

February 6, 2023

GSAI File: 1415-002

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

Re: City of Mississauga Major Transit Station Area Official Plan Amendments
142, 143, 144 and 146
Owner: Whitehorn Investments Limited Stephen-Mitchell Realty Limited
Tobdele Investments Limited Richco Investments Limited and Lynrob
Investments Limited
1225 Dundas Street East, City of Mississauga

Glen Schnarr & Associates Inc. (GSAI) are the planning consultants to **Whitehorn Investments Limited Stephen-Mitchell Realty Limited Tobdele Investments Limited Richco Investments Limited and Lynrob Investments Limited** (the 'Owner') of the lands municipally known as 1225 Dundas Street East, in the City of Mississauga (the 'Subject Lands' or 'Site'). The Subject Lands are located on the north side of Dundas Street East, east of Arena Road. The site is located directly in front of the planned Dundas Bus Rapid Transit ('BRT') network and is within walking distance of the Dixie GO Station. The site is well-served by existing and planned higher-order transit. The Region of Peel Official Plan (adopted November 2022) included the Subject Lands within the Dixie GO Major Transit Station Area ("MTSA"), and accordingly, the proposed Mississauga Official Plan has included the Subject Lands within same.

The owner has submitted Official Plan Amendment/Zoning By-law Amendment Applications and Site Plan Application to the City of Mississauga which are currently being processed under application file "OZ/OPA 22-20 W3" to facilitate the development of a mixed-use, transit-supportive development comprised of five structures of varying heights between 3 and 12 storeys.

We have reviewed the Mississauga Official Plan Amendments 142, 143, 144 and 146 ("OPA 142", "OPA 143", "OPA 144", and "OPA 146" respectively), 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 the Owner. Our client is supportive of the Dixie GO Major Transit Station Area delineation and the inclusion of the Subject Lands within the MTSA, however we have concerns

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED ☒

regarding Official Plan Amendment 142 and 144, and the implementation of maximum building heights.

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, 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. OPA 144 establishes the Subject Lands as having a maximum building of 9 storeys. Furthermore, OPA 142 states that "development will contribute to the creation of a predominantly mid-rise corridor, with maximum building heights of 12 storeys except in key locations where additional heights are permitted...". We submit that establishing maximum building heights is contrary to the provincial government's efforts to address the existing residential housing crisis and is contrary to existing provincial policies that emphasize "optimizing" densities in close proximity to PMTSA's.

Maximum Building Heights in PMTSAs

As stated, we support the Dixie GO MTSA delineation and the inclusion of the Subject Lands within the Dixie GO MTSA. We however have significant concerns with the maximum height identified on the modified Schedule 11g.

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 does 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. 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 MTSA's, the City of Mississauga should include policies that provide flexibility that better account for specific locational considerations that align with the aspirations of Primary MTSA's.

As such and in the interest of directing appropriate intensification within identified Protected Major Transit Station Areas, in accordance with Provincial policy planning mandates, we respectfully request that Council reconsider staff's recommendation and exercise their authority to modify the OPAs to remove the establishment of maximum permitted building heights within PMTSAs. We take direction from the Province's position in their modification to the Region of Peel Official Plan, whereby it struck out Regional policies permitting lower tier municipalities to establish maximum building heights. Building heights should be determined on a site-by-site basis to consider site and local context, and appropriateness, through the development application process.

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.



Jim Levac, MCIP, RPP

Partner

cc. Allan Scully and Daniel Orellana, SmartCentres
Mary Flynn-Guglietti, McMillan LLP