

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: March 04, 2024

CASE NO(S).: OLT-22-002285
(Formerly PL210032)

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 4005 Hickory Drive Ltd.
Appellant: Calloway REIT (Mississauga) Inc.
Appellant: Choice Properties REIT
Appellant: First Capital (Meadowvale) Corporation
and others
Subject: Proposed Official Plan Amendment No.
CD.03REI - OPA 115
Municipality: City of Mississauga
OLT Case No.: OLT-22-002285
Legacy Case No.: PL210032
OLT Lead Case No.: OLT-22-002285
Legacy File No.: PL210032
OLT Case Name: Calloway REIT (Mississauga) Inc. v.
Mississauga (City)

Heard: December 12, 2023 by Video Hearing

APPEARANCES:

Parties

City of Mississauga
("City")

Sheridan Retail Inc., Prime Real
Estate Group Inc.

Counsel

A. Biggart
L. Magi

L. Johnston
M. Nemanic
G. Mutlu

Calloway REIT (Mississauga), First Capital (Meadowvale) Corporation	M. Laskin D. Bronskill (<i>in absentia</i>)
Choice Properties REIT	K. Sliwa M. Reedijk
The Children's Centre South Common Court Inc.	P. Bottos

MEMORANDUM OF DECISION DELIVERED BY ERIC S. CROWE AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] The Tribunal convened a Settlement Hearing with respect to the Phase 2 appeals brought by Calloway REIT (Mississauga) Inc. et al. ("Appellants") pursuant to section 17(24) of the *Planning Act* ("Act") for an Official Plan Amendment ("OPA").

[2] The policies of OPA 115 were the subject of a statutory public meeting held on February 3, 2020, and a recommendation report was brought to City Council on September 28, 2020, which addressed the feedback and comments received through the consultation process and recommended a revised set of policies for approval.

[3] OPA 115 included policies that applied to the following nodes:

- Central Erin Mills Major Node;
- Meadowvale Community Node;
- South Common Community Node;
- Sheridan Community Node;

- Rathburn-Applewood Community Node; and
- Malton Community Node

[4] OPA 115 included amendments to two portions of the Mississauga Official Plan (“MOP”):

- Changes to Section 13.2 – Central Erin Mills, in Chapter 13, Major Nodes (Exhibit 2A); and
- The addition of Sub-section 14.1.7 – Mall-based Community Nodes, in Chapter 14, Community Nodes (Exhibit 2B).

PROPOSED SETTLEMENT

[5] The Appellants and the City (collectively, the “Parties”) have agreed to a comprehensive resolution of the appeal and wish to reflect their agreement herein, before the Tribunal for approval.

[6] The Parties request that the Tribunal should allow the appeal of OPA 115 except (i) the appeal to Policy 14.1.7.1.3 related to Issues 4(D)(ii) and Issue 9 of the Phase II Issues is adjourned *sine die*; and (ii) policies 13.2.5.1 to 13.2.5.6 and 14.1.7.4.1 to 14.1.7.4.8, which were the subject of the Phase I proceeding in this matter, are not affected by this Order (attached as **Attachment 1**).

WITNESSES

[7] Evidence in support of the proposed application was provided by Andrew Davidge, a land use planner. Mr. Davidge, on consent, was qualified to provide expert land use planning opinion evidence.

[8] The Tribunal marked the following documents as Exhibits:

Exhibit 1: Affidavit of Andrew Davidge;

Exhibit 2A: OPA 115- Major Node Policies - Chapter 13; and

Exhibit 2B: OPA 115- Mall based Community Node Policies - Chapter 14.

POLICY ENVIRONMENT

[9] Mr. Davidge outlined the various policies of the Provincial Policy Statement, 2020 (“PPS”), the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), Regional Official Plan 1996 (“ROP 1996”) and Regional Official Plan 2022 (“ROP 2022”) and the MOP. Mr. Davidge focused on growth management, intensification, healthy complete communities and active transportation policies.

[10] Mr. Davidge explained that the Growth Plan prioritizes intensification and higher densities in Strategic Growth Areas to make efficient use of land and infrastructure and support transit viability.

[11] Mr. Davidge advised the ROP 1996’s objectives on growth management direct a significant portion of growth to the built-up areas through intensification, particularly to the urban growth centres, intensification corridors and major transit service areas.

[12] Mr. Davidge advised the revisions in ROP 2022 add a new term, Strategic Growth Areas, to areas where growth is to be directed. Strategic Growth Areas are identified on Schedule E-2 of the ROP 2022. Among others, Central Erin Mills, Meadowvale, South Common, Sheridan, Malton and Rathwood-Applewood are

identified Nodes/Centres. The Strategic Growth Areas establish a hierarchy for which the highest densities and scale of development will be directed:

1. Urban Growth Centres
2. Major Transit Station Areas
3. Nodes/Centres
4. Intensification Corridors.

[13] Mr. Davidge advised the MOP establishes a City Structure which is the basis of the following urban hierarchy;

- Downtown
- Major Nodes
- Community Nodes
- Corporate Centres
- Neighbourhoods and Employment Areas
- Special Purpose Areas.

