

October 5, 2022

GSAI File: 1319-001

(Via Email – minister.mah@ontario.ca)

Hon. Steven Clark
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

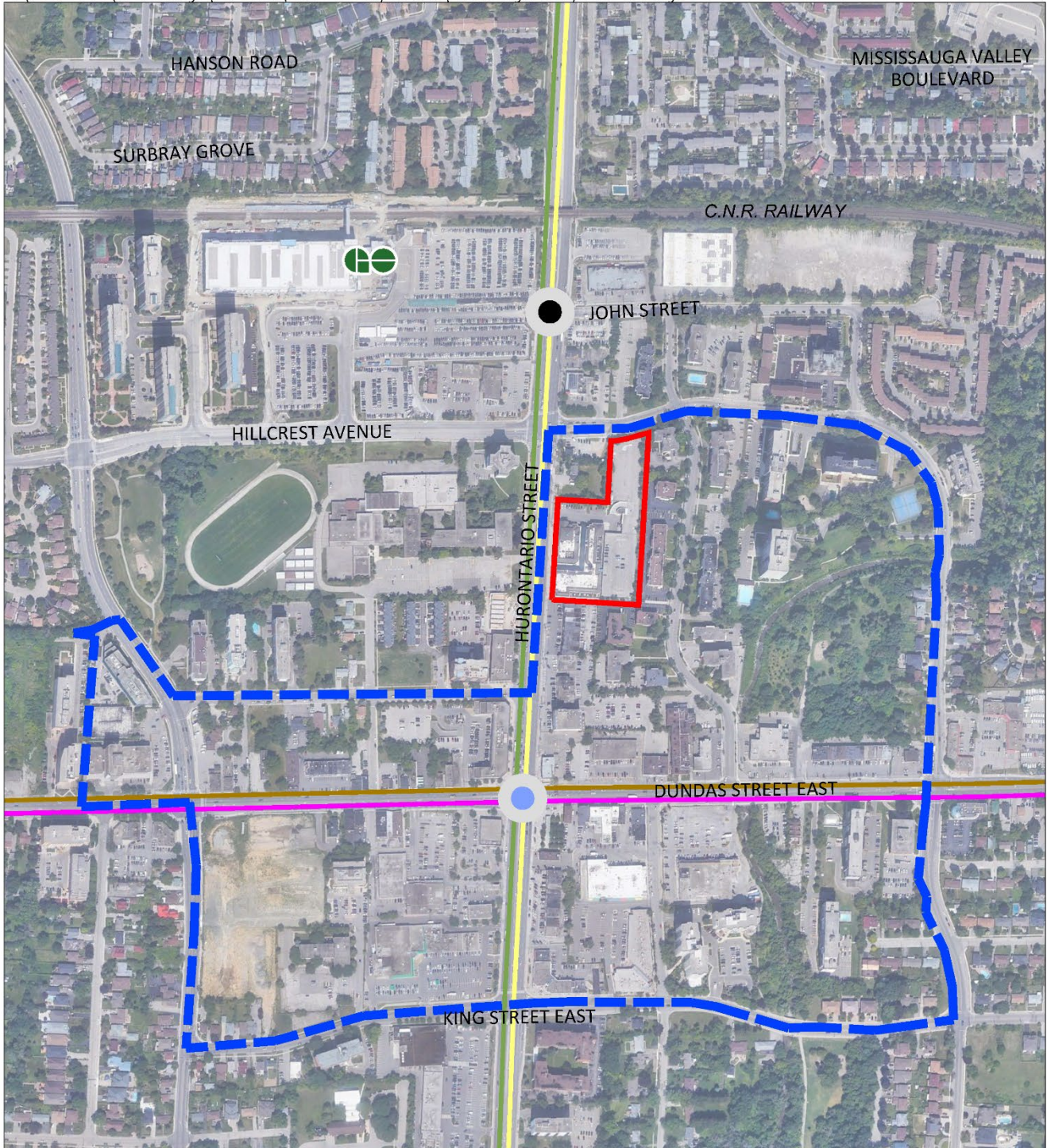
**Re: Peel Regional Official Plan
Ministry Reference Number 21-OP-215276
Equity Three Holdings Inc.
3085 Hurontario Street, City of Mississauga**

Glen Schnarr & Associated Inc. (GSAI) are the planning consultants to Equity Three Holdings Inc. (the 'Owner') of the lands municipally known as 3085 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 east side of Hurontario Street, south of Kirwin Avenue and north of Dundas Street. The Site is within the Downtown Mississauga Urban Growth Centre, immediately adjacent to the planned Hurontario Light Rail Transit ('HuLRT') network and within walking distance of both the Cooksville GO Station and the planned Dundas Bus Rapid Transit ('BRT') network. Overall, the Site is well-served by existing and planned higher order transit services and the proposed Region of Peel Official Plan ('ROP') has included the Subject Lands within the Dundas Major Transit Station Area ('MTSA') – a Primary MTSA (Schedule E-5, Major Transit Station Areas).

Although our client, the Owner, supports the Dundas MTSA delineation and the inclusion of the Subject Lands within the Dundas MTSA in the ROP, we are providing this letter to highlight a concern with the downstream implementation of ROP policies related to the establishment of maximum densities and maximum heights within MTSAs at the discretion of local municipalities to the satisfaction of the Region, which are not subject to review by the Province.

