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February 8, 2023

REGION OF PEEL

OFFICE OF THE REGIONAL CLERK



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File No. 704122

February 8, 2023

By E-Mail Only to council@peelregion.ca

The Council of the Regional Municipality of Peel
Regional Administrative Headquarters
10 Peel Centre Drive, Suite A
Brampton, ON L6T 4B9

Dear Chair and Members of Council:

**Re: Regional Council Meeting of February 9, 2023 - Agenda Item 13.1
City of Mississauga Major Transit Station Area Official Plan Amendments
142, 143, 144 and 146**

We are counsel to Edenshaw SSR Developments Limited, Edenshaw Queen Developments Limited and Edenshaw Elizabeth Developments Limited (collectively, "Edenshaw"). Edenshaw, and its related companies, are the owners / developers of various lands in the City of Mississauga (the "City"), including lands within proposed Major Transit Station Areas ("MTSAs") and Protected Major Transit Station Areas ("PMTSAs").

We are writing to express Edenshaw's significant concerns with, and strong opposition to, Regional Staff's recommendations to approve the inclusion of maximum building heights in PMTSAs within the City's adopted Official Plan Amendment 144 ("OPA 144").

Background

On August 5, 2022, we filed a letter, enclosed here, with the City's Planning and Development Committee outlining Edenshaw's concerns with the then-draft amendments to the Mississauga Official Plan related to MTSAs and PMTSAs. Edenshaw's primary concern related to the identification of maximum building heights within PMTSAs, as maximum heights established could fail to give proper consideration for site-specific attributes and circumstances that may support additional building heights within the PMTSA.

Notwithstanding Edenshaw's concerns, the City adopted OPA 144, Official Plan Amendment 142 ("OPA 142"), Official Plan Amendment 143 ("OPA 143"), and Official Plan Amendment 146 ("OPA 146") (collectively, the "City OPAs") on August 10, 2022. In particular, OPA 144 maintained maximum building heights within PMTSAs.

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED

In November 2022, subsequent to the adoption of the City OPAs, the Minister of Municipal Affairs and Housing (the “Minister”) approved the Region of Peel Official Plan (“RPOP”) with modifications. Notably, one of the modifications to the RPOP was the removal of text which gave local municipalities discretion to establish maximum densities and maximum building heights in MTSAs and PMTSAs.

Comments on Approval of the City’s OPAs

For the reasons outlined in the August 5, 2022 letter and noted below, Edenshaw has significant concerns with the potential approval of the City OPAs that maintain maximum heights within PMTSAs.

In particular, permitting local municipalities to include maximum building heights in PMTSAs contravenes explicit direction provided by the Minister in his modifications of the RPOP that local municipalities ought not to be given this discretion. In our view, it is not appropriate for the Region to circumvent the Minister’s decision and clear direction by approving local official plan amendments which include maximum building heights and densities.

Furthermore, any decision of the Region must conform with Provincial and Regional policy. The inclusion of maximum building heights in the City OPAs do not conform with Provincial or Regional policy. *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (the “Growth Plan”) directs that major transit station areas are to be a focus for growth and are to have a sufficient density and mix of uses that are transit supportive. Limitations on built form that would adversely affect the achievement of the minimum density targets are explicitly prohibited in the Growth Plan.

Likewise, the RPOP identifies major transit station areas as being critical in the Region’s growth management strategy and directs more jobs, housing and amenities in these areas to increase transit ridership.

Permitting local municipalities to include maximum building heights in PMTSAs using a “one-size fits all” approach that ignores site-specific contexts could limit redevelopment and intensification opportunities that would otherwise be appropriate in close proximity to transit. The imposition of maximum building heights in PMTSAs are a limitation on built form that could adversely affect the achievement of the minimum density targets, as well as the achievement of Regional goals and growth strategy.

Compounding this concern is City Staff’s position outlined in a report dated January 20, 2023 related to Official Plan Amendment Requests within PMTSAs and scheduled to be considered by City Council at its meeting of February 13, 2023. The report indicates that for current applications, any requested amendments to OPA 144 and the PMTSA policies would require a site-specific Council resolution to permit the amendments. For new applications, any new development proposals requiring amendments to a PMTSA will

require a site-specific Council resolution to permit the requested amendment. Only if Council passes the resolution would a landowner be permitted to submit an official plan amendment. This proposed discretionary power combined with the potential lack of appeal rights associated with PMTSA policies could significantly encumber appropriate development near transit.