[14] Mr. Davidge testified, as intensification areas, the MOP establishes that the major Nodes and community Nodes will be planned to reflect their role in the City Structure hierarchy and that development will promote the qualities of complete communities.

[15] In regard to healthy complete communities, Mr. Davidge advised the PPS promotes the creation of healthy, liveable and safe communities. An important part of this direction is land use patterns that promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel.

[16] Mr. Davidge advised the Growth Plan establishes that complete communities support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. They provide convenient access to an appropriate mix of jobs, local services and public service facilities, as well as a balance of jobs and housing to reduce the need for long distance commuting.

[17] Mr. Davidge stated among the objectives for intensification listed in the ROP 1996 and ROP 2022 are those to reduce dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments and to achieve a diverse and compatible mix of land uses, including residential and employment uses to support vibrant neighbourhoods.

[18] In concluding, Mr. Davidge submits the ROP 1996 and ROP 2022 include a section dedicated to Healthy Communities and the Built Environment in the implementation section. This section outlines a conception of healthy communities and links different policy areas within the broader plan to healthy community objectives. It identifies the elements of the built environment that impact healthy communities as: density, service proximity, land use mix, street connectivity, streetscape characteristics, and efficient parking. It indicates that health assessments will be incorporated into the development and review process.

[19] In Mr. Davidge's opinion, the proposed development is consistent with the policies of the PPS, conforms with the Growth Plan, conforms to the ROP 1996 and ROP 2022, and is appropriate in the context of the policies of the MOP.

EVALUATION OF THE SETTLEMENT PROPOSAL

Revisions to OPA 115 Policies Concerning Central Erin Mills Major Node Section

[20] Mr. Davidge highlighted several revisions to OPA 115 policies concerning the Central Erin Mills Node section. In regard to height, it has been revised to decrease the required minimum height of a building without a residential component from two storeys to one. Regarding density, the Floor Space Index (“FSI”) policy has been revised from establishing a maximum FSI of 2.75 to be calculated across the entire area of the Node, excluding public and private roads, to limit the FSI on individual properties to an FSI of 4.

[21] Regarding Urban Design, Mr. Davidge advised the Policy 13.2.4.1 establishes that a range of building types and heights will be provided to create diversity of urban form and housing choice. Mr. Davidge explained the language regarding mid-rise buildings not being connected to tall buildings was removed, as there was uncertainty as to how it would be interpreted and whether it would prevent buildings of different typology from being connected by underground structures, which was not the policy’s intent. Policy 13.2.4.4 was revised to change the standard from “maximize” to “promote adequate” natural light, sky views and privacy with the intent of a more flexible standard.

[22] Regarding mixed use designation, various policies have been revised, including redevelopment permitted uses, maintenance of the non-residential planned function of the mixed-use designation, and expansion of retail and service commercial uses.

[23] Regarding Transportation policies Mr. Davidge advised policies have been revised in regard to well-connected road systems, establishing a maximum block size of 80 metres (“m”) by 180 m, or equivalent perimeter to a maximum of 520 m, a limited number of private roads and phased basis requiring the replacement of surface parking areas by structured parking.

Summary

[24] In Mr. Davidge's opinion, the revisions made in the Settlement Proposal pertaining to policies in Section 13.2 of the MOP, both individually and taken as a whole with the rest of the amendment, represent good planning and are appropriate for the development of Central Erin Mills Major Node. They are consistent with the policies of the PPS, conform with the Growth Plan, conform to the ROP 1996 and ROP 2022, and are appropriate in the context of the policies of the MOP.

Revisions to OPA 115 Policies Concerning Mall-based Community Nodes

[25] Mr. Davidge highlighted several revisions to OPA 115 policies concerning Mall-based Community Nodes. According to Mr. Davidge, a general policy was added to reassure the Appellants in this matter, that the policies included elsewhere in the OPA did not represent requirements that exceeded the authority of the municipality.

[26] Regarding height, Mr. Davidge advised the maximum building height has been increased from 15 to 18 storeys. Regarding density, he highlighted the increase in FSI maximum that applies to individual sites to replace the approach of establishing a maximum FSI node-wide with a further policy indicating how this should be interpreted for an individual site.

[27] A revision to replace "employment" with "commercial" is the same as is made concerning Central Erin Mills Major Node. Regarding Urban Design, Mr. Davidge advised removing the definition of a mid-rise building, edges and setbacks relating to the scale of "other" buildings and widths of roads, promoting rather than maximizing light, and revising separation distance from 40 m to 30 m.

