

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

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

1. *Section 6.3.1.4 Location and Siting of Buildings and Structures to Watercourses and the Sea* – to reduce the minimum required watercourse setback as measured from the top-of-bank of the Millstone River from 30m to 0m.
2. *Section 6.5.1 Projections into Yards* – to reduce the minimum required setback for an underground parking structure from 1.8m to 0m.
3. *Section 7.5 Siting of Buildings* – to reduce the minimum required front yard setback from 6.0m to 4.5m.

CONDITIONS OF PERMIT

1. The subject property is developed in accordance with the Site and Parking Plans prepared by Raymond de Beeld Architect Inc., dated 2023-JAN-26, as shown on Attachment D.
2. The development is in substantial compliance with the Building Elevations and Details prepared by Raymond de Beeld Architect Inc., dated 2023-JAN-26, as shown on Attachment E.
3. The development is in substantial compliance with the Landscape Plan and Details prepared by Victoria Drakeford Landscape Architect, dated 2022-JAN-14, as shown on Attachment H.
4. Development shall be in accordance with the Riparian Restoration Vegetation Management Plan prepared by Victoria Drakeford Landscape Architect, dated 2023-JAN-20, as shown in Attachment I, and bonding equal to 100% of the value of the vegetation restoration works to be provided prior to building permit issuance and retained for a 3-year maintenance period.
5. Compliance with the Riparian Areas Protection Regulation Assessment Report prepared by Toth and Associates Environmental Services, dated 2023-JAN-26, and its recommendations, including:
 - A detailed erosion and sediment control plan to be provided prior to building permit issuance to ensure that overland flows are not directed to ravine side slopes, both during and after construction; and
 - A post-development report to be submitted to the City and Province within six months of project completion to ensure that no encroachment has occurred within the Streamside Protection and Enhancement Area (SPEA) setback.
6. Installation of permanent fencing and signage, as per the City of Nanaimo aquatic setback fence standards, prior to building permit issuance.
7. Registration of a statutory right-of-way with a width of 2.0m adjacent to Bradley Street to accommodate required frontage works (including sidewalk, curb, etc.), prior to building occupancy.

8. Registration of a statutory right-of-way to secure public access for the existing trail from Millstone Avenue to Bowen Road that crosses the property as shown on Attachment D, prior to building occupancy.
9. Registration of a vegetation protection Section 219 covenant on the subject property as shown on Attachment D to replace existing charge VIP60191, prior to building permit issuance.
10. Registration of Section 219 covenant prior to building permit issuance to secure the geotechnical assessment prepared by Lewkowich Engineering Associations Ltd., dated 2022-JAN-20, to require any development of the site to follow the geotechnical assessment's recommendations, and to save harmless the City.