

DR. MARIANNE KIMMITT  
WILLIAM ROWE, J. D.

13 - 300 PLASKETT PLACE, VICTORIA, BC V9A 6G4

3362-01-  
ALCA

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input checked="" type="checkbox"/> CAO	<input checked="" type="checkbox"/> Mayor/Council	
RECEIVED: NOV 10 2015		
Referred: Bill		
<input type="checkbox"/> For Action	<input checked="" type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

November 9, 2015

Mayor Barbara Desjardins and all Councillors,  
Township of Esquimalt Municipal Hall,  
1229 Esquimalt Road,  
Esquimalt, B. C. V9A 3P1

Dear Mayor Desjardins and Councillors,

**Re: Proposed Rezoning of 322 Plaskett Place - Discussion Points Update - November 2015**

Further to our representations at the Council Meeting on November 2, 2015, on behalf of our Inspiration Cove and Royal Point community members who have signed them, we enclose for your consideration our updated Discussion Points.

As you are aware, Mr. Hodson's new application differs considerably from the original one. While these updated Discussion Points are essential, please note that the contents of our community's letters (provided in December 2013 and January 2014) are still relevant and applicable.

Kind Regards,



Marianne Kimmitt



Bill Rowe

cc. Ms. Anja Nurvo, Director of Corporate Services

*Dear Ms. Nurvo: Please attach the enclosed material to the file regarding the proposed rezoning of 322 Plaskett Place*

PROPOSED REZONING OF 322 PLASKETT PLACE  
DISCUSSION POINTS  
NOVEMBER 2015

1. We believe that the proposed development has many serious problems. Mr. Hodson has other options that would be more environmentally friendly and equally lucrative. He could re-develop using the footprint of his existing very large home.
2. This proposed development cannot proceed without the certain destruction of at least three very mature and bylaw protected Grand Fir trees and the likely destruction of many more very mature and bylaw protected Grand Fir, Douglas Fir, Arbutus and Garry Oak trees on Mr. Hodson's and his neighbours' properties. This is in direct conflict with the Official Community Plan whose mission statement includes protection of the natural environment. Please see the attached report of James Johnston, ISA Certified Arborist, which speaks to the interconnectedness of the natural environment and the potential damage to not only the trees on the applicant's property, but also those of adjoining neighbours. The loss of trees would also result in loss of wind protection, loss of privacy and, most importantly, loss of a vibrant ecosystem supporting an abundance of wildlife, such as eagles, otters, herons, seals and many bird species.
3. The application process has been compromised right from the start by the many misrepresentations made by Mr. Hodson to his neighbours and the APC, and now to Council, including:
  - (a) That the municipal arborist agreed that the Grand Fir tree now located where he wants to build his garage was damaged and should be cut down when the municipal arborist had not inspected any trees on Mr. Hodson's lot;
  - (b) That there would be no blasting;
  - (c) Presenting a depiction of the proposed residence that still showed all of the trees that he intended to cut down still on his lot;
  - (d) Presenting a depiction of the garage by the side of the existing house in the arborist's report when that was not the plan.
  - (e) In the latest version of the application,
    - a. Inconsistency between the plan attached to the arborist's report (p. 14 of Schedule D) showing only 2 Grand Fir trees being removed and the plan of Mesa Design (p. 3 of Schedule F) showing 3 Grand Fir trees are to be removed.
    - b. On p. 9 of Schedule F, the drawing shows the roof of the proposed house being at the same elevation as the main floor of Mr. Hodson's current residence thereby preserving its value. In fact, the roof of the proposed house will be over 5 feet higher than the elevation of the main floor of his current residence, 12 ½ feet higher than in the earlier proposal, thereby greatly diminishing the value of his existing residence.

