
REPORT TITLE: **City of Mississauga’s Major Transit Station Area Official Plan Amendments 142, 143, 144 and 146: Regional Staff Review, Updates and Recommendations**

FROM: Kealy Dedman, Commissioner of Public Works

RECOMMENDATION

1. That pursuant to Section 17(34) of the *Planning Act*, Official Plan Amendments 142 and 146 for the City of Mississauga, which were adopted by City Council on August 10, 2022 by By-laws 0216-2022 and 0194-2022, be approved; and
2. That pursuant to Section 17(34) of the *Planning Act*, Official Plan Amendments 143 and 144 for the City of Mississauga which were adopted by City Council on August 10, 2022 by By-laws 0214-2022 and 0215-2022, be approved, as modified; and
3. That the Regional Chair and the Regional Clerk be authorized to sign the Notice of Decision documents approving the Official Plan Amendments for the City of Mississauga, attached as Appendix VII to report of the Commissioner of Public Works, listed on the April 11, 2024 Regional Council agenda titled “City of Mississauga’s Major Transit Station Area Official Plan Amendments 142, 143, 144 and 146: Regional Staff Review, Updates and Recommendations”; and
4. That the Notice of Decision of Regional Council’s approval of the City of Mississauga Official Plan Amendments 142, 143, 144 and 146 be given in accordance with the *Planning Act*; and
5. That a copy of the subject report be provided to the Town of Caledon, Cities of Brampton and Mississauga and the Ministry of Municipal Affairs and Housing.

REPORT HIGHLIGHTS

- This report provides a summary of Peel staff’s review of the City of Mississauga’s (City’s) Official Plan Amendments (OPAs) related to Major Transit Station Areas (MTSAs).
- The By-laws to adopt the City’s MTSA-related OPAs were enacted and passed by Mississauga Council on August 10, 2022. The required materials were submitted by the City for Regional approval on August 22, 2022, which were deemed to be a complete submission on August 31, 2022.
- OPAs 143 and 144 establish the over-arching policy framework for MTSAs on a City-wide basis and OPA 144 provides the boundary mapping, land use designation framework and density-related provisions for the Protected MTSAs in Mississauga. OPAs 142 and 146 provide the area-specific policies to guide development along the Dundas Street Corridor and in key Downtown Character Areas, respectively.

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- This report also summarizes the previous recommendation report from February 9, 2023 and provides recommendations to Regional Council in its capacity as approval authority.
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DISCUSSION

1. Background

The purpose of this report is to:

- Provide an overview of Peel staff’s review of the City of Mississauga’s (City’s) Major Transit Station Area (MTSA) related OPAs which require Regional Council approval under the *Planning Act*;
- Provide a summary of the correspondence since this report was last at Regional Council on February 23, 2023; and,
- Recommend that Regional Council approve OPAs 142 and 146 as adopted, and 143 and 144 as modified.

In general, MTSA’s include lands within approximately 500-800 metres of higher-order transit stations or stops and have been designated within the Region of Peel Official Plan (RPOP). MTSA’s are planned to create a compact urban form with a diverse mix of land uses, housing types, tenures, and affordability, employment opportunities, and amenities near higher order transit infrastructure. The RPOP includes minimum density targets for Protected MTSA’s that local municipal Official Plans must plan to achieve. The City of Mississauga’s 62 MTSA’s are shown in Appendix I.

a) Timeline of Events for the Mississauga MTSA OPAs

i) August 10, 2022

Mississauga Council adopted the following MTSA-related OPAs (attached as Appendix II):

- OPA 142 – Dundas Corridor Protected MTSA Policies;
- OPA 143 – City-wide MTSA Policies;
- OPA 144 – City-wide Protected MTSA Policies;
- OPA 146 - Downtown Fairview, Cooksville and Hospital Protected MTSA Policies.

The City submitted materials for these OPAs under the *Planning Act* requiring Regional approval on August 22, 2022, which were determined to be a complete submission on August 31, 2022. On November 4, 2022, the Minister approved the RPOP with 44 modifications, including six modifications to MTSA-related policies.

ii) February 9, 2023

Peel staff brought forward a recommendation report to Regional Council on February 9, 2023 titled “City of Mississauga Major Transit Station Area Official Plan Amendments 142, 143, 144, and 146: Peel staff Review and Recommendations” to approve the City’s OPAs, with minor modifications as requested by City staff. The recommendation for approval was based on comprehensive technical analysis to ensure conformity to provincial legislation and the RPOP, and following review of public comments.

