



**DEVELOPMENT PERMIT NO. DP000922**

**P3 INTERNATIONAL TRADE AND INVESTMENT INC**

**Name of Owner(s) of Land (Permittee)**

**20 BARSBY AVENUE**

**Civic Address**

1. This development permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied or supplemented by this permit.
2. This development permit applies to and only to those lands within the municipality described below, and any and all building structures and other developments thereon:

Legal Description:

**REMAINDER OF LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 5106**

**PID No. 006-036-619**

3. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this permit and any plans and specifications hereto which shall form a part thereof.

|                   |                                                              |
|-------------------|--------------------------------------------------------------|
| <b>Schedule A</b> | <b>Location Plan</b>                                         |
| <b>Schedule B</b> | <b>Site Plan</b>                                             |
| <b>Schedule C</b> | <b>Concept Landscape Plan</b>                                |
| <b>Schedule D</b> | <b>Elevations, South &amp; West</b>                          |
| <b>Schedule E</b> | <b>Elevations, North &amp; East</b>                          |
| <b>Schedule F</b> | <b>Trail Location &amp; Area for Park Dedication</b>         |
| <b>Schedule G</b> | <b>Barsby Avenue Lane Design</b>                             |
| <b>Schedule H</b> | <b>Height Survey</b>                                         |
| <b>Schedule I</b> | <b>Development Permit Conditions</b>                         |
| <b>Schedule J</b> | <b>Remediation Conditions</b>                                |
| <b>Schedule K</b> | <b>Environmental Assessment (Watercourse Setback Review)</b> |
| <b>Schedule L</b> | <b>Archaeological Impact Assessment</b>                      |

- a) If the applicant does not substantially commence the development permitted by this permit within two years of the date of this permit, the permit shall lapse.
4. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.
5. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:
- Section 6.3.1.4 (Location and Siting of Buildings and Structures to Watercourses)
- *Watercourse Setback (Millstone River)*  
The required setback from top of bank is 30.0m. The setback will be reduced from 30.0m to 10.0m, a proposed setback variance of 20.0m.
- Section 7.5.1 (Siting of Buildings)
- *Required Front Yard Setback*  
The required front yard setback is 1.8m. The proposed setback is 0m, a variance of 1.8m.
- Section 7.6.1 (Size of Buildings)
- *Height of Principal Building*  
The maximum allowed building height is 14.0m. The applicant is proposing a height variance of 16.0m for the main roof structure and 16.5m for a small flat roofed architectural bay, a variance to the maximum height of 2.5m.

AUTHORIZING RESOLUTION PASSED BY COUNCIL  
THE 20<sup>TH</sup> DAY OF APRIL, 2015 .