[28] Revisions also included mixed use designation, office uses, environment and transportation policies.

Summary

[29] In Mr. Davidge's opinion, the revisions made in the Settlement Proposal pertaining to policies in Section 14.1.7 of the MOP, both individually and taken as a whole together with the rest of the amendment, represent good planning and are appropriate for the development of the Mall-based Community Nodes. They are consistent with the policies of the PPS, conform with the Growth Plan, conform to the ROP 1996 and ROP 2022, and are appropriate in the context of the policies of the MOP.

CONCLUSION

[30] In Mr. Davidge's overall opinion, the Settlement Proposal revises the policies of OPA 115. OPA 115 is a set of Official Plan policy amendments that provide direction on the evolution of Mall-based Community Nodes to realize appropriate intensification, preserve and revitalize the planned function of these important areas and realize healthy, complete communities. The revisions made in the Settlement Proposal pertaining to policies in Sections 13.2 and 14.1.7 of the MOP, both individually and taken as a whole together with the rest of the amendment, represent good planning and are appropriate for the development of the Nodes in question. They are consistent with the policies of the PPS, conform with the Growth Plan, conform to the ROP 1996 and ROP 2022, and are appropriate in the context of the policies of the MOP.

FINDINGS AND DISPOSITION

[31] In the absence of any planning evidence to the contrary, the Tribunal finds and accepts the land use planning evidence and expert opinion provided by Mr. Davidge, that the proposed Official Plan Amendment represents good planning and is appropriate for the development of the Nodes, is consistent with the policies of the Provincial Policy Statement, 2020, conforms with the A Place to Grow: Growth Plan for the Greater

Golden Horseshoe, conforms to the ROP 1996 and ROP 2022, and is appropriate in the context of the policies of the MOP.

[32] The Tribunal acknowledges the cooperation between the Parties to reach a Settlement.

[33] Additionally, since the conclusion of the merit hearing held by the Tribunal, and prior to the issuance of this Decision, the Tribunal has reached out to the Parties to seek input if the passing of Bill 150, *Planning Statute Law Amendment Act, 2023*, which enacts the *Official Plan Adjustments Act, 2023* (“OPAA”) and received Royal Assent on December 6, 2023, had any impacts on the potential outcome of this matter. None of the Parties have provided responses to state that Bill 150 impacts the matter that was heard. As there has been no response provided, the Tribunal treats this as confirmation that there is no Bill 150 impact.

ORDER

[34] **THE TRIBUNAL ORDERS** that the appeals to Official Plan Amendment 115 (“OPA 115) are allowed, in part, and OPA 115 is modified, and approved in accordance with Exhibit 1 to the Affidavit of Andrew Davidge, attached hereto as Attachment 1, except that:

- (i) The appeal to Policy 14.1.7.1.3 related to Issues 4(D)(ii) and Issue 9 of the Phase II Issues is adjourned *sine die*; and

- (ii) Policies 13.2.5.1 to 13.2.5.6 and 14.1.7.4.1 to 14.1.7.4.8, which were the subject of the Phase I proceeding in this matter, are not affected by this Order.

“Eric S. Crowe”

ERIC S. CROWE
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

OPA 115 Policy Modifications

Major Node Policies Subject to OPA 115

Section 13.2, Central Erin Mills Major Node Character Area, of Mississauga Official Plan, is hereby amended by removing Floor Space Index (FSI) ranges from Map 13-2: Central Erin Mills Major Node Character Area.

Section 13.2, Central Erin Mills Major Node Character Area, of Mississauga Official Plan, is hereby amended by adding the following before Section 13.2.1, Special Site Policies and renumbering Section 13.2.1 to 13.2.11:

13.2.1 Introduction

The Central Erin Mills Major Node has a concentration of retail and service commercial uses, community facilities and transit facilities that serve the existing and planned uses within the Node and the broader regional community.

Erin Mills Town Centre is a two storey indoor mall surrounded by large surface parking lots and vacant parcels of land. Other types of retail and service commercial uses located in the Node include single storey and large format stores and strip plazas. It is anticipated that the Erin Mills Town Centre will remain as the retail anchor of the Node. However, the surface parking areas serving the mall, vacant lands and the single storey retail uses have development and intensification potential. The existing transit facilities will remain with plans to improve customer amenities.

The Node is to evolve into a healthy sustainable complete community with:

- its role as the centre of community life for persons of all abilities, incomes and ages preserved and enhanced through the provision of amenities, facilities, employment, social spaces and an attractive public realm
- its planned function as a focal point for retail and service commercial uses, community facilities and bus facilities retained
- the provision of a mixture of residential built forms and tenures suitable to a variety of income levels and household types including below-market priced housing
- active transportation modes that are prioritized within the Node and connect to the surrounding residential neighbourhoods
- public transit that is prioritized over vehicular traffic and connects to the surrounding regional community
- densities and a mix of uses that allow people to meet many of their needs locally and within walking distance
- an attractive and well-connected built environment that promotes physically active lifestyles

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- environmentally resilient development that includes the use of ***stormwater best management practices*** and ***green infrastructure***.