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During the meeting, the Regional Chair received a letter from the former Minister of Municipal Affairs and Housing (MMAH), Steve Clark. The letter included a statement that his modification on Section 5.6.19.10 of the RPOP removed the discretion of lower-tier municipalities to set maximum heights within MTSA's. It was noted that the intent of this modification was to ensure that transit supportive outcomes are achieved, and that adequate housing supply is brought forward faster. Regional Council deferred the report for two weeks to provide the City of Mississauga Planning and Development Committee an opportunity to review and discuss the information, and the directive from the Minister regarding the RPOP.

iii) February 23, 2023

The recommendation report was considered by Regional Council again on February 23, 2023. Due to the uncertainty from the Provincial letter, the report was referred back to Peel staff to confer with City and Provincial staff regarding maximum heights in MTSA's in light of recent communication from the Province, and report back with an update.

Peel and Mississauga staff met with MMAH in March and subsequent to that, a second letter was received from the Minister on May 12, 2023 reiterating that his modification to the RPOP removed the discretion of lower-tier municipalities to set maximum heights within MTSA's in order to support housing pledges.

iv) December 6, 2023

On December 6, 2023, Bill 150, the *Planning Statute Law Amendment Act, 2023*, reversed 35 of 44 modifications made by the Minister during approval including five MTSA-related modifications. Of note, Bill 150 removed the modification to Section 5.6.19.10, thereby reinstating that maximum heights may be established in MTSA's at the discretion of the local municipality. This change aligns with the permissions under the *Planning Act*.

v) February 20, 2024

On February 20, 2024, Bill 162, the *Get It Done Act, 2024* was proposed, which intends to repeal the Bill 150 modifications with a new set of modifications to the RPOP. This legislation continues to retain Section 5.6.19.10 as adopted in RPOP, that states that maximum heights may be established in MTSA's at the discretion of the of the local municipality.

Mississauga's OPAs establish the City's MTSA policy framework to address Provincial direction for increased intensification opportunities. The City is also undertaking their Official Plan review that continues to be advanced concurrently. This recommendation report is being brought forward to allow Mississauga to establish a clear MTSA framework to be incorporated into their official plan process, which is expected to be completed in the summer. Recommending approval of these OPAs provides clarity in development review process and supports a planning framework for delivering more housing, as noted through the public consultation process and Minister's letter.

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Minor modifications are required to reflect recent approvals, public consultations, correct inconsistencies and provide clarity in the OPAs since the version was adopted at City Council in 2022. City Staff are also supportive of adding a new policy that allows landowners to submit applications to vary the maximum heights applicable to their properties, which would be assessed using a set of criteria discussed further on in this report. Mississauga Council has been advised of the modifications through consultations with City staff in early 2024, and a memo was provided from City staff to Regional staff on March 8, 2024, attached as Appendix III.

2. Region of Peel Official Plan

a) MTSA Policy Framework

The RPOP was adopted by Regional Council in April 2022 and approved by the Minister of Municipal Affairs and Housing with modifications in November 2022. On December 6, 2023, *Bill 150 Planning Statute Law Amendment Act, 2023*, reversed majority of the Minister’s modifications to the RPOP, which now reintroduces the policies stating maximum densities could be established in MTSAs at the discretion of the local municipality.

The RPOP identifies a total of 62 MTSAs in Mississauga, as reflected in policies and mapping. In the RPOP, ‘Protected MTSAs’ (“primary” or “secondary” MTSAs) have delineated boundaries and minimum density targets. Non-protected MTSAs are not included in these amendments as they need a subsequent OPA to delineate their boundaries and set minimum density targets. In Mississauga, 54 MTSAs are deemed Protected MTSAs which are well positioned to accommodate redevelopment and are in more advanced stages of planning than other MTSAs as they have delineated boundaries and minimum density targets.

Provincial and Regional policies require that the Mississauga Official Plan sets the land use framework and built form specifications within each Protected MTSA and must be planned to facilitate the overall minimum density target as identified in the RPOP to be met as-of-right, through redevelopment over time. Key policies that facilitate development on lands in Protected MTSAs are generally protected from appeal, including minimum and maximum densities, minimum and maximum building heights and authorized land uses.

