

July 25, 2025

GSAI File: 236-005

(Via Email)

Hon. Robert Flack

Ministry of Municipal Affairs and Housing

777 Bay Street

Toronto, ON M7A 2J3

**RE: Mississauga Official Plan 2051  
Hillmond Investments Ltd..  
377 Burnhamthorpe Road East, City of Mississauga  
ERO No.: ERO #0250465**

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Glen Schnarr and Associates Inc. (GSAI) are the planning consultants to Hillmond Investments Ltd. (the "Owner") of the lands municipally known as 377 Burnhamthorpe Road East, in the City of Mississauga (the 'Subject Lands' or 'Site'). On behalf of the Owner, we are pleased to provide this Comment Letter regarding the Council adopted Mississauga Official Plan 2051, currently under review by the Ministry.

As background, GSAI participated in the Mississauga Official Plan Review initiative ('OP Review initiative') as well as various related City initiatives and provided a Comment Letter identifying areas of concern with the Mississauga Official Plan 2051. A copy of this previous Comment Letter, expressing a range of concerns, is provided in Appendix II of this Letter. As further outlined in this previous Comment Letter and expanded upon in the detailed rationale for requested changes presented in Appendix I of this Letter, we believe there are outstanding concerns with the Mississauga Official Plan 2051 and request the Ministry enact a number of modifications. For brevity, we request that the Ministry consider the following revisions:

- Revise the City Structure and land use designation policies to enable underutilized plazas to develop in accordance with Provincial policy directions;
- Remove Policies 4.2.2, 4.2.3 and 4.2.4 which require sustainability performance that exceeds a municipality's authority;
- Remove onerous housing requirements established by Policies 5.2.3 and 5.2.4;
- Remove the onerous built form-based policy framework and instead implement a broader, more flexible policy framework for guiding where and how development should occur;
- Remove restrictive retail replacement policies; and,
- Modify the current Official Plan organization and streamline the policy framework for ease of understanding and implementation.

Further rationale to the above requests is provided in Appendix I of this Letter. In summary, we remain concerned with the Mississauga Official Plan 2051 and request that the Ministry consider our proposed modifications. Thank you for the opportunity to provide these comments. We wish to be informed of any future decision made.



Yours very truly,  
**GLEN SCHNARR & ASSOCIATES INC.**

Stephanie Matveeva, MCIP, RPP  
Associate

cc. Jennifer Le, Ministry of Municipal Affairs and Housing  
Owner

## Appendix I / Rationale for Requested Modifications

As stated above, we have reviewed the Mississauga Official Plan 2051, as adopted by Mississauga Council in April 2025. Based on this review, we offer the following comments and rationale for the requested modifications identified above.

### *1. City Structure*

Chapter 3, Managing Growth presents a refined growth management framework for the City. More specifically, Chapter 3 outlines how growth and development is to be managed across the City up to the year 2051 in accordance with a refined City Structure. The City Structure is visually demonstrated on Schedule 1 and is then reinforced in policy throughout the Official Plan, but beginning in Chapter 3. More specifically, Chapter 3.3 and Schedule 1 provide further direction and clarity on the City Structure framework which is to guide planning decisions. We highlight that the Subject Lands continue to be identified as being located within the Rathwood Neighbourhood Character Area. While we support the continued use of a policy framework, organized and structured by the City Structure, the continued inclusion of the Subject Lands within the Neighbourhoods component will further challenge the delivery of a refined, optimized, redevelopment form in an appropriate location in the future. Given the Site is in a peripheral location, is an underutilized plaza and has development potential, we remain of the opinion that greater flexibility is required in terms of maximum permitted heights in Neighbourhoods to enable contextually appropriate development to be introduced. Furthermore, redevelopment of underutilized plazas such as this is a Provincial objective, contained in the Provincial Planning Statement, 2024.

