

APPENDIX B

Kate Cockburn

From: Dan Prosser [REDACTED]
Sent: Tuesday, January 30, 2024 2:38 PM
To: Kate Cockburn; Town Clerks
Subject: Re: MacDonald Rose Inc response time
Attachments: 358 Reynolds.pdf

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Hi Kate - sharing my original feedback about the development at 358 Reynolds. Most of the concerns still apply, with the exception of the underground garage. On top of the concerns that I provided in the attached document to the land tribunal, the new development presents some new challenges.

1. Proximity of the new building to my house. My house is 1.35 metres from the property line and the new building will be 1.4metres from that. The proposed plans show the new townhouses extending 6 metres beyond where my current deck is. Concerned this will impact my privacy.
2. The height of the proposed townhouses is roughly 30 metres tall with a pitched roof above, including windows that will face my current house. Most of the windows seem to above my house. Concerned this will impact my privacy.
3. Proposal includes very limited landscaping, including a 1.8 metre privacy fence that runs up to the gate at the back of the house. Seems like a small privacy fence given the mass of the proposed property. What other options for fencing and/or landscaping would be considered?
4. Looking at the shadow study, it appears that there will be shadow over my house, impacting light in my kitchen/dining area and back deck until about 10am. Concerned that will impact my ability to enjoy my property.
5. Sidewalk appears to end at the beginning of my property on the east side. Seems odd to me that the sidewalk would end so abruptly. Looks unfinished and probably presents safety concerns on top of adding inconsistency to my side of the street.
6. Nice to see that some of the trees will attempt be preserved. However, construction will require tree protection zones around T1, T2 and T3 (see arborist report) which means that I will have plywood or other kind of fencing around these trees. I should also point out that there are three oak trees that are along my front fenceline that were not considered in the arborist report.

Happy to discuss in more detail if you or others have any questions.

Dan Prosser
[REDACTED]

On Thu, Jan 11, 2024 at 10:46 AM Kate Cockburn <kate.cockburn@oakville.ca> wrote:

Hi Dan,

It would be helpful to provide your comments as soon as possible, to help inform our staff report. Please include the Town Clerk in your submission to ensure your comments form part of the public record and preserve your appeal rights.

If you have any questions, feel free to contact me by phone to discuss.

Thanks,

Kate.

**Kate Cockburn, (She/Her), MCIP, RPP
Senior Planner
Planning Services**

Town of Oakville | 905-845-6601, ext.3124 | www.oakville.ca

Vision: A vibrant and livable community for all

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From: Dan Prosser [REDACTED]
Sent: Wednesday, January 10, 2024 3:25 PM
To: Kate Cockburn <kate.cockburn@oakville.ca>
Subject: MacDonald Rose Inc response time

SECURITY CAUTION: This email originated from outside of The Town of Oakville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kate - happy new year! I've just received the notice re: **MacDonald Rose Inc. - 358 Reynolds Street - Z.1613.65 and 24T-23003/1613**

Wondering how much time I have to respond?

Any help would be greatly appreciated!

Dan

Previous letter on OLT approved application

Letter to Town Solicitor

From: Dan & Karolina Prosser

1225 Trafalgar Road

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Oakville, Ont

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RE: Transmetro Amendment and Rezoning Application

I moved to Oakville with my wife and our three-year-old son with the goal of finding a lower density place to live and raise our small family. What attracted us to this neighborhood was the heritage district older homes, beautiful trees and the friendly families that welcomed us when we settled at ██████████
██████████

This neighborhood is a beautiful place to live and, understandably, more people want to join the community. We welcome the idea of new neighbours however, we are not in agreement of the proposed development at 358 Reynolds as it is currently presented. We believe that the current proposal is not compatible with the surrounding neighborhood as it presents material negative impact on the adjacent properties and creates unprecedented change in the Heritage Conservation district. We are aware of the fact that there was some legacy, grandfathered spaces, including buildings left behind from the demolished hospital, but those structures were out of scope according to current bylaws. While considering the location of our new home, we expected the bylaws to protect our interests and maintain density and other associated rules.

Below, I have outlined my concerns with the proposed development at 385 Reynolds Road and provided facts to support my arguments.

Concern	Facts
Dramatic increase in density from RL5-O Low to RM4 Med.	+71% increase in density moving from 5 dwellings to 29 units per hectare to 49.5 units per hectare, pushing the upper limit of Medium
Massive increase footprint and height of building	60% to 70% increase in building size lot coverage
Unprecedented use of prohibited balconies	14 balconies with 67% currently prohibited
Proximity creep towards adjacent properties	Decrease in proximity by 27% to 60% , moving a massive building closer to smaller adjacent properties
Negative impact of density change to the community	More than 120 new windows, lights and underground parking
Substantial risk to old-growth trees	67% of trees will be removed or injured during construction
Violates Heritage Conservation Plans	Dramatically different in size, height and setback as the adjacent buildings

1. **Dramatic 71% increase in density.** Moving from RL5-0: Low Density Residential of 29 units per hectare to 49.5 units per hectare which represents the extreme upper limit of RM4 Medium Density. This 71% increase in density feels aggressive considering the existing zoning would allow for 5 family detached dwellings.

