



PARTNERS:

**GLEN SCHNARR**, MCIP, RPP

**GLEN BROLL**, MCIP, RPP

**COLIN CHUNG**, MCIP, RPP

**JIM LEVAC**, MCIP, RPP

**Sent Via Email**

Our file:1033-007

January 31, 2020

Chairman & Members  
Planning & Development Committee  
City of Mississauga  
c/o Office of the City Clerk  
300 City Centre Drive, 3<sup>rd</sup> Floor  
Mississauga, ON., L5B 3C1

**Attention: Angie Melo, Legislative Coordinator**  
**Legislative Services**

**RE: Feb. 3, 2020: PDC Agenda Item # 4.7**  
**Reimagining the Mall Directions Report &**  
**Proposed Official Plan Amendment**

On behalf of Sheridan Retail Inc. (Dunpar Developments), the registered owners of 2225 Erin Mills Parkway (Sheridan Mall), Glen Schnarr & Associates Inc. (GSAI) has been asked to provide written submissions with regard to the above-referenced PDC Agenda Item # 4.7: Reimagining the Mall Directions Report & Proposed Official Plan Amendment (OPA).

Our clients acknowledge the work and effort that both the City and their consultants have put into this exercise since it was initiated in 2017. Acknowledging that certain community node based malls and surrounding lands could be or already are exhibiting signs of economic decline is further acknowledged as is the initiative of intensifying these nodes. However as land owners and mall operators, our clients have concerns that should be highlighted that will hopefully culminate in a future arrangement where the City and our clients can work together to try to achieve some of the City's goals.

Dunpar Developments (Dunpar) only recently purchased the 30.2 acre Sheridan Mall property (see attached Aerial View) and are currently preparing a future Redevelopment Concept Plan to be presented to the City for preliminary review and discussion. Since acquiring the property, Dunpar's priority has been dealing with existing tenants on long-term leases and future retention and relocation options. Sheridan Mall has a number of vacancies in key locations that would benefit from anchor tenants and current plans prepared by Dunpar are based largely on modifications to the existing mall, and finding new, viable and adaptive re-uses for existing underutilized retail/office and parking areas. The demonstration plans prepared by the City ultimately contemplate a more US style sunbelt outdoor retail format with a number of urban design policies

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supporting this, however Dunpar's vision remains based around the systematic and phased rejuvenation of an indoor shopping mall with a number of future modifications to the exterior spaces. Before a new Official Plan Amendment is implemented which governs any land use and design policies for this property, Dunpar would like the opportunity first to present their Redevelopment Concept Plan to the City and work with the City on establishing a future redevelopment proposal that respects existing long term tenant arrangements/leases/covenants and provides the opportunity for new residential intensification to support the primary planned function of the site as a retail shopping mall.

On the issue of a Floor Space Index cap of 2.25 and a height restriction of 15 storeys, Dunpar needs to finalize their Redevelopment Concept Plan to see how this fully translates over a 30 acre property where existing retail buildings are being retained, renovated, demolished or converted and additional medium and higher density uses are proposed. For this reason alone, it is our request that any proposed OPA specific to the Sheridan Mall lands be deferred until such time as preliminary redevelopment concepts have been presented and discussed with the City.

Implementing a 20% affordable housing quota for redevelopment proposals within mall based Community Nodes is also of concern to Dunpar and warrants further analysis and discussion. We acknowledge the City's attempts through the Housing Strategy to increase the supply of purpose built rental and affordable housing but in order the do so the onus cannot simply be placed on builders as there have to be further incentives through partnerships with the City and Region of Peel to make the provision of affordable housing more economically viable. Again, we believe the adoption of the proposed OPA is premature until area specific master plans are developed and incentives are put into place to allow the municipality and builders to negotiate potential agreements to permit the provision of affordable housing.

We are looking forward to work with the City to develop a mutually beneficial and cohesive plan.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Jim Levac, MCIP, RPP  
Partner

Copy:



John Zanini/Ann Lam/Chrisopher Langley/Luke Johnston, Dunpar Developments





## AERIAL CONTEXT

SHERIDAN RETAIL INC.  
(DUNPAR DEVELOPMENTS)  
2225 ERIN MILLS PARKWAY

-  SUBJECT LANDS
-  MALL BASED COMMUNITY NODE



Scale NTS  
January 31, 2020





**Sent Via Email**

Our file:1033-007

April 14, 2020

Planning & Building Department  
Development & Design Division  
City of Mississauga  
300 City Centre Drive, 6<sup>th</sup> Floor  
Mississauga, ON., L5B 3C1

**Attention: Mr. Andrew Whittmore**  
**Commissioner of Planning & Building**

**RE: Reimagining the Mall Directions Report &  
Proposed Official Plan Amendment :  
Addendum Comments**

At the February 3, 2020 meeting of Planning and Development Committee, Glen Schnarr & Associates Inc. (GSAI) made verbal and submitted written comments (see attached) on behalf of Sheridan Retail Inc. (Dunpar Developments), the registered owners of 2225 Erin Mills Parkway (Sheridan Mall). While the draft OPA is still out for review and comment before a final report is brought forward, we wish to supplement our earlier comments with addendum comments that deal specifically with the issue of the proposed 20 percent lower and middle income housing units requirements set out under the draft OPA.

In October, 2017, the City of Mississauga further released the “Mississauga Housing Strategy: Making Room For The Middle” in which identified a specific segment of the home buying population known as the “missing middle”. The Missing Middle are lower and middle income earners who have been priced out of the market for ground related housing and essentially limited to horizontal multiple dwelling unit built forms such as condominium stacked townhouses and apartments.

The City of Mississauga has implemented Terms of Reference for Housing Reports requested that all new medium and high density development applications containing 50 or more units that are within neighbourhoods outside of designated mall-based nodes provide a minimum rate of 10% of “affordable middle income housing units”. In the mall-based Community nodes such as Sheridan Centre, the requested target for affordable housing under the proposed OPA has doubled to 20%. with 10% being affordable middle income housing units equating to a

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maximum price of \$420,000.00 to own and the remaining 10 % being affordable lower income housing equating to a maximum price of \$230,000.00 to own.

However, at present, the City of Mississauga does not have the necessary inclusionary zoning policies in place to require these quotas. In 2018 the Province of Ontario brought in the “Promoting Affordable Housing Act” and released Planning Act regulations (Ontario Regulation 232/18) which established the prerequisite requirements for inclusionary zoning. To summarize these requirements, a municipality must first conduct an assessment and economic feasibility study on mandatory inclusionary zoning, then bring forward an Official Plan Amendment and implementing zoning bylaw. To date, the City has not completed this process but there have been some preliminary assessments done by N. Barry Lyons Inc. for the Region of Peel and the City of Mississauga. Urbanmetrics also prepared a Financial Analysis Report in May, 2019 in support of the City’s Reimagining the Mall exercise which similarly recommends a requirement of 20% affordable housing to both the middle and lower income segments for redevelopment proposals within the City’s 5 mall based nodes. However, there was no analysis contained within the Urbanmetrics report to demonstrate the level of Inclusionary Zoning set aside that might be viable to move forward with direction on the policy and the report is not sufficient to meet the macro level criteria for Economic Viability and Financial Analysis that the Inclusionary Regulations call for.