Accordingly, for the reasons set out in this letter, our client strongly urges Regional Council to modify the City OPAs, and in particular OPA 144, to remove the inclusion and identification of maximum building heights in PMTSAs.

We appreciate the opportunity to provide comments on behalf of Edenshaw and thank Regional Council for its consideration. Kindly ensure that we receive notice of the decision of Regional Council regarding this item.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

MRF:SL
encl.:

copy: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
Client
David Sajecki and Dylan Dewsbury, Sajecki Planning

August 5, 2022

By E-Mail Only to *deputations.presentations@mississauga.ca*

Planning and Development Committee
City of Mississauga
300 City Centre Drive, 2nd Floor
Mississauga, ON L5B 3C1

Dear Chair and Members of Planning and Development Committee:

**Re: City-Wide Major Transit Station Areas - Draft Official Plan Amendment
City File No. LA.07-CIT
PDC Meeting on August 8, 2022 - Agenda Item 5.4**

We are counsel to Edenshaw Developments Limited (“Edenshaw”). Edenshaw and its related companies are the owners / developers of various lands in the City of Mississauga, including lands within proposed Major Transit Station Areas (“MTSAs”) and Protected Major Transit Station Areas (“PMTSAs”).

We have reviewed the draft amendments to the Mississauga Official Plan, including the revised Official Plan schedules, related to MTSAs (the “draft OPA”) appended to the Public Meeting Recommendation Report of the Commissioner of Planning & Building dated July 15, 2022 (the “Staff Report”), and are writing to express Edenshaw’s concerns.

Edenshaw is particularly concerned with the identification of maximum building heights within PMTSAs.

In certain instances, the identified maximum building heights do not appear to support the increased density targets set out in the draft OPA. For example, the maximum heights identified for the Port Credit PMTSA generally appear to be carried over from the Port Credit Local Area Plan, which was planned for a density of a minimum of 100 people and jobs per hectare, and a maximum of 200 people and jobs per hectare. However, although the draft OPA sets a minimum density target of 200 people and jobs per hectare, it does not permit corresponding increases in height. As a result, the draft OPA could restrict the ability of the PMTSA to meet the proposed minimum density target.

Furthermore, maximum heights established over the entirety of a PMTSA could fail to give proper consideration for site-specific attributes and circumstances that may support additional building height on any given site within the PMTSA.

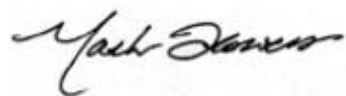
By way of example, Edenshaw (Edenshaw SSR Developments Limited) is the owner of lands municipally known as 49 South Service Road, south of the Queen Elizabeth Way and east of Hurontario Street (the "Site"). The Site is within the proposed Mineola PMTSA where, in accordance with proposed Schedule 11n, a maximum height of only 4 storeys is proposed.

Meanwhile, on May 26, 2022, Edenshaw submitted a Development Application Review Committee (DARC) meeting request, in anticipation of forthcoming development applications to permit a 26-storey residential building on the Site, which Edenshaw and its consultants have determined to be an appropriate building height at this location. The DARC meeting was held on July 13, 2022 with the submission requirements checklist and comments package received on July 29, 2022. Edenshaw is now preparing the development applications for submission. While we appreciate that the Staff Report confirms that applications in progress "will continue to be reviewed on their own planning merits" and that "staff will continue to work with the applicant to process the application", there may be other sites within proposed PMTSAs where applications are not yet in process, or even contemplated, and establishing unjustifiably low maximum building heights within PMTSAs could limit redevelopment and intensification opportunities that would otherwise be appropriate within close proximity to public transit.

Accordingly, Edenshaw objects to the draft OPA in its current form and requests that the Committee remove the identification of maximum building heights for PMTSAs.

Kindly ensure that we receive notice of the decisions of the Committee and City Council regarding this item.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

MRF:SL

copy: David Sajecki and Dylan Dewsbury, Sajecki Planning
Client