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August 17th, 2023

Honorable Steve Clark - Minister
Ministry of Municipal Affairs and Housing - Office of the Minister
777 Bay Street, 17th Floor
Toronto, ON
M5G 2E5

**RE: Multiple Properties in Downtown Paris
OUR FILE 21480A**

On behalf of Wingbury Properties, please accept this letter for consideration with regard to the County of Brant's Draft Official Plan, which was presented to Council on May 29-30 and forwarded to the Province for approval on June 1st.

Wingbury Properties owns several properties that are optimally located within Paris' downtown, in close proximity to a variety of commercial and recreational uses that would support the day-to-day needs of residents. In turn, residential development within the Downtown Core would support the Downtown by bringing residents into the Core that would utilize the existing commercial businesses year round. The Wingbury properties include (hereinafter referred to as the 'subject lands'):

- 31 Mechanic Street
- 33 Mechanic Street
- 37 Mechanic Street and lands south of 37 Mechanic Street and north of 3 West River Road without address
- 3 and 4 West River Street and lands adjacent to 4 West River Street without a municipal address
- 12 Broadway Street West

The subject lands are located within the Paris "Downtown Core Special Policy Area" as identified within both the in-effect County of Brant Official Plan and the new Draft Official Plan. As you may be aware, a Special Policy Area (SPA) is an area within a community that has historically existed in the floodplain and where site-specific policies have been approved by the province. SPAs are intended to permit 'development and site alteration' in areas subject to a flooding hazard along a river, where it otherwise would not be permitted. Generally, Special Policy Areas are created in recognition of the importance of the area for the municipality's growth and development.

Both the in-effect Official Plan and the new Draft Official Plan contain policies that regulate development within the Paris Downtown Core SPA. Generally, the new Draft Official Plan contains more restrictive policies and wording regarding residential development within the Downtown Special Policy Area that we believe should be reconsidered, as summarized below.

The Draft Official Plan specifies that "*a Special Policy Area is not intended to allow for new or intensified development and site alteration if a community has feasible opportunities outside the flood plain*" [Section 3.3]. This statement, or similar, is not present in the in-effect Official Plan. Moreover, this statement contradicts the intent of the SPA by further restricting development within the vital downtown core in favour of development elsewhere in Paris. This policy direction does not make for an efficient use of existing infrastructure, restricting intensification without consideration of adequate mitigation opportunities such as appropriate floodproofing measures, provision of safe access or the location of residential units above the Regulatory Flood Level (RFL). Furthermore, "*feasible opportunities outside the flood plain*" is a broad and widely interpretable qualifier that could be used to justify refusal of intensification within the downtown core for the foreseeable future in rapidly developing Paris. We suggest that this language be revised as intensification within the downtown core, with appropriate mitigation measures related to the floodplain, will provide for an efficient development pattern that would support the economic viability of Paris' downtown.

It is recognized that flooding hazards represent an important consideration in the development of communities. However, based on discussions with the Grand River Conservation Authority, we understand there are differences in the flood depths within Downtown Paris and the policies do not allow for any consideration of the depth of flooding, and therefore the potential associated risks. For example, in Waterloo, flood depths of up to 0.8 metres are accepted and development can proceed – 'safe access' is achieved if the flood depth is 0.8 metres or less. The draft County of Brant Official Plan makes no such concession.

The draft Official Plan also contains a policy (3.3.16) that prohibits the construction of new residential dwelling units above existing commercial uses and the conversion of existing commercial buildings to residential uses. This would apply to Wingbury Properties sites, which contain commercial buildings, including 12 Broadway Street West, which is located at the outer extent of the floodplain. Furthermore, policy 3.3.18 states that:

Residential development and redevelopment or a major renovation of an existing residential building shall be permitted provided that the habitable floor space of any new residential dwelling unit is located at a minimum elevation equal to the Regulatory Flood Level and that the structure is floodproofed to the Regulatory Flood Level.

As such, subsection 3.3.18 contemplates both new residential development and residential redevelopment and permits both, provided the units are above the Regulatory Flood Level (RFL).

The Special Policy Area also includes definitions to assist in the application of the policies. The following definitions would be considered for the subject lands:

"Development shall mean the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof."

"Redevelopment shall mean the removal of buildings or structures from the land and the construction or erection of other buildings or structures of a similar density or use thereon."

"Major Renovation shall mean the addition or alteration of a building or structure the cost of which is greater than 50% of the Market Value Assessment of the original building or structure."

In this regard, if the lands are effectively vacant ("development") in that no buildings or structures need to be removed, there are no SPA related restrictions on development, other than the units having to be located above the RFL. Conversely, if there are buildings or structures that need to be removed ("redevelopment"), development is limited to "a similar density." How density is to be measured (e.g. Floor Space Ratio, Units, Building Floor Area) is not specified. It is also important to note that if there was an existing residential building, a Major Renovation of that building would also be permitted – i.e. more residential units are encouraged by this policy, as the addition of the residential units must be at least 50% of the value of the existing building.

Many of the proposed policies in the Draft Official Plan are more prescriptive than those currently in existence. For example, new policies restricting construction of parking facilities within the SPA (see Draft Official Plan policies 3.3.6 and 3.3.12) prohibit underground parking facilities for residential purposes below the RFL, regardless of whether safe access can be provided above the RFL. We suggest that, if kept, these policies focus instead on demonstration of safe access, rather than outright prohibitions. Alternatively, prescriptive policies regarding flood proofing measures (for example, policy 3.3.10 as well as the abovementioned parking related policies) could be covered more broadly under the umbrella of draft policy 3.3.8 which states that *"floodproofing shall be applied to all new development, redevelopment, major renovation or conversion below the level of the Regulatory Flood as specified in policies pertaining to the Downtown Core and the Flats and shall be designed and constructed to the satisfaction of the Grand River Conservation Authority"*. This is consistent with the existing Official Plan and provides more flexibility to consider flood proofing measures on a case-by-case basis to better optimize development within the downtown core SPA.

Summary

Overall, we believe that during our provincial housing crisis, the addition of policies that further restrict residential development should be avoided where alternative approaches that maintain health and safety can be achieved. The SPA is intended to permit development within the Downtown Core, subject to consideration of the RFL, to help support the Downtown. The current wording of policies is not clear and appears to allow some forms of residential development, but not others based on what is and what is not 'development' or 'redevelopment'. Allowing consideration of the actual flood depths within the Downtown Core Special Policy Area will balance the safety and risks associated with the floodplain with the ability to provide housing within the Downtown in a manner that both supports the economic vitality of the Downtown and provides housing that appropriately mitigates against flood risks.

Yours truly,

MHBC



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*cc. Wingbury Properties
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