
REPORT TITLE: **City of Mississauga Major Transit Station Area Official Plan Amendments 142, 143, 144, and 146: Regional Staff Review and Recommendations**

FROM: Kealy Dedman, Commissioner of Public Works

RECOMMENDATION

1. That Regional Council, pursuant to Section 17(34) of the *Planning Act*, approve Official Plan Amendments 142 and 146 for the City of Mississauga, which were adopted by City Council on August 10, 2022 by By-laws 0216-2022 and 0194-2022; and
2. That Regional Council, pursuant to Section 17(34) of the *Planning Act*, approve as modified, Official Plan Amendments 143 and 144 for the City of Mississauga which were adopted by City Council on August 10, 2022 by By-laws 0214-2022 and 0215-2022; and
3. That Regional Council deem Official Plan Amendments 142, as adopted; 143, as modified; 144, as modified; and 146, as adopted, of the City of Mississauga, to be in conformity with the *Planning Act*, consistent with the Provincial Policy Statement, and in conformity with the Growth Plan for the Greater Golden Horseshoe and the Region of Peel Official Plan; and
4. That the Regional Chair and the Regional Clerk be authorized to sign the Notice of Decision documents approving the Official Plan Amendments for the City of Mississauga, attached as Appendices VIII and IX to report of the Commissioner of Public Works, listed on the February 9, 2023 Regional Council agenda titled “City of Mississauga Major Transit Station Area Official Plan Amendments 142, 143, 144, and 146: Regional Staff Review and Recommendations”; and
5. That the notice of decision of Regional Council’s approval of the City of Mississauga Official Plan Amendments 142, 143, 144 and 146 be given in accordance with the *Planning Act*; and
6. That a copy of the subject report be provided to the Town of Caledon, Cities of Brampton and Mississauga and the Ministry of Municipal Affairs and Housing.

REPORT HIGHLIGHTS

- This report provides a summary of Regional staff’s review of the City of Mississauga’s (City’s) Official Plan Amendments (OPAs) related to Major Transit Station Areas (MTSAs).
- This report also responds to stakeholder comments submitted to the Region on the City’s OPAs and provides recommendations to Regional Council in its capacity as approval authority.

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- The By-laws to adopt the City's MTSA-related OPAs were enacted and passed by City Council on August 10, 2022.
 - The City submitted the required materials for Regional approval of the OPAs on August 22, 2022, which were deemed to be a complete submission on August 31, 2022.
 - OPAs 143 and 144 establish the over-arching policy framework for MTSAs on a City-wide basis and OPA 144 provides the boundary mapping, land use designation framework and density-related provisions for the Protected MTSAs in the City of Mississauga.
 - OPAs 142 and 146 provide the area-specific policies to guide development along the Dundas Street Corridor and in key Downtown Character Areas, respectively.
 - The scope of the Region's review was informed by the legislative requirements of the *Planning Act* and focused on conformity with the Region of Peel Official Plan (RPOP) MTSA policies and mapping including satisfaction that minimum density targets included in the RPOP can be achieved in the Protected MTSAs.
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DISCUSSION

1. Background

The purpose of this report is to:

- Provide an overview of Regional staff's review of the City of Mississauga's (City's) Major Transit Station Area (MTSA) related Official Plan Amendments;
- Provide responses to comments received by the Region on the City's OPAs; and,
- Provide recommendations to Regional Council in its capacity as approval authority.

As per Provincial policy, MTSAs may include lands within approximately 500-800 metres of higher-order transit stations or stops and have been designated within the recently approved Region of Peel Official Plan (RPOP). MTSAs are planned to create a compact urban form with a diverse mix of land uses, housing types, tenures, and affordability, employment opportunities, and amenities in close proximity to higher order transit infrastructure. The RPOP includes minimum density targets for Protected MTSAs that local municipal Official Plans must plan to achieve. A description of the Region's MTSA policy framework is provided in Section 3 of this report. The City of Mississauga contains 62 of the 91 MTSAs in the Region of Peel, which are shown in Appendix I. Some of the MTSAs in Peel are primarily comprised of employment uses, some primarily of residential uses, and in some instances both residential and employment subject to demonstrating land use compatibility.

