

City of Mississauga

Corporate Report



<p>Date: July 15, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's files: LA.07-CIT</p> <hr/> <p>Meeting date: August 8, 2022</p>
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Subject

PUBLIC MEETING RECOMMENDATION REPORT (ALL WARDS)

City-Wide Major Transit Station Area Study - Official Plan Amendment

Recommendation

1. That the amendments to Mississauga Official Plan proposed in Appendices 4 and 5 in the report titled "City-Wide Major Transit Station Area Study – Official Plan Amendment" dated July 15, 2022, from the Commissioner of Planning and Building, be approved.
2. That the Official Plan Amendment By-laws to implement the City-Wide Major Transit Station Area Study as proposed in Appendices 4 and 5 in the report titled "City-Wide Major Transit Station Area Study – Official Plan Amendment" dated July 15, 2022, from the Commissioner of Planning and Building, be prepared and submitted to the Region of Peel for approval.
3. That subsequent to the August 8, 2022 public meeting, and prior to approval by the Region of Peel, staff be directed to incorporate any further changes to Appendices 4 and 5 in the report titled "City-Wide Major Transit Station Area Study – Official Plan Amendment" dated July 15, 2022, from the Commissioner of Planning and Building, to reflect the development application(s) approved during this time, and the amendments to Mississauga Official Plan and further notice is not required.

Executive Summary

- On May 9, 2022, staff presented the City-Wide Major Transit Station Area draft Official Plan Amendment (OPA) to the Planning and Development Committee.
- The proposed OPAs support the development of Major Transit Station Areas (MTSAs) as complete and transit-supportive communities that will accommodate

future growth with a balance of residents and jobs; through a diverse mix of land uses, housing types, tenures and affordability, employment, and amenities.

- The purpose of this report is to respond to comments received on the previously released draft policies and present the final revised OPAs for the City-Wide MTSAs.
- The updated OPA policies for Council approval are included in Appendices 4 and 5. The proposed policies will be implemented through two OPAs. One will include general policies related to compatibility, urban design, connectivity, community infrastructure, parks and open spaces, servicing and Planned MTSAs. The other will include Protected Major Transit Station Area (PMTSA) policies in accordance with the *Planning Act*. Both OPAs will not take effect until the Province approves the MTSA policies in the new Peel 2051 Region of Peel Official Plan (RPOP).

Background

The City-Wide Major Transit Station Area (MTSA) Study was undertaken in response to various provincial and regional policies requiring planning be prioritized for MTSAs to promote transit-supportive development that maximizes the number of potential transit users. The Region and Province establish boundaries and minimum density targets, while the City is responsible for identifying the authorized uses of land and buildings which may include building heights and other criteria.

An initial draft of the proposed Official Plan Amendment for the City-Wide Major Transit Station Areas was presented through an Information Report at a Statutory Public Meeting held on May 9, 2022. The draft OPAs set out policies to amend a number of chapters in the Mississauga Official Plan including the Introduction, Direct Growth and Glossary chapters. The report to the Planning and Development Committee, dated April 14, 2022, is accessible at the following link: <https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=ee1df8f0-3b36-46bb-af1d-b006eba9c329&Agenda=Agenda&lang=English&Item=8&Tab=attachments>.

Public Engagement

The development of the policies has been a consultative process resulting in the proposed policy framework. The engagement program included statutory and non-statutory meetings, online communication and virtual meetings with landowners, members of the public and agency groups, as detailed below.

- **Circulation to Stakeholder:** Staff circulated the draft policies to stakeholders and public agencies to receive their input. Comments were received and incorporated where appropriate into the revised OPAs.
- **Indigenous Communities:** Letters inviting Indigenous communities to participate in the policy review for the City-Wide Major Transit Station Area OPAs were sent to the

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Haudenosaunee Development Institute, the Huron-Wendat First Nation, the Mississaugas of the Credit First Nation, and the Six Nations of the Grand River. No comments or concerns have yet been received.

