

February 6, 2023

GSAI File: 792-013

(Via Email)
Members of Peel Regional Council
Region of Peel
10 Peel Centre Drive
Brampton, ON L6T 4B9

RECEIVED

February 6, 2023

REGION OF PEEL
OFFICE OF THE REGIONAL CLERK

**RE: Region of Peel Council – Item 13.1, City of Mississauga Major Transit Station Areas
Official Plan Amendments 143 & 144
Lakeview Community Partners Limited
1082 Lakeshore Road East and 800 & 985 Hydro Road
City of Mississauga, Region of Peel**

Glen Schnarr & Associates Inc. (GSAI) are the planning consultants representing Lakeview Community Partners Limited (“LCPL”). GSAI was retained by LCPL to assist in obtaining the requisite approvals to permit redevelopment of the lands municipally addressed as 1082 Lakeshore Road East and 800 Hydro Road (herein referred to as the “Subject Lands”). These lands (formally known as the OPG Lakeview lands) were purchased by our client to develop a vibrant mixed-use transit-oriented waterfront community.

The proposed Mississauga Official Plan has included the Subject Lands within the Lakefront Promenade, Dixie, Haig Protected Major Transit Station Area (‘PMTSA’) (Schedule 11q). Although Lakeview Community Partners Limited support the delineation of the PMTSA and the inclusion of the Subject Lands within the PMTSA, we are providing this Comment Letter to highlight a concern with Official Plan Amendment 144 and the implementation of a maximum building heights.

Lakeview Community Partners Limited has participated in the City of Mississauga Official Plan Review and has submitted correspondence on this item. We have reviewed the Region’s Recommendations regarding Mississauga Official Plan Amendments 143 and 144, as presented in the agenda package for the February 9, 2023 Peel Regional Council meeting, and offer the following comments to members of Regional Council, on behalf of Lakeview Community Partners Limited.

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED ☒ _____

Background

In accordance with s. 16(16) of the *Planning Act*, an official plan of an upper tier municipality may include policies that identify the area surrounding and including an existing or planned higher order transit station or stop as a Protected Major Transit Station Area ('PMTSA'). Furthermore, an upper tier official plan may contain policies that delineate the boundaries of PMTSAs and if the noted policies are incorporated, must identify minimum numbers of residents and jobs collectively per hectare for these PMTSAs. Similarly, if an upper tier official plan includes the above noted policies, s.16.16(b) requires the official plans of relevant lower-tier municipalities, in this case the City of Mississauga, is to include policies that identify authorized uses of land in PMTSAs and to identify minimum densities that are authorized with respect to buildings on lands within these identified PMTSAs.

Although the *Planning Act* does not require the inclusion of policies identifying maximum densities or maximum heights within identified PMTSAs, s.17(36.1.4.5) and s.17(36.1.4.7) provide that there is no appeal in respect of policies that identify both the minimum and maximum heights and densities that are authorized with respect to building and structures on lands in a PMTSA identified in accordance with s.16(16) provided specific requirements are met as set out in s.17(36.1.5). We are concerned that as presented, Official Plan Amendment 144 establishes maximum building heights for lands located in PMTSAs and that these maximum building heights are sheltered from appeal. More specifically, OPA 144 establishes the Subject Lands with maximum building heights.

Maximum Building Heights in PMTSAs

As stated, we support the PMTSA delineation and the inclusion of the Subject Lands within the PMTSA. We are, however, concerned with the maximum height identified on the modified Schedule 11q.

To date, the City of Mississauga has undertaken a City-Wide Major Transit Station Area Study ('Study'). This Study culminated in a series of City-initiated Official Plan Amendments, including OPA 142, 143 and 146. Collectively, these Amendments delineate a series of 56 MTSA's across the City of Mississauga, identify land use permissions within each MTSA, identify minimum density targets for each MTSA and identify minimum and maximum heights for each MTSA. We note that should these Amendments be approved as contemplated, the specified land use designations, densities and building heights are sheltered from appeal.