On August 10, 2022, Mississauga Council adopted the following MTSA-related OPAs:

- OPA 142 – Dundas Corridor Protected MTSA Policies (Appendix II);
- OPA 143 – City-wide MTSA Policies (Appendix III);
- OPA 144 – City-wide Protected MTSA Policies (Appendix IV);
- OPA 146 - Downtown Fairview, Cooksville and Hospital Protected MTSA Policies (Appendix V).

Summaries of each of the City's OPAs are provided in Section 4 of this report. The City submitted the required materials for Regional approval of the OPAs on August 22, 2022, which were determined to be a complete submission on August 31, 2022.

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2. Planning Act Requirements for Regional Approval

As per the Region of Peel Delegation By-law 1-2000, proposed OPAs that conform to the RPOP are exempt from Regional approval, via delegation to the lower tier councils as planning approval authorities. However, the *Planning Act*, directs that the Region must be the approval authority for local municipal OPAs that include policies pertaining to the authorization of land uses and of minimum densities for lands and buildings located within the boundaries of Protected MTSA's.

Three of the City's OPAs under consideration in this report (OPAs 142, 144, and 146) include the identification and delineation of Protected MTSA's and policies addressing authorized uses of land and buildings and minimum densities within the area of the Protected MTSA's; therefore Regional Council approval is required.

Regional staff's review of the City's OPAs assessed the policies to ensure they conform with Regional policies primarily related to MTSA's, along with due consideration of the Region's Employment Areas, recognizing that the City is further required to update its employment policies across the Mississauga Official Plan as part of the general official plan update process. There are other policies included in the City's OPAs addressing local municipal planning matters, such as urban design standards, community building objectives, maximum building height permissions, and parkland requirements.

As part of the Region's review, several letters and delegations were provided by stakeholders requesting that the Region remove or increase maximum building heights or amend land use designations in the City's OPAs. Regional staff's review of the City's OPAs was related to confirming conformity with the RPOP and would not recommend changes on site specific land use permissions or building heights unless staff identified issues on non-conformity. Responses to stakeholder comments related to building height and land use permissions are outlined in Section 5 of this report and responses to all comments submitted to the Region can be found in Appendix VI.

Unlike the other amendments described above, OPA 143 does not contain Protected MTSA policies that are required to be approved by the Region. Nevertheless, City and Region staff agreed that OPA 143 would be forwarded to the Region for review and approval as the policies of OPA 143 are closely associated with OPA 144.

3. Region of Peel Official Plan

The RPOP was adopted by Regional Council in April 2022 and approved by the Minister of Municipal Affairs and Housing with modifications in November 2022. A few of the modifications were related to the Region's policy framework for MTSA's, however the modifications do not conflict with the City's OPAs and are discussed later in this section of this report.

MTSA Policy Framework

The RPOP identifies a total of 62 MTSA's in Mississauga, as reflected in the policies of Section 5.6.19 - Major Transit Station Areas, Table 5 - Minimum Densities of Major Transit Station Areas, and mapping on Schedule E-5 - Major Transit Station Areas. 'Protected MTSA's' ("primary" or "secondary" MTSA's in the RPOP) have delineated boundaries and

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minimum density targets in the RPOP. In Mississauga, 54 MTSAAs are deemed Protected MTSAAs which are well positioned to accommodate redevelopment and are in more advanced stages of planning than other MTSAAs: they have delineated boundaries and minimum density targets that must be planned for.

The Mississauga Official Plan's area-specific land use framework and built form specifications within each Protected MTSA must facilitate the overall minimum density target to be met as-of-right, through redevelopment over time. Key policies that facilitate development on lands in Protected MTSAAs are generally protected from appeal, including minimum and maximum densities, minimum and maximum building heights and authorized land uses.