### *2. Sustainability*

Chapter 4, Sustaining the Natural Environment provides the refined policy framework for how lands and resources are to be managed. This includes policies which relate to how development is to respond to a changing climate. Of particular concern are Policy 4.2.2, Policy 4.2.3 and Policy 4.2.4 which state:

*4.2.2. Mississauga will support the planning and design of new communities and buildings that aim to achieve near net zero emissions.'*

*4.2.3. Mississauga will support efforts to protect against the impacts of the changing climate with adaptation measures that make the city more resilient to climate change impacts including extreme weather events.'*

*4.2.4. Mississauga will build communities that are compact, low-carbon, mixed-use and transit-supportive. The City will promote renewable energy, energy conservation and efficient design. These initiatives will reduce greenhouse gases and help the city achieve its emission targets.'*

Collectively, the above-noted policies provide policy strength for sustainability initiatives and measures, such as the recently Council adopted City of Mississauga Green Development Standards. The above policies are unnecessary and in practice, serve to encourage Staff to require onerous sustainability measures that endeavour to require development

proponents to implement features and technologies that are well above and beyond what is required by the Ontario Building Code. In practice, these policy objectives may also serve to hinder effective and efficient development as the City's sustainability framework does not apply until a proponent is pursuing Site Plan Approval. Put another way, currently, development proponents may be required to re-consider development treatments and technologies when the approval process is concluding, which leads to ever increasing costs to deliver development where development ought to occur. This practice is contrary to the authority granted municipalities by the Ontario Building Code Act and is contrary to the recent clarification provided by Bill 17 which states that municipalities cannot and could in fact never require proponents to implement technologies and performance standards that go above and beyond what is mandatory under the Ontario Building Code. Given this, we request that the above-noted policies be removed so that the policy requirements are clear and a municipality's authority is not extended beyond what is permissible.

### **3. Housing**

Chapter 5 provides the refined City-wide housing policy framework. We remain concerned with the housing policy framework as adopted. Of particular concern are Policies 5.2.3 and 5.2.4 which state:

- '5.2.3. *To achieve a balanced mix of unit types and sizes, and support the creation of housing suitable for families, development containing more than 50 new residential units is encouraged to include 50 percent of a mix of 2-bedroom units and 3-bedroom units. The City may reduce these percentages where development is providing:*
- a. social housing or other publicly funded housing; or*
  - b. additional needs housing such as residences owned and operated by a post-secondary institution or a health care institution or other entities to house students, patients, employees or people with specific needs.'*
- '5.2.4. *The City will plan for an appropriate range and mix of housing options and densities that contributes to achieving the following housing targets:*
- 1. 30 percent of all new housing units are affordable housing (rental and ownership), of which 50 percent of all affordable housing units are encouraged to be affordable to low-income households. The majority of units affordable to low-income households are anticipated to be rental and will include units such as subsidized housing, supportive housing, emergency shelter beds, and transitional housing; and*
  - 2. 25 percent of all new housing units are rental tenure. These rental units include private rental market and non-market units.'*

The above-noted policies are concerning and require revision. With regard to Policy 5.2.3, the policy as adopted is overly restrictive. While the word "encouraged" is appreciated in the policy, in practice, the policy has and will continue to be used to demand development proponents include a significant proportion of larger, family-sized units. The desire for 50% of all residential units to include 2-bedroom and 3-bedroom unit configurations will challenge the delivery of much needed housing units in appropriate locations to satisfy Provincial policy objectives and local Housing Pledges, in the midst of a Provincial housing crisis. Furthermore, the policy objective of encouraging 50% of all new units to be family-sized is contrary to Provincial objectives which do not specify this and is also a significant departure from the objectives of neighbouring jurisdictions such as the City of Toronto, where 25% of units are encouraged to be larger

family-sized units through the City of Toronto's Growing Up Urban Design Guidelines. We request that the Ministry remove Policy 5.2.3.

Policy 5.2.4 is also concerning and should be removed. In accordance with in-effect legislation, a municipality cannot require affordable housing units to be provided unless a property is located within an Inclusionary Zoning Area. Policy 5.2.4 requires revision to ensure compliance with legislation and change from a policy requirement that affordable housing units be provided regardless of a Site's location. We also highlight that Peel Region Housing and the non-profit sector will and should continue to play a pivotal role in the delivery of affordable housing. This is reaffirmed in the City of Mississauga's Partners in Homebuilding: Mayor's Housing Task Force Report.

#### ***4. Built Form***

The Mississauga Official Plan 2051 provides a refined, built form-based policy framework. This framework is first established in Chapter 8, Well Designed Healthy Communities which provides policy direction for matters related to built form, site design, building organization and more. The built form-based policy framework is then referenced and reinforced throughout the remaining land use and Character Area policies of the Official Plan. We remain concerned with the transition to a built-form based policy framework. In particular, we are concerned with the proposed land use designation framework based on built form which can serve to restrict development opportunities rather than fostering them. In particular, the built form-based policy framework is overly prescriptive, results in onerous policy criteria to be satisfied and elevates urban design guidance to policy. For example, the general built form and site development policies contained in Chapter 8 of the Official Plan serve to restrict development opportunities, implement restrictive built form policies such as requiring that a built form relate to the right-of-way onto which it fronts, implements restrictive setback requirements, implements restrictive podium-tower requirements and also implements a restrictive minimum 30 metre tower separation as policy, whereas tower separation was formally outlined in the area-specific Built Form Standards. Given the above, we request that the elevation of urban design guidance to policy and the built-form based policy framework be reconsidered and eliminated to enable flexibility and high-quality built forms that effectively and appropriately respond to local conditions.

