
From: Brian Bateman
Sent: Friday, April 5, 2024 4:22 PM
To: 'Melanie Cameron'
Cc: Tina Malone-Wright; Clerks (SM)
Subject: RE: Letter of concern regarding proposed development, Jackson St.

Melanie,
Thank you for your latest comments. I am forwarding them to Clerk's as the cut-off date for the report has passed and I want to ensure Committee sees these comments for the April 22, 2024 meeting.

Brian Bateman, MCIP, RPP

Senior Planner

City of Kitchener

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From: Melanie Cameron
Sent: Wednesday, March 27, 2024 5:58 PM
To: Brian Bateman <Brian.Bateman@kitchener.ca>; Mayor <mayor@kitchener.ca>; Stephanie Stretch <Stephanie.Stretch@kitchener.ca>; Internet - Council (SM) <council@kitchener.ca>
Cc: Melanie Cameron ; Marguerite Cameron
Subject: Letter of concern regarding proposed development, Jackson St.

March 27, 2024

Dear Mayor Verbanovic, Ward 10 Councillor Stephanie Stretch and other City Councillors, Brian Bateman, and other City Staff:

I am writing with regard to the proposed development on Jackson Ave (applications ZBA24/002/J/BB & OPA24/002/J/BB).

SECTION 1 (of 2):

I attended the City's February 21, 2024 meeting, at which the proposal in question was discussed with the public. I was left feeling perplexed, deeply dissatisfied, and, quite frankly, somewhat alarmed at the lack of clear answers to a number of significant and uncomplicated questions raised by citizens who also attended that meeting (City Staff reported over 70 "screens" in attendance).

While far too numerous to outline in full here, a small sampling of those questions, and the provided responses (or lack thereof), included the following:

1/ What is the developer's business plan for the proposed units?: rent or sell? (Answer provided by the developer's chosen representative, Ms. Von Westerholt: she doesn't know; she believes he maybe plans for the units to be condos...?)

2/ How many people would be permitted to live in each unit / the proposed units as a whole?

(Answer provided by City Planner, Brian Bateman: he doesn't know; nor did he cite his reasons for not knowing, or any potential measures of calculation (e.g. National Occupancy Standards, Ontario's Condominium Act, Ontario's Building Code, etc.).)

3/ How did the developer's team arrive at their determination that the only traffic passing via the proposed Brentwood entrance/exit would be approximately 63 vehicles exiting in the morning, and 71 vehicles returning in the evening?

(The question was ignored.)

4/ How did the developer's team determine that demolishing several single-family homes, and placing potentially 500+ residents and their vehicles and activities of daily living into the heart of the Jackson/Brentwood/Montgomery/Fairmount block will not result in noticeable increase in traffic nor other noise, for current residents of this quiet neighbourhood?

(Again, the question was not addressed.)

5/ With 120 proposed units, and only 91 parking spots designated for residents who don't own electric vehicles (once 25 EV-only, 4 Visitor-only, and 4 Accessible-only spots are subtracted from the proposed 124 total parking spots), where would everyone conceivably park? Won't they have to park on the street, and during disallowed street-parking hours?

(Again, no reasonable answer.)

6/ If the developer or his conglomerate overtly or covertly retains ownership of the units/condos, and overcrowds the proposed units with international students, and/or doesn't tend to basic maintenance such as shovelling and raking — as several neighbours along both Jackson and Brentwood independently attested has been the case, in houses he has slated for proposed demolition — is the City responsible? Is Council responsible? (Answer: the onus to attend to those problems — currently recognized on Provincial and National stages of media and politics as extremely prevalent and damaging within our particular Region — would fall solely on neighbours, who were instructed to contact Bylaw, which must then respond and attempt to curtail and manage the situation.)

7/ Given that the developer — via his chosen representative — didn't articulate his proposed business model (rent or sell?), and City Staff couldn't provide numbers of residents allowed to live in units of the proposed sizes, how can we trust that the

developer's witnessed business model of exploiting international students and recently graduated international students, and/or disregarding various maintenance Bylaws, will not continue to be his intended business plan / practice?

(Once again, no response.)

8/ Are any of the proposed units earmarked for Affordable Housing, in support of the City's Housing for All strategy and in alignment with its nine principles?

(Although posed several times, this question was also ignored.)

