

Laura Dainard  
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 Town of Whitchurch-Stouffville  
 111 Sandiford Drive  
 Stouffville ON  
 L4A 0Z8

January 21, 2022

RE: OPA21.008, ZBA21.008, and SPA21.31  
6461-6587 Main Street Stacked Townhouse Development Proposal

Dear Ms. Dainard,

We have had a chance to do an initial review of the documents that were submitted as part of the applicant’s complete submission with respect to **Zoning, Land Use, Groundwater, and On-Site Storm Water Management**. As a result of our review, we have a number of questions and observations that we would like to offer to the Town.

**Part A - Land Use Planning and Zoning Concerns**

The following table summarizes our understanding of what the permitted zoning criteria are for RN4 and what the Applicant is proposing as part of his complete application submission.

Can the Town please verify our understanding of this information?

**What Developer is Permitted to Build Within RN4 Zoning**

Zoning Criteria	What is Permitted within RN4 Zoning	What Developer is Proposing	
Maximum Permitted Unit Density	145 m <sup>2</sup> /unit 69 units per ha	62 m <sup>2</sup> /unit 160 units /ha	2.3 times permitted density
Maximum Number of Units	45 Stacked Townhouses	106 Stacked Townhouses	2.3 times permitted number of units
Maximum Number of Storeys	3 Floors	3 Floors (with Roof Top Mechanical Room and Roof Top Deck)	Max Permitted
Maximum Building Height	12.0 m	13.5 m	Exemption for additional height is

			required to accommodate roof top mechanical room/enclosed stairway
Min Lot Frontage	Min 3 m Max 7.5 m	3 m	Minimum Permitted
Exterior Side Rear Offset	Min 3m Max 7.5m	1.5 m	Exemption for Less than Min Permitted
Rear Yard	Min 6.0m or 45° Sightline Clear Zone from Rear Property Line	11 m	11 m appears to satisfy 45° Sightline Clear Zone from Rear Property Line
Parking	2 spaces per unit = 212 total parking spaces	184 below Ground + 2 Visitor Spaces above Ground = 186 total spaces	Deficit of 26 Parking Paces <u>Applicant is Recommending using Memorial Park public parking lot and on-street parking on surrounding roads to make up parking deficit</u>

Maximum permitted unit density under RN4 zoning allows 69 units per hectare for stacked townhouses. This means that 45 stacked townhouses would be allowed on this .66 ha site based on the RN4 zoning - The Developer is proposing 160 units/ha - they are proposing 2.3 x the allowable density.

**Building Lot Coverage:**

The zoning bylaw doesn't appear to have a maximum building lot coverage for stacked townhouses. Why is that? Does that mean they can basically put a building on the entire site? The low-density residential uses are held to a 35% building lot coverage requirement to manage and minimize storm water flow into the sewer system.

What is the zoning for lot coverage for stacked townhouses?

**What is the Town's definition of a "Storey"?**

What is the Town's definition of a "storey"? Below is a cross section of the proposed building, along with Mississauga's definition of what constitutes a "First Storey" level.

Using this definition of a first storey, it appears as if the proposed development, due to its raised basement built on top of the parking garage, is actually four storeys PLUS a roof terrace and mechanical room/staircase installation. Four storey buildings in RN4 zoning are not permitted. So is this a three or four storey building? Can you provide the zoning bylaw that defines what “a storey” is?