Chapter 8.6.1 also contains a policy definition for how low-rise, mid-rise and high-rise buildings are to be interpreted. We oppose this policy definition and request that the definitions and characterizations of built form typologies be removed.

#### ***5. Transition***

Given that Chapter 8 provides the refined built form and site development policy framework, we remain concerned that specific urban design guidance has been elevated to policy. More specifically, we are concerned with Policies 8.2.9.c) and Policy 8.6.2.5. Policy 8.2.9.c) states that the City's vision will be supported by site development that demonstrates context sensitivity and transition, while Policy 8.6.2.5 which states that transition can be achieved through the use of setbacks, stepping down of buildings, angular plane, separation distances and other means. As stated above, there are a multitude of ways that transition can be provided. There is also ambiguity given transition is not a defined term.

In our opinion, elevating appropriate transition and the ways that transition, including the use of angular plane provisions, can be achieved from urban design guidance to policy is alarming. This concern is furthered by Urban

Desing Guidelines, which are applied as companion documents to the Official Plan, which suggest that a development application conform to a 45 degree angular plane, without specifying how the angular plane is to be applied. Any policy or guidance requiring that an angular plane be applied as a means to control transition is overly restrictive, misleading and contrary to good practice. In our opinion, any angular plane requirement should be removed from the Official Plan. Angular planes are one of many urban design guidance tools that can and should remain in the area-specific Built Form Standards, if at all. Elevating such urban design guidance to policy will restrict development and efficient, high-quality built forms where development ought to be directed in the midst of a Provincial housing crisis. Furthermore, the inclusion of angular planes and other urban design guidance in policy is contrary to Provincial objectives and contrary to the findings of the City of Mississauga Mayor's Task Force. Finally, the continued inclusion of such policies to require transition be provided in such manners with frustrate expeditious development approvals and will also result in costly, inefficient built forms. As an example, the requirement that built forms respect an angular plane results in substantially reduced gross floor area, a reduced number of dwelling units to be accommodated, and terraced built forms that are costly to construct and significantly less energy efficient than would otherwise be the case. We also highlight that given the above implications, neighbouring jurisdictions such as the City of Toronto have recently updated their Built Form or Urban Design Guidelines to eliminate the practice of angular planes. Based on the above, we request that the built form policies be modified to eliminate the practice and policy requirement that will lead to inefficient and costly built forms to be mandated.

#### ***6. Retail Replacement***

By way of context, the Subject Lands are currently designated Mixed Use by the in-effect and by the Council adopted Mississauga Official Plan. Components of the adopted Mixed Use policies as presented are concerning. To be clear, we support components of the adopted Mixed Use policy framework as policy such as Policy 10.2.6.2 is a significant improvement over the current in-effect policy framework which requires a site to be re-designated when the principal use is to be residential. We support the adopted policy framework which no longer specifies that a re-designation is required to an applicable residential category when the predominant use is residential on an existing Mixed Use designation site.

We are however concerned with the retail replacement requirements presented in Policy 10.2.6.3. As presented, Policy 10.2.6.3 requires replacement of existing retail and service commercial space; however, the quantum of replacement space to be required is unclear. Regardless, the policy is also unnecessarily restrictive, will hinder development and does not adequately reflect the post-pandemic market. Requiring a development to provide the same or even a significant percentage of existing non-residential space to be replaced in a development does not adequately capture market trends, does not enable a property owner to 'right-size' the space to avoid significant void areas and does not reflect best practices. In our opinion, this policy is premature given there is in-effect Provincial direction to encourage underutilized plazas to redevelop to support the provision of housing. It is also premature given the City of Mississauga has stated it is currently undertaking a Retail Market Study to better understand where retail may be needed and the type of retail that is needed to support community needs. Rather than requiring a minimum percentage of existing non-residential space to remain, we request a policy mechanism that would permit an appropriate amount of ground-level non-residential space based on the findings of an independent Market Impact Assessment, to the satisfaction of Staff. This policy mechanism would enable sufficient flexibility as development of underutilized retail plazas come forward and a way for development to proceed in a manner that supports Provincial and local objectives.