  
\_\_\_\_\_  
Corporate Officer

*April 29/15*  
\_\_\_\_\_  
Date

/lb

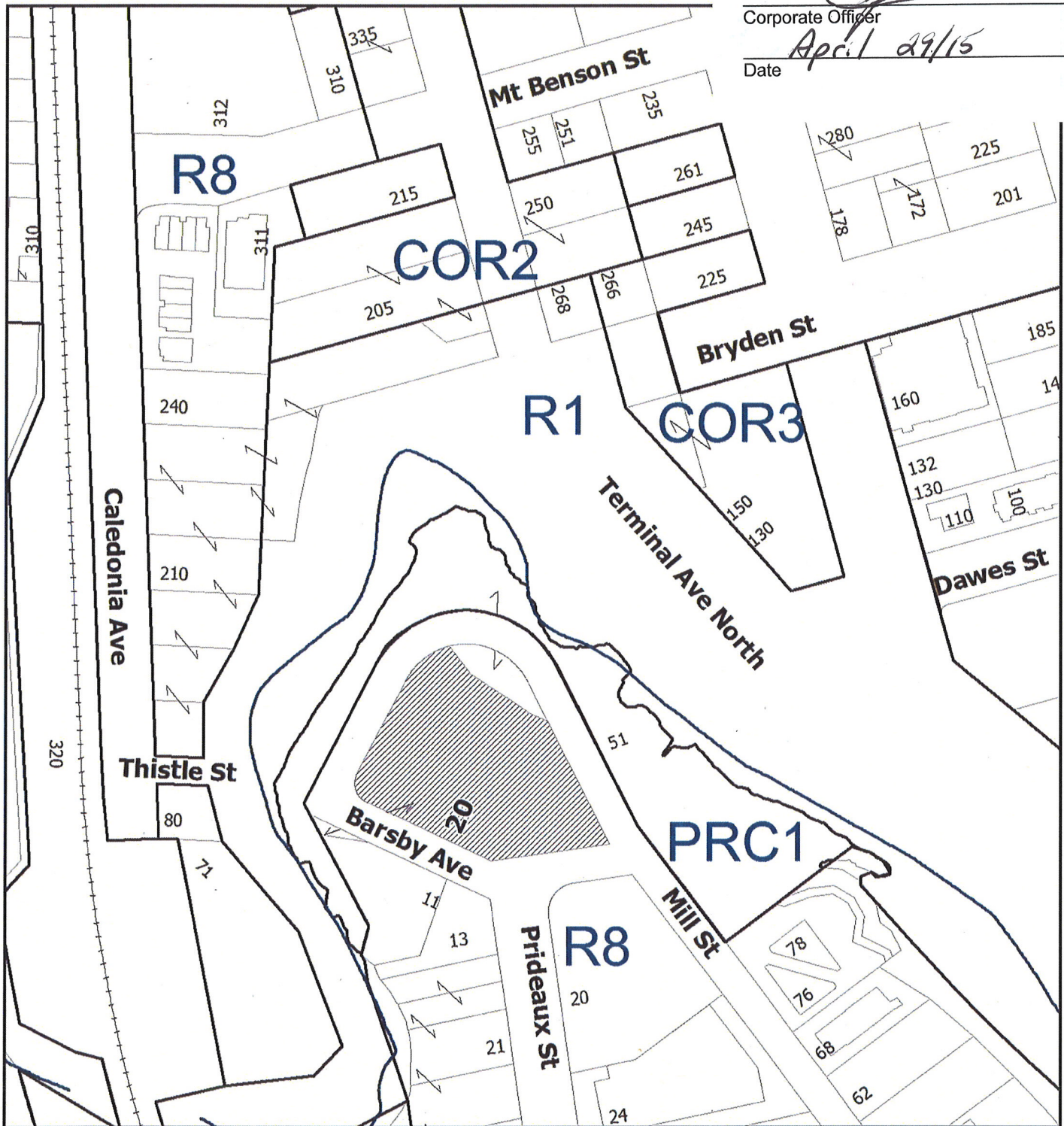
Prospero attachment: DP000922

SCHEDULE A

Corporate Officer

Date

*Apr 1 29/15*



DEVELOPMENT PERMIT NO. DP000922

LOCATION PLAN



**Subject  
Property**

Civic: 20 Barsby Avenue  
Rem. Lot A, Section 1, Nanaimo District, Plan 5106



Development Permit DP000922  
20 Barsby Avenue

Schedule B

Site Plan



|                                                        |                                                      |
|--------------------------------------------------------|------------------------------------------------------|
| *NO. OF SHEETS                                         |                                                      |
| 1                                                      | 8 NOV 2006 ISSUED FOR DEVELOPMENT PERMIT APPLICATION |
| *NO. OF SHEETS                                         |                                                      |
| PROJECT TITLE                                          |                                                      |
| BARSBY AVENUE<br>RESIDENTIAL<br>PROJECT<br>NANAIMO, BC |                                                      |
| DRAWING TITLE                                          |                                                      |
| SITE PLAN                                              |                                                      |
| *DATE                                                  | 16 NOV 2006                                          |
| *SCALE                                                 | 1/16" = 1'-0"                                        |
| *DRAWN                                                 | NC/TJ/TJ                                             |
| *APPROVED                                              | SJH/WH                                               |
| *PROJECT NUMBER                                        | N206001                                              |

This is Schedule B referred to in the  
Development Permit.

Corporate Officer

Date

April 29/15



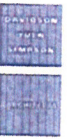
Development Permit DP000922  
20 Barsby Avenue

Schedule C

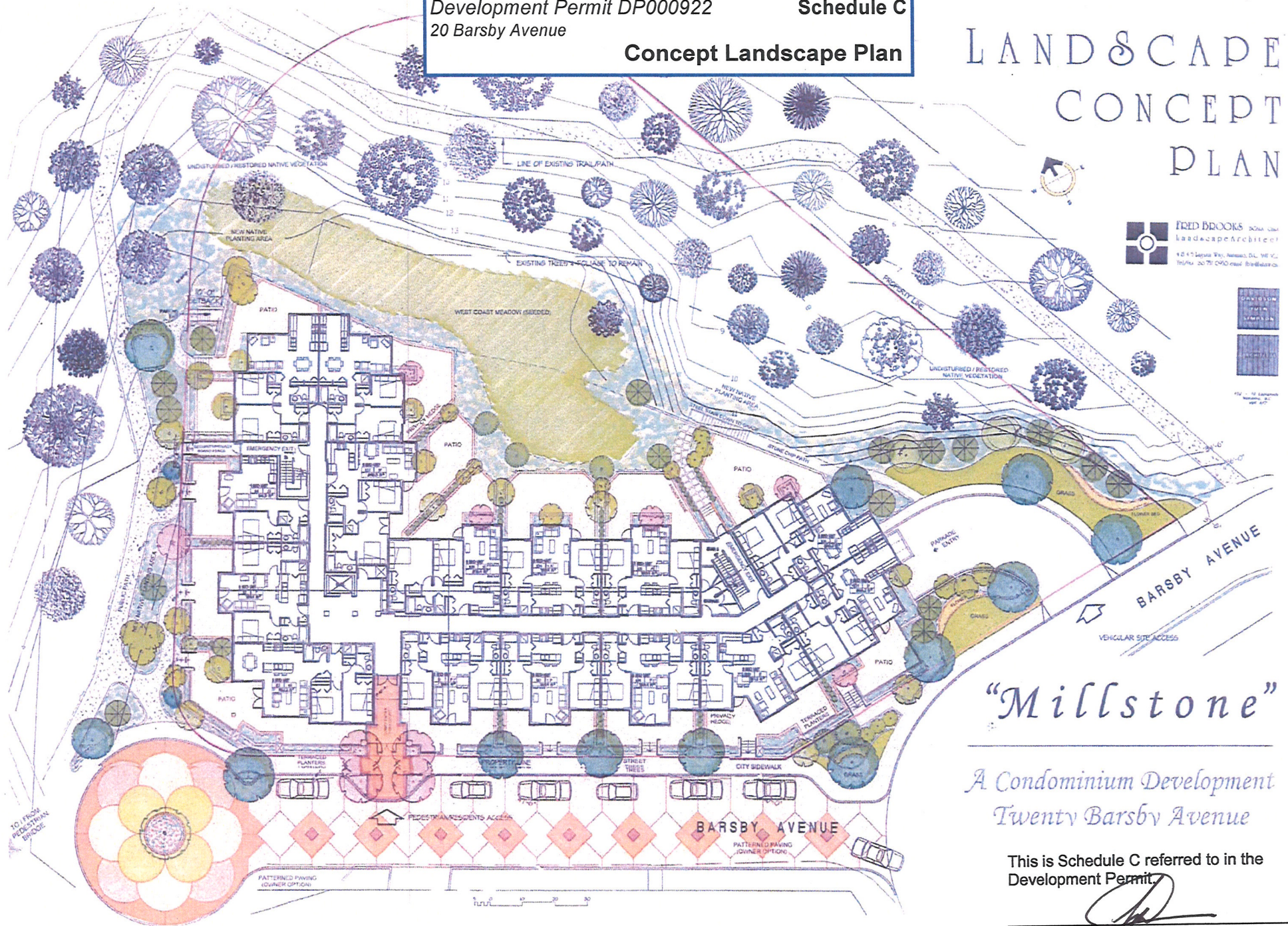
## Concept Landscape Plan

# LANDSCAPE CONCEPT PLAN

FRED BROOKS 2004-2005  
Landscape Architect  
430 N. 1st Avenue, Suite 100, Miami, FL 33136  
Tel: 305.375.0900 Fax: 305.375.0901



1/11/15  
1:10 Scale  
Sheet 1 of 1



## "Millstone"

A Condominium Development  
Twenty Barsby Avenue

This is Schedule C referred to in the  
Development Permit.