These OPAs are intended to update the Mississauga Official Plan to fulfill the City’s MTSA-related legislative requirements and policies in the RPOP.

3. Summary of Mississauga Official Plan Amendments

A copy of OPAs 144, 143, 142 and 146 adoption bylaws are attached as Appendix II.

a) OPA 144 - City-wide Protected MTSA Policies

OPA 144 establishes the planning framework for Protected MTSAs on a City-wide basis including:

- Delineation of the boundaries of all 54 Protected MTSAs across the City;
- Identifies authorized use of lands within Protected MTSAs;

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- Identifies the minimum density, minimum Floor Space Index (FSI) and building height requirements on lands within the Protected MTSA's;
- Contains key policy direction guiding the development of Protected MTSA's; and,
- Adds a policy to allow for development applications requesting heights beyond those permitted in MOPA 144 to be considered subject to criteria, currently used elsewhere in the City's OP (i.e. Port Credit).

OPA 144 requires Regional approval under the *Planning Act* because it contains Protected MTSA policies that address authorized uses of land and required minimum densities.

b) OPA 143 - City-wide MTSA Policies

OPA 143 introduces general policies applicable to all MTSA's on a City-wide basis. The policies in OPA 143 address general planning considerations that pertain mainly to local municipal responsibilities. It does not include policies that authorize minimum densities or land uses for Protected MTSA's and as a result Regional approval of OPA 143 is not technically a requirement under the *Planning Act* and could have been delegated to the City for approval under Region of Peel By-law 1-2000. However, because OPA 143 is closely associated with the policies of OPA 144 which do require Regional approval, the City staff and Peel staff have agreed it should accompany the others for Regional approval.

c) OPA 142 - Dundas Street Corridor MTSA Policies

OPA 142 sets out a new area-specific policy framework for all lands identified within Protected MTSA's along the Dundas Street Corridor. The OPA implements the City's Dundas Connects Master Plan which envisions the entire Dundas Street Corridor as a focus for future growth that provides for walkable, transit-supportive and complete communities.

OPA 142 requires Regional approval under the *Planning Act* because it establishes specific authorized uses of land for the Protected MTSA's along the Dundas Street Corridor.

d) OPA 146 - Downtown Fairview, Cooksville and Hospital Character Areas

OPA 146 sets out a new area-specific policy framework for all Protected MTSA lands located within the Downtown Fairview, Cooksville and Hospital Character Areas. The amendment is intended to support the Hurontario/Main Street Corridor Master Plan and implement the City-initiated Downtown Fairview, Cooksville and Hospital Policy by facilitating transit-supportive development and also intends to support Vision Cooksville through the achievement of a complete community.

OPA 146 requires Regional approval under the *Planning Act* because it establishes specific authorized uses of land for Protected MTSA's.

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4. Regional Role and *Planning Act* Requirements

As per the Region of Peel Delegation By-law 1-2000, proposed OPAs that conform to the RPOP are exempt from Regional approval, via delegation to the lower tier councils as planning approval authorities. However, the *Planning Act* directs that Peel must be the approval authority for local municipal OPAs that include policies pertaining to the authorization of land uses and of minimum densities for lands and buildings located within the boundaries of Protected MTSA's.

Three of the City's OPAs under consideration in this report (OPAs 142, 144, and 146) include the identification and delineation of Protected MTSA's and policies addressing authorized uses of land and buildings and minimum densities within the area of the Protected MTSA's; therefore Regional Council approval is required as noted above.

Unlike the other amendments described above, OPA 143 does not contain Protected MTSA policies that are required to be approved by Peel. Nevertheless, City and Region staff agreed that OPA 143 would be forwarded to Peel staff for review and approval as the policies of OPA 143 are closely associated with OPA 144.

Peel staff's review of the City's OPAs was related to confirming conformity with the RPOP and would not recommend changes on site specific land use permissions or building heights unless issues of non-conformity were identified. It is Peel staff's opinion that establishing building heights are a local responsibility as per the *Planning Act* and determined based on local studies and characteristics, unless minimum densities included in the RPOP have not been adequately planned for.