- **Stakeholder Meetings:** Staff met with key stakeholders including: development consultants, landowners, and employment operators. Comments received were primarily related to policy clarifications, buildings heights and implementation timing. Site specific comments were also received related to MTSA boundaries.
- **Online Comments:** The draft OPA policies were posted on the project website through the interactive “Konveio” digital platform where comments could be directly posted for specific policies. This was available from May 2, 2022 to June 30, 2022.
- **Statutory Public Meeting:** A statutory public meeting was held on May 9, 2022 at the Planning and Development Committee. Notification for the Statutory Public Meeting was published in the Mississauga News.

Comments

The City is proposing two Official Plan Amendments (OPAs) referenced as OPA 143 and OPA 144, which will be incorporated into the Official Plan concurrently, as shown in attached Appendices 4 and 5. The OPAs set out a new policy framework to accommodate future growth and guide transit-supportive development within Major Transit Station Areas (MTSA) as identified in the new Peel 2051 Region of Peel Official Plan (RPOP). The proposed policies will apply to 54 MTSA's and 9 Planned MTSA's. They identify delineated boundaries, land uses, densities, building heights; and provide direction on land use compatibility, urban form, connectivity and community infrastructure.

The incorporation of the proposed MTSA policies into the Mississauga Official Plan does not represent a fundamental shift in planning direction. The City has planned for transit-supported development for decades. It has numerous transit-supportive strategic growth areas currently located within the proposed PMTSA's which contribute to the majority of development activity across City. At a high level, the proposed MTSA policies will allow for the following:

- The implementation of inclusionary zoning, once the new Peel 2051 RPOP is approved by the Province.
- All MTSA's to be identified as Protected Major Transit Station Areas (PMTSA) which provides appeal protections for land-use, height and density policies, provided there is conformity to Regional and Provincial policies.
- Implementation of recommendations from a number of ongoing or recently completed local area studies.

This report summarizes the comments received to date and presents staff's final recommendations and modifications to the Official Plan Amendments (OPAs) for the City-Wide Major Transit Station Areas.

SUMMARY OF COMMENTS RECEIVED ON THE DRAFT POLICIES

All written submissions received through the public engagement process are included in Appendix 1 and oral deputations are noted in Appendix 2. The response from staff to comments received has been included in Appendix 3. Below is a brief summary of the key public comments and staff's response.

1. Conformity with New Peel 2051 Region of Peel Official Plan

Summary - A copy of the draft City-Wide MTSA policies was circulated to the Region of Peel to confirm conformity with the MTSA policies in the new Peel 2051 RPOP. The Region provided comments requesting minor edits and rewording to provide better legibility. They also requested that the proposed OPAs and implementing by-laws be revised to include wording on when the policies would come into force and effect and clarify what would occur in the event of conflicts.

Staff Response - The introduction to the MTSA policies has been revised and includes text noting the policies will not come into force and effect until the MTSA policies of the new Peel 2051 RPOP are approved by the Minister of Municipal Affairs and Housing. It also states that in the event of a conflict the delineated PMTSA boundaries in the new Peel 2051 RPOP will prevail.

2. Building Heights and Density

Summary – A number of landowners expressed concern with the use of maximum building heights to “guide density” and requested maximum heights be removed from the proposed PMTSA schedules. Clarification was also requested on how the building heights were established to achieve the MTSA provincial and regional density targets.

Staff Response – The proposed City-Wide MTSA OPA policies, use building heights to guide density in combination with the minimum Floor Site Index (FSI) identified for each PMTSA to achieve the Regional density targets. This approach conforms and is consistent with provincial legislation and Regional policies. For example, the *Planning Act* requires a lower-tier municipality to identify in its Official Plan minimum densities and the authorized uses of lands and of buildings or structures for Protected Major Transit Station Areas. It also allows for policies that identify maximum densities and minimum and/or maximum building heights. The new Peel 2051 RPOP also includes a similar policy which states that maximum heights may be established by the local municipality.

