

**VIA EMAIL**

February 6, 2023

Regional Clerk, Region of Peel  
10 Peel Centre Drive, Suite A  
Brampton, Ontario  
L6T 4B9

Attention: Aretha Adams  
Regional Chair and Regional Council

**Re: February 9, 2023 Regional Council Meeting Item # 13.1  
City of Mississauga MOPA 142 & 144  
Comments on Behalf of Choice Properties REIT  
3055 Vega Boulevard and 3045 Mavis Road  
Mississauga, Ontario**  
**Our File: CHO/MIS/20-01**

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We are the planning consultants for Choice Properties REIT ("Choice") for the City of Mississauga Official Plan ("OP") review process. Choice is the landowner and/or leaseholder of a number of properties within Mississauga, including 3055 Vega Boulevard and 3045 Mavis Road (collectively the "subject lands"). The subject lands are both identified within a Protected Major Transit Station Area ("PMTSA") along the Dundas Street Corridor.

A number of Amendments to the Mississauga Official Plan ("MOPAs") were adopted in August 2022 (including MOPAs 141, 142, 143, and 144). The MOPAs, while being independent amendments, are interrelated and collectively concern modifications related to PMTSAs and other growth-related matters, and for conformance with the Region of Peel Official Plan ("ROP"), which was approved by the Minister on November 4, 2022. These MOPAs, including MOPAs 142 and 144 (together, the "subject MOPAs"), are to be considered by Regional Council on February 9<sup>th</sup>, 2023.

At this time, Choice is contemplating infill development at 3055 Vega Boulevard. **We respectfully request that the Region of Peel Council consider modifications to the policy language adopted as part of MOPAs 142 and 144 as they relate to minimum building height, and the new Mixed Use Limited land use designation, for the reasons outlined herein.**

#### **PRELIMINARY COMMENTS FOR MOPA 144**

On behalf of Choice, we have reviewed the adopted policies of MOPA 144 and are concerned that the Density and Height policies do not sufficiently protect for interim development considerations that reflect the context and broad range of existing developments and uses within PMTSAs.

REFERRAL TO \_\_\_\_\_  
RECOMMENDED \_\_\_\_\_  
DIRECTION REQUIRED \_\_\_\_\_  
RECEIPT RECOMMENDED ☒ \_\_\_\_\_

Policy 5.7.3.3, *Density*, as adopted, provides flexibility with respect to minimum development densities for development in PMTSAs:

*5.7.3.3 The minimum Floor Space Index (FSI) will be achieved over the long-term, and is a cumulative measure of planned density [emphasis added] across the lands within a Protected Major Transit Station Area. Individual development proposals do not need to meet the minimum Floor Space Index (FSI) target.*

Choice supports the inclusion of Policy 5.7.3.3, which recognizes the evolving nature of the Dundas Street Corridor as investments in higher-order transit are realized over the long-term. Through Policy 5.7.3.3, the City has recognized the importance of supporting the existing function of individual lands within their area-specific contexts by exempting new development from meeting a particular minimum FSI, and instead, acknowledges the contribution that individual developments make to the overall density in a PMTSA.

This flexibility, however, is not provided for in the application of the minimum height policies of Section 5.7.4, as adopted. Schedules 11a-11r, together with Table 5-2, establishes a minimum height of two (2) storeys for new development within delineated PMTSAs.

The collective effect of the proposed MOPAs would in part expand the City's Intensification Areas. Now that the Intensification Corridors has been delineated by way of the adopted PMTSA boundaries, we understand that this minimum height will apply to all new development within the delineated area regardless of its relationship to the Dundas Corridor, and that the area subject to this minimum building height requirement has expanded. **It is therefore appropriate to consider whether such an expansive 2-storey minimum building height is appropriate in all contexts** within Intensification Areas, and in particular for lands occupied by existing non-residential uses.

In our submission, **the policy framework for PMTSAs may have an inadvertent effect of limiting development potential in the near- to medium-term** by restricting infill on lands that do not meet the prescribed 2-storey minimum, where it may not be contextually appropriate or feasible to achieve.

In our opinion, **comprehensive redevelopment of an expansive corridor, such as Dundas Street, is likely to occur over the course of several decades in order to be fully realized.** In the interim, it is appropriate to support the existing function of lands within PMTSAs prior to comprehensive redevelopment to the higher densities envisioned for these areas. Indeed, adopted Policy 5.7.3.3 acknowledges that the intended FSI of PMTSAs are to be achieved over a long-term planning horizon. In our submission, minimum height requirements should similarly recognize the long-term nature of comprehensive redevelopment, and provide opportunity for 1-storey infill in the interim.

**We suggest that a new policy be added to Section 5.7.4, *Heights*, to permit interim development to occur on developed lands without requiring a minimum height to be achieved:**

5.7.4.2 Notwithstanding any other policy or schedule of this Plan, the minimum building height requirement will not apply to infill development of non-residential uses.

