

From: Bronskill, David <dbronskill@goodmans.ca>
Sent: February 18, 2023 10:24 AM
To: ZZG-COUNCIL
Cc: Jurrius, Stephanie; Greenough, Mallory; Adams, Aretha
Subject: RE: Agenda Item 15.1 - Region of Peel Meeting of February 23, 2023 - Submission 70 Park
Attachments: Letter to Peel (1535 Dundas).pdf; Glen Broll, Glen Schnarr and Associates Inc .pdf
Follow Up Flag:
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Good morning –

Please find attached a submission we made on behalf of our client before the February 9, 2023 meeting of the Council of the Region of Peel. Given that the matter was deferred from that meeting, we would appreciate our submission being included – i.e. freshly made – in relation to Item 15.1 on the agenda for the February 23, 2023 meeting of Council.

Another client made submissions through its planning consultant (Schnarr and Associates). Please find that submission attached. Again, we would appreciate this submission being included – i.e. freshly made – in relation to Item 15.1.

With thanks,

David Bronskill
Goodmans LLP

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dbronskill@goodmans.ca
 he/him/his

***** Attention *****

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February 6, 2023

Via Email to council@peelregion.ca

The Council of the Regional Municipality of Peel
Regional Administrative Headquarters
10 Peel Centre Drive, Suite A
Brampton, Ontario

Attention: Chair and Members of Council

Dear Sirs/Mesdames:

**Re: Agenda Item 13.1 – City of Mississauga Major Transit Station Area Official Plan Amendments 142, 143, 144 and 146: Regional Staff Review and Recommendations
City of Mississauga Official Plan Amendment Nos. 142, 143 and 144**

We are solicitors for the owner of the property known municipally in the City of Mississauga (the “**City**”) as 1535 Dundas Street East (the “**Property**”). We write on behalf of our client to express its strong objections to the City Official Plan amendments that are before Regional Council (the “**City OPAs**”).

As outlined further below, the City OPAs suffer from fundamental flaws that undermine Regional objectives, policy direction in the newly-approved Region of Peel Official Plan (the “**ROP**”), and explicit direction that the Minister of Municipal Affairs and Housing (the “**Minister**”) provided in modifying the ROP. In particular, the proposed approach of including height limits within certain PMTSAs contravenes Ministerial modifications to the ROP and, if approved, would result in the need to accommodate more housing in other areas of the Region that are less able to accommodate it. Furthermore, Regional staff have not evaluated whether the height policies conform to provincial policy or the ROP, as they have limited the scope of their review only to ensuring minimum densities are met.

In addition, we note that changes in circumstances since City Council first adopted the City OPAs make it unfair and inappropriate to approve the City OPAs without giving City Council a further opportunity to consider them. In particular:

- The version of the ROP that Council used to evaluate the City OPAs at the time of adoption has now been superseded with an approved version that is different in important ways following the Minister’s modifications;
- The Province has released new housing targets which call for the City to accommodate 120,000 new homes by 2031, which has significant implications on the amount of intensification to be accommodated within the City’s major transit station areas (“**MISAs**”); and



- As a result of the intervening election, City Council as currently constituted has not had an opportunity to consider the City OPAs (which were adopted by the previous Council with different members).

In these circumstances, our client strongly urges Regional Council to refuse to approve the City OPAs and remit them to the City for further consideration.

The Policies Pertaining to Maximum Heights are Inappropriate

Our client has particular concerns with the policies in the City OPAs providing direction on heights and the maximum heights identified in associated mapping. The imposition of maximum heights does not conform with provincial policy or direction provided from the Minister in approving the ROP. Further, the approach to assessing heights in the City OPAs, as opposed to as part of a broader review of the City's Official Plan, is inappropriate, does not appropriately balance all planning policies relevant to the consideration of heights in these locations, and could be interpreted as preventing appropriate revisions in the future through private official plan amendment applications.

The Maximum Height Policies do not Conform with Provincial or Regional Policy

Both the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe promote intensification, particularly around transit stations, to facilitate complete communities that leverage public investment in transit and reduce reliance on vehicles. Under provincial policy, it is not enough simply to allow some degree of intensification in these areas – the Growth Plan provides that it is imperative that existing and planned transit be optimized to support more compact built form and ensure growth is accommodated in the right locations. The ROP mirrors this direction. Policy 5.4.18.6 provides that the Region's objective is "[t]o optimize all intensification opportunities across the Region and maximize development within Strategic Growth Areas."

The importance of the direction to optimize MTSAs is apparent in the modifications the Minister made to the ROP before approving it. Specifically, the Minister struck language in the ROP that required lower-tier municipalities, in planning for their MTSAs, to address maximum heights at their discretion. Following the Minister's modification, the only direction in the ROP pertaining to heights for PMTSAs is that lower-tier municipalities are to establish minimum heights. Indeed, the direction to provide for minimum heights in MTSAs is the only reference to building height in the entirety of the ROP.