2. **60% to 71% increase in size of the building and lot coverage.** The footprint and height of the proposed building is dramatically larger than anything else we have in the community. This pushes the capacity of the lot and makes a massive building feel even larger and more imposing to the surrounding neighbours.
 - Based on the submitted plan, the building would occupy roughly 60% of the lot, or more, once the parking is taken into consideration. The developer claims that this is an amendment to the by-laws, however, due to the tremendous change to the current stipulations it appears that they are in fact trying to change the current by-laws. Based on the current R15-O Low Density zoning, the maximum coverage should be 35% which means the proposed building would increase lot coverage by 71%.
 - Based on the submitted plan, the height of the proposed building is 14.33 metres. This is in violation of the 9 metres allowed by current zoning, representing a 60% increase in allowable height. The proposed building would tower over the surrounding detached dwellings casting massive shadows to the north blocking morning sun and to the south in the afternoon.
3. **Unprecedented use of prohibited balconies :** within the -0 suffix zone, balconies are prohibited above the floor level on any lot. The proposed building has 14 balconies with 8 of them on the second or penthouse floors. The elevated balconies, combined with the height of the building, have the potential to provide intimate views into yards, windows and skylights of neighbouring homes impacting the privacy and comfort of the homeowners in the community.
4. **Unprecedented development:** the previous three points (density, size and balconies) address the zoning rules and highlight a few of the reasons why this development should not proceed as currently proposed. The developer will certainly argue that other buildings exist, however, it is important to point out that these buildings exist because they are classified as grandfathered properties. The developer has also argued that similar properties are being built, however, this argument is null for the following reasons:
 - The development is being proposed in a heritage district
 - The development includes unique characteristics that will negatively impact the quality of life surrounding residents including proximity to other properties and balconies facing single family homes. No other property in this zone reflects those same characteristics

Developers have leaned on the Livable Oakville Land Use Policies, "Intensification within residential areas will be evaluated using criteria that maintains and protects the existing neighbourhood character. These include, but not limited to, ensuring the built form of development is compatible with the surrounding neighborhood, minimize the impacts on adjacent properties on matters such as grading, access, privacy and shadowing, and to ensure the preservation and integration of heritage buildings within the Heritage Conservation Districts". The bottom line is that this development is looking for dramatic By-law amendments, or in some cases changes, that are unprecedented in the community.

Residents, including my family, have taken comfort in and made financial commitments based on previous decisions that have been made in our zone. Two recent examples include; the decision not to proceed with the McLaughlin College expansion and the decision to proceed with 15 single dwelling residences on the old hospital grounds. Both of these recent decisions set precedence and

highlight the fact that this community values the detached dwelling housing that it is comprised of. This proposal thrusts density and change at an extreme pace.

5. **Proximity to Other Properties:** the proposed development size, lot coverage and setback will push the building to the edges of the of the property line. To the south, the setback, as proposed, will be 3 metres which represents a decrease of 33% to 60% (depending on interior side or rear yard consideration). The front yard setbacks would move from 7.5 metres to 5.5 metres, a decrease of 27% which would result in the neighbor directly to the west having a view of the side of the proposed 3 story building from their front windows.

6. **Negative impact of density change to the community.** Density brings new challenges to the community including light pollution, increased traffic and an underground garage with 37 cars situated directly next a single dwelling residence with a young child.
 - Light pollution will be created by the roughly 100 windows that will be illuminated from the 14 luxury town homes.
 - Increased traffic and the use of an underground garage will present danger to the homes in in the immediate vicinity. The adjacent property to the west will have an underground garage entrance directly beside their property presenting a dangerous risk for the toddler residing in the house every time he rides his tricycle
 - More people means more garbage and recycling. The site plan does not indicate where or how the garbage will be stored or removed. The adjacent properties will not want to have garbage facilities close or in view of their properties.

7. **Loss of privacy** is a major concern for the adjacent properties. The height and proximity of the proposed development, combined with balconies that have the ability to look into back and side yards, windows and skylights create a material change in adjacent property privacy. This is particularly punitive to the residents of 272 Macdonald Road and 350 Reynolds St.

8. **Trees:** the proposed development site contains 21 old growth trees. Oakville is well known for its strict and well-respected tree treatment. According to the arborist report, 14 of the 21 trees will be removed or injured during construction, representing a negative impact to 67% of the trees on the property. Development of a property that puts two-thirds of the tress at risk seems like a large risk to the character of the community when some of the trees are 50 to 100 years old.

9. **Heritage preservation:** The proposed development site is within the boundary of the Trafalgar Road Heritage Conversation District Plan ("TRHCDP") and the residents within the district have an expectation that the Municipal Authority has the mechanism to review and determine the permit of applications to changes to, and within, the environment of the district.

According to the Trafalgar Road Heritage Conservation District Plan, *"New construction compromising freestanding buildings should respect the prevailing character of: adjacent building; the existing streetscape, landscape and grade levels; and the district as a whole. New construction should be of compatible design in location, size, height, setback orientation, material colour, roof and roofline, fenestration, scale and proportion"*.

The TRHCDP has clear guidelines for new building height, width and proportion:

- **New building height** *"One-and-a-half to two storey structures are the most dominant in the district. Building height of new structures should generally maintain the building height of adjacent properties and the immediate streetscape should be noticeably higher nor lower"*
- **Width** *"Building of new structures should maintain the building width and side yard spaces of adjacent properties and the immediate streetscape thus preserving the existing streetscape"*

The proposed development does not meet the character of the adjacent buildings and is dramatically different in size, height and setback as the adjacent buildings are single dwelling two story homes.

10. Construction and Vibration: The proposed plans will clearly involve extensive construction and excavation to create underground parking. The property adjacent to the west will be roughly 2 meters from the underground parking. That means that as the underground is being dug, the residents living room will be subject to tremendous vibration caused by shoring and faces risks of foundational cracking and/or the possibility of infringement of property.

Some may feel that this is the byproduct of progress, but it's important to remember that residents of this community made their decision to live here based on the expectation that detached dwellings would be built, not higher-density townhomes with underground parking.

Thanks for your time and attention.

Dan & Karolina Prosser

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