The practise of establishing maximum building heights to guide growth and development is not new to planning in the City of Mississauga. The Mississauga Official Plan currently prescribes maximum building heights for many areas of the City through policies specific to land use designations, City Structure elements, Character Areas or Local Area Plans. It also includes policies *stating MTSA's are* subject to the minimum densities and minimum and

maximum building heights specified elsewhere in the Plan. The City-Wide MTSA OPA policies are consistent with the current Official Plan direction for the use of building heights and densities.

Managing growth by identifying maximum building heights provides direction and clarity on the desired built form that reflects the City Structure of Mississauga Official Plan, area context and envisioned character of each PMTSA. The proposed building heights vary within and between different PMTSAs. This is in recognition that not all PMTSAs are to achieve the same mix of land uses or intensity of development due to the applicable City Structure, land use designations, local conditions, and site potential and limitations. The proposed use of maximum building heights is intended to create development certainty around appropriate built forms and heights and aid prospective land purchasers with their investment decisions. Ultimately, this will assist with the approval of as-of-right development without the need for amendments and expedite the processing of applications. This is intended to streamline the development approval process.

Staff also note the following points which informed the recommended building height policies:

- Existing building height permissions in the Official Plan have been amended only where necessary to achieve the individual PMTSA minimum density targets and to reflect approved building height recommendations resulting from local area studies¹, or development applications.
- The proposed building heights can accommodate the City and Region's planned density target of people and jobs combined per hectare to 2051 and beyond for each PMTSA. Additional density beyond the identified density targets are not needed to accommodate the city's overall growth allocation.
- For most PMTSAs, the existing Official Plan height structure currently allows for development and growth to support light rail transit, bus rapid transit and GO Transit service improvements. Major changes were not required to the existing building height permissions already identified in the Official Plan to achieve the density targets.
- The proposed building heights align with the City Structure and the existing or proposed land use designations with lower heights for Residential Medium Density, Residential Low Density I and II designations and greater heights for Residential High Density, Office and Mixed Use designations.
- For ease of reference the proposed OPAs are consolidating, within new schedules, the existing building height permissions currently identified throughout different sections of the Official Plan.
- Staff have verified that the assigned minimum and maximum building heights together with minimum Floor Space Index requirements will achieve the minimum density targets identified by the Region for each PMTSA.

¹ Local planning studies include the Dundas Corridor Policy Implementation, Downtown Fairview, Cooksville and Hospital Policy Review and Lakeshore East Corridor Study

3. Applications in Progress

Summary - Clarity was requested on how active development applications for lands within the proposed PMTSAs would be reviewed, before the City-wide MTSA policies come into full force and effect. This is particularly of concern to applicants proposing developments that would not conform to the proposed policies related to land uses and building heights.

Staff Response - Staff recognize there are a number of complete development applications currently under review within the proposed PMTSAs. These applications will continue to be reviewed on their own planning merits with consideration given to both current and emerging policies. If applications are approved prior to the City-Wide MTSA OPAs being in force and effect, the PMTSA schedules will be amended accordingly to reflect any required changes.

If an application is not approved prior to the MTSA policies coming into effect staff will continue to work with the applicant to process the application. There is uncertainty as to whether the development proposal would be required to conform with the newly approved MTSA policies as the *Planning Act* has no transition clauses related to this matter.

4. Future Amendments to Building Heights and Land Uses

Summary - Clarification was requested by land owners enquiring how future amendments to PMTSA policies such as building heights and land uses would be considered once they are approved and in effect.

Staff Response - Amendments to building heights and land uses can only be considered in Protected MTSAAs if City Council determines through a resolution that a request to amend the policies should be considered. The Council resolution may be made in respect of a specific request or a class of requests. It is anticipated that a formal process will need to be developed for the consideration of any amendments.