The remaining eight MTSAAs in Mississauga are identified as 'Planned MTSAAs' in the RPOP and accordingly do not have delineated boundaries as they are in preliminary planning stages due to the status of transit infrastructure, and require further study prior to the boundaries being delineated. It is expected that 'Planned' MTSAAs will become 'Protected' in the future.

Policies in the RPOP direct local municipalities to include policies in their official plans that:

- identify authorized uses and minimum densities for lands and buildings within the boundaries of each Protected MTSA;
- delineate the boundaries of all Protected MTSAAs to match the delineation in the RPOP; and,
- include minimum density targets for each MTSA and provide the planning framework to achieve the targets.

These OPAs are intended to update the Mississauga Official Plan to fulfill the City's MTSA-related legislative requirements.

Employment Area Policy Framework

Jobs are to be accommodated in Peel within a variety of land use designations depending on the nature of the employment use including within employment areas, as well as in commercial or mixed use areas. To facilitate the protection of the Region's employment base, the RPOP:

- establishes Regional Employment Areas as a policy area and a Regional-level land use designation as mapped on Schedule E-4;
- protects these areas from conversion to non-employment uses in accordance with Provincial legislation; and,
- directs the local municipalities to designate Regional Employment Areas in their official plans.

As the Regional Employment Area represents a minimum area to be protected, local municipal official plans may identify additional employment land uses, provided they are compatible with the surrounding community and that Regional population and employment forecasts are met.

The RPOP recognizes the unique needs of employment areas and provides minimum density requirements for each of the local municipalities. In addition to employment density

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targets that apply on a city-wide basis, the RPOP establishes minimum density targets for Protected MTSA, which local municipal official plans must conform to.

As part of the Region's review of the City's OPAs, staff confirmed that the Amendments provide the planning framework to facilitate the achievement of the Region's density targets for employment growth in each of the Protected MTSA.

Furthermore, any lands within a Regional Employment Area and within a Protected MTSA will continue to be protected for employment uses, subject to specific policies which permit select lands to be reconsidered through further study in accordance with regional policy. While the City's OPAs are being brought forward as part of a scoped process to establish the City's MTSA policy framework is in conformity with the Region's MTSA policy framework, there is also a separate official plan update process that the City is advancing concurrently. As part of the general Mississauga Official Plan review process, the City will be required to update its employment policy framework across the Mississauga Official Plan to align with regional employment policies.

Provincial Modifications

The Minister of Municipal Affairs and Housing approved the RPOP with 44 modifications, including six modifications to MTSA-related policies. Regional planning staff were not consulted on the modifications in advance of the Minister issuing the decision.

The Province's modifications to the Region's adopted MTSA-related policies included removal of text that clarified the legislative authority of the local municipalities to establish maximum densities and maximum building heights in MTSA at their discretion. Although the policy reference has been removed, there are no Provincial policies that preclude local municipalities from including maximum building heights or densities and therefore continues to permit the City's OPAs to include maximum building heights.

Other policy modifications made by the Province emphasize the importance of considering land use compatibility standards when introducing sensitive land uses close to employment uses and major facilities, consistent with existing policies of the Provincial Policy Statement, Growth Plan, and RPOP. These modifications do not conflict with the land use compatibility policies in the City's OPAs.

4. Summary of the Mississauga Official Plan Amendments

OPA 144 - City-wide Protected MTSA Policies

OPA 144 establishes the planning framework for Protected MTSA on a City-wide basis including:

- Delineation of the boundaries of all 54 Protected MTSA across the City;
- Identifies the land use designations within Protected MTSA;
- Identifies the minimum density, minimum Floor Space Index (FSI) and building height requirements on lands within the Protected MTSA; and,
- Contains key policy direction guiding the development of Protected MTSA.

OPA 144 requires Regional approval under the *Planning Act* because it contains Protected MTSA policies that address authorized uses of land and required minimum densities.