13.2.2 General

- 13.2.2.1 Community infrastructure within the Node should be retained and, where appropriate, enhanced to meet the needs of the existing and planned residential population of the Node and surrounding neighbourhoods.
- 13.2.2.2 Public and private elements, including cultural uses, public art and the design of buildings and spaces should be unified and create a sense of place that is accessible, age friendly, comfortable and welcoming at all times of the year and contributes to the identity of the Node.
- 13.2.2.3 Parkland should be designed and located to create a central focus for the Node. Parkland may also provide gathering spaces and linear connections throughout the Node, to existing open spaces, commercial developments, community facilities and to surrounding neighbourhoods.
- 13.2.2.4 Playgrounds should be provided within an unobstructed 400 m walking distance from residential areas within the Node.
- 13.2.2.5 Privately owned publicly accessible space that enhances and connects the public open space system is encouraged.
- 13.2.2.6 ***Tactical urbanism*** is encouraged to enliven the Node on a temporary basis or to test ideas for long term changes.
- 13.2.2.7 Transit infrastructure and service within the Node should be retained and, where appropriate, enhanced to meet the needs of the ridership demand of the Node in alignment with MiWay standards.

13.2.3 Height and Density

- 13.2.3.1 A minimum building height of three storeys and a maximum building height of 25 storeys will apply. Buildings without a residential component may have a minimum height of one storey.
- 13.2.3.2 In order to guide the form, massing and density of proposed buildings, individual properties will be limited to a ***floor space index (FSI)*** maximum of 4.0.
- 13.2.3.3 A gross density of between 200 and 300 residents and jobs combined per hectare measured across the Node will be achieved.
- 13.2.3.4 A combination of residential and commercial uses are encouraged.

13.2.4 Urban Design

- 13.2.4.1 Development will provide for a range of building types and heights, including mid-rise buildings to create diversity of urban form and housing choice.

**** *Underline indicates policies remaining under appeal/subject to review***

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- 13.2.4.2 Buildings will be designed and located to:
- a. frame and animate streets and public spaces;
 - b. create a coherent built environment;
 - c. provide setbacks along internal roads that provide a generally consistent building edge and relate to the scale of other buildings and width of roads;
 - d. provide reduced building setbacks on internal roads with grade-related retail and service commercial uses where appropriate;
 - e. provide significant and generally consistent setbacks along collector and arterial streets to promote landscape boulevards that enhance the pedestrian experience; and
 - f. create a street-wall along collector and arterial streets with appropriate openings for street-facing courtyards, where applicable, that provide usable landscape areas for residents and pedestrians
- 13.2.4.3 **Tall buildings** should have **podiums** and be located along arterial or collector roads or near transit facilities.
- 13.2.4.4 In order to promote adequate natural light, sky views and privacy, the following will be required:
- a. appropriate transitions between buildings, to open spaces and to adjacent neighbourhoods; and
 - b. a minimum separation distance of 30 metres will be provided between the tower portion of **tall buildings** to prevent clustering.

13.2.5 Residential Uses **

- 13.2.5.1 Residential development permitted by any land use designation will include:
- a. a minimum 10 percent of housing units that are below-market for each development application proposing more than 50 residential units. This will be comprised of units targeted for a range of middle income households. Approximately half of these units will be larger, family-sized dwellings containing more than one bedroom.
- For the purposes of this section:
- middle income is defined as Mississauga households with annual earnings between the lowest 40 to 60 percent of income distribution
 - below-market ownership housing means housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income

*** Underline indicates policies remaining under appeal/subject to review*

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- below-market rental housing means a unit for which the rent does not exceed 30 percent of gross annual household income

13.2.5.2 Affordable housing for low income households will be encouraged. It is recognized that affordable housing provision is subject to landowners being able to secure access to adequate funding and collaboration with the Region of Peel as Service Manager for subsidized housing.

13.2.5.3 Reduced parking requirements will be considered for the below-market and affordable housing units described in policies 13.2.5.1 and 13.2.5.2 as an incentive to encourage their development.

13.2.5.4 The below-market housing units described in Policy 13.2.5.1 are to be comprised of a mix of both below-market rental and below-market ownership housing when considered across the Node. Individual development applications are encouraged wherever possible to include a mix of both below-market rental and below-market ownership housing.