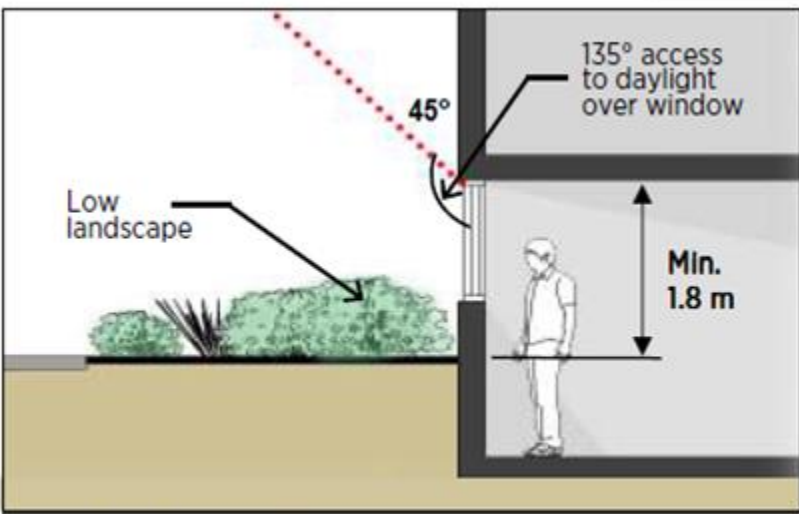
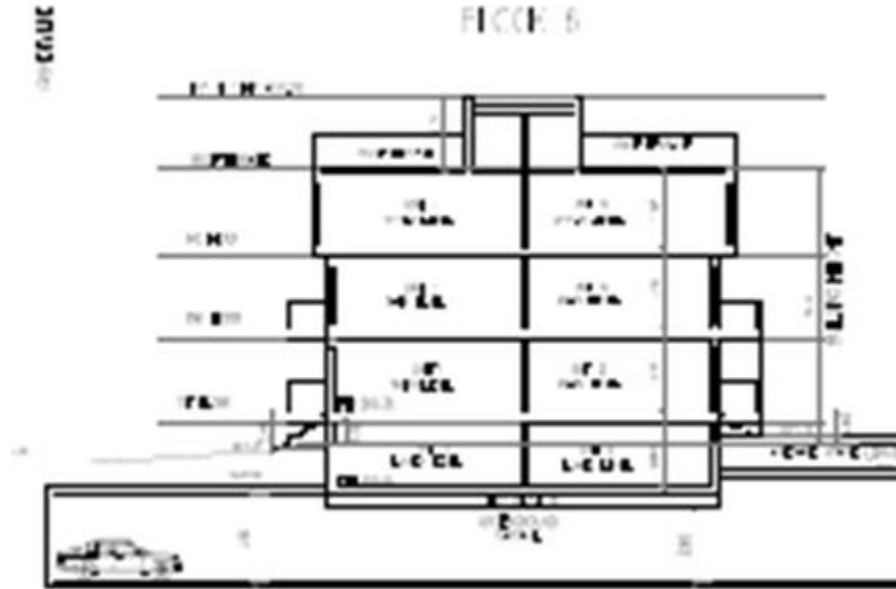


Figure 6: Definition of first storey

## **Building Height:**

Maximum building height for stacked townhouses is 12m, they are asking for 13.5 m. The 12m height allowance is already significantly higher than the adjacent existing residential properties, where the highest roof peaks that line up with an elevation of 10.5 m at the rear façade of the proposed stacked Townhouse structures. end. The 13.5m height variance is excessively high and is well out of the height range of surrounding residential and commercial. They should be choosing a building style where they can facilitate the build within the existing already generous zoning allowance of 12m.

They are asking for this 13.5m height variance to accommodate the mechanical and staircase room on top of the “third floor”, which also provides access to the “rooftop patios”. These rooftop patios, which will be located on all building units well above the height of existing properties, will result in significant impacts on the surrounding residential community. The rooftop patios are visually intrusive from a privacy perspective, as well as a source of noise and nuisance that cannot be mitigated with landscaping or noise abatement of any kind.

While a shadow study was not included in the Completed Application, it would be difficult to imagine that these building heights and proposed proximity to property lines would not significantly negatively impact privacy and result in substantial shading of existing residences.

## **Zoning and Responsible Intensification**

In terms of intensification, it is important that Developers intensify responsibly; this is particularly important in infill lots, where we don't have the benefit of a master planned community to limit the impact of stacked and stacked back-to-back townhouses. As such, considerations to surrounding residential homes and community are essential to successfully integrate these projects into the community.