Corporate Officer

Date

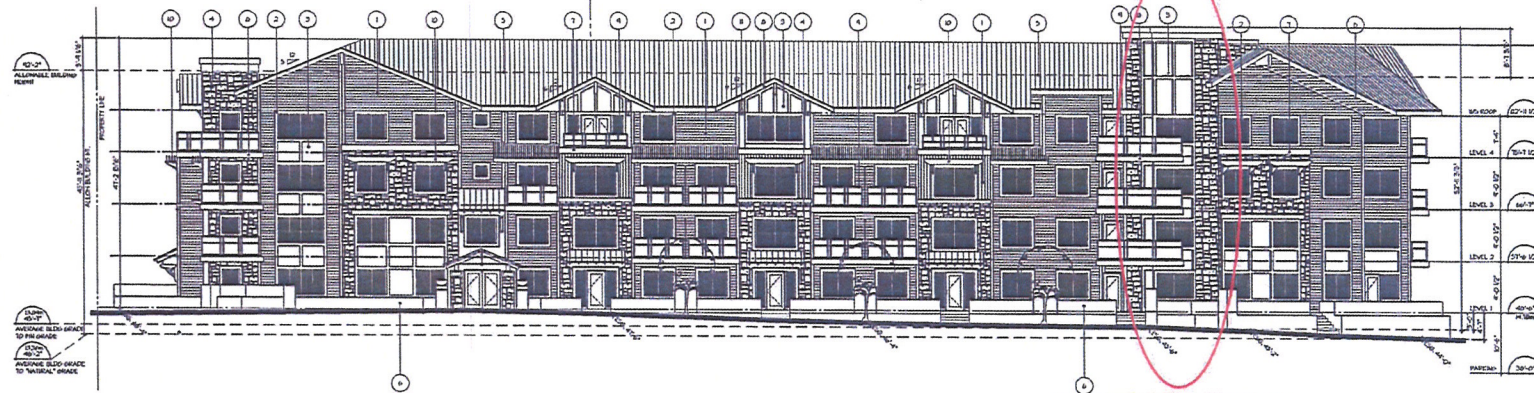
*[Signature]*  
April 29/15



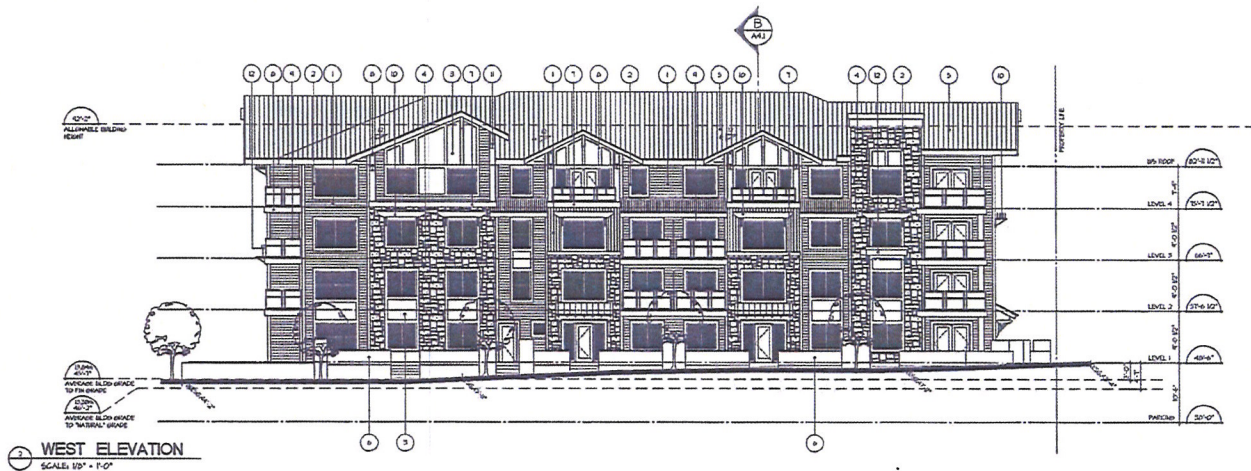
Development Permit DP000922  
20 Barsby Avenue

Schedule D

# ELEVATIONS, South & West



1 SOUTH ELEVATION - BARSBY AVENUE  
SCALE: 1/8" = 1'-0"



2 WEST ELEVATION  
SCALE: 1/8" = 1'-0"

SMALL FLAT ROOFED  
ARCHITECTURAL BAY



16 NOV 2006  
16 NOV 2006  
16 NOV 2006

| NO. DATE/REVISION | DESCRIPTION                                           |
|-------------------|-------------------------------------------------------|
| 1                 | 16 NOV 2006 ISSUED FOR DEVELOPMENT PERMIT APPLICATION |
| 2                 | 16 NOV 2006 ISSUED FOR REVISED TOP FLOOR              |

\*PROJECT TITLE:  
BARSBY AVENUE  
RESIDENTIAL  
PROJECT  
NANAIMO, BC

\*SHEET TITLE:  
ELEVATIONS

| FINISHES              |
|-----------------------|
| 1 WOOD GENESESSUS     |
| 2 WOOD GENESESSUS     |
| 3 GENESESSUS BOARD    |
| 4 LOCAL STONE VENEER  |
| 5 STANDING SEAM METAL |
| 6 STANDING SEAM METAL |
| 7 PRE-CAST CONCRETE   |
| 8 PRE-CAST CONCRETE   |
| 9 PRE-CAST CONCRETE   |
| 10 PRE-CAST CONCRETE  |
| 11 PRE-CAST CONCRETE  |
| 12 PRE-CAST CONCRETE  |

\*DATE: 16 NOV 2006  
\*SCALE: 1/8" = 1'-0"  
\*SHEET: NC/TV/11  
\*PROJECT NUMBER: N205001

This is Schedule D referred to in the  
Development Permit.