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OPA 143 - City-wide MTSA Policies

OPA 143 introduces general policies applicable to all MTSAs on a City-wide basis. The policies in OPA 143 address general planning considerations that pertain mainly to local municipal responsibilities. It does not include policies that authorize minimum densities or land uses for Protected MTSAs and as a result Regional approval of OPA 143 is not technically a requirement under the *Planning Act* and could have been delegated to the City for approval under By-law 1-2000. However, because OPA 143 is closely associated with the policies of OPA 144 which do require Regional approval, the City and Regional staff have agreed it should accompany the others for Regional approval.

OPA 142 - Dundas Street Corridor MTSA Policies

OPA 142 sets out a new area-specific policy framework for all lands identified within Protected MTSAs along the Dundas Street Corridor. The OPA implements the City's Dundas Connects Master Plan which envisions the entire Dundas Street Corridor as a focus for future growth that provides for walkable, transit-supportive and complete communities.

OPA 142 requires Regional approval under the *Planning Act* because it establishes specific authorized uses of land for the Protected MTSAs along the Dundas Street Corridor.

OPA 146 - Downtown Fairview, Cooksville and Hospital Character Areas

OPA 146 sets out a new area-specific policy framework for all Protected MTSA lands located within the Downtown Fairview, Cooksville and Hospital Character Areas. The amendment is intended to support the Hurontario/Main Street Corridor Master Plan and Dundas Connects Master Plan by facilitating transit-supportive development and also intends to support Vision Cooksville through the achievement of a complete community.

OPA 146 requires Regional approval under the *Planning Act* because it establishes specific authorized uses of land for Protected MTSAs.

5. Public Comments

The Region received a number of comment letters and delegations from stakeholders including landowners, developers and community representatives, including the Dundas Landowners' Association, requesting that the Region modify various aspects of the City's OPAs. In addition to the written correspondence and delegations to Council, Regional staff met with commenting parties and their representatives upon request to ensure staff had a clear understanding of the concerns. Regional staff's detailed responses to all comments received are contained in Appendix VI of this report and a summary of the main issues is provided below.

Comments regarding Maximum Building Heights

OPA 144 includes maximum building heights in both the policies and schedules, and some of the comments submitted expressed concern with the building heights and requested that the Region modify the Amendment to remove, or increase the maximum heights.

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Legal Services staff at the Region were consulted and confirm that the Region's role in reviewing the City's OPAs as per the *Planning Act* is to address conformity to the RPOP, including: confirming that the schedules reflect the land use designations in the RPOP; that the MTSA policies have been implemented; and includes adequately planning for the minimum density targets in each MTSA. It is Regional staff's opinion that establishing building heights are a local responsibility and determined based on local studies and characteristics. Building heights only become a matter of Regional interest if staff identify a concern through the technical review that the minimum densities included in the RPOP have not been adequately planned for.

Regional staff undertook a high-level development assessment which included a review of the building heights included in OPA 144, and have concluded that the minimum density targets included in the RPOP can be satisfied.

As discussed in Section 8 of this report, City staff are planning a report to an upcoming Planning and Development Committee with recommendations on how development applications proposing amendments for lands within Protected MTSA's would be processed.

Comments Regarding the Dixie Employment Area

The Region has also received a number of comments expressing concern with the City's decision to maintain lands along the south side of Dundas Street East, west of Blundell Road and east of Haines Road within the Employment Area City Structure, in the Mississauga Official Plan and in OPAs 142 and 144. Specifically, the comments state that OPAs 142 and 144 do not conform to the RPOP since these lands were removed from the Region's Employment Areas as part of the Region's Municipal Comprehensive Review and further that it is not within the City's planning authority to assign employment designations outside of the Region's Employment Areas.

Regional Employment Areas are distinguished from local employment uses as Regional Employment Areas are protected from conversion until the next Municipal Comprehensive Review as per the Provincial Growth Plan. While the City is required to plan for, protect and preserve Regional Employment Areas for employment uses in its official plan, the RPOP states that "*Local official plans may also support employment uses outside of Employment Area designations, provided they are compatible with the surrounding community and the population and employment forecasts set out in Table 3 are met.*"

As a result, Regional staff conclude that the City is permitted to designate lands for employment uses that do not permit residential outside of the Region's Employment Areas. Furthermore, Regional staff are satisfied that the Region's City-wide growth forecasts and minimum density targets for the MTSA's will be satisfied and would not be unduly impacted by maintaining a local employment designation on these lands.