13.2.5.5 Land conveyance to a non-profit housing provider such as the Region of Peel will be considered in lieu of the direct provision of some or all of the below-market housing units described in Policy 13.2.5.1. Land parcel size, configuration, location, estimated unit yield and adherence to all other policies of this Plan will be included in this consideration.

13.2.5.6 Any existing below-market rental housing units that are retained under the provisions of the City's Rental Housing Protection By-law will count towards the below-market housing unit requirements described in Policy 13.2.5.1.

13.2.5.7 Residential built forms, unit types and sizes will accommodate the needs of a diverse population. This includes people at all stages of life and ability, particularly older adults, families and those with special needs.

13.2.5.8 Notwithstanding the Residential Medium Density policies of this Plan, mid-rise buildings are also permitted.

13.2.6 Mixed Use Designation

13.2.6.1 Lands designated Mixed Use will provide a variety of retail and service commercial uses that meet the needs of everyday living for people residing and working within the Node and in the surrounding neighbourhoods.

13.2.6.2 Retail and service commercial uses should be located to animate streets and public spaces.

13.2.6.3 Official plan amendments for the redesignation of lands designated Mixed Use may be considered provided the planned function of the non-residential uses is maintained.

13.2.6.4 Redevelopment that results in a loss of retail and service commercial floor space may be permitted if it can be demonstrated that the planned function of the existing non-residential component will be maintained.

*** Underline indicates policies remaining under appeal/subject to review*

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

- a. the role of the Major Node in the City Structure hierarchy is maintained;
- b. community facilities and gathering space functions of the floor space that would be lost, if any, are maintained or replaced with similar facilities and functions;
- c. a significant concentration of convenient, easily accessible retail and service commercial uses that meet the needs of the local population is maintained;
- d. commercial opportunities, such as office and institutional jobs, are encouraged; and
- e. a grocery store use is maintained within the Node.

13.2.6.6 Expansion of retail and service commercial uses are supported. Interim development that involves additions to or new stand-alone non-residential buildings is permitted as an interim condition. Policies 13.2.8.1, 13.2.9.12, and 13.2.9.13 do not apply to such interim development.

13.2.7 Office Uses

13.2.7.1 Redevelopment that results in the loss of office space will be discouraged.

13.2.7.2 Office development may be excluded from the calculation of maximum FSI requirements without an amendment to this Plan.

13.2.8 Environment

13.2.8.1 To achieve a sustainable community and reduce reliance on fossil fuels, development will be designed to include sustainable measures such as:

- a. Designing and orienting buildings to be "solar ready" and to take advantage of passive heating and cooling;
- b. Connecting to district energy systems, where available;
- c. Using **renewable energy** sources such as solar or geothermal energy;
- d. Managing stormwater run-off through innovative methods including **stormwater best management practices** and **green infrastructure**; and e. Installing green roofs or white roofs.

13.2.9 Transportation

13.2.9.1 A well-connected road system will be required in order to provide connectivity and encourage walking and cycling as the predominant modes of transportation within the Node.

*** Underline indicates policies remaining under appeal/subject to review*

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- 13.2.9.2 Blocks will have a maximum perimeter of 520 metres. Roads surrounding blocks will be public and meet City right-of-way and design standards. Permeability will be provided within blocks through means such as pedestrian walkways, cycling paths, parks and other publicly accessible spaces and vehicular access and servicing routes.
- 13.2.9.3 Private roads may be permitted instead of a public road to facilitate underground services such as deliveries and parking, subject to the following:
- a. public easements will be required;
 - b. required right-of-way widths will be provided; and
 - c. appropriate terminus may be required for maintenance and operations where a public road connects with a private road.
- 13.2.9.4 New roads will connect and align with existing roads in surrounding neighbourhoods.
- 13.2.9.5 Roads will be designed as complete streets. New roads will be designed to incorporate active transportation and transit infrastructure. Existing arterial and collector roads within and surrounding the Node will be redesigned to incorporate active transportation and transit infrastructure, as appropriate.
- 13.2.9.6 Landscaping, street furniture and building setbacks will be used to animate roads and create a positive pedestrian, cycling and transit-oriented experience.
- 13.2.9.7 Vehicular access from roads will be coordinated and consolidated in order to minimize driveways and disruption to pedestrians, cyclists and transit.
- 13.2.9.8 Pedestrian and cycling connections to transit facilities will be prioritized.
- 13.2.9.9 Transit services will be enhanced as ridership demands increase. Transit stations and facilities will be incorporated into redevelopment plans adhering to MiWay standards.
- 13.2.9.10 Bicycle parking will be required and will be located throughout the Node and at transit facilities.
- 13.2.9.11 On-street parking will be provided as appropriate and integrated into the **streetscape** design, balancing the needs of all modes of transportation and the public realm elements that share the right-of-way.
- 13.2.9.12 Surface parking areas will be replaced by structured parking on a phased basis as redevelopment proceeds. Limited surface parking will be permitted to accommodate matters such as accessibility parking spaces, car-share spaces and pick-up/drop-off point delivery services.
- 13.2.9.13 Where surface parking is permitted its impact should be minimized by being located at the rear or side of buildings, by using screening and employing low impact development techniques, and by providing pedestrian amenities, where appropriate.