Corporate Officer

Date

*[Signature]*  
April 29/15

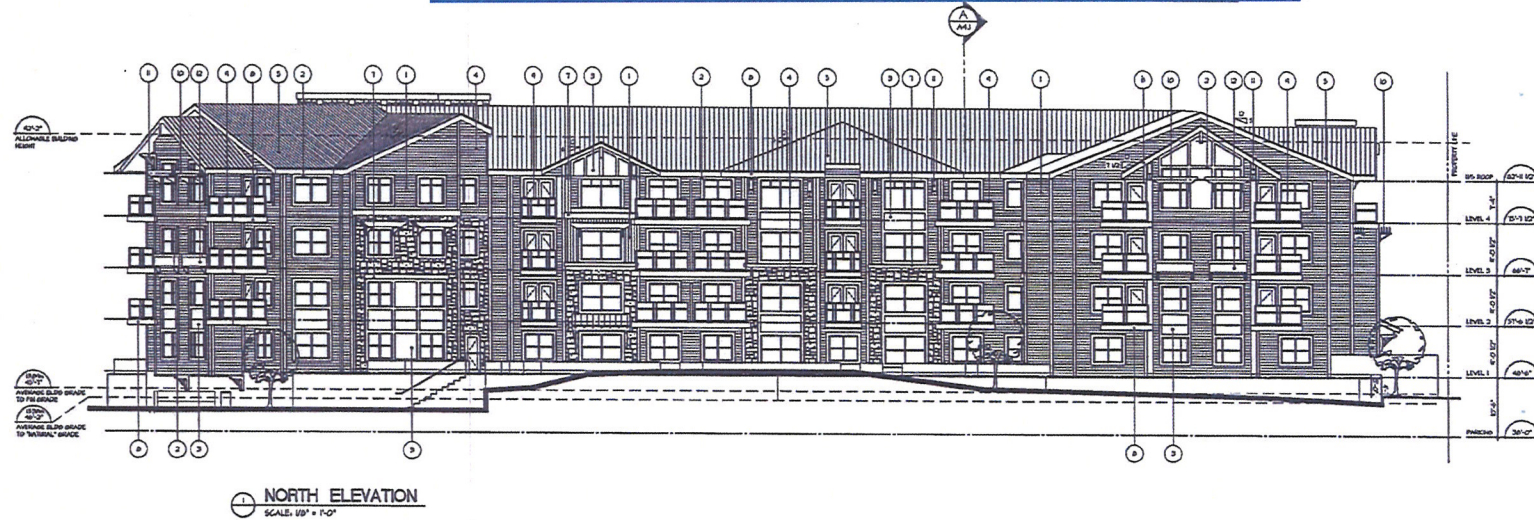


Development Permit DP000922

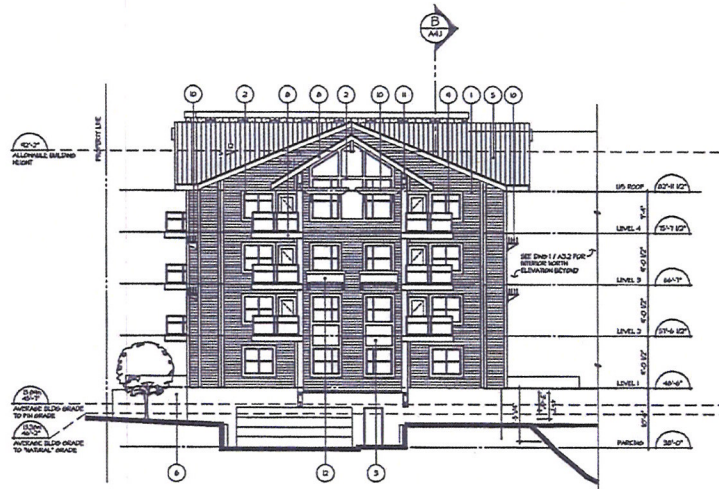
Schedule E

20 Barsby Avenue

# ELEVATIONS, North & East



**1 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**2 EAST ELEVATION**  
SCALE: 1/8" = 1'-0"

DAVIDSON  
YOUNG  
SIMPSON  
ARCHITECTS

1/8" = 1/8" EXTERIOR  
1/8" = 1/8" INTERIOR  
1/8" = 1/8" SECTION  
1/8" = 1/8" DETAIL

\*REVISED/ISSUED  
1 16 NOV 2006 ISSUED FOR DEVELOPMENT PERMIT APPLICATION  
2 16 JAN 2007 REVISED FOR UP REVISIONS TO PERMIT

\*REVISED/ISSUED

\*PROJECT TITLE  
**BARSBY AVENUE  
RESIDENTIAL  
PROJECT  
NANAIMO, BC**

\*ISSUED TITLE  
**ELEVATIONS**

\*DATE 16 NOV 2006  
\*SCALE 1/8" = 1'-0"  
\*SHEET NC/11/12  
\*APPROVED MH/SMH  
\*PROJECT NUMBER 1205001

| FINISHED |                                       |
|----------|---------------------------------------|
| 1        | WOOD COMPOSITION BOARD SIDING         |
| 2        | WOOD SHOWN 100%                       |
| 3        | COMPOSITION BOARD PANEL               |
| 4        | LOCAL STONE VENEER                    |
| 5        | STANDARD SEAM METAL ROOF              |
| 6        | STANDARD SEAM METAL ROOF              |
| 7        | PRE CAST CONCRETE CAP                 |
| 8        | WOOD TRUSS                            |
| 9        | PRE FINISHED ALUMINUM PLATED PANELING |
| 10       | ARTICULATED WOOD SHINGLES             |
| 11       | ARTICULATED WOOD SHINGLES             |
| 12       | FLANDER SIDE                          |

This is Schedule E referred to in the Development Permit.

Corporate Officer

Date

*April 29/15*

Development Permit DP000922  
20 Barsby Avenue

Schedule F

Trail Location & Area  
for Park Dedication

NORTH  
↑

Existing Path

AREA  
OF  
DEDICATION

Area 334.5m<sup>2</sup>


CURRENT AREA  
4606.5

CURRENT LESS DEDICATION =  
4272.2m<sup>2</sup>

ALLOWABLE (1.5FSR) = 6408.3m<sup>2</sup>  
PROPOSED DEVELOPMENT = 5309.0m<sup>2</sup>

BARSBY AVENUE

This is Schedule F referred to in the  
Development Permit.

  
Manager of Legislative Services

2011-JAN-26  
Date

This is Schedule F referred to in the  
Development Permit.