4. We believe that this application is a bad plan and should be rejected on its lack of merit. Any future proposal should only be considered if the Development Permit application for the site specific development and the rezoning application are considered together, so that the exact development is defined and fixed by the zoning bylaw. If we do not proceed in this way, the neighbours and the municipality are being asked to accept a proposal that could change dramatically, for example by changing the elevation of the whole development. This level of uncertainty is creating a great deal of anxiety for the neighbours of Inspiration Cove.
5. The new proposal has the house 12 ½ feet higher than before, causing even more loss of privacy and loss of use and enjoyment for all the other properties on Inspiration Cove and visitors to Saxe Point Park.
6. Ocean setback – The development, as proposed, is only 2 meters from the oceanfront property line of Mr. Hodson's lot. It is important to note that the line purporting to denote the "present natural boundary" (from which the 7.8 meter setback is measured) is, according to the surveyor who prepared the survey, "subject to approval before reliance". We are not aware of any such approval and this was confirmed by Mr. Parkes in his presentation to Council.
7. Rear lot setback – #13-300 Plaskett Place is the only ocean view lot and one of only 3 or 4 interior lots in Esquimalt that would have buildings only 1.5 meters from its property line on 3 sides.
8. Even with the revised plan, #15-300 Plaskett Place will still have traffic on 3 sides of the home.
9. The new proposal calls for a driveway elevated about 7 ½ feet above grade, causing loss of privacy to all neighbours and traffic noise from cars and trucks backing up and accelerating up the narrow, slanted, elevated driveway.
10. The development of Royal Point over 20 years ago was approved in a different time when environmental concerns were not taken into consideration as much as they are today. Perhaps it should not have been developed, but it is here now. There was no Official Community Plan at that time. One of the stated goals of the OCP is "to protect and enhance the natural environment while accommodating change and development". The protection of the natural environment in this case requires the refusal of the rezoning application.

M. Kimmitt

Karen James

Leanne and Robin Adkin by their agent, Bill Rowe

Maureen Duffes by her agent, Bill Rowe

Lynn Tefelge  
GTufelge

D. Spencer

Robert Larson

Sharon Glover

Bill Rowe

Alan Spencer

John H. H. H.

Jane and Bob Frindt by their agent, Bill Rowe

Christina-Maria Mueller by her agent, Bill Rowe

# James Tree Care Report

Hi Bill,

My phone app is not cooperating, so I thought I'd just send you a email with what we talked about.

This is my own opinion from viewing trees from neighbors property at 13 Plaskett Place;

The trees in question at 322 Place, with the proposed construction in place will in my opinion, all be effected and compromised.

The large Grand fir at the back of property looks to be in good health, has reasonable good structure and a good proportion of live healthy branches to support it.

All the trees in the area look to be in reasonable fair health.

The proposed construction, with equipment going back and forth will cause compaction with the root systems of the trees on property. With the close proximity of the proposed drive way there will be roots damaged and greatly compromise the health of the trees. The excavating , blasting of rock will also cause damage and compromise the health and life of trees as well.