We understand that it is a Developers' right to bring to the table any proposal they want, regardless of the area zoning bylaws and the official plan, and that they operate on a mandate to maximize profit. As such, it is important to recognize that any criticism or input from adjacent residents is not unfairly dismissed as “nimbyism”. There is a difference between over-intensification and responsible intensification; the development as proposed is not respecting zoning regulations or the Official Plan, their variance requests are not minor in nature, and they far exceed what is allowed and would be deemed reasonable for the surrounding community. The plans themselves are not giving any consideration whatsoever to neighbouring properties in terms of appropriate setbacks, transitions, heights, and very importantly, appropriate density. It's interesting when we look at the land use and zoning for the Lincolnville development that all of the high and medium density zoning is planned within a 500m radius of the Go station, but between 500-700 m the plan there is for new low density where it abuts existing low density. They have provided an appropriate transition to the existing residential in these master planned communities.

## MTSA Requirements

The 150 persons or jobs requirement for the MTSA zones shouldn't be used to give any developer "free reign" when it comes to intensification. The MTSA zone would normally apply to an area within a 500-meter radius of the GO station. Because that level of density likely wasn't achievable through the heritage district, the MTSA designation was extended easternly along both sides of Main Street, to within a radius of 800 meters from the GO station, and the subject properties are within that 500–800-meter zone that would typically not be included within an MTSA. This is our understanding why we have the designated RN4 zoning on these lots – for the purposes of the MTSA intensification. **The 150 persons or jobs per hectare MTSA requirement, based on a modest assumption of 2.5 occupants per dwelling unit, would be met with to 40 residential units on the .66 ha property.**

## Sanitation

If this were a conventional townhouse development, residents would be required to contain their own garbage on their properties until garbage collection day. Because these stacked back-to-back houses are in a "condo community" they have a communal garbage storage facility. Research shows that stacked townhouse developments with communal outdoor garbage storage has proven very problematic; garbage odour and vermin has a significant negative impact on the surrounding community. The current proposal has their outdoor garbage storage building abutting a residential property line on the east side, with the objective of limiting the impact of the garbage storage facility on their own residents. At minimum we would like to see the Garbage Room located within their underground garage, with garbage removal to an outside location on garbage pick-up day. This is what has been done in other stacked back to back developments, one in particular that was designed by this same architectural firm. It should be a requirement that garbage is stored within a vermin-proof, solid enclosed structure. We have great concern that exterior garbage storage for multiple residences by the ditch and storm sewer system is extremely problematic for the community at large - they are providing the perfect environment for rats in the community core – where residents, businesses, and schools will be negatively affected. If garbage is problematic when zone density is adhered to, the impact of the garbage storage of 106 units will be exponential. How can we ensure that surrounding residential will not be negatively impacted with vermin and odours, especially in the warmer months where people are spending more time outdoors.

## Summary of Zoning Concerns

What this developer is asking for in terms of zoning and official plan exemptions is just unfair. There is a balance that needs to be achieved. Zoning bylaws and the Town's Official Plan are the foundations to ensure this "balance" occurs. What is the point of having these zoning bylaws and an official plan, if they don't mean anything in practice? Development should be within the intensified medium density RN4 zoning, which would be approximately 45 units on this .66 ha lot. Setbacks should be increased and respect adjacent properties, design should compliment adjacent properties and the surrounding Heritage District in height and style, the building units

should transition in height to ensure continuity with surrounding homes and the streetscape, and meaningful efforts should be made to limit noise and privacy impacts to the existing residential. This proposal does none of those things.

The following are excerpts from the **Whitchurch-Stouffville Official Plan Review**, p. 19, under “Preliminary Policy Recommendations”:

**Ensure compatibility between land use, and appropriate intensity and scale, a set of principles and urban design policies should be used for assessing any applications for redevelopment, infill and intensification in settlement areas;**

**Ensure new development is appropriately massed and its exterior façade is designed to fit harmoniously into its existing and/or planned context, to limit its impact on neighbouring streets, parks, open spaces and properties;**

These are sound urban planning principles, and we the residents would like them to be the guiding principles when considering this proposal.