## **7. Organization**

A final overarching concern is the length and organization of the Mississauga Official Plan. As adopted, the Mississauga Official Plan, exclusive of implementing Schedules, is 713 pages in length. This is a significant and overly complicated policy framework meant to guide how growth and development occurs across the City of Mississauga up to the year 2051. We respectfully request the Ministry to require modifications to streamline and simplify the local policy framework so that broader, overall policy objectives are identified. Simplification of the Official Plan would enable the Official Plan to function as intended – as a strategic document which provides policy guidance. Further detail regarding matters such as setbacks, angular planes, etcetera can and should be provided either through companion documents such as Secondary Plans, Urban Design Guidelines or the implementing Zoning By-law. This approach would also ensure consistency with how Official Plans are crafted for neighbouring jurisdictions such as the City of Brampton, Town of Oakville, Town of Milton and the City of Toronto. Furthermore, a streamlined Official Plan would enable a document that is more easily accepted, can be understood by community members and would support the Provincial objective of Bill 17 for a consistent planning framework for lands across the Province of Ontario.

## **Conclusion**

In summary, we remain concerned about the policy directions outlined in the Mississauga Official Plan 2051 and continue to request that modifications be made.



Appendix II / Previous Comment Letter

March 15, 2024

GSAI File: 236 – 005

*In Memoriam, Founding Partner:*  
**Glen Schnarr**

(Via Email)

Chairman and Members of the Planning and Development Committee

City of Mississauga

300 City Centre Drive

Mississauga, ON L3B 3C1

**RE: Mississauga Official Plan 2051  
Hillmond Investments Ltd.  
377 Burnhamthorpe Road East, City of Mississauga**

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Glen Schnarr and Associates Inc. ('GSAI') are the planning consultants to Hillmond Investments Ltd. (the 'Owner') of the lands municipally known as 377 Burnhamthorpe Road East, in the City of Mississauga (the 'Subject Lands' or 'Site'). On behalf of the Owner, we are pleased to be providing this Comment Letter in relation to the ongoing Mississauga Official Plan Review initiative.

GSAI has been participating in the Mississauga Official Plan Review initiative ('OP Review initiative') as well as various related City initiatives. We understand that when complete, the City's OP Review initiative will culminate in a new draft Official Plan (the 'Mississauga Official Plan 2051') that will modify the policy framework permissions for lands across the City, including the Subject Lands.

The Subject Lands are located on the east side of Central Parkway East, north of Burnhamthorpe Road East. It is currently improved with a local retail plaza comprised of a low-rise multi-tenant commercial structure and surface parking areas. Based on the in-effect planning policy framework, the Subject Lands are located within the Rathwood Neighbourhood Character Area, is within the Central Parkway Major Transit Station Area (in accordance with Schedule E-5, Major Transit Station Areas, Region of Peel Official Plan), and is designated 'Mixed Use' (in accordance with Schedule 10, Land Use Designations, Mississauga Official Plan). Based on the above, the Site has recognized development potential.

When considered collectively, the in-effect policy framework identifies the Subject Lands as an appropriate and desirable location for higher density, compact, transit-supportive development to occur. This is strengthened by the Site's locational characteristics of being within 300 metres of various street-level transit services, the Mississauga Transitway network. It is also within 1,000 metres of the Hazel McCallion Light Rail Transit (LRT) network. Additionally, the Subject Lands are located within walking distance of various services, amenities, facilities, parks and greenspaces to meet the daily needs of residents and support Rathwood as a vibrant, complete, 15-minute community.

We have reviewed the draft Mississauga Official Plan 2051 ('Draft OP'), released on February 12, 2024. Of relevance to the Subject Lands, the draft policies propose revisions to Chapters 3 (Directing New Development), 5 (Housing Choices), 8 (Well Designed Healthy Communities), 10 (Land Use Designations), 14 (Neighbourhoods) and select Schedules. We

support the move to a modified policy framework to guide how growth is to be managed in accordance with Provincial, Regional and local policy initiatives and the release of a complete, draft Official Plan so that the evolving policy framework can be evaluated in its totality. Based on our review of the Draft OP, we have a number of concerns as outlined below.

