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Via Email

City of Mississauga
Planning and Development Committee
Council Chambers, Civic Centre, 2nd Floor
300 City Centre Drive
Mississauga, ON L5B 3C1

Attention: Chair and Members of the Planning and Development Committee

Dear Sirs/Mesdames:

**Re: Item 5.4 – City-Wide Major Transit Station Area Study – Official Plan Amendment
OPA 143 and OPA 144
Written Submissions of the Dundas Landowners’ Association**

We are counsel to the Dundas Landowners’ Association (the “**DLA**”), an incorporated not-for-profit association representing the interests of its members, which are primarily family-owned small business landowners along Dundas Street East. We write on behalf of our client to provide comments on proposed OPA 143 and OPA 144 (the “**Draft OPAs**”) the City’s proposed protected major transit station areas (“**PMTSAs**”), which are before the Committee for consideration at its meeting on August 8, 2022.

As outlined further below, among other things, the DLA is concerned with policies relating to land uses and maximum heights identified in the Draft OPAs for lands along the Dundas corridor. Staff’s recommendations on these matters do not properly reflect the potential of Dundas to contribute to the City’s objective of creating a truly vibrant, mixed-use corridor that is a destination unto itself. Further, from a planning perspective, the proposed official plan amendments do not properly implement direction in provincial policy or the newly-adopted Regional Official Plan. In our view, lands fronting on Dundas Street East should be removed from designated Employment Areas and height restrictions should be removed, to allow the lands to fulfill their potential in bringing the stated vision for the Dundas Corridor to fruition.

Background and Comments on the Draft OPAs

As the Committee is aware, Dundas Street East is planned to accommodate higher-order transit, facilitated through significant public investments from all three levels of government. This transformational investment creates transformational opportunities for the Dundas corridor, and the many small businesses that operate along it. The Dundas Connects Master Plan appropriately

contemplates a bold and highly urban future for the corridor that will make it a unique destination, facilitated through transit-supportive intensification.

Our client is concerned that the proposed policies relating to PMTSAs along the Dundas corridor do not live up to this vision. The proposed approach to land uses and building heights are just two areas where the proposed amendments fall short.

Land Uses

Under the proposed amendments, certain lands along the corridor are proposed to remain within land use designations that do not permit residential uses, notwithstanding their location in close proximity to planned higher-order transit stations. This approach does not accord with the applicable policy direction at any level. At the provincial level, provincial policy supports mixed-use, complete communities, particularly in proximity to existing and planned higher-order transit. Further, lands adjacent to Dundas Street East are not within a Provincially Significant Employment Zone (“**PSEZ**”) and some were deliberately removed from a PSEZ by the Province, in recognition of their importance in providing the non-employment uses that are essential to supporting planned transit infrastructure on Dundas Street East.

Consistent with this direction from the Province, the Region of Peel’s newly-adopted Official Plan (the “**New ROP**”) does not place lands adjacent to Dundas Street East within a designated Employment Area. Again, the higher-order planning authority has recognized the importance of these lands in contributing to the mix of uses that are necessary to support a complete community centred around higher-order transit.

In contrast, the City’s approach appears to ignore applicable policy direction in favour of a status quo that ultimately does not serve its objectives as set out in the Mississauga Official Plan or the Dundas Connects Master Plan. Precluding residential uses on lands along Dundas is inappropriate and unduly limits opportunities for appropriate forms of redevelopment on lands specifically earmarked for intensification pursuant to provincial policy and the Regional Official Plan.

The City’s approach also directly conflicts with, and does not conform with, the New ROP. As noted above, the lands along Dundas Street East are not within an Employment Area under Schedule E-4 of the New ROP. Policy 5.8.16 of the New ROP directs local municipalities to designate Employment Areas in accordance with Schedule E-4; in other words, local official plans must include Employment Area designations that match Schedule E-4.

