

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 7.6.1 Size of Buildings* – to increase the maximum allowable building height from 14m to 17.92m.
2. *Section 6.5.1 Projections into Yards* – to reduce the minimum required front yard setback for an underground parking structure from 1.8m to 0m.
3. *Section 6.3.1.4 Location and Siting of Buildings and Structures to Watercourses* – to reduce the watercourse setback as measured from the top of bank of the Millstone River from 30m to 0m;

City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” is varied as follows:

1. *Section 4.3 Small Car Spaces* – to increase the permitted percentage of small car parking spaces from 40% to 41%.

CONDITIONS OF PERMIT

1. The subject property is developed in accordance with the Site Plan prepared by Raymond de Beeld Architect Inc., dated 2021-JUN-29, as shown on Attachment D.
2. The development is developed in substantial compliance with the Building Elevations prepared by Raymond de Beeld Architect Inc., dated 2019-MAR-26, as shown on Attachment E.
3. The subject property is developed in substantial compliance with the Landscape Plan and Details prepared by Victoria Drakeford Landscape Architect, as received 2019-MAY-08, as shown on Attachment G.
4. Permanent fencing and signage built to City of Nanaimo aquatic setback fence standards is installed at the new watercourse setback line, as shown on Attachment D, prior to the commencement of any construction.
5. A statutory right-of-way is registered on the subject property prior to building permit issuance to secure public access within an existing trail from Millstone Avenue to Bowen Park, generally as shown on Attachment D.
6. A vegetation protection Section 219 Covenant is registered on the property to replace existing charge VIP60191 in the area labelled “Proposed Covenant Boundary” as shown on Attachment H, to be registered prior to building permit issuance.

7. The subject property is developed in accordance with the recommendations contained in the Qualified Environmental Professional's environmental report prepared by Toth & Associates, dated 2018-FEB-21, including the following recommendations:
 - a. A detailed Sediment and Erosion Control Plan will be required prior to issuance of a building permit to ensure that overland flows are not directed to ravine side slopes, both during and post construction.
 - b. A Vegetation Restoration Plan will be required prior to issuance of a building permit. A landscape bond is required for 100% of the landscape estimate to be provided with the Vegetation Restoration Plan to be retained for a three-year maintenance period.
 - c. A post-development report will be required to be submitted to the Province within 6 months of project completion to ensure that no encroachment has occurred within the Streamside Protection and Enhancement Area setback.