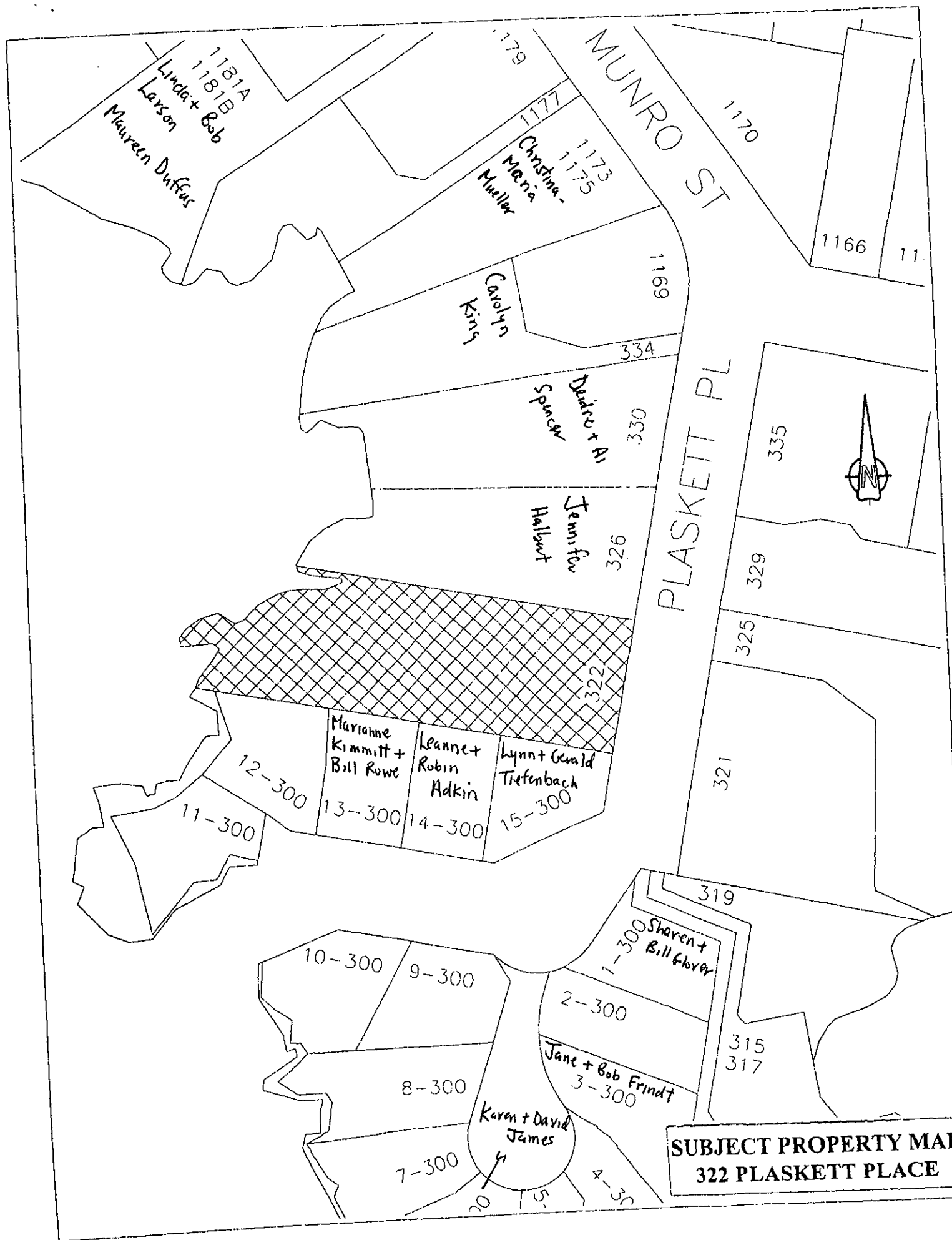
The trees at the front of property; Douglas Fir and Garry Oak, will also be impacted with the proposed driveway.

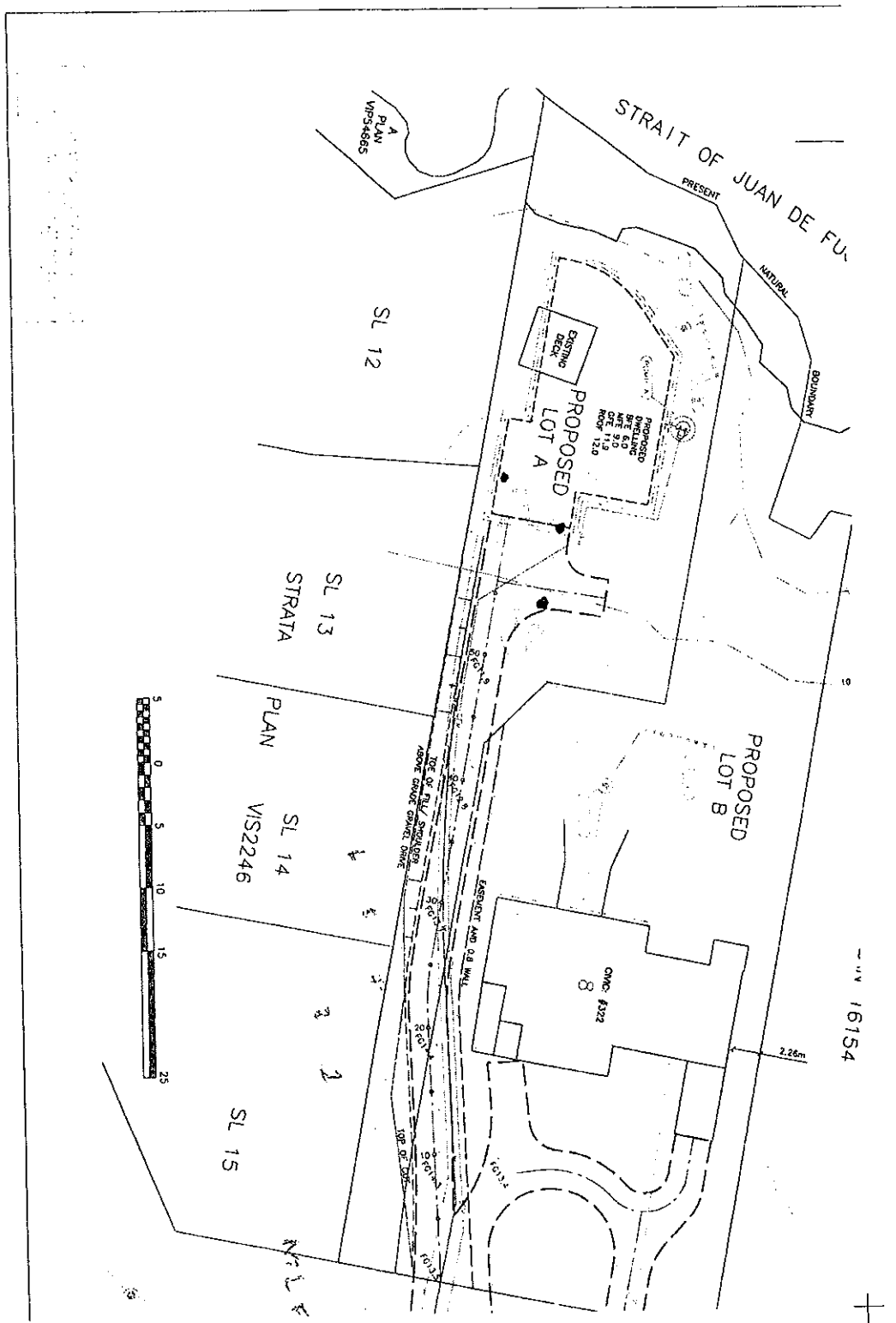
All the trees on the property and the ones close by (bordering on neighbors property) are all connected with there roots. What happens to one tree will effect other trees in that area. The water tables and drainage pattern will change after construction having an effect on remaining trees.