In our opinion, the implementation of maximum heights in the Mississauga Official Plan Amendments do not reflect what can be achieved in these areas where compact, mixed-use, transit-supportive development is to be directed. Further, these maximum heights have been identified without careful analysis and will limit the redevelopment potential of lands where transit-oriented, mixed-use development ought to occur. Policy 5.4.18.6 of the Region's Official Plan provides that the Region's objective is "[t]o optimize all intensification opportunities across the Region and maximize development within Strategic Growth Areas.". Limiting building heights will not optimize intensification opportunities and compact built form within Strategic Growth Areas. Contrary to good planning, these maximum heights will become a barrier to accommodating development in appropriate locations, in proximity to

higher order transit where higher density, transit-supportive development ought to be, and will be a barrier to supporting greater housing choice and the delivery of 1.5 million new housing units challenging the implementation of Provincial policy objectives.

The policy recommendations proposed through the Region's review which defer to municipalities to cap height in strategic growth areas ultimately undermine the purpose of long-term, sustainable planning and directly contravenes the objectives, direction, and visions of Provincial, Regional and Municipal policy directives. We feel, conversely, that with respect to PMTSA's, the City of Mississauga should include policies that provide flexibility that better account for specific locational considerations that align with the aspirations of PMTSA's.

With specific regard to the subject lands (although we do feel capping heights in PMTSA's is a City-wide issue and direct contravention of policy directives in any (P)MTSA), we feel that the recommendation to defer to the municipality for height caps is particularly concerning as not only is it situated within a PMTSA, the subject lands are situated in a Major Node and along an Intensification Corridor. These strategic growth areas require distinct policy approaches to support contextual sensitivity. We are of the opinion that restricting heights of tall buildings, within the MOP, is counterintuitive to the role of strategic growth areas and further, should be evaluated on a site-by-site basis. The prescription of restrictive heights in strategic areas is largely an outdated view on land use planning and further, we feel that there is missed opportunities to capitalize on public infrastructure investments (transit, services etc.) and appropriately allocate growth to target areas, consistent with broader, critical Provincial, Regional and Municipal policies. With the upcoming Lakeshore BRT, it seems short-sighted to not allow flexibility to pursue additional height where it can be supported. The establishment of maximum heights in PMTSAs, where compact, mixed-use, transit-supportive development is to be directed, has significant implications on the achievement of a number of Provincial objectives. Increased height, which likely would result in an increased density, would result in the City achieving increased development charges that contribute to, for example, higher quality public realm and city-wide waterfront park spaces and other city objectives to contribute to well thought out communities. Moreover, this site is a prime candidate for assisting Mississauga in achieving their Housing Objectives as per the New Housing Action Plan, recently approved by Council on January 18, 2023 (Resolution 0008-2023).

We partially take the basis of our commentary from the Province's modifications to the Region of Peel Official Plan wherein they modified the language to remove maximum building heights. It appears that Regional staff have failed to evaluate the implications of the recommendations provided in this Report as it relates to the recently approved Regional OP wherein direction is given to optimize on intensification opportunities and development within strategic growth areas. We feel that decision making related to permitted heights and densities within strategic growth areas are best evaluated on a site-by-site basis (reviewed through a development application). This method affords municipal staff the opportunity to review and comment on the appropriateness of development proposal(s) through the development application review process.

As such, in the interest of directing appropriate intensification within identified PMTSA's in accordance with Provincial policy planning mandates, we respectfully request that Council not approve OPA 144 as modified by the Region.

Thank you for the opportunity to provide these comments. Please do not hesitate to contact the undersigned if there are any questions.

Sincerely,

GLEN SCHNARR & ASSOCIATES INC.



Glen Broll, MCIP, RPP
Managing Partner

cc. Lakeview Community Partners Limited