***Chapter 3: Directing New Development***

The Draft OP continues to provide guiding policy direction for how growth and development is to be managed in accordance with a City Structure. The proposed City Structure, as presented on Schedule 1, remains largely unchanged from the in-effect Mississauga Official Plan. In the case of the Subject Lands, the proposed City Structure continues to identify the Site as being located within the Neighbourhood component of the City Structure.

However, in accordance with the in-effect Provincial and Regional policy frameworks, the draft Mississauga Official Plan introduces a new term – Strategic Growth Areas. Section 3.3.1 provides the policy framework for how growth and development is to be managed across Strategic Growth Area lands. We understand that Strategic Growth Areas are those lands located within the Downtown Mississauga Urban Growth Centre, in Major Node Character Areas, in Community Node Character Areas and within Major Transit Station Areas. In accordance with the policy framework and Map 3-1, Strategic Growth Areas, the Subject Lands are located within a Strategic Growth Area given it is located within a Major Transit Station Area. While we support the continued use of a policy framework, structured by the City Structure, the continued inclusion of the Subject Lands within the Neighbourhoods component may further challenge the delivery of refined, optimized, redevelopment forms in an appropriate location.

***Chapter 5: Housing Choices and Affordable Homes***

A new housing-related policy framework is proposed and is presented in Chapter 5, Housing Choices and Affordable Homes. Policies 5.2.2, 5.2.4, 5.2.5 and Table 5.1 as stated below are particularly concerning:

*'5.2.2. Phased development will have a range and mix of housing types for each development phase.'*

The purpose of this policy is unclear. As written, the policy appears to place an obligation on development proponents to provide a range of housing types, without specifying what is meant by housing type. For example, as written, the policy could be interpreted to require that each development phase is required to provide two or more housing types, such as apartment-style units, ground-oriented units, townhouse-style units, etcetera. The requirement for each development phase to provide a variety of housing types can be problematic and can challenge the ability to deliver high-quality housing options for current and future residents. In our opinion, the policy should be revised to encourage phased developments to provide a range and mixture of housing units, thereby removing reference to housing type.

*'5.2.4. To achieve a balanced mix of unit types and sizes, and support the creation of housing suitable for families, development containing more than 50 new residential units is encouraged to include*

*a minimum of 50 percent of a mix of 2-bedroom units and 3-bedroom units. The City may reduce these percentages where development is providing:*

- *social housing or other publicly funded housing; or*
- *specialized housing such as residences owned and operated by a post-secondary institution or a health care institution or other entities to house students, patients employees or people with special needs'*

We note that the above-noted policy has been revised since the previous draft policy was presented in the Bundle 3 draft of the Mississauga Official Plan in May of 2023. Specifically, the percentage of larger units has increased to a 50% target from the previous draft policy which stated 30%, while the language has also changed to include the phrase “encouraged”. The re-phrasing and use of the word “encourage” is supported; however, we remain concerned with the policy as drafted. In our opinion, the above-noted policy should be modified to encourage a reduced percentage (20% or less) of larger, family-sized units (understood as being two-bedroom units or larger) based on market trends. The requirement for half (50%) of units to be of a certain unit type will challenge Provincial, Regional and local policy objectives of delivering a variety of affordable and attainable housing options for current and future residents. It may also challenge the delivery of housing units in appropriate locations that are in proximity to existing and planned transit networks and support the creation of complete communities, while also being in the midst of a Provincial housing crisis.

*'5.2.5. The City will plan for an appropriate range and mix of housing options and densities by implementing Regional housing unit targets shown in Table 5.1'*

*Table 5.1 – Peel-Wide New Housing Unit Targets*

<i>Target Area</i>	<i>Targets</i>
<i>Affordability</i>	<i>That 30% of all new housing units are affordable housing, of which 50% of all affordable housing units are encouraged to be affordable to low income households</i>
<i>Rental</i>	<i>That 25% of all new housing units are rental tenure</i>
<i>Density</i>	<i>That 50% of all new housing units are in forms other than detached and semi-detached houses. Note: These targets are based on housing need as identified in the Peel Housing and Homelessness Plan and Regional Housing Strategy</i>

The above-noted policy and Table 5.1, as written, are concerning. Use of the Region-wide housing targets, as established by Policy 5.2.5 and Table 5.1 are concerning as the housing-related targets have not been adapted nor studied to ensure applicability at the smaller, City-wide scale. Furthermore, the requirement in Table 5.1 that

30% percent of all new housing units are to be affordable housing units and the requirement that 25% of all new housing units be rental in tenure are concerning and will challenge the rapid delivery of housing units, in appropriate locations. Furthermore, the requirement for affordable units, regardless of a property's location, is contrary to in-effect Provincial and Regional policy objectives, which state that affordable housing units are legislated requirements in Inclusionary Zoning Areas. The policy requirement that 30% of all new housing units across the City of Mississauga be affordable housing, without identifying how affordable housing units are to be understood, is concerning. We request that Table 5.1 be modified so as to relate to housing targets at the City-wide scale and to reflect that affordable housing units are to be provided through the application of Inclusionary Zoning.