### **Part B - Architectural Design and Heritage Concerns**

There is a lack of cohesiveness with existing residential uses in the area in both architectural design and scale. There is a lack of trees, and natural features, insufficient green space.

The current design does not have any design elements that reflect the downtown Heritage district and does not have any consideration for the historical properties that have been, and will be demolished, to enable this development. The design is ultra-contemporary, and has no continuity with the surrounding residential community whatsoever. This type of modern design is completely out of place on Stouffville’s Main Street, and does not fit with the community vision of what we have built, and are working towards, in our community core.

It would be beneficial for this and future stacked townhouse development proposals if the Town could move quickly to develop and adopt a set of Design Guidelines for Townhouses and Stacked Townhouses as have done numerous municipalities within the GTA including the City of Toronto and the City of Mississauga. The Town should develop special guidelines for setbacks and buffers for proposed townhouse developments that are proposed adjacent to established low density residential areas. Enhanced building offsets, tree screening, and design treatment of building heights, and building facades that minimize visual and noise impacts on adjacent established low density residential land uses should be included as part of these design guidelines.

Consideration should be given to encouraging developers to include traditional building designs that would be in keeping with the Heritage nature of the downtown area that incorporate the roof system into the 3<sup>rd</sup> storey through the use of dormers and sloped roof designs. The incorporation of the 3<sup>rd</sup> storey into the roof of the building which would provide the beneficial visual affect of lowering the perceived building height and can be seen in the following photo examples:



Examples of Traditional 3-Storey Building Designs with 3<sup>rd</sup> Floor Incorporated into Roof Design

The current proposal has given little to no consideration to natural elements and trees. The Lemonville lot was unceremoniously clear-cut of over 20 trees, one of which was a majestic Willow, which was one of the oldest and largest trees in town. This was done without any consultation or collaboration with the Town – who rely on the goodwill of Developers to work with the Town in the absence of a tree bylaw. Many additional trees will be felled from the adjacent properties for this development. The proposed development only provides for a few trees, which will be planted at superficial depths due to the majority of the lot having a concrete cap, which will not allow for any meaningful environmental benefit, shade, or canopy from these trees.

The site is significantly lacking in any actual greenspace for future residents. Both from an environmental and human health perspective, this should not be acceptable.

### **Part C - Environmental Concerns with Dewatering and Drainage of the Aquifer**

This site is a defined “aquifer sensitive” location with an exceptionally high water table, some areas being only .5 metres from the surface. During construction, there is a proposed dewatering rate of up to 750,000 litres per day. After construction, there is a dewatering rate of approx. 250,000 litres per day, on an ONGOING BASIS, IN PERPETUITY.

There are several significant concerns that we have with this.

First and foremost, this dewatering proposal is damaging to the aquifer, and should not be allowed on that basis alone. If all of this water is being sent through the storm sewer to the Stouffville creek – what are the issues with sediment and water quality? How will this be addressed? If every developer was allowed to do this, the environmental consequences would be catastrophic.

Dewatering projects are fraught with complications, and the potential risk of impact to surrounding residences is significant. The destabilization of the soil that is caused by dewatering could result in damage to surrounding residential foundations, outbuildings, retaining walls, etc. In this particular development, the risk is ongoing, as dewatering would continue after construction and be indefinite. How can the Developer, and the future Condo development, possibly dewater that site without affecting adjacent properties, and the integrity of the soil of surrounding residences? Is the developer/condo development allowed to continually dewater the land of adjacent properties, how will this affect our soil stability on the adjacent lands? How will this affect the adjacent property owner's ability to build on their properties should they choose to also do that? Part of the Provincial Growth initiative is for increased building on existing residential for "garden suites" or "granny flats" – how could adjacent property owners possibly build something close to their property lines when their land is continually being dewatered, in perpetuity? It is completely unfair to allow the dewatering of the properties adjacent to the site as it runs not only the risk of damaging adjacent existing residences and structures, but may also preclude adjacent property owners from utilizing their own properties in the future. Because of the necessary continuation of dewatering, this risk to adjacent properties could be indefinite.