  
Corporate Officer

Date

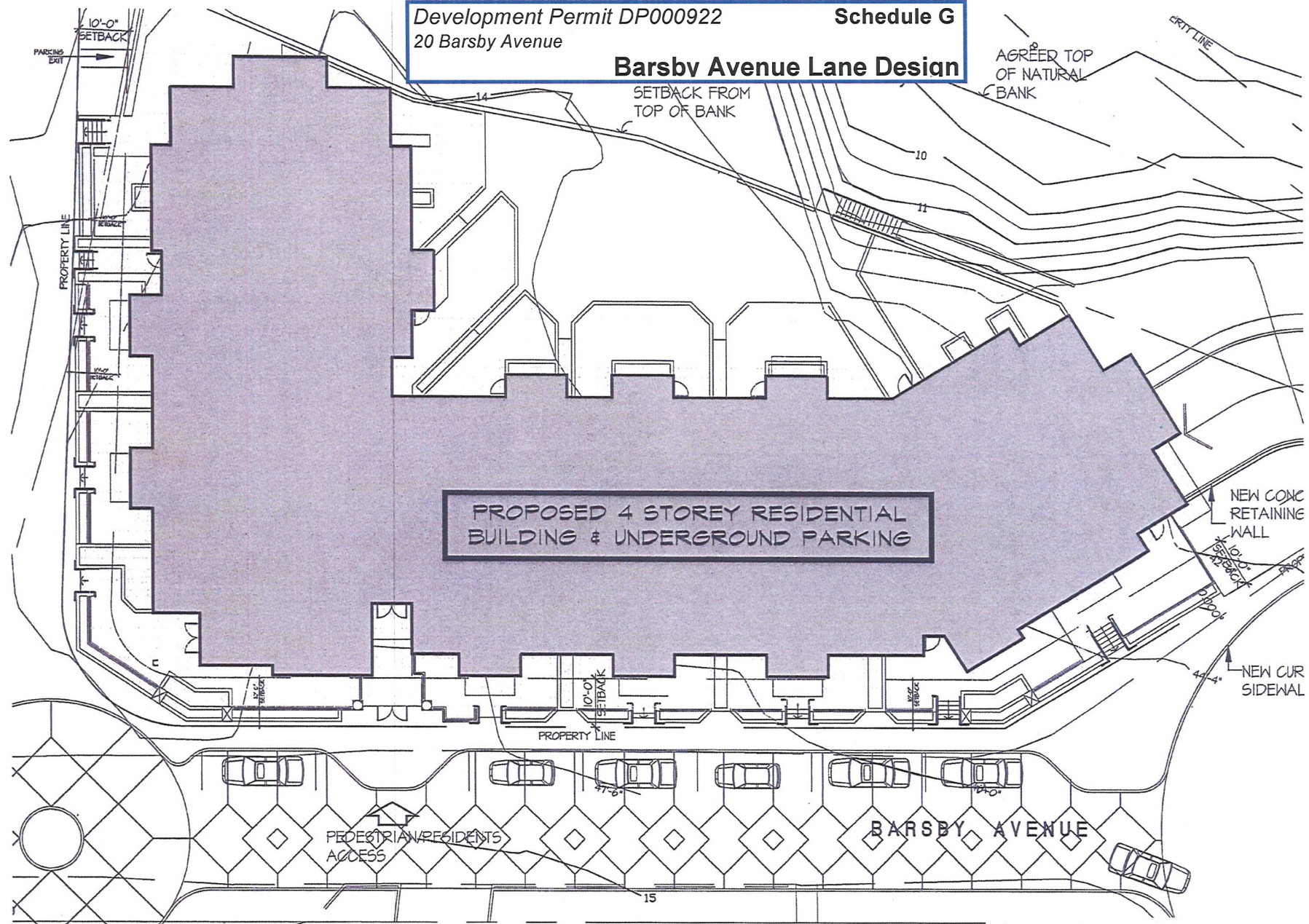
April 29/15



Development Permit DP000922  
20 Barsby Avenue

Schedule G

# Barsby Avenue Lane Design



1 SITE PLAN

SCALE: 1/16" = 1'-0"

This is Schedule G referred to in the Development Permit.

Corporate Officer

Date

*[Signature]*  
April 29/15



Height Survey

Plan of proposed building on:

Lot A, Section 1, Nanaimo District,  
Plan 5106.

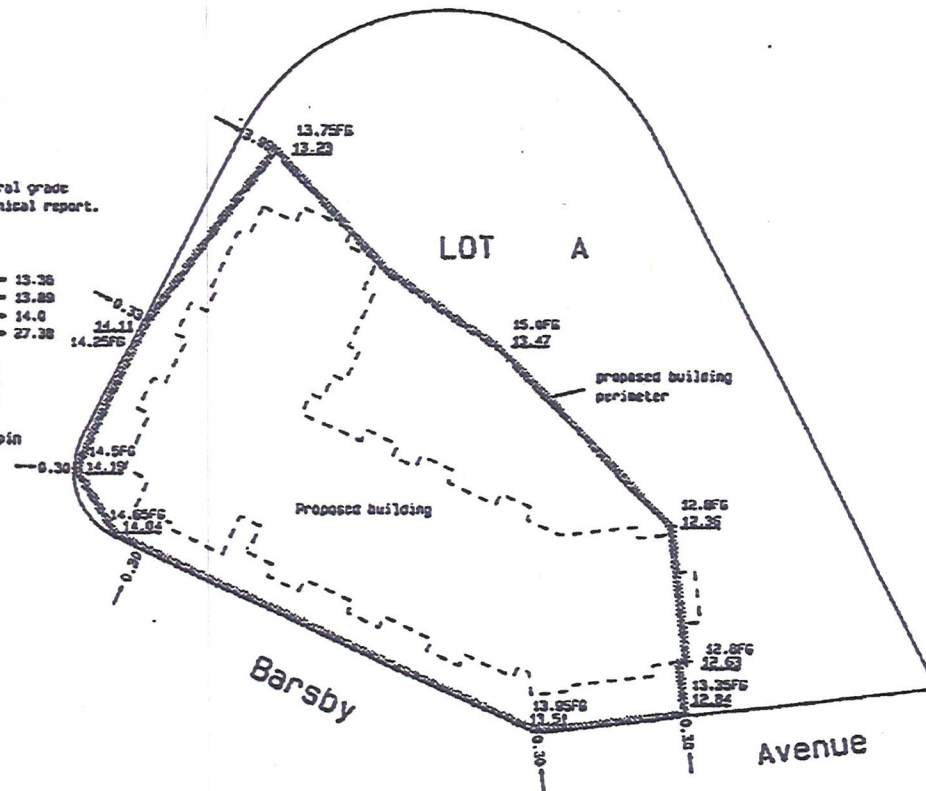


Underlined elevations are natural grade  
derived from Lawdovich Geotechnical report.  
Elevations are geodetic.

The average of the 8  
underlined elevations = 13.36  
the average finished grade = 13.89  
allowable building height = 14.0  
maximum building elevation = 27.38

Proposed main floor = 14.78  
Proposed roof = 23.14  
Variance required = 1.76

B.C.L.S. has been retained to pin  
foundation location.



SCALE 1 : 500  
All distances are in metres.

W.R. Hutchinson  
Land Surveying Ltd.  
512 Kentworth St.,  
Nanaimo, B.C.  
V9R 3E4  
753-2921

This is Schedule H referred to in the  
Development Permit.