Importantly, the City OPAs were adopted before the Minister had reviewed and modified the ROP. Accordingly, at the time the City OPAs were adopted, the ROP policies that City Council was evaluating the City OPAs against permitted the imposition of maximum heights in MTSAs. It no longer does so. In these circumstances, at a minimum, City Council must have an opportunity to consider the City OPAs against the new policy framework that now applies, including in light of the Minister's removal of policy language in the ROP pertaining to maximum heights.

Furthermore, even if maximum heights were permitted, the proposed maximums set out in the City OPAs are inappropriate. The maximum heights are woefully unresponsive to both provincial and Regional policy direction. Maximum building heights at these levels do not optimize the public investment in higher-order transit, nor do they maximize development within MTSAs as strategic



growth areas. Suppressing building heights, and therefore new housing stock, to such an extent along areas with existing and planned rapid transit within the City will have knock-on effects elsewhere in the Region, increasing growth pressures in areas of the City without such infrastructure and in other municipalities. The City OPAs cannot be considered to conform with provincial or Regional policy and therefore must not be approved.

Conclusion

The imperative of optimizing available supply of land to support complete, mixed-use communities in the vicinity of higher-order transit is clear, both in provincial policy and the ROP. Unfortunately, the City OPAs do not adequately reflect this fundamental direction. Further, any consideration of maximum heights should be considered on a City-wide basis, and not with such a narrow focus, to balance City-wide policies and enable future modifications where appropriate.

In these circumstances, and in light of the substantial changes in circumstances since City Council (as previously constituted) adopted the City OPAs, our client urges Regional Council to refuse to approve the City OPAs and remit them to the City, with direction to reconsider the maximum height policies.

We appreciate the opportunity to provide these comments and thank Council for its consideration.

Yours truly,

Goodmans LLP

David Bronskill
DJB/

cc: Client

7344735

February 6, 2023

GSAI File: 1278-001

(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
33HC TAS LP; 33HC Corp.; 3168HSLP; 3168HS Corp.
25 Hillcrest Avenue and 3154 Hurontario Street, City of Mississauga

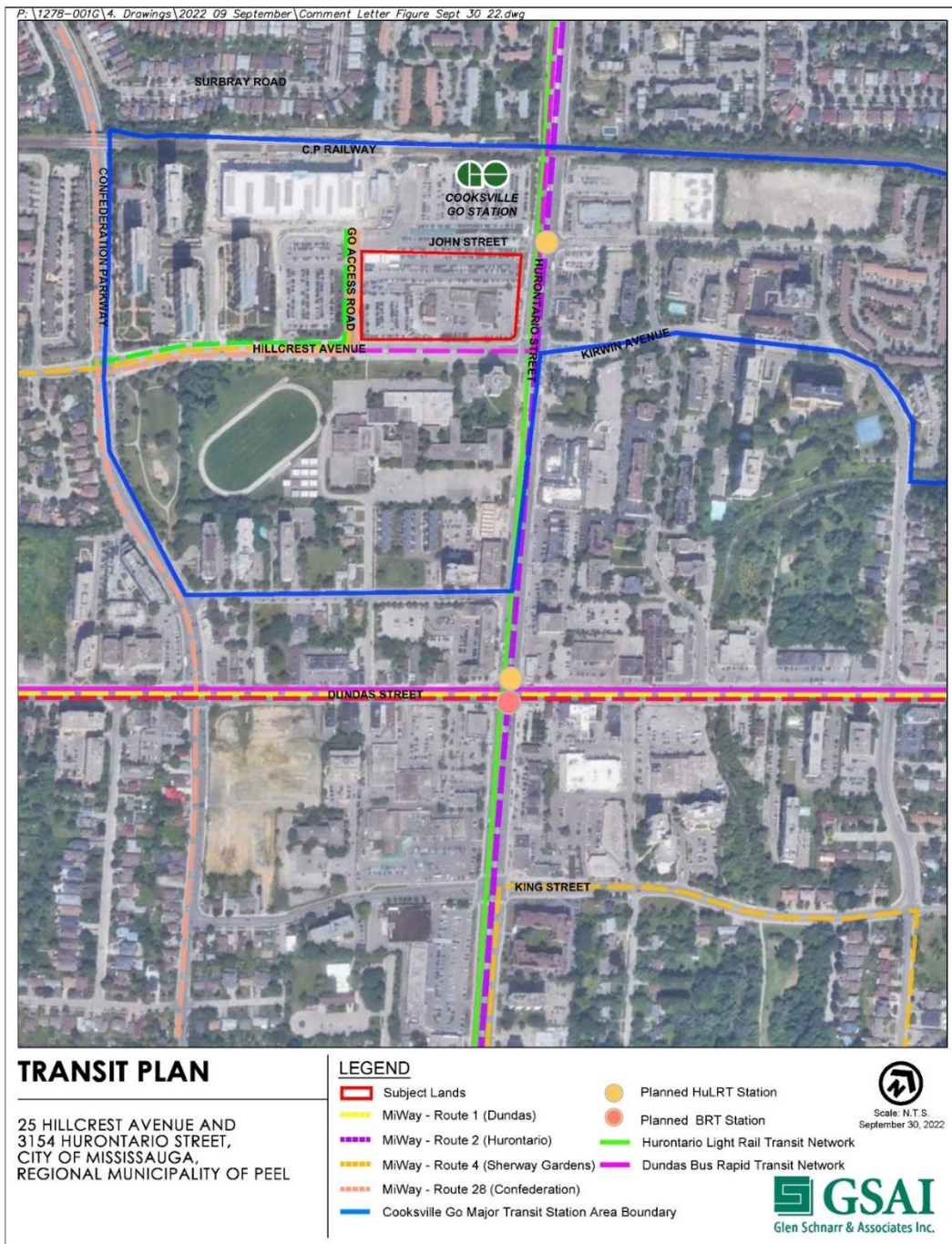
Glen Schnarr & Associated Inc. (GSAI) are the planning consultants to 33HC TAS LP, 33HC Corp, 3168HS LP and 3168HS Corp. (the 'Owner') of the lands municipally known as 25 Hillcrest Avenue and 3154 Hurontario Street, in the City of Mississauga (the 'Subject Lands' or 'Site'). As demonstrated on the Context Map on the next page, the Subject Lands are located on the west side of Hurontario Street, south of John Street and north of Hillcrest Avenue. The Site is within the Downtown Mississauga Urban Growth Centre, immediately adjacent to the Cooksville GO Station and the planned Hurontario Light Rail Transit ('HuLRT') network as well as within walking distance of the planned Dundas Bus Rapid Transit ('BRT') network. Overall, the Site is incredibly well-served by existing and planned higher order transit services and the Region of Peel Official Plan ('ROP') adopted in November 2022, has included the Subject Lands within the Cooksville GO Major Transit Station Area ('MTSA') – a Primary MTSA (Schedule E-5, Major Transit Station Areas).