GSAI, on behalf of the Owner, has been participating in the Region of Peel's ('Region') Municipal Comprehensive Review ('MCR') process, referred to as the 'Peel 2051+' process and submitted comments to the Region dated June 22, 2021. We have also participated in and provided commentary on the ongoing Mississauga Official Plan review process. We have reviewed the Region of Peel Official Plan, as adopted by Regional Council on April 28, 2022 and we offer the following comments to you, on behalf of the Owner.

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AERIAL CONTEXT MAP

3085 HURONTARIO STREET,
CITY OF MISSISSAUGA,
REGIONAL MUNICIPALITY OF PEEL

LEGEND

-  Subject Lands
-  (Draft Delineated) Dundas Major Transit Station Area
-  Miway Route 1
-  Miway Route 2
-  BRT Route
-  HuLRT Route
-  Planned LRT Station
-  Planned BRT Station
-  Cooksville GO Station



Scale NTS
SEPTEMBER 27, 2022

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 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 with the application of policies that would provide for maximum densities and maximum heights in lower-tier official plans which would not be subject to a Provincial review process and then shelter these policies from appeal. Our concern is illustrated in our comments on the ROP and the potential downstream implications of the policies of the ROP.

Based on the adopted Region of Peel Official Plan, the Subject Lands remain designated 'Urban System' (Schedule E-1, Regional Structure), are located within the Downtown Mississauga Urban Growth Centre and are along the Hurontario Regional Intensification Corridor (Schedule E-2, Strategic Growth Areas). The Site is also located within the Dundas Major Transit Station Area ('MTSA') – which is a Primary MTSA (Schedule E-5, Major Transit Station Areas). We understand that it is the responsibility of the Region to identify and delineate MTSA's across Peel Region.

The ROP OP and the Establishment of Maximum Densities and Heights for Land Uses within MTSA's

We support the Dundas MTSA delineation and the inclusion of the Subject Lands within the Dundas MTSA. We are, however, concerned with the downstream implementation of the Major Transit Station Area (Section 5.6.19) policies, in particular, Policy 5.6.19.10.a) and e) which state:

5.6.19.10. The local municipalities shall undertake comprehensive planning for Primary and Secondary Major Transit Station Areas to address the following matters to the satisfaction of the Region:

- a) the minimum density for each Major Transit Station Area as prescribed on Table 5, maximum densities may also be established at the discretion of the local municipality; (emphasis added)*

e) *the minimum height for land uses within the Major Transit Station Area, maximum heights may be established at the discretion of the local municipality.' (emphasis added)*

Policy 5.6.19.10.a) provides that the local municipalities in Peel may, at their discretion, further to comprehensive planning, establish maximum densities for each MTSA in addition to minimum densities. Similarly, Policy 5.6.19.10.e) provides that the local municipalities in Peel may, at their discretion, further to comprehensive planning, establish maximum heights for land uses in MTSA's, in addition to establishing minimum heights. These maximum densities and maximum heights, should they be established by the local municipalities, are to be to the "satisfaction of the Region". Unlike the ongoing approval process in regard to the ROP, and the process that would apply to single-tier municipalities, the establishment of maximum densities and maximum heights in MTSA's by local municipalities in the Region will not be the subject of a Provincial review and approval process.

We do not support the inclusion of policies that would encourage the establishment of maximum densities and maximum heights in MTSA's in local official plans and request that the local municipalities' ability to impose such standards be removed from Policy 5.6.19.10 of the ROP. In our opinion and as noted in further detail below, the establishment of maximum densities and maximum heights in MTSA's, in local official plans that are not subject to a Provincial review process and where compact, mixed-use, transit-supportive development is to be directed, has significant implications on the achievement of a number of Provincial objectives particularly taking into consideration the *Planning Act* prohibitions against appeals related to protected Major Transit Station Areas.

We also have a related concern in regard to Policy 5.6.19.11 of the ROP which states that Zoning By-laws shall be updated to reflect the policies of 5.6.19.9 and 5.6.19.10. Should Policy 5.6.19.10 and 5.6.19.11 remain as currently adopted, the issue of accommodating appropriate transit supportive development in MTSA's is further exacerbated as the maximum densities and maximum heights established pursuant to these policies will be translated in the Zoning By-laws.

The City of Mississauga and the Establishment of Maximum Heights within MTSA's

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 which collectively 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.

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 is 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 challenging the implementation of Provincial policy objectives.

As such and in the interest of directing appropriate intensification within identified Major Transit Station Areas ('MTSAs'), we respectfully request that you exercise your authority to modify the ROP to remove the establishment of maximum densities and maximum permitted building heights in local official plans from Policy 5.6.19.10.

In addition, we note that other jurisdictions, including the City of Toronto, have established Major Transit Station Areas policies that have identified minimum density targets but not maximum density limits nor maximum building heights. Elimination of maximum density and maximum building height permissions from the ROP is appropriate and will enable redevelopment of lands in appropriate locations, at appropriate densities and heights to occur within MTSAs.

In summary, we are concerned about the downstream implications of the adopted ROP, particularly Policy 5.6.19.10.a) and e) and respectfully request that you exercise your authority to modify this policy. We ask that we be provided with Notice of any decision you make on the ROP.

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

cc. Owner

Mattamy Homes

Anne Benedetti, Goodmans