Notwithstanding where the Region of Peel and the City of Mississauga currently sits in meeting the Planning Act regulations, the current 2010 Mississauga Official Plan policies do contain general policies that encourage this development to provide a mix of units to accommodate a variety of medium and higher density housing at varying price ranges. Ultimately as part of the redevelopment of this site and depending on market conditions, there could be a percentage of smaller units (ie. one bedroom/one bedroom plus den units proposed in the 550 ft<sup>2</sup> to 600 ft<sup>2</sup> range) that could fall within the maximum within the medium density income threshold of \$420,000.00 established by the City. As the City has no legal inclusionary zoning policies in place, we believe the current Official Plan policies are being met. While the City cannot require affordable housing percentages or price thresholds at this time, a certain amount of middle income housing based on size and estimated selling prices could possibly be built, however there is no way to guarantee a set percentage or target at fixed selling prices without mandatory inclusionary policies in place.

Furthermore in 2019, the Province of Ontario made changes to the Planning Act through Bill 108, “More Homes, More Choices Act” to limit where municipalities can implement Inclusionary Zoning, limiting a municipality’s use of Inclusionary Zoning to Protected Major





Transit Station Areas (MTSA) or areas where a Development Permit system has been ordered by the Minister.

The Sheridan Mall site is not located within at least 800 metres of a Major Transit Station Area, nor is it in an area governed by a Development Permit System. Therefore, even when the City of Mississauga formally implements an Inclusionary Zoning Bylaw, those requirements will not be applicable to this site.

We continue to look forward to working with the City on a viable and mutually beneficial plan utilizing the proper policies and procedures set by the Planning Act.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Jim Levac, MCIP, RPP  
Partner

Copy:

John Zanini/Ann Lam/Chrisopher Langley/Luke Johnston, Dunpar Developments  
Ben Phillips, Manager, Planning and Building Department  
Peter Milczyn, PM Strategies Inc.





**Sent Via Email**

Our file: 1016-007

January 31, 2020

Chairman & Members  
Planning & Development Committee  
City of Mississauga  
c/o Office of the City Clerk  
300 City Centre Drive, 3<sup>rd</sup> Floor  
Mississauga, ON., L5B 3C1

**Attention: Angie Melo, Legislative Coordinator**  
**Legislative Services**

**RE: Feb. 3, 2020: PDC Agenda Item # 4.7**  
**Reimagining the Mall Directions Report &**  
**Proposed Official Plan Amendment**

Glen Schnarr & Associates Inc. (GSAI) has been asked to provide written submissions with regard to the above-referenced PDC Agenda Item # 4.7: Reimagining the Mall Directions Report & Proposed Official Plan Amendment (OPA) on behalf Morguard Corporation, the registered owners of 2869 Battleford Road.

Morguard own a 24.15 acre parcel of land within the Meadowvale Community Node at the northwest corner of Battleford Road and Glen Erin Drive that abuts the Meadowvale Town Centre Shopping Centre. In March, 2019 a re-investment proposal was presented to the Mississauga Development Application Review Committee (DARC) to demolish the existing 325 rental units on the property and replace them with approximately 1056 units of new purpose built rental housing. Morguard has since opted not to proceed with the proposal since the new Rental Housing Protection Bylaw and Rental Conversion and Replacement Bylaw create a barrier to the expansion of purpose built rental on sites where rental currently exists. The requirement to replace demolished rental units at a ratio of 1:1, and then mandate rent to the pre-demolition rate for a period of 10 years makes it virtually impossible to increase the supply of high quality purpose built rental stock on existing rental sites.

The proposed OPA further compounds this problem by setting specific quotas and would prevent or make it more difficult to provide the additional rental units that were envisioned. Fewer units would therefore be provided. In addition, proposed Policy 14.1.2.5.1a requires a mix of ownership and rental housing. Morguard only build rental units and it is our understanding that tenure cannot be regulated under the Planning Act.

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Morguard requests that the proposed OPA be deferred until there has been further dialogue between the City and the builders of rental housing as to what incentives or Rental Housing Protection Bylaw and Rental Conversion and Replacement Bylaw changes can be implemented to make the provision of rental and affordable housing more feasible on existing rental housing sites seeking to intensify.

Morguard has further concern with the proposed new Official Plan definition of "Mid-rise Building" which is proposed to be defined as *"means a building having a height that is greater than four storeys and less than the width of the street on which it fronts, but not greater than 12 storeys. Character Area policies may specify alternative maximum heights for mid-rise buildings. A mid-rise building cannot be structurally connected to a tall building."* Based on this definition, the designated right-of-way width on Battleford Road in the Mississauga Official Plan is 26 metres which translates into a maximum height of 8-9 storeys. We note the recent approval by City Council directly across the street from the Morguard lands at 6550 Glen Erin Drive, under file OZ 17/010 W9, wherein a 12 storey building was permitted next to the existing 15 storey building. We recommend the definition be amended and replaced with a single maximum height requirement.

Thank you for the opportunity to comment on the Reimagine the Mall Study and proposed Implementing OPA. We trust our comments will be taken into consideration and welcome the opportunity for our clients to engage in future dialogue on this matter.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Jim Levac, MCIP, RPP  
Partner

Copy:



Brian Athey/Mark Bradley, Morguard Corporation





## AERIAL CONTEXT

MORGUARD CORPORATION  
2869 BATTLEFORD ROAD

-  SUBJECT LANDS
-  MALL BASED COMMUNITY NODE



Scale NTS  
January 31, 2020





**Sent Via Email**

Our file: 776-004

February 3, 2020

Chairman & Members  
Planning & Development Committee  
City of Mississauga  
c/o Office of the City Clerk  
300 City Centre Drive, 3<sup>rd</sup> Floor  
Mississauga, ON., L5B 3C1

**Attention: Angie Melo, Legislative Coordinator**  
**Legislative Services**

**RE: Feb. 3, 2020: PDC Agenda Item # 4.7**  
**Reimagining the Mall Directions Report &**  
**Proposed Official Plan Amendment**

On behalf of Daniels HR Corporation, the registered owners of 2475 Eglinton Avenue West, northeast quadrant of Eglinton Avenue West and Erin Mills Parkway, Glen Schnarr & Associates Inc. (GSAI) has been asked to provide written submission with regard to the above-referenced PDC Agenda Item # 4.7: Reimagining the Mall Directions Report & Proposed Official Plan Amendment (OPA).

Our clients have been actively pursuing a site-specific Official Plan Amendment and Rezoning application on the subject lands under File: OZ 16/003 W11. As the lands are not part of the Erin Mills Town Centre (Mall), but are part of the Central Erin Mills Major Node (in the City's Official Plan, November 14, 2012), we want to make sure that there won't be any policies included in the Official Plan Amendment that would not be consistent with the site specific negotiated settlement before LPAT. As such, we are requesting an opportunity to meet with Staff to review the proposed amendments (and schedules) prior to Council's consideration of the amendment. We note that the proposed schedules were not included in the Agenda document.