*Chapter 8: Well Designed Healthy Communities*

A new urban design-related policy framework is proposed and is presented in Chapter 8, Well Designed Healthy Communities. Policies 8.4.1.17, 8.4.5.2 and 8.6.2.5 as stated below are particularly concerning:

*'8.4.1.17. Built form will relate to the width of the street right-of-way.'*

As written, this policy is concerning and requires modification. In our opinion, the requirement for a built form to have a relationship to the width of the public Right-of-Way ('ROW') on which it fronts is inappropriate. As written, the policy will apply a one-size-fits-all approach to sites across the City, regardless of their location and unique contexts. Furthermore, a limitation of building height to relate to the ROW width will challenge the ability to provide efficient, high-quality, refined, compact, mixed-use, transit supportive development forms in the desired locations. It can also challenge the implementation of development, particularly when development fronts onto private streets which often have reduced ROW widths. For the reasons outlined above, this policy requires revision to eliminate a universal application of building height limits based on a site's location along a street.

*'8.4.5.2. Privately owned publicly accessible spaces will be designed in accordance with the city's standards for public open spaces.'*

The above-noted policy is concerning and is vague. In our opinion, the above-noted policy requires revision to provide for sufficient flexibility based on a site's locational attributes. The statement that Privately Owned Publicly Accessible Spaces (POPS) be designed in accordance with City Standards is concerning given City Standards for public open spaces do not always reflect the as-built condition of encumbered lands being provided as privately owned, publicly accessible spaces. Furthermore, greater acknowledgement is required that POPS of varying size and locations can be successfully planned, designed and delivered in various ways. Based on the above, we request that the above-noted policy be modified to encourage compliance with City Standards and that conformance with the City's Standard for public open spaces not be required in this instance.

*'8.6.2.5. Transitions between buildings with different heights will be achieved by providing a gradual change in height and massing. This will be done through the use of a variety of methods including setbacks, the stepping down of buildings, the general application of a 45 degree angular plane, separation distances and other means in accordance with Council-approved plans and design guidelines.'*

The above-noted policy is concerning. In our opinion, the above-noted policy requires revision to exclude the requirement that any development be required to conform to a 45 degree angular plane. As the policy suggests, there are various ways of ensuring appropriate transition can be provided. In our opinion, a policy requirement that a development application conform to a 45 degree angular plane, without specifying how the angular plane is to be applied, is overly restrictive and unnecessary. In our opinion, the 45 degree angular plane requirement should be removed from the above-noted policy.

#### ***8.6.1., Buildings and Building Types***

The draft MOP proposes refinements to the urban design-related policy framework and an evolution towards a built form-based policy framework. Section 8.6.1 of the Draft OP presents the refined built form policy framework and provides a characterization of how each built form is to be generally understood. Of relevance to the Subject Lands, the Draft OP framework presents characterizations of high-rise built forms which as follows:

*c. High-rise buildings: they represent buildings with height maximums as prescribed by local area policies and land use designations. High-rise buildings, which can also be referred to as Tall Buildings in this Plan, provide transit-supportive densities and play an important role in allowing the city to meet its growth targets, especially within Strategic Growth Areas.'*

The above high-rise building characterization is concerning. Specifically, the Subject Lands are not subject to a Local Area Plan. Instead, it is subject to Neighbourhood Character Area policies and the applicable land use policies. The above characterization does not adequately capture the reality of development forms and does not provide for sufficient flexibility to accommodate high-rise or tall buildings at appropriate locations outside of Local Plan Area boundaries. For the above-noted reasons, we oppose the high-rise building characterization and request that it be modified to recognize the existence and allow permission for these built forms at appropriate locations across the City.

