

February 6, 2023

GSAI File: 1382-001

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

**RE: Regional Council Item 13.1 - City of Mississauga Major Transit Station Areas
Official Plan Amendments 143 & 144**

Hurontario Centre Limited
5025, 5027, 5029, 5031, 5033 and 5035 Hurontario Street
City of Mississauga, Regional Municipality of Peel

Glen Schnarr & Associates Inc. (GSAI) are the planning consultants to Hurontario Centre Limited (the Owner) of the lands municipally known as 5025, 5027, 5029, 5031, 5033 and 5035 Hurontario Street, in the City of Mississauga (the Subject Lands or Site).

The Subject Lands are located on the northeast corner of the intersection at Hurontario Street and Eglinton Avenue. The Site is within the Uptown Major Node, immediately adjacent to the planned Hurontario Light Rail Transit ('HuLRT') network and proximal to the Anchor Hub at Square One. Overall, the Site is well-served by existing and planned higher order transit services. The proposed Mississauga Official Plan has included the Subject Lands within the Bristol, Eglinton Protected Major Transit Station Area ('PMTSA') (Schedule 11i).

Although our Client, the Owner, supports 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 height of 25 storeys.

GSAI, on behalf of the Owner, has participated in the City of Mississauga Official Plan Review and has submitted a 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 the Owner.

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 as having a maximum building of 25 storeys. This maximum building height is concerning.

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 11i.

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. 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)MPTSA), 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 (Uptown) 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, capitalizing on otherwise underutilized lands. 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. 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.

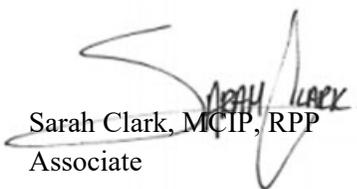
To illustrate the impact of this policy, consider our Client's lands and where they are in the application process. Our Client has begun the development application process (with a Pre Consultation completed) to permit for a high density mixed-use development with proposed building heights exceeding 25-storeys. Presently, the PMTSA is largely developed at heights/densities far greater than the permitted 25-storeys on this site. The PMTSA mapping is reflective of the previous approvals which permit for maximum heights ranging from 35-38 storeys (north of Eglinton Avenue). This restriction imposed through the Region's recommendations if applied to future development would ultimately result in an underdeveloped, seemingly haphazardly planned Node. Specifically, our client's lands, which are situated at the intersection of the two most significant roads in the Uptown Major Node, would have the lowest height. We believe this presents an undesirable urban design scenario wherein placemaking is not supported. Even if City staff could support, from a design and land use perspective, heights exceeding 25 storeys in character with the surrounding existing and/or planned developments with 35+ storeys, it does not appear they could recommend an approval.

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 reconsider the direction provided from staff with regard to the proposed recommendations to grant permission to local area municipalities to establish maximum permitted building heights in PMTSA's and ultimately request that Council exercise their authority to modify the OPAs to remove the establishment of maximum permitted

building heights in PMTSAs. We partially take the basis of our commentary from the Province's position in their modifications to the Region of Peel Official Plan, wherein they modified the language to remove maximum building heights. 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.

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.



Sarah Clark, MCIP, RPP
Associate

cc. Owner
I. Rutledge, Hurontario Centre Inc.