We look forward to a discussion with Staff.

Yours very truly,

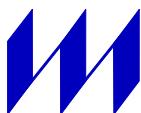
GLEN SCHNARR & ASSOCIATES INC.

Glen Broll, MCIP, RPP  
Partner

Copy: M. Flowers  
R. Agostino

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# WESTON CONSULTING

planning + urban design

Chair & Members  
Planning & Development Committee  
City of Mississauga  
c/o Office of the City Clerk  
300 City Centre Drive, 3<sup>rd</sup> Floor  
Mississauga, ON L5B 3C1

February 21, 2020  
File 5461-1

**Attn: Angie Melo, Legislative Coordinator – Legislative Services**

**RE: 3553 South Common Court  
Feb. 3, 2020 PDC Agenda Item 4.7  
Reimagining the Mall Directions Report &  
Proposed Official Plan Amendment**

Weston Consulting is the planning consultant for The Children's Centre South Common Court Inc.; the owners of 3553 South Common Court and the operators of Rotherglen Montessori School, in the City of Mississauga (herein referred to as the "subject property"). We have prepared this written submission with regard to the above-referenced Planning and Development Agenda Item – 4.7: *Reimagining the Mall Directions Report and Proposed Official Plan Amendment (OPA)* on behalf of the owners of the subject lands.

The owners currently operate a Montessori School, known as 'Rotherglen School – Erin Mills Campus', on the 0.41-hectare (4,061 m<sup>2</sup>) site. The lands are located south of Burnhamthorpe Road West and abut the western-portion of South Common Centre, which is currently owned by SmartCentres®. The subject lands do not have direct vehicular access onto a public right of way, instead, vehicular access for the lands is through an access easement over adjacent lands to the east (South Common Centre) and the west (Erin Mills Church Campus).

We have reviewed the Reimagining the Mall report and associated staff reports. We have also attended several Planning and Development meetings dealing with this issue. Based on this, we offer the following comments and thoughts on the Consultant's report and the proposed OPA for the South Common Mall community lands, of which our client's lands form part:

- **Lands Use Designations:** On reviewing the consultant's report, we note that by far the majority of the *Mid-Rise* and *Mixed-Use* lands are proposed for the South Common Mall lands. The subject lands, located at 3553 South Common Court, are adjacent to these lands. The consultant's report proposed *Mid-Rise* and *Mixed-Use* land uses to the lands abutting both the northern and eastern boundaries of our client's lands.

Our client's lands share many of the same characteristics as the abutting lands to the north and east. Given the fine grain road pattern proposed in the report, it is appropriate for our client's lands to also be granted *Mid-Rise* and *Mixed-Use* land use permissions.

- **Affordable Housing:** The proposed OPA establishes firm targets of a minimum 20% for affordable housing units within new developments. There do not appear to be any background studies that support this target and there is concern that this may not be financially achievable. It is our hope that further evidence supporting the affordable housing targets in the draft OPA is brought forward for consideration and review before the final decision is reached;
- **Retail Replacement:** The draft OPA contains Mixed-Use policies which essentially requires that there not be any loss of retail GFA through redevelopment. This policy does not seem to recognize the impact that Internet ordering and delivery is having on shopping malls and other ground related retail uses. We are concerned that this retail GFA retention policy will frustrate the future development of the South Common Mall lands leading to a failure to achieve the OPA's objectives;
- **Height and Density Information:** The draft OPA, and associated staff report, do not contain any final indication of where the City is proposing height, density and intensification. This information is required to properly evaluate all of the policies in the draft OPA.

We look forward to meeting with City Planning staff to discuss our concerns and to working with the City to move this policy process forward to a successful completion.

Thank you for the opportunity to comment on the Reimagine the Mall Study and proposed draft Official Plan Amendment. We look forward to engaging with the City of Mississauga in the future.

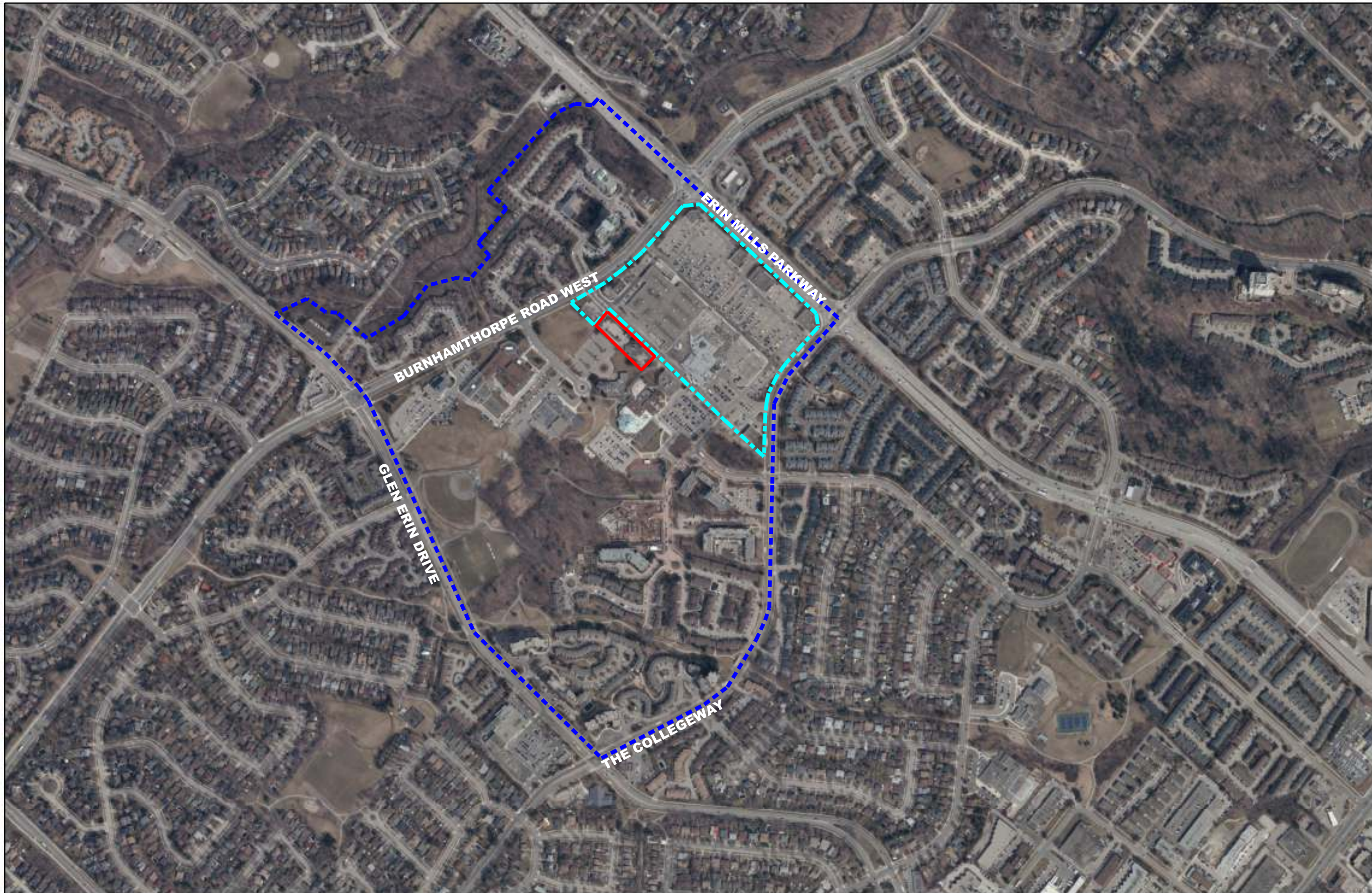
Yours truly,  
Weston Consulting



Kurt Franklin, BMath, MAES, MCIP RPP  
Vice President

Cc: Mark Lanigan, Children's Centre South Common Court Inc.  
Ben Phillips, City of Mississauga Planning