*** Underline indicates policies remaining under appeal/subject to review*

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13.2.9.14 Underground parking structures are preferred, however, where above grade parking structures are permitted they will be screened in such a manner that vehicles are not visible from public view and have appropriate direction signage to the structure. Along prominent streets, parking structures should be screened by liner buildings that incorporate a mix of uses between the parking structure and the street.

13.2.10 Implementation

13.2.10.1 The need for a development master plan will be determined through a pre-application meeting and in consultation with staff prior to application submission. Redevelopment of the existing Erin Mills Town Centre mall property will require a development master plan. Matters to be addressed by the development master plan may, among other matters, include the following:

- a. Delineation of development blocks;
- b. Road alignment and characteristics;
- c. Distribution of density;
- d. Building heights and massing;
- e. Land uses and estimated number of people and jobs;
- f. Phasing plans;
- g. Relationship to surrounding areas;
- h. Servicing requirements;
- i. A public realm plan, including parkland;
- j. Vehicular and active transportation circulation plan;
- k. Vehicular and bicycle parking;
- l. Animation at grade, particularly for retail focus areas and in proximity to transit services and along major roads;
- m. Environmentally sustainable measures;
- n. Existing and proposed transit infrastructure; and
- o. Pedestrian Network Plan

13.2.10.2 The City will work with development proponents to integrate public and private investments to achieve the objectives of this Plan including the provision of a focal point for the residents and employees within the Node and surrounding neighbourhoods, housing choices for people of various income levels and household types and improvements to multi-modal transportation assets and facilities.

*** Underline indicates policies remaining under appeal/subject to review*

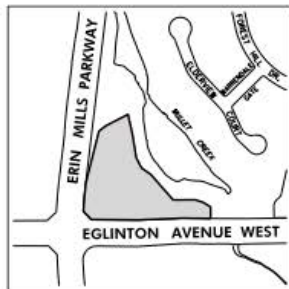
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- 13.2.10.3 The City may require a retail and service needs assessment study when development applications propose a reduction of existing commercial space. The study will address how the planned function of the Node as the focal point for retail and service commercial uses and community facilities for existing and planned residents of the Node and surrounding neighbourhoods is retained.
- 13.2.10.4 Where the redevelopment of retail and service commercial uses is proposed, phasing of development may be required to ensure that the planned function of the Node is maintained during redevelopment.
- 13.2.10.5 When a public road is required or a private road is permitted instead of a required public road, development will occur by way of plan of subdivision to secure the location and size of development blocks and the alignment of roads.
- 13.2.10.6 Applicants are encouraged to prepare development master plans jointly with other landowners in the Node. Where joint plans are not prepared, City staff may consult with other landowners in the Node.

4. Section 13.2, Central Erin Mills Major Node Character Area, of Mississauga Official Plan, is hereby amended by adding Special Site 2 on Map 13-2: Central Erin Mills Major Node Character Area in accordance with the Special Site Policies.

5. Section 13.2.11 (formerly policy 13.2.1), Special Site Policies, Central Erin Mills Major Node Character Area, of Mississauga Official Plan, is hereby amended by adding the following:

13.2.11.2 Site 2



- 13.2.11.2.1 The lands identified as Special Site 2 are located at the northeast corner of Eglinton Avenue West and Erin Mills Parkway.
- 13.2.11.2.2 Notwithstanding the policies of this Plan, the following additional policies will apply:
- a. a total maximum floor space index (FSI) of 3.4 will be permitted.
- 13.2.11.2.3 Policies of Sections 13.2.1 to 13.2.10 will not apply.

** *Underline indicates policies remaining under appeal/subject to review*

Mall-Based Community Node Policies Subject to OPA 115

14.1.7 Mall-based Community Nodes

The Malton, Meadowvale, Rathwood-Applewood, Sheridan and South Common Community Nodes were all created around an indoor shopping mall and have a concentration of retail and service commercial uses and community facilities. Community Nodes are expected to evolve and change as they intensify, however, their planned function as the focal point of commercial, community and transit uses serving the existing and planned residential and employment community within the Nodes and surrounding residential neighbourhoods, is to remain.

Many of the indoor shopping malls have undergone significant changes since they were initially built in terms of the mix of tenants, uses, physical size and layout. Common to all the shopping malls are large areas of surface parking and a variety of single storey small and large format retail stores that have developed surrounding the malls.

