

Victoria McKean

From: kim hooper [REDACTED]
Sent: September-07-25 2:00 PM
To: Council; Ed Hooper
Subject: Rezoning Application for 1007 Arcadia Street

Categories: Inputted in to Mail Log

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Dear Mayor Desjardins and members of Esquimalt Council;

I am writing in regards to the 8 September Council meeting for the Township of Esquimalt, and the rezoning application for 1007 Arcadia Street. I am currently outside of the country to manage a personal matter and will be unable to attend the meeting to give "public input" (as I did on July 21st) and so I ask that this message be considered in lieu of my public participation.

I have reviewed the attachments that were included with the Council meeting agenda, and I want to continue to express my strong opposition to the proposed rezoning application, building on the comments that I (and others) provided at the July 21st meeting. I consider that the proposal to develop 6 residential townhouses at this address is inconsistent with the neighbourhood character, and will have a significant negative impact on my own residence. I also consider that the proposed rezoning and development fail to comply with the Esquimalt Official Community Plan.

I live at house number 6, 1013 Arcadia Street - immediately to the north and centred in the middle of the property being considered for this rezoning application. My house is a single storey on the south side, barely 3 meters tall. The proposed development, if approved, would create a wall of a building - over 11 meters high and 38 meters wide - immediately to the south of my small home.

The "Shadow Studies" included as appendix E in the agenda confirm what my husband and I already feared: that these proposed tall townhouses would prevent sunlight from reaching my house, windows or garden during the day for significant periods of the year, preventing any sunlight at all from reaching our property throughout the winter months!

According to a brief research of open source information, lack of sunshine increases the risk of certain cancers, and disrupts circadian rhythms, causing Seasonal Affective Disorder (SAD), fatigue, sleep problems, and weight gain. Additionally, it may impact mood, lower energy levels, and weaken the immune system. I have invested thousands of hours of labour, and tens of thousands of dollars, into landscaping my small garden - it is my dream to continue working in this space for years to come, but the lack of sunlight would be a devastating impact to my garden and would ruin the investment of time and money that I have worked so hard to achieve.

As many stated at the public hearing on July 21st, we are not opposed to development. I do understand that provincial legislation allows for up to four townhomes to be put on a single lot; however, the 6-home

development proposed for 1007 goes beyond that number with significant negative impact as I and others have emphasized at the earlier public hearing.

I once again respectfully urge the council to deny this particular application for six townhomes because existing provincial legislation allowing four townhouses will meet the objective of increasing density and adding alternative home types.

By limiting 1007 Arcadia Street to the four already-approved units - particularly if there is any way that Council might provide additional direction that a new development fit the character, similar size and height of the surrounding homes - this might lead the developer to reduce the height and density on this small lot, making an effort to actually consider the wishes of the neighbourhood.

Kim Hooper (and Ed Hooper)
6-1013 ARCADIA Street
Esquimalt BC

Victoria McKean

From: Tara Hastings [REDACTED]
Sent: September-08-25 10:38 AM
To: Council
Subject: 1007 Arcadia St. rezoning - Sept. 8

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Agenda Item, Inputted in to Mail Log

CAUTION: This email originated from outside of the Township of Esquimalt Network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor and Council,

In July, you heard strong opposition, in writing and in person, to this application from everyone in the immediate neighbourhood around 1007 Arcadia. Now we have new information: a shadow study, and information about what the height and footprint of the buildings could be under the Provincial legislation (which Esquimalt has adopted) if the rezoning application is denied and the developer proceeds with the Provincially-allowed 4 units.

In our opinion, the shadow study confirms the loss of sunlight for neighboring homes to the north. As for the difference between 4 units versus 6 units, there isn't much difference in building height or footprint. But at least with 4 units, there would be a smaller increase in the number of cars and people occupying our small cul-de-sac.

To be clear, the developer is not proposing the Provincially-allowed number of units on this lot; rather, he is asking you to allow him to cram in two more units than the Provincial legislation allows. We urge you to deny this request. Allowing him to proceed with 4 units instead of 6 may not reduce the amount of land occupied by buildings or the height of buildings, but at least it will mitigate the effects of increased vehicles and people next door to us, such as increased noise, loss of privacy, and parking issues.

Regardless of which approach council takes, I remain concerned that the developer's arborist report submitted to council contains incorrect, misleading, and inadequate information regarding the Garry oak in our yard and the harmful impacts of the proposed development on that Garry oak. The developer claims to have made changes to the proposed development to reduce impacts on the Garry oak, but he failed to provide an updated arborist report to support his claims, and the only change in his plan is that excavations for the driveway and buildings won't be as deep as originally proposed. There has been no change to fact that one of the buildings and the driveway, as proposed, will intrude many metres into the tree's protected root zone, and some large limbs would need to be cut off to make room for the building and vehicles on the driveway or parking in the guest parking spot adjacent to the tree.

In that regard, please be aware that environmental considerations remain relevant even under the 4-unit approach, because the developer is still required to obtain a development permit from Esquimalt, and

Esquimalt has development permit guidelines regarding environmental considerations. Page 13 of the Provincial Guidelines on SSMUH states:

"Local governments can also continue to use their authorities under LGA, s. 491(1) to specify areas of land that warrant special measures for the protection of the natural environment on lots to which SSMUH requirements apply, provided this authority does not unreasonably obstruct the intent of the SSMUH legislation. See Part 3, Section 1.3 for more information about development permit areas for environmental protection."

See: [ssmuh_provincial_policy_manual.pdf](#)

In other words, even if you deny the rezoning application, the municipality retains legal authority and responsibility to address the environmental impacts of developments in Esquimalt through the development permit process. While this authority may be delegated to staff, development permit decisions remain subject to judicial review. Please also see the following portions of pages 46 to 50 of the Provincial Guidelines on SSMUH:

1. Development permit areas

Development permit areas (DPAs) are an important tool available under LGA section 488 that local governments in BC can use to establish the conditions under which land alteration and new development takes place. Development permit areas are designated through official community plans and the guidelines can be specified in either the official community plan or a zoning bylaw.

Eligible Uses of Development Permit Areas (DPAs) DPAs are used to identify locations that need special treatment for certain purposes including the protection of development from hazards, establishing objectives for form and character in specified circumstances, or revitalization of a commercial use area.

Section 488 the Local Government Act identifies eligible purposes of DPAs:

(a) Protection of:

a. The natural environment, its ecosystems and biological diversity

...

Local governments may continue to use DPAs, provided they do not unreasonably restrict the ability to use land at the use or density prescribed by the new legislation provisions (Section 457.114 of the SSMUH legislation). This section offers direction on appropriate use of DPAs in the context of SSMUH legislative requirements. It also offers alternative means to achieve similar outcomes where DPA objectives are beyond the authorities of local government or likely to be a barrier to the development of SSMUH housing.

...

1.3 Development permit areas established for the protection of the natural environment, its ecosystems and biological diversity

Similar to the requirements for single-family homes, SSMUH developments will be subject to environmental protection DPAs established under LGA section 488(1)(a) provided they do not unreasonably restrict the

ability to realize the use and density required under the SSMUH legislation. This means that local governments can continue to direct development away from areas of a parcel determined to be of ecological significance, require mitigating measures to avoid harmful impacts, and/or require compensatory measures if impacts cannot be avoided. It would not be appropriate, however, for a local government to implement an environmental protection DPA that would have the effect of preventing SSMUH forms of housing from being developed in the absence of site conditions and objectives that legitimately warrant it.