

## **Delegation to City Council July 16<sup>th</sup> 2018 on 409 Brant Street Development**

**Roland Tanner**

Thank you again to Council and Staff for hearing my delegation.

Before I begin I just want to recognise the futility of the exercise we are engaged in tonight. I doubt very much that there is anybody in this room who has not made up their mind about the development. Delegations will be read, and votes will be cast, but the former will have no impact on the latter. I honestly don't say that as a criticism, I simply say it as a matter of fact. Whatever happens at the election this year, let's all please commit, citizens, Council, City Staff, to find a better way of doing this in the future. A way that finally gets all sides talking and listening together. Win or lose, I promise I'll be willing to help.

Moving on. Last week we heard the argument that it is the Province, and the new Provincial Growth Plan, that is forcing the city to accept 17 storeys or more, on this location.

**There are two reasons why I believe that argument is incorrect.**

First, the Special Planning Area in the Brant Street Precinct is zoned for 17 storeys by the new Official Plan for one reason and one reason only. By allowing greater height, the City is seeking to trade developers for an enhanced public space near City Hall to augment the current civic square.

That objective has nothing to do with the Province, or with the Places to Grow Act, or the Growth Plan.

But for that objective, 409 Brant street and associated lots would be zoned for a maximum of 11 storeys with a 45 degree setback from Brant to John St, along with the rest of the Brant St precinct. That lower height, by the City's own argument, not mine, is a defensible level of intensification under the Growth Plan.

**I reiterate. That is the City's position, and the City's argument, not mine.**

Second. The delegation on behalf of the developer last week by Mr Bronskill made a novel legal argument, and one which has yet to be tested at the LPAT. That legal argument was that the wording of Provincial Growth Plan for the Greater Golden Horseshoe obliges cities to 'optimize' intensification on any lot. The developer is entitled to their opinion, but I will argue that Mr Bronskill's argument is very far from one that Council should endorse. And yet his argument went unchallenged.

In fact the Provincial Growth Plan ~~in fact~~ uses the word 'Optimize' exactly **ONE TIME** with regard to intensification. I will quote the sentence in full.

**"It is important to optimize the use of the existing urban land supply as well as the existing building and housing stock to avoid further overdesignating land for future urban development."**

This sentence is **almost identical** to the 2006 Growth Plan. It differs only in the addition of nine words ‘as well as the existing building and housing stock’.

In other words there is clearly ***no intent whatsoever*** to cause a wholesale reinterpretation of what is permitted for intensification on any single assembly of land. Instead we still have only the standard requirement for Intensification which has been in place since the Places to Grow Act.

So, having dispensed with those two arguments that the height of 409 Brant Street is not in the City’s control, what are we left with?

We are left with an area which has been zoned by the City at 17 storeys, but could equally have been zoned for 3 to 11, with a 45 degree setback. The City’s own logic, not my logic, argues that a lower height is a defensible position to take to any future appeal at the LPAT. I am not cynically arguing what I think residents want to hear, I am arguing from the City’s own position used in the creation of the new Official Plan.

The City ***has*** the power. It should ***also have*** the will. I ask again: please reject the staff recommendation, and consider removing the lands under discussion from the Special Planning Area and zoning them according to remainder of the Brant Street Precinct.

Thank you.