#### ***Chapter 10: Land Use Designations***

The draft OP proposes refinements to the land use policy framework and an evolution towards a built form-based policy framework. This evolution and associated policy refinements are concerning. In accordance with the Draft OP Schedule 7, Land Use Designations, a number of properties across the City have been re-designated or permissions otherwise modified. In our opinion, there are instances where this is akin to down designations and if adopted, would result in the loss of development permissions available in existing permissions. This is unacceptable and should not be carried forward.

In the case of the Subject Lands, the proposed land use designations (Schedule 7) are concerning. Specifically, Schedule 7 maintains the 'Mixed Use' designation on the Subject Lands and this is concerning. Section 10.2.6 of the Draft OP contains the parent Mixed Use policy framework which any development application must be evaluated.. We are concerned with Policies 10.2.6.2 and 10.2.6.3 as stated below.

*'10.2.6.2. The planned function of lands designated Mixed Use is to provide a variety of retail, service and other uses to support the surrounding residents and businesses. Development on Mixed Use sites that includes residential uses will be required to contain a mixture of permitted uses. This mix of uses is required in order to create complete communities with destinations that are close enough for walking and cycling to be the most attractive transportation option. In addition to mitigating traffic congestion, this enhances human health and reduces greenhouse gas emissions.'*

*'10.2.6.3. Redevelopment of Mixed Use sites must maintain the same amount of non-residential floor space.'*

The above-noted policies are concerning and require revision. Collectively, the above-noted policies are unnecessarily restrictive and may challenge the ability for lands to be appropriately redeveloped. Specifically, that a range of retail, service and other uses be provided can be a challenge for development proponents to accommodate and may challenge a proponent's ability to offer a sufficient and efficient non-residential floor area. Similarly, the policy requirement that existing non-residential floor area be replaced does not adequately accommodate the evolving context of communities and market trends. Furthermore, the policies noted above may hinder the development potential of designated Mixed Use lands and the lands' ability to support contextually appropriate development that is able to further implement Provincial, Regional and local policy objectives for compact, mixed-use, complete communities. Lastly, the above-noted policies do not satisfactorily reflect changing market trends nor does it enable a proponent to provide an appropriate amount of non-residential. Greater flexibility is needed to enable vibrant, compact, efficient redevelopment forms to be implemented in appropriate locations.

### ***Chapter 11: Transit Communities***

The draft Official Plan proposes to provide a policy framework for lands within Major Transit Station Areas ('MTSAs'). The delineation and land use designations assigned to Protected MTSA (PMTSA) lands are presented in Schedules 8a through 8r. We highlight that the land use designations identified on these Schedules do not align with the land use designations and policy framework presented in Chapter 10. This discrepancy is concerning and requires modification.

Furthermore, Chapter 11 provides for a policy framework that appears to be informed by the City's previous Official Plan Amendments 143 and 144. We highlight that OPA 143 and 144 are not in full force and effect, given they remain before the Region of Peel for approval. Therefore, the inclusion of Major Transit Station Area (MTSA) policies in this draft and presented in this manner is concerning.

In accordance with Schedule 8c, the Subject Lands are identified as being located within the Central Parkway Protected Major Transit Station Area (PMTSA), as not having a land use designation specified and as having a maximum building height permission of 2 to 4 storeys. We support the inclusion of the Subject Lands within the Central Parkway PMTSA given the Site's locational attributes. However, we request that additional policy direction

be provided to determine how development applications which seek building heights above and beyond those established by the MTSA Schedule are to be evaluated. In the case of the Subject Lands, while the height permissions are appreciated, they may also restrict development opportunities should an alternative development form be desired. Additionally, the identified maximum height of 4 storeys is contrary to the 8 storey height permission established for 1 acre Mixed Use sites in Neighbourhood Character Areas, as outlined in Policy 14.1.2.2. Sufficiently high height permissions are requested to ensure the ability of the Site to accommodate the provision of a high-quality, refined, efficient, compact, transit-supportive development that supports the Provincial and Regional objectives for MTSA lands is not challenged.