Permitting 1-storey infill development to occur within PMTSAs will not in itself preclude long-term redevelopment potential. **Interim infill development delivers intensification to a site in a near-term and cost-effective manner, contributing to area-wide**

**targets of people and jobs.** As such, flexibility for infill development should be contemplated within PMTSA policies. The adopted policy framework has recognized the need for flexibility; however, our suggested language would provide additional flexibility to landowners to ensure that existing sites are not rendered stagnant until such time as a comprehensive redevelopment becomes feasible (which could be upwards of several decades).

#### **Established Infill At 3045 Mavis Road**

The lands at 3045 Mavis Road have undergone incremental intensification in the form of 1- storey stand-alone infill development, and are an example of the type of incremental development that the policy suggestion seeks to protect. Since 2019, the lands at 3045 Mavis Road have been developed with three (3) new 1-storey buildings, including the stand-alone TD Canada Trust and Scotiabank branches (Figure 2), and the multi-unit commercial building anchored by Shoppers Drug Mart (Figure 3).

**Figure 1: Aerial of 3045 Mavis Road, dated July 2018 (retrieved from Google Maps)**



**Figure 2: Aerial of 3045 Mavis Road, dated October 2019 (retrieved from Google Maps)**





Figure 3: Aerial of 3045 Mavis Road, dated July 2021 (retrieved from Google Maps)



Underutilized sites have the potential to contribute to increases in employment density and generated transit trips; make more efficient use of lands and servicing; contribute monies in the form of development charges and/or cash-in-lieu; and contribute to the creation of complete communities prior to comprehensive redevelopment. If approved, **the adopted policy framework would limit opportunities for infill development** within Mississauga's PMTSAs.

It is appropriate to consider interim development policies in the context of the existing built form of the lands and surrounding area. In the case of the 3045 Mavis Road, the character of the intersection of Dundas Street W and Mavis Road is dominated by low-rise, large-format commercial and employment uses. Redevelopment is expected to occur incrementally over the long-term in response to evolving land use policy and market demand.

The requested policy modification would protect for similar types of infill development in the City's PMTSAs, which increases the density of people and jobs without precluding future redevelopment to occur at an appropriate time.

#### PRELIMINARY COMMENTS FOR MOPA 142

Choice recognizes the need for robust compatibility criteria and policy to evaluate and minimize impacts between land uses to ensure that development is compatible, particularly within and in proximity to employment uses. MOPA 142 introduces a new *Mixed Use Limited* land use designation, which we understand is generally intended to be applied to lands that transition between employment and non-employment land uses. Accordingly, adopted Policy 11.2.7.4 would permit residential and sensitive land without an amendment, so long as compatibility with surrounding uses can be demonstrated. A number of specific criteria are provided to evaluate compatibility, including:

*“Residential uses and other sensitive land uses may be permitted without amendment to this Plan where the use:*

- c) is not impacted [emphasis added] by adverse effects from air, vibration, noise, dust, odour and other fugitive emissions;*

- e) prevents or mitigates [emphasis added] negative impacts and minimized the risk of complaints;
- g) does not compromise the ability of existing nearby employment uses to comply with environmental approvals, registrations, legislations, regulations and guidelines; and
- h) permits [emphasis added] Employment Areas to be developed for their intended purpose.”

As written, Policy 11.2.7.4(c) implies that sensitive land uses must not be subject to any impact; however, subsection e) acknowledges that there may be some degree of impact that is acceptable, and allows for mitigation of such impact. In our submission, subsection (c) of Policy 11.2.7.4 should be revised or removed, as it places an unreasonable standard for evaluation as currently proposed.

Further, it is unclear how subsection (h) of Policy 11.2.7.4 is to be measured and implemented. In other words, how would the introduction of a sensitive land use, in itself, ‘permit’ development of employment areas. Rather, we would interpret that the intent of this policy would be that the introduction of a sensitive land use should not preclude development of an Employment Area. Subsection (g) of Policy 11.2.7.4 appears to contemplate a similar condition, which is to not compromise nearby employment uses. In our submission, subsection (h) of Policy 11.2.7.4 should be clarified or removed.

**In our opinion, the policy modifications proposed in this letter are consistent with the Provincial Policy Statement, conform with the applicable policies of the Growth Plan, and represents good planning to ensure sustainable growth in the City of Mississauga.**

We would welcome the opportunity to meet with Regional Staff to discuss our comments further. Please kindly ensure that the undersigned is notified of any further meetings with respect to this matter, as well as Notice of applicable decisions. We request that a copy of this letter be provided to Regional Council prior to any decisions being made on this item.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Rob MacFarlane, MPL, MCIP, RPP  
Senior Associate

cc. Choice Properties REIT (via email)