The Developer has been requested by the Town to use a run-off co-efficient of 0.75 for their storm water drainage design. The Town has indicated they will be allowed to drain into the rear ditch at the existing run-off co-efficient of 0.25. This means that they need to retain the stormwater equivalent to a co-efficient of 0.50 within a water detention tank on-site, and the remaining 0.25 will be absorbed into the soil on-site. However, the 0.75 co-efficient is questionable, in consideration of the fact that almost the entire site is covered in a concrete cap, so there is no way to retain 25% of the water in the soil. While there will be some nominal landscape areas, containing dirt sitting on the concrete cap, it's questionable that this very small landscaped area would be able to absorb 25% of the rainfall on the site. Furthermore, if there are successive rainfall events, that further exacerbates the issue, where no additional rainfall can be absorbed in the shallow nominal landscape surface.

Is a runoff coefficient of 0.75 appropriate for use on this site or should a higher runoff coefficient be considered that better reflects the hard surface nature and actual surface absorption characteristics that will be experienced on the site during a Regional 100 Year storm event.

#### **Part D - Onsite Stormwater management – Water Tank Proposal**

Our understanding that a buried water storage tank system for municipal storm water management is not permitted by the Town's own engineering standards, because of costly maintenance and repair issues that are associated with these types of systems:

“D3.06 Buried Tanks for Municipal Stormwater Management.

Buried tanks are not acceptable for municipal stormwater management due to the increased cost and complexity to inspect, maintain, and clean-out tanks versus open stormwater management ponds. Extensive long-term rehabilitation or replacement costs



are anticipated with these structures which are not applicable to standard municipal stormwater management ponds”

Are buried water storage tank systems for municipal storm water management permitted by the Town's own engineering standards?

Realistically, this system is still linked to storm water management that is under the Towns' jurisdiction, and it is unlikely that a small Condo development could effectively manage the system themselves. There are already incidents where Condos are going to local councils to push them to take over the cleaning and maintenance of the tanks. Residents present the argument that these systems are too costly to even clean, let alone repair, that since they pay the same mill rates as other residences for whom the County or Region manage the storm water services, that these infrastructure maintenance expenses should not fall under the Condo responsibilities. In Brantford, the condo association made a presentation to regional council where they themselves stated it is unlikely the tanks are being cleaned or maintained properly by Condos due to cost and difficulty in getting services. These systems are fraught with problems and are extremely costly and pushing it off to a small condo board isn't fair or realistic. It is probable that the Town may have to take it over, or that future residents of this development will have an unfair burden of the cost of maintenance and repair of this system that the town has approved.

Who is going to monitor the water quality coming out of the tanks into the storm sewer? Will there be maintenance staff at the Condo who are trained to monitor both the dewatering system and conduct water sampling tests?

We have environmental concerns about stagnant and potentially contaminated water being pumped into the Stouffville creek when the tank reaches a certain capacity, and also about mosquito breeding (West Nile) within the tank. What about long-term replacement or repair, which will be inevitable at a certain point.

Considering the location of the tank and the proximity to the properties along the rear property line, how could this tank be accessed for repair or replacement without impeding on adjoining properties?

In summary, these are some of our planning and zoning relating to the development proposal. We would appreciate a formal response from the Town to each of our questions and I trust that our comments will be submitted to the applicant's consultants as well as to the Town's Peer Review consultants for their review and comment, where applicable. We look forward to hearing back from the Town on our concerns.

Sincerely,

*Dave Nicoll*

*For:*



Cc:

Dwayne Tapp, Director of Development Services

Hena Kabir, Manager of Development

Mayor Iain Lovatt

Councillor Sue Sherban