

October 7, 2022

GSAI File: 792-013

Hon. Steven Clark
Ministry of Municipal Affairs and Housing
c/o Jennifer Le
Municipal Services Office - Central Ontario
777 Bay Street, 16th floor
Toronto, ON
M7A 2J3

RE: Region of Peel Official Plan Amendment – Provincial Review
 Region of Peel Official Plan Review
 1082 Lakeshore Road East and 800 Hydro Road
 City of Mississauga, Region of Peel

Glen Schnarr & Associates Inc. (GSAI) are the planning consultants representing Lakeview Community Partners Limited (“LCPL”), the owners of “Lakeview Village”. GSAI was retained by LCPL to assist in obtaining the requisite approvals to permit redevelopment of the lands municipally addressed as 1082 Lakeshore Road East and 800 Hydro Road (herein referred to as the “Subject Lands”). These lands (formally known as the OPG Lakeview lands) were purchased by our client to develop a vibrant mixed-use transit-oriented waterfront community.

On behalf of LCPL, GSAI is pleased to submit comments regarding the ongoing review of the Region of Peel’s proposed Official Plan, specifically related to the policy framework proposed for strategic growth areas, such as Primary Major Transit Station Area(s) (“PMTSA’s”).

According to the Region of Peel Schedule E-5, Major Transit Station Areas, our client’s lands are included in a defined *Primary Major Transit Station Area* (“PMTSA”). In the proposed City of Mississauga Official Plan Amendment (*City-Wide Major Transit Station Area Study – Schedule 11Q*), the subject lands are included in the defined *Haig Protected Major Transit Station Area* (“PMTSA”) which includes a height schedule that regulates minimum and maximum heights for the PMTSA.

Part of the proposed amendments to the Region of Peel Official Plan provides local area municipalities the opportunity to prepare policies which restrict heights in PMTSA’s (Section 5.6.19.10). Policy 5.6.19.10.e) states:

‘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:



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.'

That said, we have concerns with the implications of allowing local area municipalities the ability to restrict heights in strategic growth areas, such as PMTSA's, as contemplated through the policies found in adopted Region of Peel Official Plan.

In addition, our client is concerned about the related implementation policies found in section 5.6.19.11 which states that Zoning By-laws shall be updated to reflect the policies of 5.6.19.9 and 5.6.19.10 (as noted above). Should ROP Policy 5.6.19.10 and 5.6.19.11 remain as currently adopted, the issue of accommodating appropriate transit supportive development in MTSAs is further aggravated as the maximum heights established under these policies will ultimately be implemented through City-initiated Zoning By-law amendments.

Should local area municipalities be granted the authority to regulate maximum heights (prior to receipt of a formal planning application in PMTSA's), 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 particularly taking into consideration the *Planning Act* prohibitions against appeals related to protected Major Transit Station Areas.

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 an existing or planned higher order transit station or stop as a Protected Major Transit Station Area ('PMTSA') and delineation of the boundaries of the PMTSA. The *Planning Act* further provides that if those above-noted policies are incorporated into the official plan, the official plan must also identify minimum number of residents and jobs collectively per hectare, that are planned to be accommodated within the PMTSA. Additionally, if an upper tier official plan includes the above-noted policies, s.16.16(b) of the *Planning Act* requires that the official plans of the relevant lower-tier municipalities include policies that identify the authorized uses of land within PMTSAs, and further, that the official plan of the relevant lower-tier municipality identify minimum density requirements for buildings on lands within these PMTSAs. We note that the *Planning Act* does not require the inclusion of policies identifying maximum densities or maximum heights within identified PMTSAs. However, s.17(36.1.4.5) and s.17(36.1.4.7) of the *Planning Act* provides that there is no appeal rights to policies that identify both the minimum and maximum heights and densities (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 implementation of policies that would give municipalities the authority to regulate maximum densities and maximum heights in their respective official plans. This is especially concerning as these policies would not be subject to a Provincial review process and would protect these policies from an appeal through a private application.

The policy recommendations proposed through the ROPA which allow municipalities to cap height in strategic growth areas ultimately undermine the purpose of long-term, sustainable planning and contravenes the objectives, direction, and visions of Provincial, Regional and Municipal policy directives. We feel, conversely, that with respect to PMTSA's, the ROPA should include policies that provide flexibility that better account for specific locational considerations that align with the aspirations of the PMTSA policies.

Consistent with the above, we do feel it is appropriate that minimum density targets and minimum heights be prescribed in local area Official Plan(s). 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 staff the opportunity to review and comment on the appropriateness of development proposal(s) through the development application review process.


As such, in the interest of directing appropriate intensification within identified PMTSA's in accordance with Provincial policy planning mandates, we respectfully request that the Ministry exercise their authority to modify the proposed ROPA to remove the permission for local area municipalities to establish maximum permitted building heights, as provided for under Policy 5.6.19.10.e). We recommend the following modification to Policy 5.6.19.10.e) in the ROPA:

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:

- 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;*

As always, we appreciate the opportunity to provide comment on the Minister's review of the ROPA. We would be pleased to discuss this request further.

**YOURS VERY TRULY,
GLEN SCHNARR & ASSOCIATES INC.**



Glen Broll, MCIP, RPP
Managing Partner

cc. Brian Sutherland, Lakeview Community Partners Limited