The mall-based Community Nodes will evolve into healthy sustainable complete communities with:

- their role as the centre of community life for persons of all abilities, incomes and ages preserved and enhanced through the provision of amenities, facilities, social spaces and an attractive public realm
- their planned function as a focal point for retail and service commercial uses, community facilities and transit facilities retained
- the provision of a mixture of residential built forms and tenures suitable to a variety of income levels and household types including below-market priced housing
- active transportation modes that are prioritized within the Nodes and connect to the surrounding residential neighbourhoods
- public transit that is prioritized over vehicular traffic and connects to the surrounding regional communities
- densities and a mix of uses that allow people to meet many of their needs locally and within walking distance
- attractive and well-connected built environments that promote physically active lifestyles
- environmentally resilient development that includes the use of ***stormwater best management practices*** and ***green infrastructure***.

14.1.7.1 General

14.1.7.1.1 Community infrastructure within the Nodes should be retained and, where appropriate, enhanced to meet the needs of the existing and planned residential population of the Nodes and surrounding neighbourhoods.

14.1.7.1.2 Public and private elements, including cultural uses, public art and the design of buildings and spaces should be unified and create a sense of place that is accessible, age friendly, comfortable and welcoming at all times of the year and contributes to a unique identity for each Node.

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- 14.1.7.1.3** Parkland should be designed and located to create a central focus for the Node. Parkland may also provide gathering spaces and linear connections throughout the Node, to existing open spaces, commercial developments, community facilities and to surrounding neighbourhoods.
- 14.1.7.1.4 A minimum of one playground should be provided in a central location within the Node.
- 14.1.7.1.5 Privately owned publicly accessible space that enhances and connects the public open space system is encouraged.
- 14.1.7.1.6 **Tactical urbanism** is encouraged to enliven Nodes on a temporary basis or to test ideas for long term changes.
- 14.1.7.1.7 Transit infrastructure and service within the Node should be retained and, where appropriate, enhanced to meet the needs of the ridership demand of the Node in alignment with MiWay standards.
- 14.1.7.1.8 A grocery store use should be maintained within the Node.
- 14.1.7.1.9 The requirements of these policies, including the retention and enhancement of community infrastructure, the design and redesign of new and existing roads, and the enhancement of transit infrastructure will be delivered in accordance with the applicable legislative framework.
- 14.1.7.2 Height and Density**
- 14.1.7.2.1 A minimum building height of three storeys will apply for buildings with a residential component.
- 14.1.7.2.2 A maximum building height of 18 storeys will apply.
- 14.1.7.2.3 Development with heights in excess of 18 storeys may be considered through a site-specific Official Plan Amendment application, subject to demonstrating the following:
- a. the overall intent, goals, objectives and policies of the Plan are achieved;
 - b. the type and scale of the development proposal is compatible with the immediate context and planned character of the area;
 - c. provision of an appropriate transition to adjacent land uses and buildings, including built form design and massing that provides for adequate sky views and limits visual impact, shadows, overlook and wind;
 - d. the City Structure hierarchy is maintained; and
 - e. the capacity, timing and delivery of engineering services, street network, community infrastructure and multi-modal transportation systems is sufficient to support the development.
- 14.1.7.2.4 In order to guide the form, massing and density of proposed buildings, individual properties will generally be limited to a **floor space index (FSI)** maximum of 3.75.
- 14.1.7.2.5 A gross density of between 150 and 250 residents and jobs combined per hectare measured across the Node will be achieved.
- 14.1.7.2.6 A combination of residential and commercial uses are encouraged.
- 14.1.7.3 Urban Design**

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- 14.1.7.3.1 Development will provide for a range of building types and heights, including mid-rise buildings to create diversity of urban form and housing choice.
- 14.1.7.3.2 Buildings will be designed and located to:
- a. frame and animate streets and public spaces;
 - b. create a coherent built environment;
 - c. provide setbacks along internal roads that provide a generally consistent building edge and relate to the scale of other buildings and width of roads;
 - d. provide reduced building setbacks on internal roads with grade-related retail and service commercial uses, where appropriate;
 - e. provide significant and generally consistent setbacks along collector and arterial streets to promote landscaped boulevards that enhance the pedestrian experience; and
 - f. create a street-wall along collector and arterial streets with appropriate openings for street-facing courtyards, where applicable, that provide usable landscape areas for residents and pedestrians.
- 14.1.7.3.3 **Tall buildings** should have **podiums** and be located along arterial or collector roads or near transit stations.
- 14.1.7.3.4 In order to promote adequate natural light, sky views and privacy, the following will be required:
- a. appropriate transitions between buildings, to open spaces and to adjacent neighbourhoods; and
 - b. a minimum separation distance of 30 metres will be provided between the tower portion of **tall buildings** to prevent clustering.