5. Public Comments

Responses to all comments submitted to Peel can be found in Appendix V. During the consideration of these OPAs last year, Peel received several comment letters and delegations from stakeholders including landowners, developers and community representatives, requesting that Peel modify various aspects of the City's OPAs. These are the same comments previously brought forward to Council in February 2023, with the addition of the delegations received during those meetings. In addition to the written correspondence and delegations to Council, Peel staff met with commenting parties and their representatives upon request to ensure staff had a clear understanding of the concerns prior to the February 2023 meetings.

Comments received expressed concerns that OPA 144 includes maximum building heights in both the policies and schedules, and that there was no opportunity to apply for heights beyond the maximums. In response to this comment, the OPA has been modified to provide a process to consider development applications proposing amendments heights subject to criteria. This approach aims to assess and recommend approval of developments that are consistent with the vision for an area for those who meet the criteria.

As mentioned previously, Peel's role in reviewing the City's OPAs as per the *Planning Act* is to address conformity to the RPOP to ensure schedules reflect the land use designations in the RPOP, MTSA policies have been implemented, and minimum density targets are being appropriately planned for. It continues to be Peel staff's opinion that establishing building heights are a local responsibility and determined based on local studies and characteristics so long as the minimum densities are achieved. The introduction of the new flexible height

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policy allows for development applications requesting heights beyond those permitted in the OPA to be considered subject to criteria.

6. Modifications to OPA 143 & 144

Modifications to City of Mississauga OPAs 143 and 144 are shown in redline in Appendix IV.

a) City-Initiated Modifications

As part of Mississauga's adoption of the OPAs, City Council gave approval to City staff to incorporate any further changes to OPA 144 to reflect any development application(s) approved prior to Regional approval, and further notice would not be required. Since the adoption of OPAs 143 and 144, City staff have identified the need for additional mapping changes for development applications submitted and are either under review, appealed or have been approved. City staff submitted a formal request to Peel staff containing the revisions to land use schedules contained in OPA 144 reflecting recent Council approvals and decisions of the Ontario Land Tribunal (OLT) in January 2023 as noted in Appendix VI. Appendix III of this report contains the City's more recent memo summarizing additional changes to OPA 144 with respect to a new height policy and mapping changes to reflect development applications and approvals to OPA 144 and 143. No Changes to OPA 142 and 146 are being considered.

b) Region-Initiated Modifications

In February 2023, Peel staff, in consultation with City staff, recommended minor modifications to OPA 143 and 144, as adopted, to ensure consistency with and conformity to employment-related policies in the RPOP and Provincial planning legislation, and for clarity purposes. These modifications continue to be reflected in the recommendations, which include the removal of two outdated policies relating to employment conversions and the addition of an explanatory note on the MTSA schedules ascertaining the boundaries of Regional Employment Areas. The City's completion of the Official Plan review in the coming months will incorporate all the required policies and mapping from the Regional Official Plan, and the minor modifications will not be required.

c) New Height Policy

A new height policy prepared in collaboration with City staff is included in OPA 144 as shown in Appendix IV. A modification to reflect this policy has been made that maintains maximum height schedules, but considers permitting increased heights in response to comments received and encourage accommodating additional housing supply.

This new policy will help with infrastructure planning and provide a framework for establishing land values and development concepts, while allowing landowners to submit applications to vary the heights using the policy criteria. The proposed policy keeps land-uses and maximum heights in MTSA's as was originally planned, while allowing the consideration of development applications proposing amendments to heights subject to criteria.

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The criteria includes, among other matters, the following:

- maintaining the City Structure hierarchy;
- ensuring the overall intent, goals, objectives and policies of the Plan are achieved;
- the type, scale and built form is appropriate and compatible with the surrounding lands, vision and planning context;
- has an appropriate site size and configuration;
- provides for appropriate transition to adjacent land uses and built form;
- full funding is secured for planned higher-order transit improvements;
- there is existing or planned capacity for infrastructure and services; and
- that phasing of development occurs in accordance with the timely delivery of infrastructure and services.

A similar policy is currently used elsewhere in the Mississauga Official Plan. Peel staff reviewed the building heights included in OPA 144 and concluded that the minimum density targets included in the RPOP can be satisfied and have no concern regarding the proposed policy that would provide an opportunity to consider increased heights through a City-led approach.