**WESTON  
CONSULTING**  
planning + urban design

**Legend**

- Subject Property
- - - South Common Community Node
- - - South Common Mall

0 100 200 m  
SCALE



**AIR PHOTO CONTEXT**

3553 South Common Court  
Mississauga

File #: 5461  
Date: 2020-02-21

Air Photograph from First Base Solutions Inc., 2018 image.



February 20, 2020

Attn: Ben Phillips, Manager, Official Plan Review

City of Mississauga  
300 City Centre Drive  
Mississauga, ON L5B 3C1

RE: Reimagining the Mall – Draft Official Plan Amendment  
Comments on Behalf of Choice Properties REIT

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Mr. Phillips,

We are the planning consultant acting on behalf of Choice Properties REIT (Choice), a major landowner within the Central Erin Mills node. We are providing this letter submission pursuant to the draft Official Plan Amendment (OPA) and Public Meeting held on February 3<sup>rd</sup>, 2020.

Our client owns the lands located at 2815 Eglinton Avenue West and 2901-2925 Eglinton Avenue West, respectively (see Appendix 1). The lands, totalling over 16 hectares, are immediately west of the Erin Mills Town Centre. Both parcels are currently occupied by commercial development, including the Loblaws, BMO, Mobil Gas Station on 2815 Eglinton Avenue West, and Rona, National Sports, Boston Pizza on 2901-2925 Eglinton Avenue West.

We have reviewed the draft OPA and provide suggested revisions below. While we support the overall objectives of creating a mixed-use community in the long-term, we want to ensure the commercial and retail uses are protected and set up for success. This will require some flexibility from some of the proposed policies. We also propose strengthening some policies to ensure the distribution of density and affordable housing is fair between landowners.

Notwithstanding our concerns, Choice is supportive of the intensification and redevelopment of Erin Mills node into a mixed-use, mixed income neighbourhood over the long-term as the area matures.

## **Proposed Revisions in RED**

### **Density Target**

13.2.4.4 “A gross density of between 200 and 300 residents and jobs combined per hectare measured across the Node will be achieved. *Notwithstanding, no individual landowner shall be required to unduly provide a higher density as a result of redevelopment on adjacent lands occurring at a lower density.*”

Choice would like some measure of protection should adjacent lands redevelop first at a lower density than the prescribed target. This may leave Choice having to unduly compensate on their lands to meet the target across the node. If this occurs, it is not known whether the higher density redevelopment of



the Choice lands would be supportable or feasible at this time. As such, this revision protects against an onerous density requirement from any single landowner.

#### Minimum Height

13.2.4 “A minimum building height of three storeys and a maximum building height of 25 storeys will apply. *Notwithstanding, a solely commercial/retail building may be permitted to be a minimum of two storeys.*”

Based on Choice’s extensive experience in commercial development across Canada, three-storey commercial buildings are rarely feasible, unless in dense urban environments. Choice has recently settled similar matters in other municipalities, e.g. Clarington, whereby a minimum height of two storeys was permitted.

As the goal of the OPA is to ensure the protection of the existing function of the node, allowing for this change will ensure different forms of commercial, retail and non-residential uses are sustainable.

#### Affordable Housing

13.2.6.1.a) “...a minimum of 20 percent of housing units that are affordable. *It is the intent that each landowner shall provide the minimum requirement; no landowner shall be required to provide a higher proportion of affordable units to compensate for reduced affordable units provided by adjacent landowners.*”

Choice is supportive of the affordable housing goals of the OPA. However, Choice will not support providing higher than 20% affordable units should adjacent landowners redevelop first at a lower proportion, thereby jeopardizing the 20% target across the node.

#### Retail at Grade

13.2.7.3 “Retail and service commercial uses are required on the ground floor of buildings, *fronting onto arterial or collector roads, on lands designated Mixed Use.*”

It is anticipated that the mixed-use node will redevelop with a range of uses within buildings; i.e. some will be entirely retail/commercial, some will be mixed-use buildings, while others will be wholly residential. The ground floor along the major roads shall be required to contain non-residential uses. However, there should be permission for wholly residential buildings (e.g. townhouses or stacked townhouses) on local streets where the viability of commercial spaces is not as strong.

Retail and Service Commercial Floor Space

13.2.7.5 “Redevelopment that results in a loss of retail and service commercial floor space ~~may will not~~ be permitted ~~unless~~ if it can be demonstrated that the planned function of the existing nonresidential component will be maintained during and after redevelopment, *in accordance with Section 13.2.7.6. The Official Plan recognizes that the nature and form of retail is evolving, whereby the non-residential planned function of the node can be maintained with less commercial floor space.*”

Given the recent trends in shopping, namely online shopping, the need for “bricks and mortar” commercial space is decreasing. This shift in shopping has affected retailers both large and small, and has resulted in a change in the types and size of commercial spaces attractive to tenants. Choice supports strengthening the commercial function of the node. However, it is also aware of these changing trends on existing commercial developments, and recognizes that strictly protecting total commercial floor area is not a proactive solution.

Grocery Store Use Maintained

13.2.7.6 “For the purposes of the policies in this section, maintenance of the non-residential planned function of the Mixed-Use designation means:

...

d) a grocery store use is maintained, *at the same location or within the Central Erin Mills node.*”

As redevelopment plans have not been developed, the relocation (if required) of the grocery store on the subject site is not known. This revision allows for some flexibility in the redevelopment plans, while ensuring that this important use is maintained and available to residents.

Perimeter of “Blocks”

13.2.10.2 “Block sizes will be a maximum of 80 by 180 metres or an equivalent perimeter. *Public Roads surrounding blocks will ~~be public and~~ meet City right-of-way and design standards. The perimeter of blocks may also be defined by private roads, lanes, drive aisles, pedestrian walkways and/or POPS (privately-owned public spaces)*”

The strict delineation of a “block” by public roads only is narrow, and does not consider the full breadth of redevelopment options. Blocks and/or buildings that are separated by private roads or pedestrian-only areas can meet the same goals in terms of urban design and walkability/permeability.