Since the subject lands are not within the Regional Employment Area, and are within the local Employment Area City Structure, the introduction of residential uses would be subject to an amendment to the City of Mississauga Official Plan that could be implemented outside of a Municipal Comprehensive Review process as outlined in Section 8 of this report.

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Furthermore, Mother Parkers Tea and Coffee Inc. have expressed concern that the introduction of residential uses on these lands would be incompatible with and could affect the ongoing operations of their manufacturing facilities located on adjacent lands. To address these concerns, the City of Mississauga recently included a policy in their Official Plan stating that changing the land use permissions in this area is subject to the “*completion of a municipally led land use compatibility assessment and will occur through a City-initiated amendment to this plan.*” In accordance with this policy, the City has initiated a land use compatibility assessment to determine the appropriateness of residential uses on these lands in proximity to nearby manufacturing uses.

6. Modifications to OPAs 143 and 144

City-Initiated Modifications

As part of Mississauga’s adoption of the OPAs, City Council gave approval to City staff to incorporate any further changes to OPA 144 to reflect any development application(s) approved prior to Regional approval, and further notice would not be required. Further to this direction, City staff submitted a formal request to the Region containing the revisions to land use schedules contained in OPA 144 reflecting recent Council approvals and decisions of the Ontario Land Tribunal (OLT). In addition to these changes, the City also requested minor housekeeping modifications, rewording changes and minor modifications to certain MTSA boundaries to correct slight mapping errors. Appendix VII of this report contains the City’s memo summarizing these changes.

Region-Initiated Modifications

Peel staff, in consultation with City staff, are recommending modifications to OPAs 143 and 144, as adopted, to ensure consistency with and conformity to employment-related policies in the RPOP and Provincial planning legislation. These modifications include the removal of two outdated policies related to employment conversions (5.3.4.6 and 5.3.6.5) and the addition of an explanatory note on the City’s new Schedules 11a-r - Protected MTSA - that refers the reader to the RPOP to ascertain the boundaries of lands within the Regional Employment Areas designation and associated applicable policies. The explanatory note is only required for clarity temporarily, as once Mississauga completes the overall Official Plan update, which will incorporate all required policies and mapping from the Regional Official Plan, the note will no longer be required. Mississauga staff are supportive of the modifications.

The Region incorporated the above-noted modifications to OPAs 143 and 144, as adopted. These modifications are highlighted in redline in Appendices III and IV.

7. Regional Review of the OPAs and Staff Recommendations

The City is in the process of bringing the entire Mississauga Official Plan into conformity with the RPOP with these four OPAs advancing earlier to implement the Region’s MTSA policy framework and advance local planning objectives in MTSA. The City’s OPAs have been assessed for their conformity, and consistency, as appropriate, to both the RPOP and the overarching Provincial policy framework, including the *Planning Act*, Provincial Policy Statement, and the Growth Plan for the Greater Golden Horseshoe.

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The City's OPAs also include policies pertaining to local planning matters which are outside of the Region's technical and legislative requirements to comment on as an upper-tier municipality. To be consistent with the five principles of the RPOP to not infringe on local municipal planning efforts, the Region has not recommended changes to these matters of local responsibility.

Regional staff's review of the Mississauga OPAs focused on conformity of the local MTSA policies with the RPOP which included:

- Detailed mapping analysis to confirm that the Protected MTSA boundaries contained in the Schedules included in OPA 144 conform to the Region's approved Protected MTSA boundaries as delineated in the RPOP;
- A high-level development assessment to confirm that the City's OPAs provide a framework that will achieve the minimum densities prescribed in the RPOP for each Protected MTSA;
- Analysis to confirm that the land uses included within Regional Employment Areas conform to Provincial and RPOP policies; and
- Policy review to determine that the City's Protected MTSA policy framework protects Regional interests and conforms to the Region's policy framework.