5. Land Use Compatibility

Summary - A number of employment land owners requested the policies be strengthened to address land use compatibility issues for new sensitive land uses in proximity to established employment uses.

Staff Response - The proposed MTSA policies require development to be compatible with surrounding uses and mitigate any negative impacts resulting from the introduction of sensitive land uses in proximity to employment uses. This is to protect residential uses from adverse impacts while also ensuring the long term viability of established employment areas.

6. MTSA Boundaries

Summary - A number of land owners requested that certain PMTSA boundaries be reconsidered to include additional properties.

Staff Response - The Region of Peel is responsible for delineating the Major Transit Station Area boundaries and establishing minimum density targets. The City is responsible for setting land use designations, building heights, densities and detailed MTSA policies within the boundaries set by the Region. The City's PMTSA boundaries reflect those identified in the new Peel 2051 RPOP that were developed with public and stakeholder engagement. The PMTSA boundaries were delineated as part of a process that addressed among other matters the local context, development opportunities, physical barriers, and walkshed accessibility. The boundaries were adopted by Regional Council in April 2022 and have been submitted to the Province for final approval.

7. Development Servicing

Summary - The Region of Peel has requested that a policy be included to address servicing and infrastructure capacity.

Staff Response - A policy has been added to ensure appropriate municipal servicing is in place to support new and existing residents and workers. Servicing of development is to progress in a financially responsible and environmentally sustainable manner.

8. Gas Pipelines and Facilities

Summary - Enbridge Gas recommended additional policies specifying that development in areas within proximity to a gas pipeline be circulated to Enbridge for comment and that MTSA mapping indicate gas pipelines and facilities locations.

Staff Response - The proposed MTSA policies are to be read in conjunction with other applicable policies of the Mississauga Official Plan, including the implementation policies. A map of the oil and gas transmission lines is available on the City's web site on the Mississauga Official Plan page under "Other Information". The MTSA schedules reflect land use designations that identify the authorized use of building and structures. Ownership of land including pipelines is not shown on land use maps. Instead these areas would be identified as "Utility" designated lands.

The identification of any potential impacts on pipelines and facilities locations is through the development review process when applications are circulated to relevant stakeholders and agencies for comment. This practice will continue for development within MTSA's.

9. Natural Hazard Lands

Summary - Staff received comments from the Toronto and Region Conservation Authority (TRCA) requiring more explicit wording in the policies that prohibit development on designated Natural Hazard Lands within MTSA boundaries.

Staff Response - The proposed policies require development to mitigate against natural hazards and protect and restore the Natural Heritage System and Water Resource System. In addition, policies that preclude intensification and development on natural hazards are currently addressed under Section 6.3 Green System of the Official Plan. The proposed MTSA policies are intended to be read in conjunction with other sections of the Plan, and therefore these policies will continue to apply for lands within MTSA.

KEY MODIFICATIONS TO DRAFT POLICIES AND SCHEDULES

Staff have reviewed the feedback from various stakeholders and propose minor modifications to the proposed draft OPAs presented at the May 9, 2022 Public Information Meeting. Appendices 4 and 5 of this report identifies each modification to the draft policies and schedules. Key changes to the draft policies are provided below.

1. Adding text identifying when Protected Major Transit Station Area policies would come into force and effect.
2. Adding a policy requiring the availability of municipal servicing to support development within PMTSAs.
3. Minor rewording of policies to provide greater clarity and legibility. The intent of the policies remain unchanged.
4. Minor technical word changes and policy renumbering and sequencing.
5. Updating mapping to reflect City Council approved building heights or land use changes recommended through recent studies such as the Dundas Corridor Policy Implementation project and the Downtown Fairview, Cooksville, and Hospital Policy Review.
6. Correcting building height mapping errors to reflect current approvals/permissions.
7. Adding new definitions for Protected Major Transit Station Area and Transit-Supportive to the Glossary.

Appendix 6 provides the detailed planning rationale for the proposed amendments to Mississauga Official Plan.