Thank you for your consideration of these matters. We would also like the opportunity to meet with yourself to fully discuss and address these issues. Should you have any questions, please do not hesitate to contact the undersigned at extension 3002 or michael@armstrongplan.ca.



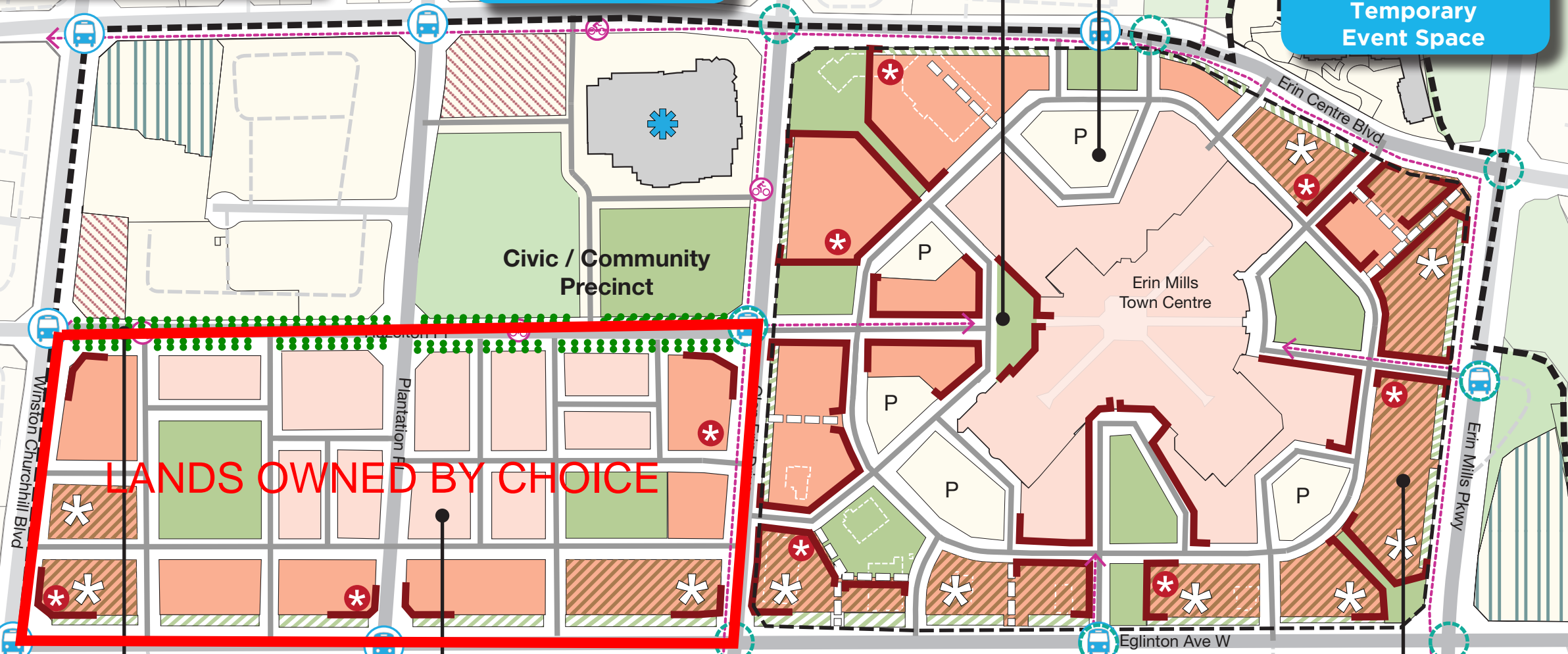
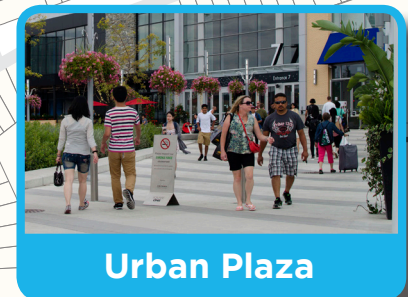
Regards,

A handwritten signature in blue ink, appearing to read 'Michael Auduong', with a large, stylized flourish at the end.

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Michael Auduong MCIP RPP  
Planner

Demonstration Plan:  
Central Erin Mills Major Node



- Mall Property
- - - Community Node Boundary
- Existing Open Space
- Existing Streets
- Existing Private Street
- Potential New Streets
- Potential Connections
- Existing / Potential Trails, Paths and Cycling Connections
- Existing Signalized Intersection
- Potential Signalized Intersection
- Potential Transit Hub
- Landscape Frontage
- Retail Frontage
- Public and Community Places:
  - Potential Parks
  - Community Facilities
  - Potential Plazas
- Potential Development:
  - Low- Rise
  - Mid-Rise
  - Mid-Rise with Tall Building
  - Tall Building Location
  - Infill Potential/ Long term Redevelopment
  - Approved/ On-going Applications
  - Existing Buildings (Mall Property)
  - Existing Community/ Civic/ Landmark Buildings







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February 3, 2020

Chair Carlson and Members of Planning and Development Committee  
 City of Mississauga  
 300 City Centre Drive  
 Mississauga, ON L5B 3C1

**Re: Reimagining the Mall Directions Report - File: CD.03.REI**

Dear Chair Carlson and Members of Planning and Development Committee;

We were extremely pleased when the City of Mississauga initiated the “Reimagining the Mall (RtM)” discussions. As you may know, SmartCentres owns a number of properties in the City, including the South Common Centre highlighted within the “Re-imagining” document, and we currently have plans to build mixed use communities across the country.

Over the last year, we have had a number of discussions with staff in relation to the findings of the Reimagining the Mall Directions Report and expect that those discussions will continue as the City works toward finalizing an amendment to the Official Plan. In our initial read of the draft OPA, we had a number of concerns largely focused around affordable housing, replacement of retail floor area and density/height for the site.

Affordable housing appears to be affecting nearly everyone as of late and planning tools to address the issue have only recently become available to local government. If the draft RtM OPA were adopted, Mississauga would be among the first municipalities to mandate affordable housing within land use policies. While affordable housing can be incorporated in many ways, a minimum 20 percent within a development – as desired within the draft OPA - remains untested anywhere in the country at the moment. As our planning for the future of the South Common Centre site evolves, we hope to have a more fulsome discussion on how community nodes can contribute to the City’s balancing of affordability.

The draft RtM OPA also would require a replacement of retail floor space if development were to occur. As the retail environment changes, the replacement of floor area may be unnecessary, particularly as retailers undergo transformation. Under this topic, we would be pleased to have more fulsome discussions of our experience with retailers and how the policy could better accommodate community needs, while protecting and enhancing the local employment market.

As mentioned above, we have had some discussions with staff as the RtM study progressed and have expressed our desire to achieve greater density if the South Common Centre were to be re-developed. We believe that a balance of various buildings could achieve a vision of the Community Node at a higher FSI than 2.25 and with buildings greater than 15 stories, as would be required by the draft OPA. We believe a great design should drive an appropriate density rather than a density number becoming the starting point. As the amendment policy evolves, we would provide our design concepts to enlighten more discussion.