Corporate Officer

Date

*[Signature]*  
Apr. 29/15



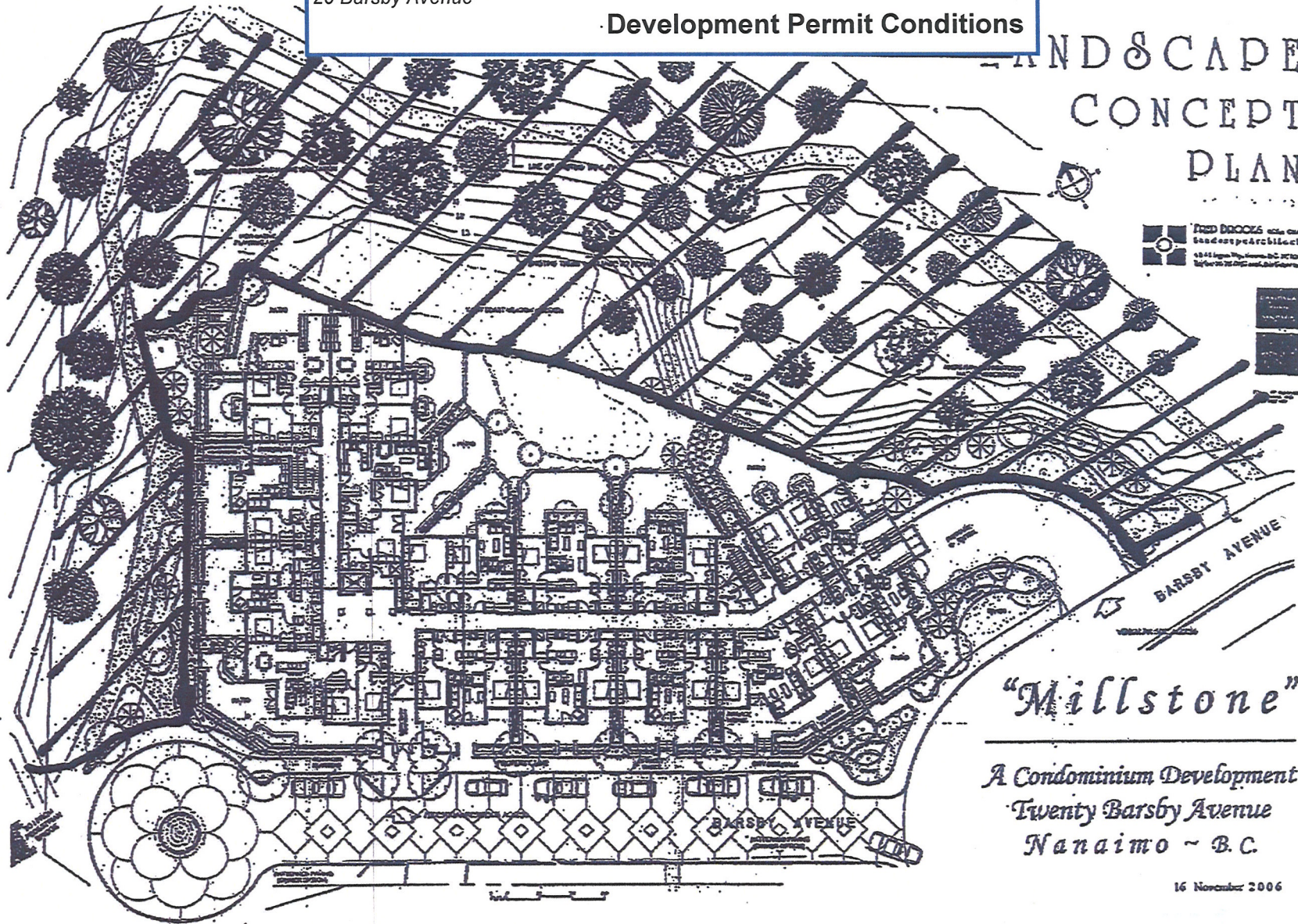
Development Permit DP000922  
20 Barsby Avenue

Schedule I

Development Permit Conditions

LANDSCAPE  
CONCEPT  
PLAN

FRED BROOKS aka. aka  
landscape architect  
4841 Lynn Way, N. Vancouver, B.C. V7P 1C9  
Tel: 604 261 2525 Fax: 604 261 2526



*"Millstone"*

*A Condominium Development  
Twenty Barsby Avenue  
Nanaimo ~ B.C.*

16 November 2006



Area of Native Plantings

This is Schedule I referred to in the  
Development Permit.

Corporate Officer

Date

*AP-1 29/15*



Development Permit DP000922  
20 Barsby Avenue

Schedule J

## Remediation Conditions

### DEVELOPMENT PERMIT NO DP000922 CONDITIONS

1. The standards for sediment and erosion control outlined in the jointly published BC Environment/Fisheries and Oceans Canada, *Land Development Guidelines for the Protection of Aquatic Habitat* and the City of Nanaimo, *Erosion and Sediment Control Guidelines* must be adhered to.
2. Prior to commencement of construction activities, a snow fence (1.2 m high and orange in color) will be erected along the setback line from the top of the bank of the Millstone River. The fence is to ensure that there are no construction activities within the setback area.
3. Cedar posts (6" x 6") are to be installed every 20 m along the aquatic setback line from the Millstone River, to which signs (provided by the City) identifying the area beyond as environmentally sensitive are to be attached.
4. The area within the setback, as shown on Schedule I, will be replanted with native vegetation at the densities recommended by the Ministry of Environment (approximately one (1) plant per m<sup>2</sup>).
5. The planting medium for the riparian restoration is to be tested and will meet the parameters defined in the MMCD Red Book, Section 02921. The planting medium will be a minimum depth of 250 mm or a combination of high quality top soil and blown composted wood mulch.
6. The drive isle access to the underground parking is to be constructed of pervious material.
7. The two trail way staircases are to be reconstructed.
8. A construction agreement and security for the completion and maintenance for 3 years of the landscape restoration and Revegetation Management Plan (Chatwin Engineering February 2007) is required to be submitted before the building permit is issued.

This is Schedule J referred to in the  
Development Permit.

  
Corporate Officer

Date

*Apr. 29/15*



Development Permit DP000922  
20 Barsby Avenue

Schedule K

**Environmental Assessment  
(Watercourse Setback Review)**

**Aquaparian**  
ENVIRONMENTAL CONSULTING

February 6, 2015

P3 International Trade and Investments Inc.  
2518 Hyatt Place  
Abbotsford BC, V2S 5C7  
C/O  
Bill Stelmaschuk

Via E-mail: [stelwj@gmail.com](mailto:stelwj@gmail.com)

This is Schedule K referred to in the  
Development Permit.

\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
Date

**RE: WATECOURSE SETBACK REVIEW  
DEVELOPMENT PERMIT WITH VARIANCE EXTENSION  
20 BARSBY AVE, NANAIMO BC**

## 1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained by you to complete a brief review of a previously approved City of Nanaimo Development Permit (DP) with Variance (No. DP000833), to support an extension of the DP. Aquaparian understands the original environmental assessment to determine the watercourse setback for the proposed development was completed prior to the provincial Riparian Areas Regulation (RAR) coming into effect. The purpose of this review was to determine if the watercourse setback variance is consistent with current regulations and bylaws.

Aquaparian is familiar with the subject parcel having conducted RAR assessments on the adjacent parcels of land. In preparation of this letter report, Aquaparian reviewed the No. DP000833 document, site plans and Google Earth images of the site.

## 2.0 METHODOLOGY

The City of Nanaimo's Development Permit Area (DPA) for Watercourse Protection was first established in 1996 prior to the RAR being enacted. The DPA setbacks were based on the previous *Fish Protection Act* and Streamside Protection Regulations to protect environmentally sensitive riparian buffers adjacent to watercourses. The DPA boundaries are measured horizontally from the **Top of Bank** and are determined based on the width of the stream i.e. larger significant fish bearing streams were given a 30m setback from the top of bank, smaller fish bearing streams were given a 15m setback from the top of bank and very small non-fish bearing streams were given a 7.5m setback from the top of bank. The City of Nanaimo was one

503 Comox Road Nanaimo, BC V9R 3J2

OFFICE 250-591-2258; Cell SARAH BONAR 250-714-8446

of the first municipalities to create such DPAs and set an example for other communities to follow.