The owner has submitted Official Plan Amendment/Zoning By-law Amendment Applications to the City of Mississauga (which are currently being processed under application file "OZ/OPA 22-19 W7") to facilitate the development of a mixed-use, transit-supportive development comprised of five buildings of varying heights between 34 and 46 storeys with residential, retail and community land uses.

Although the Owner supports the Cooksville GO MTSA delineation and the inclusion of the Subject Lands within the Cooksville GO MTSA in the ROP, we are providing this Letter to highlight a concern with Mississauga Official Plan Amendment 144 and the implementation of a maximum building height of 30 storeys.

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GSAI, on behalf of the Owner, has been participating in City of Mississauga Downtown Fairview, Cooksville and Hospital Policy Review, the City of Mississauga's City-Wide Major Transit Station Area Study, the Mississauga Official Plan Review, the Region of Peel Municipal Comprehensive Review (referred to as 'Peel 2051+') and the Region of Peel Major Transit Station Area Study initiatives and we have submitted comments on these initiatives. We have reviewed the Mississauga Official Plan Amendments 142, 143, 144 and 146, as presented in the agenda package for the February 9, 2023 Peel Regional Council meeting and offer the following comments to you members of Regional Council, on behalf of the Owner.



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. OPA 144 establishes the Subject Lands as having a maximum building of 30 storeys. This maximum building height is concerning.

Maximum Building Heights in PMTSAs

As stated, we support the Cooksville GO MTSA delineation and the inclusion of the Subject Lands within the Cooksville GO MTSA. We are, however, concerned with the maximum height identified on the modified Schedule 11L.

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 in PMTSAs. We take direction from the Province's position in their modification to the Region of Peel Official Plan, whereby they 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.

The Subject Lands are located directly beside a GO Transit station, future Light-Rail Transit and located in Downtown Cooksville, where the future vision of the community is a 15-minute walkable community. This important site context, locality and potential is dismissed when the Site is grouped under overarching height maximums. Furthermore, this Site is a prime candidate for assisting Mississauga in achieving their housing objectives as per the new Housing Action Plan, (approved by Council January 18, 2023) and in helping the City and Province meet their goal of building 120,000 new homes in Mississauga over the next decade.

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.



Glen Broll, MCIP, RPP
Managing Partner



Jennifer Staden, MCIP, RPP
Associate