7. Regional Review and Staff Recommendations

The City's OPAs have been assessed for their conformity, and consistency, as appropriate, to both the RPOP and the overarching Provincial policy framework, including the *Planning Act*, Provincial Policy Statement, and the Growth Plan for the Greater Golden Horseshoe.

The City's OPAs also include policies pertaining to local planning matters which are outside of Peel's requirements to comment on as an upper-tier municipality. To be consistent with the five principles of the RPOP to not infringe on local municipal planning efforts, Peel staff have not recommended changes to these matters of local responsibility.

Peel staff reviewed the Mississauga OPAs as it related to conformity with the RPOP, including mapping analysis, minimum density assessment, land use and policy conformity, Peel staff have determined that:

- OPA 144, as modified, conforms to the RPOP including MTSA-related policies and mapping and is recommended for Regional Council approval;
- OPA 143, as modified, does not trigger non-conformity with Regional policy and is recommended for Regional Council approval;
- OPA 142, as adopted, conforms to the RPOP including MTSA and employment related policies and mapping and is recommended for Regional Council approval;
- OPA 146, as adopted, conforms to the RPOP including MTSA-related policies and mapping and is recommended for Regional Council approval.

It is Regional staff's opinion that these OPAs appropriately address Provincial and Regional interests, represent good planning, and are recommended for Council approval. The Regional decision documents for the OPAs are attached as Appendix VII.

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RISK CONSIDERATIONS

1. Bill 23 Risks and Implications

Upon the proclamation of Bill 23 provisions to remove Peel's upper-tier planning responsibilities, Peel may no longer have approval authority under the *Planning Act*. Until the transition provisions for Bill 23 are proclaimed and put in force, Peel will continue to fulfill its legislative authority under the *Planning Act* so as not to delay the approval of local official plans or official plan amendments. Should Regional Council not approve the City's OPA, planning and implementation of the MTSA framework would be delayed.

2. Bill 112 Risks and Implications

The passing of the *Hazel McCallion Act* (Peel Dissolution), 2023 on June 8, 2023, formalized a plan to dissolve the Region of Peel effective January 1, 2025. On December 13, 2023, the provincial government announced that Peel will not be dissolved, and that new legislation will be passed in 2024 to repeal or amend Bill 112. Until such legislation is passed, Peel is bound to provisions under the *Hazel McCallion Act* (Peel Dissolution) (Bill 112).

FINANCIAL IMPLICATIONS

Should there be an appeal, depending on the nature of the appeal, there may be financial implications required for Peel to protect Regional interests.

CONCLUSION

Peel staff recommend that Regional Council approve OPAs 142, and 146 as adopted, and 143 and 144 as modified. Upon Regional Council approval, a Notice of Decision will be signed by the Regional Chair and the Regional Clerk and distributed in accordance with *Planning Act* requirements. The *Planning Act* establishes appeal protection for policies that establish fundamental aspects of Protected MTSA's. Generally, if Regional Council approves the City's OPAs, then no person, except for the Minister, can appeal policies that identify Protected MTSA's and that identify authorized uses of land, minimum and maximum densities and minimum and maximum heights with respect to buildings and structures on lands in Protected MTSA's. Other policies contained in Mississauga's OPAs are subject to appeal within 20 days after the Notice of Decision is issued.

The policies that are protected from appeal come into effect the day after the decision is issued. The rest of the policies come into effect when the 20-day appeal period ends, if not appealed within that time.

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APPENDICES

- Appendix I - City of Mississauga's Protected Major Transit Station Areas Key Map
Appendix II – City of Mississauga Major Transit Station Area Adoption By-laws for OPA 142, 143, 144 and 146
Appendix III - Mississauga Memo on Modifications to the City-Wide Major Transit Station Area OPAs 143 and 144, March 8, 2024
Appendix IV - City of Mississauga Major Transit Station Area Official Plan Amendments 143, 144, 142 and 146 (with redline modifications)
Appendix V - Staff Responses to Comments
Appendix VI – Mississauga Memo on Modifications to the City-Wide Major Transit Station Area OPA 144, January 16, 2023
Appendix VII – Decision Documents for City of Mississauga Major Transit Station Area Official Plan Amendments 144, 143, 142 and 146
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Kealy Dedman, Commissioner of Public Works

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