The RAR was enacted in 2004 and is governed through the Municipal Act. As such municipalities in the affected areas were required to create riparian DPAs to meet the RAR requirements. When the RAR was brought into effect, the City of Nanaimo's watercourse DPAs were deemed to "meet or beat" the RAR requirements.

The RAR requires any development activity or subdivision within 30m of the top of bank of a watercourse, or top of ravine bank for small ravines and 10m for large ravines, to be assessed using the RAR's Detailed Methodology to calculate protective setbacks called the Streamside Protection and Enhancement Area (SPEA). Measures to protect the SPEA during and after construction are also outlined in the assessment report. The resultant SPEA is measured horizontally from the High Water Mark of the watercourse.

Under the current protocol for the City of Nanaimo, if a development is proposed within the DPA, it triggers a RAR assessment to be completed using the detailed methodology to determine if the setback can be reduced. In some cases the DPA boundary is the same as the calculated SPEA; sometimes the SPEA allows for a reduced setback. The difference is a result of the distance between the high water mark and the top of bank. Reduction of the DPA setback to the calculated SPEA provides for a DP with Variance to occur in compliance with provincial regulation.

This process is similar to the process that was followed for the subject property's variance that resulted in a setback of 10m from the top of bank as determined by the City of Nanaimo's Environmental Coordinator at that time under the regulations in place at that time. This setback is currently approved until the permit expires.

Based on previous analysis of this section of the Millstone River by Aquaparian, the SPEA for the south bank of the stream will be approximately 30m from the high water mark. This roughly coincides with the current setback of 10m from the top of bank because this section of the stream is a ravine with a long slope between the stream and top of bank.

Recent amendments to the City's variance process have included the requirement of habitat compensation to offset the reduction in watercourse setback. This project included granting a portion of the lot within the riparian area to the City to be included in Barsby Park where a portion of the public walkway is located. In addition, the footprint of the proposed development is located within a previously impacted area that is currently paved. This section of the Millstone River has a long history of industrial impacts and neglect. The riparian area is overgrown with invasive plant species such as English Ivy, Himalayan blackberry and spurge laurel. The landscape plan prepared for this development will provide for a significant improvement over existing conditions.



20 Barsby Avenue  
February 2015

3

Finally, development of this site with the proposed plan is likely to provide an additional to benefit the neighbourhood as the site has had a history of undesirable activities due to its location on a dead-end road.

### **3.0 CONCLUSION**

In conclusion, Aquaparian supports the renewal of this DP with a Variance. It is our opinion that the 10m setback from the top of bank, proposed landscape plan and park dedication are consistent with current regulations and City procedures for riparian protection. If the development proceeds as per requirements identified in the DP and current Best Management Practices for urban development, no negative impacts to the Millstone River or the riparian area are anticipated.

Aquaparian trusts that the information provided in this letter report meets your requirements. Should you have any questions or comments regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Sincerely,

**AQUAPARIAN ENVIRONMENTAL CONSULTING LTD**

**ORIGINAL SIGNED**

Sarah Bonar, R.P.Bio  
Senior Biologist / Principal

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503 Comox Road Nanaimo, BC V9R 3J2, Ph: 250-591-2258  
OFFICE 250-591-2258; Cell SARAH BONAR 250-714-8446



**Archaeological  
Impact Assessment**

**Management Summary**

Millennia Research Ltd. was contracted by Kirk Stelmaschuk of P3 International Trade and Development Ltd. to conduct an archaeological impact assessment (AIA) for their proposed multi-family residential building and an underground parking facility on a 0.46 hectare parcel of land at 20 Barsby Avenue in the City of Nanaimo, 500 m northwest of the intersection of Island Highway North and Comox Road (Figure 1)

The study area is located within the traditional territory of the *Snuneymuxw* First Nation. Denise White of the *Snuneymuxw* First Nation assisted Darcy Mathews and Drew Pawlowski of Millennia Research with the fieldwork on the 8<sup>th</sup> of August 2006 and additional fieldwork on August 18<sup>th</sup> 2006.

The entire development area was visually assessed by the archaeological team, focusing especially on the back edge of the property along the top of the riverbank slope and along the Millstone trail, checking all exposures along the bank. The visual assessment was complemented by judgementally placed shovel tests that were used to identify buried cultural matrices and materials, and backhoe testing to test areas that could not be successfully shovel tested.

One area with archaeological deposits was identified as a new archaeological site: DhRx-102. A total of 20 shovel tests were excavated during the AIA (2 positive and 18 negative shovel tests) with an additional 11 backhoe tests, of which 6 were positive.

The prehistoric shell midden archaeological remains were found mixed with historic debris and are none of the deposit was found intact. The site has a very low scientific significance.

Recommendations included filing a Section 12 Site Alteration Permit that will be required prior to any ground altering activities. This will include archaeological monitoring of the removal of the western cement slab to confirm that the archaeological deposits under the slab are disturbed. In the unlikely event that intact archaeological layers are found under the cement slab, data recovery will take place in the form of hand excavated units of a sample of the areas of intact cultural layers. This data recovery procedure will be written into the section 12 permit.

This is Schedule L referred to in the  
Development Permit.