IMPLEMENTATING THE OFFICIAL PLAN AMENDMENTS

The proposed policies and schedules will be implemented through two separate Mississauga Official Plan Amendments (MOPA 143 and MOPA 144). Following approval of the recommendations in this report by the Planning and Development Committee, Staff will be preparing two implementing OPA By-laws to City Council for adoption. MOPA 143 will include general policies related to compatibility, urban design, connectivity, community infrastructure, parks and open spaces, and Planned MTSA.

MOPA 144 will include Protected Major Transit Station Area (PMTSA) policies related to land use and building heights in accordance with the *Planning Act*. It will also implement the recommended building heights and land use changes from recent City Council approved planning studies. The *Planning Act*, specifies that there are no OLT appeals to PMTSA policies that identify delineated boundaries, authorized uses of land, buildings and structures, and minimum and maximum building heights and densities, and where the maximum permitted height also satisfies the minimum density authorized for the same parcel, other than by the Minister.

MOPA 143 and 144 will require approval by the Region of Peel as they include policies specific to PMTSAs. The policies of both MOPAs will not come into force and effect until the Province has approved the Major Transit Station Area policies of the new Peel 2051 PROP.

PROVINCIAL AND REGIONAL CONFORMITY

The Province identifies through its Provincial Policy Statement (PPS) matters that are of provincial interest, and provides direction on creating livable, healthy and resilient communities. The PPS highlights the importance of the efficient use of land and resources, a range of housing options, a mix of employment opportunities and access to recreation, parks and open spaces. The Province has also set out the Growth Plan for the Greater Golden Horseshoe to establish a land use planning framework and manage growth. It highlights the importance of building complete communities, supporting economic development, and directing intensification to strategic growth areas to make efficient use of land and optimize infrastructure. The Region of Peel Official Plan (ROP) and the new Peel 2051 Region of Peel Official Plan (PROP) adopted but not yet approved, provides direction and a strategic policy framework to guide development and growth in Peel Region and Mississauga.

The proposed amendments to Mississauga Official Plan are consistent with the Provincial Policy Statement, and conform to the Growth Plan for the Greater Golden Horseshoe (2020), and reinforce the current policies and objectives of Mississauga Official Plan. The proposed policies will also conform to the new of Peel 2051 PROP, which represents Regional Council's most current vision to guide growth and development within the Region up to the year 2051. The City-Wide MTSA policies support both Provincial and Regional MTSA requirements to achieve complete communities, supporting economic development, and directing development to strategic growth areas in order to make efficient use of land and optimize infrastructure. Appendix 7 provides a detailed analysis of consistency and conformity with relevant Provincial and Regional plans and policies.

Financial Impact

There are no financial impacts resulting from the Recommendations in this report.

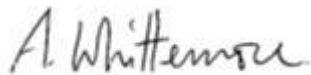
Conclusion

Comments from a range of stakeholders have been carefully considered and the proposed policies have been revised where appropriate. These policies will provide a sound planning framework, for development within Region of Peel identified MTSAs, to guide future growth that provides for transit-supportive and complete communities.

Staff is recommending approval of the proposed amendments to Mississauga Official Plan for the City-Wide Major Transit Station Areas. The OPAs are consistent with the Provincial Policy Statement, and conform to the Growth Plan for the Greater Golden Horseshoe (2020), the new Peel 2051 PROP as adopted by Regional Council and reinforce the current policies and objectives of Mississauga Official Plan.

Attachments

- Appendix 1: Written Submissions
- Appendix 2: Public Meeting Minutes
- Appendix 3: Response to Comments
- Appendix 4: Recommended Official Plan Amendments – Revised Character Area Policies
- Appendix 5: Recommended Official Plan Amendments – Revised Official Plan Schedules
- Appendix 6: Planning Rationale for Proposed Amendments to Mississauga Official Plan
- Appendix 7: Applicable Policy Analysis



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