the summer sun, intercept precipitation, and reduce surface heating,
- (c) trees and shrubs should be planted to enhance appearance and protect pedestrians from the elements;
- (d) plants that do not require irrigation, but which can survive well on available rain water, and naturalized grasses should be used; and
- (e) climate controlled irrigation should be incorporated to minimize water demands.

15. Signage

15.01 In general, signage will be utilized as an additional unifying element within Constellation Phase 1A to provide a sense of continuity and community within the development. The Proponent(s) shall use the following guidelines when dealing with signage in Constellation Phase 1A:

- (a) the only signs that shall be permitted on any building site are those indicating the name, address, and type of business(es) which is (are) located and operating on the Lot(s);
- (b) third party advertising signs, other advertising devices and any other signs, shall not be permitted within Constellation Phase 1A; and
- (c) all site signs and their proposed locations must be approved by the DRC. This includes any subsequent signage application(s) after the DRC approval has been given for the initial DP application.

16. Lighting

16.01 Integrated and controlled ground-mounted or complementary up-down wall-wash lighting of buildings will be the only type of lighting permitted. Where lighting fixtures are attached to the building, the design and colour of the fixture will be compatible with the building. Floodlighting which causes light spillage and glare

shall not be permitted.

16.02 The lighting of buildings and their surroundings shall provide for safety and security on, in and around 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.

APPENDIX "A"
LOT(S)

LEGAL DESCRIPTIONS:

1. PLAN 2410858
BLOCK 5
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.1 HECTARES (2.72 ACRES) MORE OR LESS

2. PLAN 2410858
BLOCK 5
LOT 2
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.01 HECTARES (2.5 ACRES) MORE OR LESS

3. PLAN 2410858
BLOCK 5
LOT 3
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.906 HECTARES (2.24 ACRES) MORE OR LESS

4. PLAN 2410858
BLOCK 5
LOT 4
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.851 HECTARES (2.1 ACRES) MORE OR LESS

5. PLAN 2410858
BLOCK 5
LOT 5
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.99 HECTARES (2.45 ACRES) MORE OR LESS

6. PLAN 2410858
BLOCK 5
LOT 6
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 4.66 HECTARES (11.52 ACRES) MORE OR LESS

7. PLAN 2410858
BLOCK 5
LOT 7
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 2.53 HECTARES (6.25 ACRES) MORE OR LESS

8. PLAN 2410858
BLOCK 5
LOT 10
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 3.29 HECTARES (8.13 ACRES) MORE OR LESS

9. PLAN 2410858
BLOCK 6
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.39 HECTARES (3.43 ACRES) MORE OR LESS

10. PLAN 2410858
BLOCK 6
LOT 2
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.892 HECTARES (2.2 ACRES) MORE OR LESS

11. PLAN 2410858
BLOCK 6
LOT 3
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.753 HECTARES (1.86 ACRES) MORE OR LESS

12. PLAN 2410858
BLOCK 6
LOT 5
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.34 HECTARES (3.31 ACRES) MORE OR LESS

APPENDIX "B" CLIMATE RESILIENCE INVENTORY



**CLIMATE RESILIENCE
INVENTORY**

		Applicant
Applicant Contact Name	Applicant Business Phone ()	Signature

Purpose: This form is intended to assist in the evaluation of applications for alignment with the climate policies of the Municipal Development Plan and Climate Resilience Strategy. Information provided will be used to advance implementation of these policies at The City of Calgary and inventory current practices. While The City of Calgary encourages innovation and commitment towards meeting these policy requirements, not all applications will be expected to include features which are highlighted below. Scale and scope of the project are relevant considerations.

Certification

Is the project seeking green building certification?

Yes (indicate type and level)

No (explain why not)

Does energy modelling indicate improved energy performance over energy code minimum?

Yes

Energy Efficiency and Renewables

Describe any energy efficiency features of the proposed development and/or how renewable energy will be incorporated:

Photovoltaics: _____ kW rated output

Electric Vehicles

Describe if and how the proposal will support electric vehicles:

- EV charging stations (indicate level, number, and % of total stalls)
-

Green Infrastructure

Describe any LID and other green infrastructure features the proposed development is utilizing:

- Green Roof: _____m² and _____% of building footprint covered by green roof
- Permeable surfaces: _____m² and _____% permeable area

Flood and Disaster Resilience

Describe any flood and disaster resilience features of the proposed development:

- Building envelope meets Passive House Standard

Other Features

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

Issues

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

APPENDIX "C" SUGGESTED PLANT SPECIES

NATIVE PLANT MATERIALS

Coniferous Trees

<u>Common Name</u>	<u>Botanical Name</u>
Jack Pine	<i>Pinus banksiana</i>
Lodgepole Pine	<i>Pinus contorta</i> var. <i>latifolia</i>
White Spruce	<i>Picea glauca</i>
Balsam Fir	<i>Abies balsamea</i>

Coniferous Shrubs

<u>Common Name</u>	<u>Botanical Name</u>
Common Juniper	<i>Juniperus communis</i>
Creeping Juniper	<i>Juniperus horizontalis</i>

Deciduous Trees

<u>Common Name</u>	<u>Botanical Name</u>
Balsam Poplar	<i>Populus balsamifera</i> ssp. <i>Balsamifera</i>
Trembling Aspen / Aspen Poplar	<i>Populus tremuloides</i>
Paper Birch	<i>Betula papyrifera</i> var. <i>papyrifera</i>

Deciduous Shrubs

<u>Common Name</u>	<u>Botanical Name</u>
Sandbar Willow	<i>Salix exigua</i>
Beaked Willow	<i>Salix bebbiana</i>
Pussy Willow	<i>Salix discolor</i>
Red Osier Dogwood	<i>Cornus sericea</i>
Wolf Willow / Silverberry	<i>Elaeagnus commutata</i>
Canada Buffaloberry / Russet Buffaloberry	<i>Shepherdia canadensis</i>
Saskatoon	<i>Amelanchier alnifolia</i>
Pin Cherry	<i>Prunus pensylvanica</i>
Choke Cherry	<i>Prunus virginiana</i>
Prickly Rose / Alberta Wild Rose	<i>Rosa acicularis</i>
Common Wild Rose	<i>Rosa woodsii</i>
Shrubby Cinquefoil	<i>Dasiphora fruticosa</i>
Common Snowberry	<i>Symphoricarpos albus</i>
Western Snowberry / Buckbrush	<i>Symphoricarpos occidentalis</i>
Bracted Honeysuckle	<i>Lonicera involucrata</i>

NON-NATIVE PLANT MATERIALS

Coniferous Shurbs

Common Name	Botanical Name
Mugo Pine	<i>Pinus mugo</i>
Savin Juniper	<i>Juniperus sabina</i>
Skandia (Scandia) Juniper	<i>Juniperus sabina</i> 'Skandia' ('Scandia')
Arcadia Juniper	<i>Juniperus sabina</i> 'Arcadia';

Deciduous Trees

Common Name	Botanical Name
Brandon Elm	<i>Ulmus americana</i> 'Brandon'
Russian Mountain Ash	<i>Sorbus aucuparia</i> 'Rossica'
Showy Mountain Ash	<i>Sorbus decora</i>
River Birch	<i>Betula nigra</i>
Snowbird Hawthorn	<i>Crataegus mordenensis</i> 'Snowbird'
Tower Poplar	<i>Populus x canescens</i> 'Tower'
Assiniboine Poplar	<i>Populus x</i> 'Assiniboine'
Swedish Columnar Aspen	<i>Populus tremula</i> 'Erecta'
Bur Oak	<i>Quercus macrocarpa</i>

Deciduous Shurbs

Common Name	Botanical Name
Cherry Bomb Japanese Barberry	<i>Berberis thunbergii</i> 'Monomb'
Nanking Cherry	<i>Prunus tomentosa</i>
Purpleleaf Sandcherry / Cistena Cherry	<i>Prunus x cistena</i>
Gold Drop Cinquefoil	<i>Potentilla fruticosa</i> 'Gold Drop'
Mango Tango Cinquefoil	<i>Potentilla fruticosa</i> 'Mango Tango'
Spring Cinquefoil	<i>Potentilla neumanniana</i>
Argenteo Marginata Dogwood	<i>Cornus alba</i> 'Argenteo Marginata'
Ivory Halo Dogwood	<i>Cornus alba</i> 'Ivory Halo'
Siberian Dogwood	<i>Cornus alba</i> 'Sibirica'
Hedge Rose	<i>Rosa rugosa</i>
White Rugosa Rose	<i>Rosa Rugosa alba</i>
Common Lilac	<i>Syringa vulgaris</i>

SCHEDULE "C"

SERVIENT LANDS

1. PLAN 2410858
BLOCK 5
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.1 HECTARES (2.72 ACRES) MORE OR LESS

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