I'm not disagreeing with arborist report submitted by Talbot & Mckenzie, I'm just pointing out what I see as obvious impacts of construction on trees on property and neighboring properties.

Thank you,

James Johnston ISA Certified Arborist  
James Tree Care 250 382 9162





**PROPOSED SUBDIVISION PLAN OF LOT 8, BLOCK 14,  
SECTION 11, ESQUIMALT DISTRICT, PLAN 195A.**

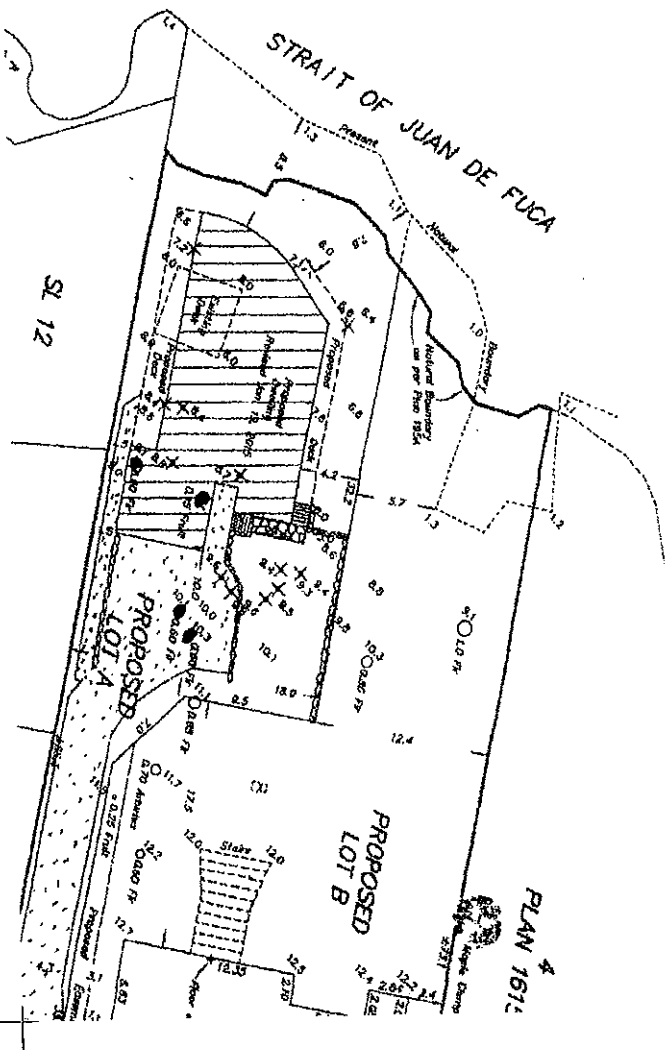
SCALE: 1"=20' All distances are in metres  
0 5 10 15 20 25

NOTE: Elevations shown are based upon geodetic datum. Lot dimensions, areas and offsets in boundaries shown may vary upon completion of a legal survey.