While I am concerned about matters relating to all of the above questions posed by citizen attendees (in addition to their several questions raised around potential environmental impact of this proposed development on the 200+ mature trees marked for destruction, the land's soil system integrity, groundwater absorption and underground streams, and the local wildlife reliant on this localized ecosystem for habitat), I wish to focus the remainder of this letter on the proposed Rezoning of 136 Brentwood Ave.

SECTION 2 (of 2):

As you are aware, the developer proposes that you agree to rezone 136 Brentwood Ave from Res 4 to Res 5, for the sole purpose of allowing him to demolish the home at that address, and to create, in its gap, an asphalt laneway.

1/ A laneway onto any part of Brentwood is not required (at least not according to any law or bylaw I've been able to locate), in order for his proposal to proceed.

2/ The developer, instead, has the option of directing any and all required laneways to and from Jackson St only: where one laneway already exists; where he proposes to build one laneway; and which is already zoned Res 5.

3/ A Brentwood neighbour and Engineer, who has undertaken substantial research, reports: that the existing bricked fence-line — running between the central area of the proposed development, and the back of the abutting homes along Brentwood — was collectively paid for, and is collectively owned, by all the neighbours whose lots border this fence; and that, as such, it is not within the developer's right to remove a portion of the brick fence without collective consent. We are requesting, here, that the City conduct research into the documentation of this matter, and report back to Council and the neighbours who own properties along this shared fence-line. If this information is, in fact, correct, would this matter then preclude the 136 Brentwood property from becoming a laneway into the development, irrespective of a zoning change?

4/ Agreeing to the developer's proposed zoning change of 136 Brentwood risks establishing a slippery-slope precedent for ongoing rezoning, throughout this

neighbourhood. This point is of heightened relevance, as neighbours have reported that this developer owns more houses abutting the development along Fairmount. And this neighbourhood's character and tone would already be so profoundly reconfigured by the proposed development alone.

5/ It is self-evident that a laneway moving at least half the daily traffic of some 400 or 500+ development residents, plus their service and delivery persons and visitors, into and out of the proposed development daily would impede significantly on the "Reasonable Enjoyment of Property" currently experienced by the residents of 140 and 132 Brentwood. Imagine the entire sideline of your quiet and private lot now open to constant vehicular traffic mere meters from your bedroom and living room walls, the radio noise, the exhaust fumes, the glare of headlights intruding regularly through your front and back windows at night, the foot traffic and litter, and the utter lack of visual privacy along the entirety of your front- and backyards, as you head out to enjoy what used to be pleasurable moments gardening or a quiet morning in the sun.

6/ The resident of 140 Brentwood is justifiably distressed about potential damage to the structure of her home, particularly its foundation, should the 136 Brentwood home and its foundation be demolished and a lengthy laneway graded and laid. What recompense is she assured — by the developer and/or by a City and Council who approve the rezoning — should damages be incurred?

7/ 140 Brentwood lies downhill from the proposed development. Its resident is understandably concerned about the potential of water seepage and flooding within her home and yard, which might well result from the significant changes in grade that would be required to construct the proposed buildings and vast parking surface, resulting in major shifts in groundwater run-off and other reconfigured waterflow. Again, what recompense is she assured — by the developer and/or by a City and Council who approve the rezoning — should such problems/damages be incurred?

CONCLUSION:

If you see fit to approve this development in some form:

1/ I implore you to, at the very least, reject the developer's current proposal. Please require him to return to you with a plan that is more appropriately suited for the size of land he owns, in alignment with current Bylaws (land-to-building density, parking, height, and encroachment).

2/ Require him to disclose his business plan for the proposed units. Stipulate clearly to him — and to neighbours / the public — the number of residents permitted per unit and on what basis. Starkly convey that you and we will be watching, and that he can anticipate

that adherence to these numbers, and other Bylaw requirements, will be monitored and enforced by all means possible.

3/ Please do not permit the unnecessary rezoning of 136 Brentwood, opening the door to a potential cascade of unnecessary problems and precedents.

I greatly appreciate your time to read my letter, and your consideration of my concerns and those of the neighbours.

I wish you wisdom and clarity, as you continue through this multi-factoral discernment process — including its many significant implications for the rights and needs of citizens, and consideration of land, trees, water, and wildlife — alongside what must surely be statistical and economic pressures, expectations, and incentives.

Take good care,
Melanie Cameron.