Furthermore, we are concerned with the MTSA land use policies, as presented in Chapter 11.3. Specifically, Policy 11.3.2 which states as follows is concerning:

*'11.3.2. Redevelopment within Mixed Use, Mixed Use Limited and Downtown Mixed Use designated lands that results in a loss of non-residential floor space, will not be permitted unless it can be demonstrated that the planned function of the non-residential component will be maintained or replaced as part of the redevelopment.'*

*'11.3.3. Maintaining the non-residential planned function means providing:*

- a) a concentration of convenient, easily accessible office, retail and service commercial uses that meet the needs of local residents and employees; and*
- b) employment opportunities, such as office, recreation and institutional jobs.'*

As stated above, we are concerned with the policy requirements for replacement of non-residential area and its impact on the provision of much needed housing in accordance with Provincial policy and recent legislative changes related to the definition of "employment areas". In our opinion, the above-noted policies require modification to state that the provision of a variety of non-residential uses should be encouraged in a new development, rather than requiring non-residential area replacement. Non-residential uses are not specifically protected at the policy level and a blanket policy that would require their replacement is not in accordance with Provincial policy nor good planning

#### **Chapter 14: Neighbourhoods**

Revisions are contemplated in Chapter 14 for lands located within the Neighbourhood component of the City Structure. In the case of the Subject Lands, the site is located within the Rathwood Neighbourhood Character Area. As such, it is subject to the parent Neighbourhood Character Area policies presented in Section 14.1.1, General, and Section 14.15, Rathwood Neighbourhood Character Area-specific policies.

When considered collectively, we are concerned with the refined Neighbourhood policy framework and in particular Policies 14.1.1.6 and 14.1.2.2 as stated below.

- '14.1.1.6. Intensification within Neighbourhoods may be considered where the proposed development is compatible in built form and scale to surrounding development, enhances the existing or planned development and is consistent with the policies of this Plan.'*
- '14.1.2.2. Within Neighbourhood Character Areas, development of Mixed Use sites that are over 1 ha in size will:*
- a. maintain the same amount of commercial floor space;*
  - b. ensure a significant range of retail and service commercial uses that meet the needs of the local population is provided;*
  - c. include a mix of low and mid-rise buildings with maximum heights not exceeding the width of the street right-of-way that they front onto, up to a maximum of 8 storeys;*
  - d. have a maximum floor space index (FSI) of 1.75 to guide the form, massing and density of proposed buildings;*
  - e. provide a well-connected road system, including the addition of public roads to encourage walking, cycling and support public transit;*
  - f. ensure roads surrounding blocks are public and meet City of right-of-way and design standards;*
  - g. provide public open space that is designed and located to create a central focus, in accordance with the policies of this Plan and the City's Park Plan;*
  - h. provide for appropriate massing and transition to surrounding context;*
  - i. ensure newly created blocks maximize connectivity, pedestrian walkability, vehicular access, servicing routes and internal permeability. Block perimeters will generally not exceed 520 m;*
  - j. include a variety of unit sizes and tenures to accommodate a range of households;*
  - k. explore opportunities for energy conservation through design and the use of renewable energy sources; and*
  - l. adhere to urban form and design policies of this Plan and the City's Green Design Guidelines.'*

Firstly, we are concerned with policy requirements for non-residential replacement. The policy requirement to replace existing non-residential floor space in a development is overly restrictive and will challenge an ability for proponents to provide a sufficient amount of non-residential space that is capable of accommodating the evolving contexts of communities and market trends. In addition to this concern, the above-noted policies when considered collectively are overly restrictive and require revisions. We oppose the maximum building height of 8 storeys identified and request that this height limitation be removed. Furthermore, the statement that intensification within Neighbourhoods may be considered is contrary to the policy objectives identified throughout the draft OP. While certain Neighbourhood Character Area lands are not suitable for higher density, compact, mixed-use development, the Subject Lands are an appropriate and desirable locations for this type of development to occur given it is located within a PMTSA. The statement that intensification may be considered will challenge the development potential of lands. Similarly, the policy requirements that a significant, without clarity on how significant is to be understood, range of retail and service commercial uses be provided, that a range and mixture of specified building types be provided and that public open spaces be provided amongst other matters are unnecessarily restrictive. These policy provisions should be removed and instead, sufficiently flexible evaluation criteria should be provided to enable contextually appropriate, compatible intensification developments to occur in appropriate locations.

**Conclusion:**

In summary, we are concerned about the proposed policy directions outlined in the Draft OP and request that modifications as identified throughout this letter be made. Thank you for the opportunity to provide these comments. Our Client, the Owner, wishes to be included in all further engagement related to the OP Review Initiative and wishes to be informed of updates, future meetings and the ability to review and provide comments on the final Official Plan prior to adoption by Council.

We look forward to being involved. Please feel free to contact the undersigned if there are any questions.

Yours very truly,

**GLEN SCHNARR & ASSOCIATES INC.**



Glen Broil, MCIP, RPP

**Managing Partner**



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