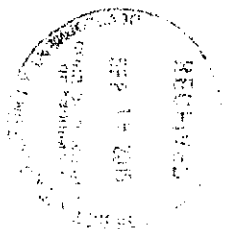
**LEGEND**

- 0.000 m: Locates true location
- 0.000 m: Locates and locates
- X: Locates 1/4" wood stake set
- : Locates property
- : Locates ground elevation

Field survey completed April 18, 2012



# Schedule F page 9



13.41

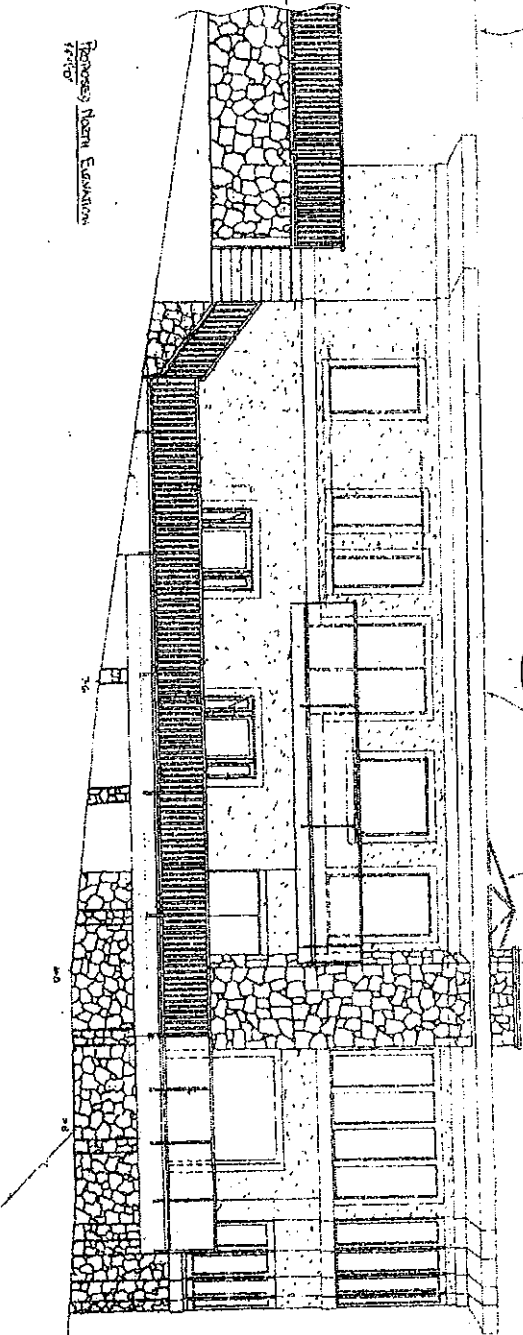
13.41

15.49

15.49

15.49

Proposed North Elevation



No. 10720H	
	
DATE: 11-01-14	DESIGNED BY: J. J. J. J.
BY: MESSX	INVESTIGATED BY: J. J. J. J.
DRAWING NO: 10720H	10720H-2

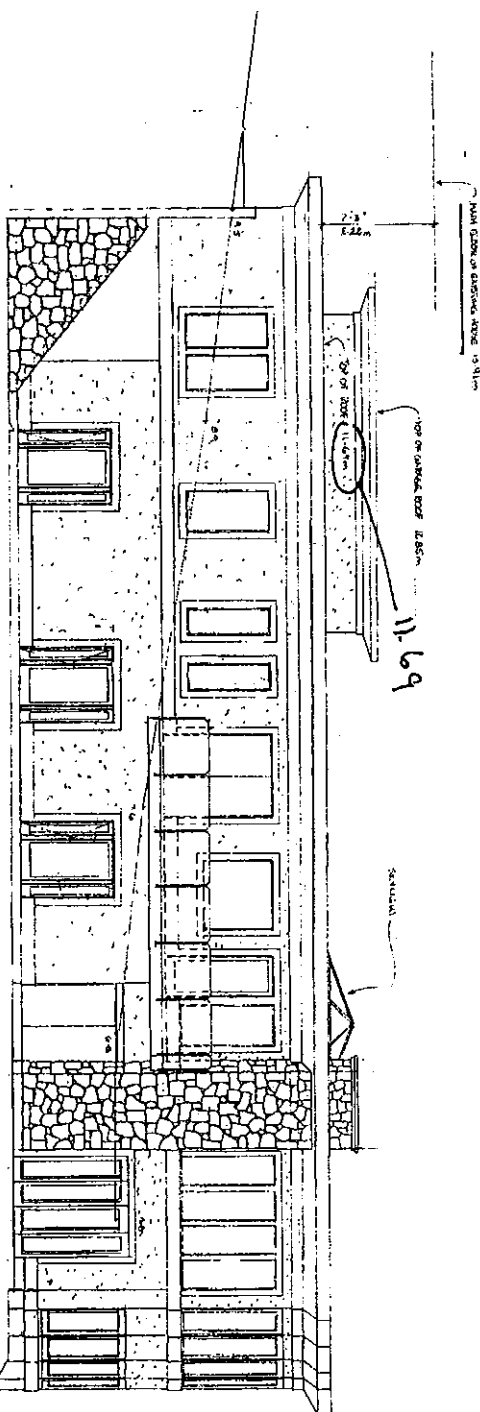


# OLD PROPOSAL

13.41

11.69

North Elevation  
12/10



Mr. HOSOI		MESA	
MESA DESIGN INC.		MESA DESIGN INC.	
1000 N. 1st St.		1000 N. 1st St.	
SUITE 200		SUITE 200	
DOWNTOWN		DOWNTOWN	
DOWNTOWN		DOWNTOWN	

## Bill Rowe

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**To:** Christina Gustafson  
**Subject:** RE: We are on with Beth Burton-Krahn this Sunday, November 8th at 10:30 am. Please be here at 10:15 for short discussion ahead of time

**From:** Christina Gustafson  
**Sent:** Thursday, November 05, 2015 7:22 PM  
**To:** Bill Rowe  
**Subject:** RE: We are on with Beth Burton-Krahn this Sunday, November 8th at 10:30 am. Please be here at 10:15 for short discussion ahead of time

I give you permission to sign the 'Talking point document' for me, if that is allowed.  
Christina-Maria Mueller (formerly Gustafson); owner of  
1173/1175 Munro St. V9A 5P5

Sent from my Windows Phone

**Bill Rowe**

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**To:**  
**Subject:** RE: We are on with Beth Burton-Krahn this Sunday, November 8th at 10:30 am. Please be here at 10:15 for short discussion ahead of time

**From:**  
**Sent:** Thursday, November 05, 2015 7:00 PM  
**To:** Bill Rowe  
**Subject:** Re: We are on with Beth Burton-Krahn this Sunday, November 8th at 10:30 am. Please be here at 10:15 for short discussion ahead of time

can someone please sign on our behalf! ... L

**Bill Rowe**

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**To:** Robert Frindt  
**Subject:** RE: Discussion Points for meeting with Beth Burton-Krahn

-----Original Message-----

**From:** Robert Frindt  
**Sent:** Saturday, November 07, 2015 5:09 PM  
**To:** Bill Rowe  
**Subject:** Re: Discussion Points for meeting with Beth Burton-Krahn

Bill and Marianne, Please sign our names to any petition or Discussion. Bob and Jane Frindt.

## Bill Rowe

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**To:** Maureen Duffus  
**Subject:** RE: 322 Plaskett Place

**From:** Maureen Duffus  
**Sent:** Sunday, November 08, 2015 12:49 PM  
**To:** 'Bill Rowe'  
**Subject:** RE: 322 Plaskett Place

This is to confirm that I authorize William A.. C. Rowe to sign discussion points on my behalf as I will not be able to attend the meeting planned for November 8, 2015.

Maureen Duffus  
1181B Munro Street