Finally, while the current Mississauga Official Plan affords mixed use designations to multiple properties throughout the City, the Draft RtM OPA appears to provide a greater focus for malls that have become a community focus. To ensure that these community nodes continue in that function, and unique from the other mixed-use areas, we encourage Council to consider various incentives (bonus provisions, tax incentives, etc.) to retain that focus as redevelopment occurs.

We congratulate Mississauga for its efforts to protect community focused malls. You are at the fore front of the issue and we hope this will be recognized in other communities across the country. We look forward to working together to strengthening the draft RtM OPA to ensure success within the community.

Your truly,

A handwritten signature in blue ink, appearing to read 'JC', is placed over a light blue rectangular background.

Joe Cimer  
Director, Development

c.c.: Ben Phillips, Manager of Official Plan Review





BUILDING A GREATER GTA  
Building Industry and Land  
Development Association

May 1, 2020

Ben Phillips, MCIP, RPP  
The City of Mississauga  
Civic Centre, 300 City Centre Drive  
Mississauga, ON  
L5B 3C1

Dear Mr. Ben Phillips,

RE: Report PDC-0010-2020 – Re-Imagining the Mall - Official Plan Amendment Implementation (OPA)

*With more than 1,500 member-companies, BILD is the voice of the land development, home building and professional renovation industry in the Greater Toronto Area and Simcoe County. Our industry is essential to Peel Region's long-term economic strength and prosperity. In 2018 alone, the residential construction industry in Peel generated over 52,000 onsite and off-site jobs in new home building, renovation and repair – one of the Region's largest employers. These jobs paid \$3.1 billion in wages and contributed \$6.5 billion in investment value to the local economy.*

On behalf of the members of our Peel Chapter, the Building Industry and Land Development Association ('BILD') would like to take this opportunity to thank you and your staff for taking the time to speak with BILD and a handful of its members on items relating to affordable housing requirements and report PDC-0010-2020 titled "Reimagining the Mall - Official Plan Amendment Implementation (OPA)". As directly affected stakeholders and your community-building partners, we very much value and appreciate the time taken to speak with us on April 2<sup>nd</sup>.

The purpose of our discussion was to seek clarification on the following two items;

- the City's general requirement for a *Housing Report* noting a 10% requirement for affordable housing for proposals exceeding 50 units as part of a complete application submission, and;
- the section within the Re-Imaging the Mall report noted above speaking to a minimum 20% affordable housing requirement.

Through the *Housing Report*, it seeks to apply a 10% requirement for affordable housing targets for the medium income threshold on applications proposing over 50 units. As mentioned within the *Housing Report* terms of reference, meaningful action to address housing affordability is required, however, we believe the City is going beyond the requirements intended by this *Housing Report*. Our members have also expressed that the development application review committee (DARC) meetings may be inconsistent in how the requirement is being applied. We ask that the intent of this document be clarified to eliminate these inconsistencies.

Our initial concerns surrounding the Re-Imagining the Mall OPA were that the City did not have sufficient analysis to support these affordable housing requirements. We also wanted to note that the proper channels in rationalizing this type of policy are outlined within the *Promoting Affordable Housing Act*, should the City want to pursue inclusionary zoning.

Following our discussion, staff provided us with the Financial Analysis Report prepared by UrbanMetrics for background. We recognize the financial analysis provided was used to support the Re-Imagining the Mall framework however, we feel that additional information is needed for this specific OPA within the report. We wish to note that this is not the analysis required by the *Promoting Affordable Housing Act* and is a financial assessment of the feasibility of redeveloping the mall components of only the identified node. We would like to underscore our position that the Financial Analysis report is not compliant with the type

of fiscal impact analysis required by the *Promoting Affordable Housing Act* to determine levels of affordable housing that could be sustained at each of the mall sites. In furthering this position of the requirements for a fulsome assessment report, please find attached *Ontario Regulation 232/18* which outlines the requirements in full.

From what we understand, this type of policy amounts to the introduction of Inclusionary Zoning. The *Promoting Affordable Housing Act* amended the *Planning Act* to increase the supply of affordable housing. However, it is clear in requiring that;

- A municipal Official Plan contain policies that authorize inclusionary zoning. Inclusionary zoning policies authorize the inclusion of affordable housing units in a development and provide for the affordability of those units to be maintained over time;
- Inclusionary zoning policies must set out goals and objectives and describe the measures and procedures to attain those goals and objectives;
- The policies must also include any provisions prescribed by regulation;
- Before adopting policies, Council must prepare an assessment report that includes the information specified in the regulations. That report must be updated every five years and must be made available to the public;
- If an Official Plan contains inclusionary zoning policies, a municipality is required to pass a by-law to give effect to those policies; and
- The Act sets out the matters that must be dealt with in the by-law which include:
  - the number or the gross floor area of affordable housing units to be provided;
  - the period of time for which the affordable housing units must be maintained as affordable housing units;
  - the requirements and standards that the affordable housing units must meet;
  - the measures and incentives that may be provided to support inclusionary zoning; and
  - the price at which affordable housing units may be sold and the rent at which they may be leased.

It is essential to note that BILD and its members greatly support the need to find appropriate solutions to the lack of affordable housing. However, we feel that at this time, the City has not complied with these requirements and with that, are not in the position to proceed with the policies and amendments speaking to affordable housing requirements.

It is our understanding that the City of Mississauga is currently exploring the ability to utilize inclusionary zoning through preliminary discussions. As the City begins to visualize this goal, we trust that staff will be proceeding in accordance with the *Promoting Affordable Housing Act* and *Ontario Regulation 232/18*. In doing so, Council will be better positioned to make informed evidence-based decisions on how to implement this policy and how it can have a significant impact on the vitality of the City of Mississauga.

Once again, BILD thanks the City of Mississauga for the opportunity to discuss and provide comments on the items identified within report PDC-0010-2020 "*Reimagining the Mall - Official Plan Amendment Implementation (OPA)*" and the use of the *Housing Report* terms of reference at the City's DARC meetings. If you have any questions or concerns, please do not hesitate to contact the undersigned.