Based on the review described above, Regional staff have determined the following:

- OPA 144 as modified conforms to the RPOP including MTSA-related policies and mapping and is recommended for Regional Council approval;
- OPA 143 as modified does not trigger non-conformity with Regional policy and is recommended for Regional Council approval;
- OPA 142 conforms to the RPOP including MTSA and employment related policies and mapping and is recommended for Regional Council approval;
- OPA 146 conforms to the RPOP including MTSA-related policies and mapping and is recommended for Regional Council approval.

The OPAs 142, as adopted, 143 as modified, 144 as modified, and 146, as adopted, conform to the RPOP, appropriately address Provincial and Regional interests, represent good planning, and are recommended for Council approval. The Regional decision documents for the OPAs are attached as Appendices VIII and IV.

8. Potential Future Requests for Amendment

The *Planning Act* prohibits requests for amendments to Protected MTSA policies that have been approved unless Council declares by resolution that applications to amend such policies are permitted.

Mississauga staff are planning a report to an upcoming Planning and Development Committee with recommendations on how development applications proposing amendments for lands within Protected MTSA's would be processed.

Any future site-specific request for amendments to the OPAs that pertain solely to a lower-tier category of policies (such as requests for additional building height, or redesignations outside of Employment Areas that do not conflict with Regional policies) would be exempt from Regional approval and delegated to the City of Mississauga in accordance with the Region's Delegation By-law.

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9. Next Steps

Regional staff recommend that Regional Council approve OPAs 142, and 146 as adopted, and 143 and 144 as modified.

Upon Regional Council approval, a Notice of Decision will be signed by the Regional Chair and the Regional Clerk and distributed in accordance with *Planning Act* requirements. The *Planning Act* establishes appeal protection for policies that establish fundamental aspects of Protected MTSA's. Generally, if Regional Council approves the City's OPAs, then no person, with the exception of the Minister, can appeal policies that identify Protected MTSA's and that identify authorized uses of land, minimum and maximum densities and minimum and maximum heights with respect to buildings and structures on lands in Protected MTSA's. Other policies contained in Mississauga's OPAs are subject to appeal within 20 days after the Notice of Decision is issued.

The policies that are protected from appeal come into effect the day after the decision is issued. The rest of the policies come into effect when the 20-day appeal period ends, if not appealed within that time.

RISK CONSIDERATIONS

As some of the policies within the OPAs are subject to appeal, the Region may need to monitor or participate to protect Regional interests, unless the transition of Bill 23 removes the Region's ability to participate.

Should Regional Council not approve the City's OPAs, an additional risk is that planning and implementation of the Mississauga Major Transit Station Areas would be delayed.

FINANCIAL IMPLICATIONS

Should there be an appeal, depending on the nature of the appeal, there may be financial implications required for the Region to protect Regional interests.

CONCLUSION

The City's OPAs create a land use policy framework for Mississauga's MTSA's to conform with the RPOP, as approved with modifications by the Minister of Municipal Affairs and Housing on November 4, 2022. The amendments to the Mississauga Official Plan will facilitate a compact urban form with a diverse mix of land uses, housing types, tenures, and affordability, employment opportunities, and amenities in close proximity to higher order transit infrastructure. The boundary delineations, land use designations and policies regulating development within Protected MTSA's conform to the Region's MTSA mapping and MTSA-related policies including minimum density targets.

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APPENDICES

Appendix I - Map of MTSAs in Mississauga
Appendix II - OPA 142 – Dundas Street Corridor Protected MTSA Policies
Appendix III - OPA 143 – City-wide MTSA Policies
Appendix IV - OPA 144 – City-wide Protected MTSA Policies
Appendix V - OPA 146 - Downtown Fairview, Cooksville and Hospital Character Areas
Appendix VI - Regional Staff's Responses to Comments Received
Appendix VII - Memo from City Requesting Modifications to OPA 144 (Jan. 16, 2023)
Appendix VIII - Decision Documents for OPAs 142, 143 and 146
Appendix IX - Decision Document for OPA 144



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