However, by failing to remove the lands along Dundas Street East from an Employment Area character area and adopting land uses within the PMTSAs that preclude residential uses, the City’s official plan directly conflicts with the New ROP. City staff have previously indicated that language in the New ROP which states that “[l]ocal official plans may also support employment uses outside of Employment Area designations” allows the City to designate additional Employment Area. However, this represents a serious misreading of the New ROP. The language

quoted above is not found anywhere in the operative policies of the New ROP; rather, it is in non-policy explanatory text. Further, the language does not say what City staff seem to think it does: supporting uses outside of Employment Area designations, by definition, cannot mean designating additional Employment Areas, since once those areas are designated, they would no longer be outside of an Employment Area designation.

In short, the approach to this matter reflected in the Draft OPAs is untenable and must be revised, both as a matter of conformity in accordance with the *Planning Act* and as a matter of policy to accord with the City's objectives for the Dundas Corridor.

Heights

Our client also has concerns with the maximum heights identified in the proposed PMTSA mapping. The height limitations are inconsistent with policies in the MOP, which direct tall buildings to major transit station areas. Further, the proposed maximum heights do not reflect the existing context, which in many cases includes buildings taller than the maximum heights identified. This approach does not represent good planning and is inconsistent with direction in the MOP, which calls for buildings to be designed with reference to the existing context.

More broadly, the proposed height limitations cannot be regarded as conforming with provincial policy direction. Both the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe promote intensification, particularly around transit stations, to facilitate complete communities that leverage public investment in transit and reduce reliance on vehicles. In this regard, three levels of government have committed \$675 million to transit projects in Mississauga, including the Dundas Bus Rapid transit line. With maximum heights in large portions of the Dundas corridor of 4 and 9 storeys, the proposed PMTSA policies cannot be considered to conform to applicable provincial policy direction. Instead, the proposed policies squander the opportunity to create a truly vibrant, mixed-use corridor along Dundas Street East as provincial policy intends.

Other Matters

The Draft OPAs also suffer from a number of other deficiencies. As just a few examples:

- The Draft OPAs propose to delete policy 9.2.8 of the City's official plan, which provides that the preferred location of tall buildings will be in proximity to existing and planned Major Transit Station Areas. Although the Draft OPAs propose to identify the scale of built form within PMTSAs, this policy still provides important guidance in focusing tall buildings within areas in close proximity to transit, in accordance with provincial policy, and it should not be deleted.
- Policy 5.7.2.4 should be revised to clarify that the policy objectives identified are to be achieved across a PMTSA and that each development need not address each of the listed matters.

- Policy 5.7.8.2 provides that “unimpeded pedestrian access for residents to a public park or open space will be required within 400 metres of a new development”. It is not clear what “unimpeded pedestrian access” means or what a development would need to provide to facilitate it. Further, such access would seem to depend on matters off-site over which developers would not have control, which is not appropriate.
- The definition of “transit-supportive” in the Draft OPAs provides that transit-supportive development “will be consistent with Ontario’s Transit Supportive Guidelines.” These Guidelines were developed as a tool to provide high level guidance, not as a policy document, and it is inappropriate to incorporate the Guidelines wholesale into the official plan by reference.

Conclusion

The policy imperative of optimizing available supply of land to support complete, mixed-use communities in the vicinity of higher-order transit is clear. Unfortunately, the Draft OPAs before the Committee do not adequately reflect this fundamental principle, nor do they conform with the New ROP. In these circumstances, we request that the Draft OPAs be modified so that the land uses on the south side of Dundas Street East permit residential uses. We also request that the Committee remove, or significantly increase, the height restrictions along Dundas Street East to allow them to achieve their full potential in fulfilling provincial policy direction and the City’s own objective to make the Dundas Corridor an urban, vibrant and thriving destination.

We appreciate the opportunity to provide these comments and thank the Committee for its consideration. Please accept this letter as a request for notice of any decisions on the proposed official plan amendments.

Yours truly,

Goodmans LLP



Max Laskin
ML/

cc: Client
Megan Piercey, Legislative Coordinator (megan.piercey@mississauga.ca)
City Council