

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF DEVELOPMENT PERMIT

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

1. *Section 6.3.1.1 Location and Siting of Buildings and Structures to Watercourses* – to reduce the minimum required watercourse setback from Wexford Creek from 15m to 5m, to allow the proposed improvements to an existing site access.
2. *Section 6.10.2 Fence Height* – to increase the maximum permitted fence height for a retaining wall in the front yard setback from 2.4m to 3.0m, as shown in Attachment F.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site and Lighting Plans prepared by Aplin Martin, received 2023-OCT-23 and 2024-JAN-24, as shown in Attachment C.
2. The development shall be in substantial compliance with the Building Elevations and Details prepared by Aplin Martin, received 2023-OCT-23, as shown in Attachment D.
3. The subject property shall be developed in accordance with the Landscape Plan and Details prepared by LADR Landscape Architects, dated 2024-JAN-23, as shown in Attachment E.
4. The proposed retaining wall shall be developed in accordance with the Retaining Wall Details prepared by Aplin Martin, received 2024-MAY-17, as shown in Attachment F.
5. The subject property shall be developed in accordance with the Biophysical Assessment prepared by Aquaparian Environmental Consulting Ltd., dated 2024-JAN-24, and its recommendations.
6. The riparian restoration shall be completed in accordance with:
 - i. the Riparian Compensation Plan prepared by Aquaparian Environmental Consulting Ltd., dated 2024-JAN-24; and
 - ii. the landscaping and maintenance requirements in Part 14 of the City of Nanaimo *Manual of Engineering Standards and Specifications*;and bonding equal to 100% of the value of the riparian compensation works to be provided prior to building permit issuance and retained for a 3-year maintenance period.
7. Installation of permanent split rail fencing and signage along the watercourse setback in accordance with the City of Nanaimo aquatic setback fence standards, except atop the retaining wall, prior to building permit occupancy.
8. Registration of a statutory right-of-way for a public walkway to connect Tenth Street and Applegreen Park with a width ranging from approximately 1.5m to 4.0m, generally as shown as the “Proposed Public Walkway SRW” on Attachment E, prior to building occupancy.