Sincerely,



Jennifer Jaruczek  
Planner, Policy & Advocacy, BILD

CC: Katy Scofield, BILD Peel Co-Chapter Chair  
Gavin Bailey, BILD Peel Co-Chapter Chair  
BILD Peel Chapter Members





Français

## ONTARIO REGULATION 232/18

made under the

### PLANNING ACT

Made: April 11, 2018

Filed: April 11, 2018

Published on e-Laws: April 11, 2018

Printed in The Ontario Gazette: April 28, 2018

### INCLUSIONARY ZONING

#### Definitions

1. In this Regulation,

“inclusionary zoning by-law” means a by-law passed under section 34 of the Act to give effect to the policies described in subsection 16 (4) of the Act; (“règlement municipal relatif au zonage d’inclusion”)

“non-profit housing provider” means,

- (a) a corporation without share capital to which the *Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing,
- (b) a corporation without share capital to which the *Canada Business Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing,
- (c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, or
- (d) an organization that is a registered charity within the meaning of the *Income Tax Act* (Canada) or a non-profit organization exempt from tax under paragraph 149 (1) (l) of that Act, and whose land is owned by the organization, all or part of which is to be used as affordable housing; (“fournisseur de logements sans but lucratif”)

“offsite unit” means an affordable housing unit that is required in an inclusionary zoning by-law and that is erected or located in or on lands, buildings or structures other than those that are the subject of the development or redevelopment giving rise to the by-law requirement for affordable housing units. (“logement hors site”)

#### Assessment report

2. (1) An assessment report required by subsection 16 (9) of the Act shall include information to be considered in the development of official plan policies described in subsection 16 (4) of the Act, including the following:

- 1. An analysis of demographics and population in the municipality.
- 2. An analysis of household incomes in the municipality.
- 3. An analysis of housing supply by housing type currently in the municipality and planned for in the official plan.
- 4. An analysis of housing types and sizes of units that may be needed to meet anticipated demand for affordable housing.

5. An analysis of the current average market price and the current average market rent for each housing type, taking into account location in the municipality.
  6. An analysis of potential impacts on the housing market and on the financial viability of development or redevelopment in the municipality from inclusionary zoning by-laws, including requirements in the by-laws related to the matters mentioned in clauses 35.2 (2) (a), (b), (e) and (g) of the Act, taking into account:
    - i. value of land,
    - ii. cost of construction,
    - iii. market price,
    - iv. market rent, and
    - v. housing demand and supply.
  7. A written opinion on the analysis described in paragraph 6 from a person independent of the municipality and who, in the opinion of the council of the municipality, is qualified to review the analysis.
- (2) The analysis described in paragraph 6 of subsection (1) shall take into account the following related to growth and development in the municipality:
1. Provincial policies and plans.
  2. Official plan policies.
- (3) An updated assessment report required by subsection 16 (10) or (11) of the Act shall contain the information specified in subsection (1).

#### Official plan policies

**3. (1)** Official plan policies described in subsection 16 (4) of the Act shall set out the approach to authorizing inclusionary zoning, including the following:

1. The minimum size, not to be less than 10 residential units, of development or redevelopment to which an inclusionary zoning by-law would apply.
2. The locations and areas where inclusionary zoning by-laws would apply.
3. The range of household incomes for which affordable housing units would be provided.
4. The range of housing types and sizes of units that would be authorized as affordable housing units.
5. For the purposes of clause 35.2 (2) (a) of the Act, the number of affordable housing units, or the gross floor area to be occupied by the affordable housing units, that would be required.
6. For the purposes of clause 35.2 (2) (b) of the Act, the period of time for which affordable housing units would be maintained as affordable.
7. For the purposes of clause 35.2 (2) (e) of the Act, how measures and incentives would be determined.
8. For the purposes of clause 35.2 (2) (g) of the Act, how the price or rent of affordable housing units would be determined.
9. For the purposes of section 4, the approach to determine the percentage of the net proceeds to be distributed to the municipality from the sale of an affordable housing unit, including how net proceeds would be determined.
10. The circumstances in and conditions under which offsite units would be permitted, consistent with paragraphs 2, 3 and 4 of section 5.



11. For the purposes of paragraph 2 of section 5, the circumstances in which an offsite unit would be considered to be in proximity to the development or redevelopment giving rise to the by-law requirement for affordable housing units.

(2) Official plan policies described in subsection 16 (4) of the Act shall set out the approach for the procedure required under subsection 35.2 (3) of the Act to monitor and ensure that the required affordable housing units are maintained for the required period of time.

#### Net proceeds from sale of affordable housing unit

4. (1) An inclusionary zoning by-law may require a portion of the net proceeds from the sale of an affordable housing unit to be distributed to the municipality.

(2) A by-law referred to in subsection (1) shall set out the percentage of the net proceeds to be distributed to the municipality, which shall not exceed 50 per cent.

(3) If a by-law referred to in subsection (1) is in force, an agreement referred to in clause 35.2 (2) (i) of the Act shall provide that, where an affordable housing unit is sold, a percentage of the net proceeds from the sale shall be distributed to the municipality in accordance with the by-law.

#### Restrictions on offsite units

5. The authority of a council of a municipality under clause 35.2 (5) (a) of the Act is subject to the following restrictions:

1. Offsite units shall not be permitted unless there is an official plan in effect in the municipality that sets out the circumstances in and conditions under which offsite units would be permitted.
2. Offsite units shall be located in proximity to the development or redevelopment giving rise to the by-law requirement for affordable housing units.
3. The land on which the offsite units are situated shall be subject to an inclusionary zoning by-law.
4. Offsite units shall not be used to satisfy the by-law requirement to include a number of affordable housing units, or gross floor area to be occupied by affordable housing units, that applies to the development or redevelopment in which the offsite units are permitted.

#### Restrictions on the use of s. 37 of the Act

6. The authority of a council of a municipality under section 37 of the Act is subject to the following restrictions and prohibitions:

1. Any increase in the height and density of a development or redevelopment permitted in return for facilities, services or matters under section 37 of the Act is deemed not to include:
  - i. the height and density associated with the affordable housing units required in an inclusionary zoning by-law,
  - ii. any increase in height and density permitted in an inclusionary zoning by-law as an incentive described in clause 35.2 (2) (e) of the Act.
2. For greater certainty, the council shall not use its authority under section 37 of the Act with respect to a development or redevelopment giving rise to a by-law requirement for affordable housing units in an area in which a community planning permit system is established.

#### Reports of municipal council

7. (1) For the purposes of subsection 35.2 (9) of the Act, if a council of a municipality passes an inclusionary zoning by-law, the council shall ensure that a report is prepared and made publicly available at least every two years.

(2) The council shall ensure that each report describes the status of the affordable housing units required in the by-law, including the following information for each year that is the subject of the report:

1. The number of affordable housing units.

2. The types of affordable housing units.
3. The location of the affordable housing units.
4. The range of household incomes for which the affordable housing units were provided.
5. The number of affordable housing units that were converted to units at market value.
6. The proceeds that were received by the municipality from the sale of affordable housing units.

#### Exemptions from inclusionary zoning by-law

**8. (1)** An inclusionary zoning by-law does not apply to a development or redevelopment where,

- (a) the development or redevelopment contains fewer than 10 residential units;
- (b) the development or redevelopment is proposed by a non-profit housing provider or is proposed by a partnership in which,
  - (i) a non-profit housing provider has an interest that is greater than 51 per cent, and
  - (ii) a minimum of 51 per cent of the units are intended as affordable housing, excluding any offsite units that would be located in the development or redevelopment;
- (c) on or before the day an official plan authorizing inclusionary zoning was adopted by the council of the municipality, a request for an amendment to an official plan, if required, and an application to amend a zoning by-law were made in respect of the development or redevelopment along with an application for either of the following:
  - (i) approval of a plan of subdivision under section 51 of the Act, or
  - (ii) approval of a description or an amendment to a description under section 9 of the *Condominium Act, 1998*; or
- (d) on or before the day the inclusionary zoning by-law is passed, an application is made in respect of the development or redevelopment for a building permit, a development permit, a community planning permit, or approval of a site plan under subsection 41 (4) of the Act.