  
Corporate Officer

  
Date



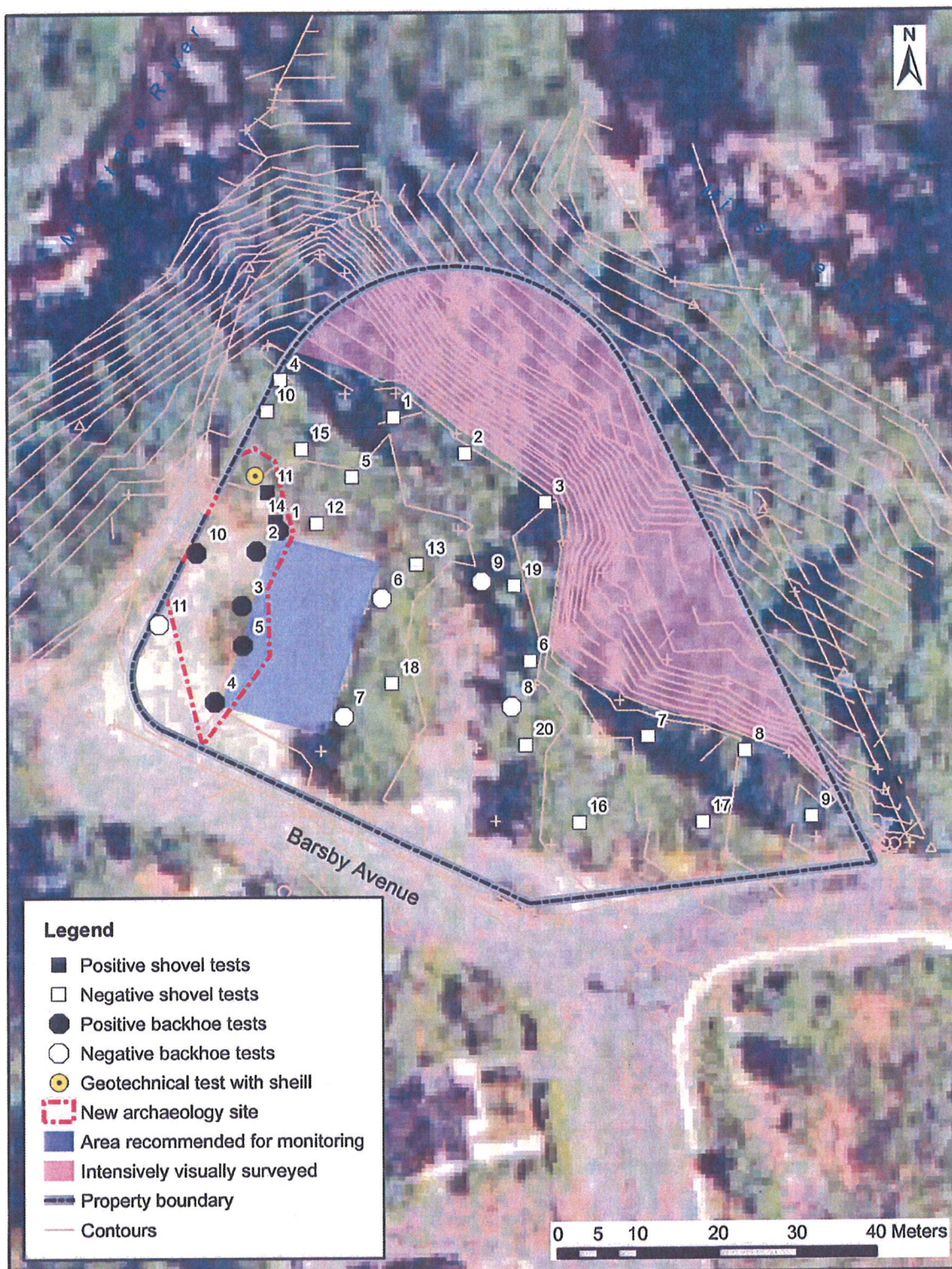


Figure 4. Map of project area showing test locations and archaeological site DhRx-MR1.



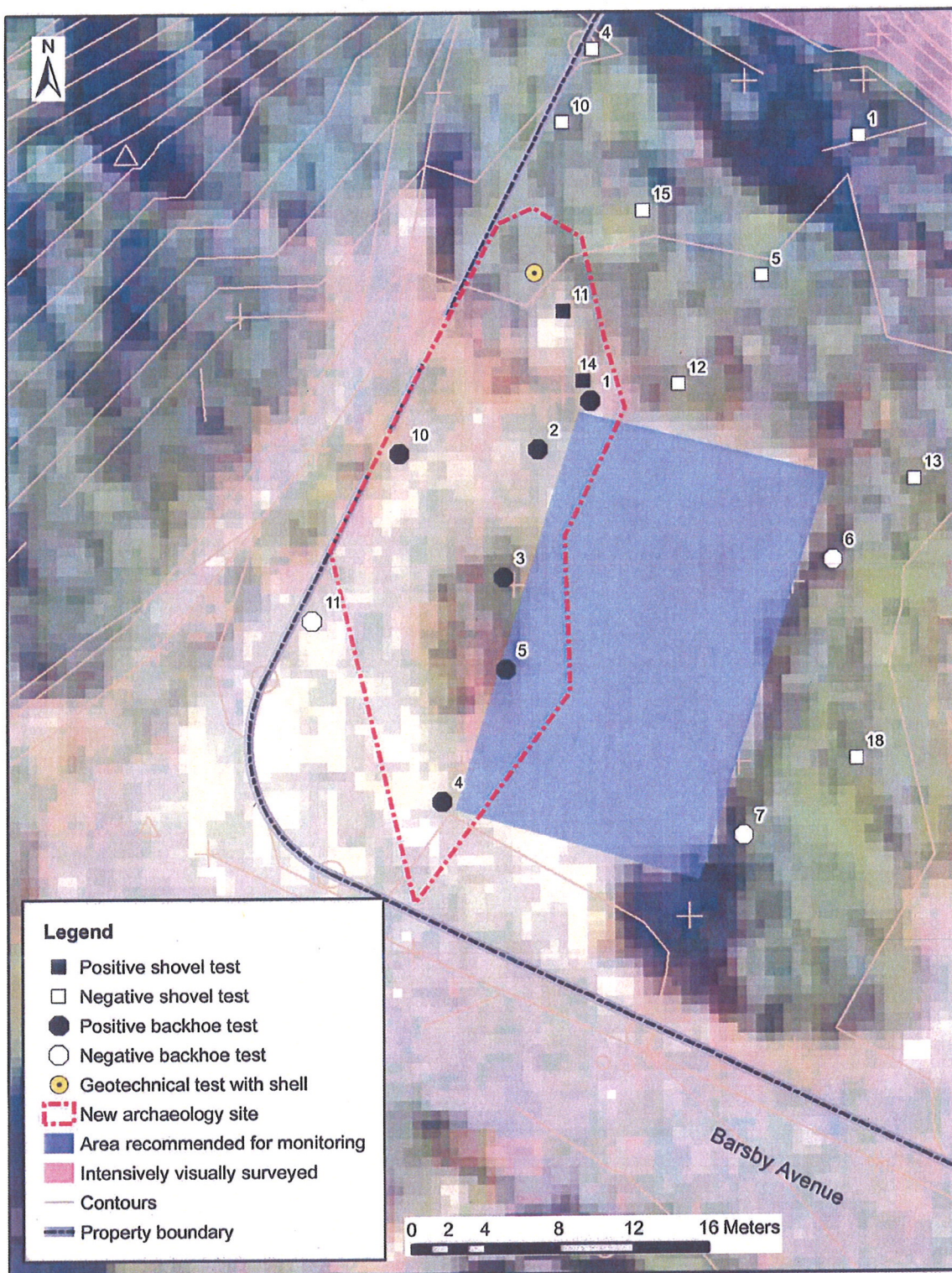


Figure 5. Area one detailed map showing positive tests and boundaries of site.