(2) Despite clause (1) (b), an inclusionary zoning by-law applies to any offsite units that would be permitted in a development or redevelopment.

#### **9. Clause (a) of the definition of “non-profit housing provider” in section 1 is revoked and the following substituted:**

- (a) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies that is in good standing under that Act and whose primary object is to provide housing,

#### Commencement

**10. (1)** Subject to subsection (2), this Regulation comes into force on the later of the day subsection 10 (1) of Schedule 4 to the *Promoting Affordable Housing Act, 2016* comes into force and the day this Regulation is filed.

**(2)** Section 9 comes into force on the later of the day subsection 211 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force and the day this Regulation is filed.

Made by:

Pris par :

*Le ministre des Affaires municipales,*

BILL MAURO

*Minister of Municipal Affairs*



Date made: April 11, 2018

Pris le : 11 avril 2018

Français



Barristers & Solicitors

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June 23, 2020

Our File No.: 172996

**By E-mail**

City of Mississauga  
Planning and Building Department  
300 City Centre Drive  
Mississauga, ON L5B 3C1

**Attention: Ben Phillips, Manager, Official Plan Review**

Dear Sirs/Mesdames:

**Re: Planning and Development Committee Item 4.7 – Reimagining the Mall – Official Plan Amendment Implementation**

We are solicitors for 4005 Hickory Drive Ltd. in respect of the property known municipally in the City of Mississauga (the “City”) as 4005 Hickory Drive (the “Site”). We are writing to express our client’s concerns with the draft “Reimagining the Mall” Official Plan Amendment (the “Draft OPA”) presented to the Planning and Development Committee at its meeting on February 3, 2020.

As outlined in more detail below, our client has significant concerns with the Draft OPA in its current form. Those concerns are focused primarily on the proposed affordable housing policies and, more generally, the failure of the Draft OPA to provide transition policies to address in-progress applications. We are hopeful that these comments will be considered as staff prepare a further report to the Planning and Development Committee.

**Background**

The Site, which has an area of 7,937 square metres, is located to the west of the major intersection of Dixie Road and Burnhamthorpe Road East, at the northeast corner of Burnhamthorpe Road East and Hickory Drive. Under the City’s Official Plan, the Site is located within the Rathwood-Applewood Community Node, which contains a mix of land use designations, including *Residential Medium Density* and *Residential High Density*. The Site itself is designated *Office*, and is currently occupied by a one-storey office building and surface parking.

Our client filed a zoning by-law amendment application as well as an Official Plan amendment application to permit the redevelopment of the Site with 102 horizontal dwelling units, contained within five townhouse blocks (the “Applications”). Despite a positive staff report recommending that Council support the Applications, Council provided direction to oppose the Applications in



an appeal before the Local Planning Appeal Tribunal (“**LPAT**”). A hearing before the LPAT is pending.

### **Lack of Transition Provisions**

As currently proposed, the Draft OPA provides no form of transition for in-progress applications, such as those currently before the LPAT pertaining to the Site. Without any form of transition, our client is concerned the OPA could impose policy requirements that would unfairly apply to existing proposals, including the Applications.

It is our view that any planning process, including consideration of the Applications at the LPAT, should be completed pursuant to the policy regime in place at the time a proponent submits its application. With respect to the Draft OPA, this could be accomplished through the inclusion of transition policies as has been done in other municipalities.

In the absence of appropriate transition policies, the Draft OPA would unfairly impose new requirements on proponents, such as our client, when there was no opportunity to take such requirements into account when developing its proposal. The policies of particular concern to our client include the following:

- Policy 14.1.2.5.1(a), which requires a minimum of 20 percent of housing units to be affordable, as discussed in more detail below;
- Policy 14.1.2.5.1(b), which requires built forms, unit types and sizes to “accommodate people at all stages of life and ability, particularly older adults, families and those with special needs”;
- Policy 14.1.2.7.1, which states that redevelopment that results in the loss of office space will be discouraged; and
- Policy 14.1.2.8.1, which states that development will be designed to include sustainable measures, including designing and orienting buildings to be “solar ready”, connecting to district energy systems, where available, using renewable energy sources, managing stormwater run-off through innovative methods, and installing green roofs or white roofs.

As noted above, addressing the fundamental unfairness associated with the application of such policies to in-progress applications is a relatively straightforward matter. Transition policies are commonly included in official plan documents and, in our view, such policies are both necessary and appropriate in the circumstances here.

### **Affordable Housing Policies**

Perhaps the most troubling aspects of the Proposed OPA are the affordable housing policies. In our view, the proposed affordable housing policies are tantamount to inclusionary zoning, yet have

been processed in a manner that is inconsistent with the *Planning Act*'s requirements for such policies.

As set out in the *Planning Act*, inclusionary zoning policies are those that require development to include a specified number of affordable housing units. Policy 14.1.2.5 of the Draft OPA does exactly that, as it requires a minimum of 20% of all housing units in residential developments to be provided as affordable housing. Half of these affordable housing units (approximately ten percent) are targeted for a range of middle income households, with the balance targeted for low income neighbourhoods.

The authority for inclusionary zoning under the *Planning Act* is limited. Specifically, inclusionary zoning may only be implemented in certain locations, where certain pre-conditions are satisfied. For example:

- As set out in sections 16(5) and (5.1) of the *Planning Act*, inclusionary zoning policies are only permitted in respect protected major transit station areas (“**MTSAs**”) or areas where a development permit system (“**DPS**”) is in effect. The Draft OPA is directly inconsistent with this legislative requirement, as its policy requiring delivery of a specific number of affordable housing units would apply in areas that are neither MTSAs nor DPS areas, such as the Site.
- Before adopting official plan policies to implement inclusionary zoning, section 16(9) of the *Planning Act* requires municipalities to prepare an assessment report. As set out in O. Reg. 232/18, such a report must consider demographics, household incomes, housing supply by housing type and average market prices, as well as the potential impacts of inclusionary zoning on the value of land, the cost of construction, and market prices. While the City commissioned a “Financial Analysis Report” in connection with the Reimagining the Mall initiative, that report does not satisfy the requirements set out in O. Reg. 232/18 and does not assess the potential impacts of such policies on development, including assessing whether the levels of affordable housing required could be sustained. Put simply, the required detailed study has not been undertaken.

While our concerns with the affordable housing policies noted above are fundamental, we believe they could be addressed through the inclusion of appropriate transition policies, as noted above.

We hope these comments and concerns are taken into consideration prior to staff presenting a final version of the Draft OPA to Council for adoption. We would be pleased to discuss any of these comments with you in more detail.





Yours truly,

**Goodmans LLP**

A handwritten signature in blue ink, appearing to read "Max Laskin".

Max Laskin

ML/

cc. David Bronskill, Goodmans LLP  
Client

7061826.2