14.1.7.4 Residential Uses **

- 14.1.7.4.1 Residential development permitted by any land use designation will include:
- a. a minimum 10 percent of housing units that are below-market for each development application proposing more than 50 residential units within the Meadowvale, Sheridan and South Common Community Nodes. This will be comprised of units targeted for a range of middle income households. Approximately half of these units will be larger, family-sized dwellings containing more than one bedroom. For the purposes of this section:
 - middle income is defined as Mississauga households with annual earnings between the lowest 40 to 60 percent of income distribution
 - below-market ownership housing means housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income
 - below-market rental housing means a unit for which the rent does not exceed 30 percent of gross annual household income
- 14.1.7.4.2 Affordable housing for low income households will be encouraged. It is recognized that affordable housing provision is subject to landowners being able to secure access to

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- adequate funding and collaboration with the Region of Peel as Service Manager for subsidized housing.
- 14.1.7.4.3 Reduced parking requirements will be considered for the below-market and affordable housing units described in policies 14.1.7.4.1 and 14.1.7.4.2 as an incentive to encourage their development.
- 14.1.7.4.4 The below-market housing units described in policy 14.1.7.4.1 are to be comprised of a mix of both below-market rental and below-market ownership housing when considered across the Node. Individual development applications are encouraged wherever possible to include a mix of both below-market rental and below-market ownership housing.
- 14.1.7.4.5 Land conveyance to a non-profit housing provider such as the Region of Peel will be considered in lieu of the direct provision of some or all of the belowmarket housing units described in policy 14.1.7.4.1. Land parcel size, configuration, location, estimated unit yield and adherence to all other polices of this Plan will be included in this consideration.
- 14.1.7.4.6 Any existing below-market rental housing units that are retained under the provisions of the City's Rental Housing Protection By-law will count towards the below-market housing unit requirements described in Policy 14.1.7.4.1. 14.1.7.4.7 Residential built forms, unit types and sizes will accommodate the needs of a diverse population. This includes people at all stages of life and ability, particularly older adults, families and those with special needs.
- 14.1.7.4.8 Notwithstanding the Residential Medium Density policies of this Plan, low-rise and mid-rise apartment buildings are also permitted.
- 14.1.7.5 Mixed Use Designation**
- 14.1.7.5.1 Lands designated Mixed Use will provide a variety of retail and service commercial uses that meet the needs of everyday living for people residing and working within each Node and those living in surrounding neighbourhoods.
- 14.1.7.5.2 Retail and service commercial uses will be located to animate key streets and public spaces.
- 14.1.7.5.3 At least a portion of the ground floor of buildings on lands designated Mixed Use will consist of spaces that activate the public realm, such as retail and service commercial uses.
- 14.1.7.5.4 Official plan amendments for the re-designation of lands designated Mixed Use may be considered provided the planned function of the Mixed Use designation is maintained.
- 14.1.7.5.5 Redevelopment that results in a loss of retail and service commercial floor space will not be permitted unless it can be demonstrated that the non-residential planned function of the Mixed Use designation will be maintained.
- 14.1.7.5.6 For the purposes of the policies in this section, maintenance of the non-residential planned function of the Mixed Use designation means:
- a. the role of the Community Node in the City Structure hierarchy is maintained
 - b. community facilities and gathering space functions of the floor space that would be lost, if any, are maintained or replaced with similar facilities and functions; and
 - c. a significant concentration of convenient, easily accessible retail and service commercial uses that meet the needs of the local population is maintained.

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14.1.7.5.7 Interim development that involves additions to or new stand-alone non-residential buildings is permitted as an interim condition. Policies 14.1.7.8.12 and 14.1.7.8.13 do not apply to such interim development.

14.1.7.6 Office Uses

14.1.7.6.1 Redevelopment that results in the loss of office space will be discouraged.

14.1.7.6.2 Office uses shall be excluded from the calculation of maximum FSI requirements without an amendment to this Plan.

14.1.7.7 Environment

14.1.7.7.1 To achieve a sustainable community and reduce reliance on fossil fuels, development will be designed to include sustainable measures such as:

- a. designing and orienting buildings to be “solar ready” and to take advantage of passive heating and cooling;
- b. connecting to district energy systems, where available;
- c. using **renewable energy** sources such as solar or geothermal energy;
- d. managing stormwater run-off through innovative methods including **stormwater best management practices** and **green infrastructure**; and
- e. installing green roofs or white roofs on new residential buildings.

14.1.7.8 Transportation

14.1.7.8.1 A well-connected road system will be required in order to encourage walking and cycling as the predominate modes of transportation within the Nodes.

14.1.7.8.2 Blocks will generally have a maximum perimeter of 520 metres. Permeability will be provided within blocks through means such as pedestrian walkways, cycling paths, parks and other publicly accessible spaces and vehicular access and servicing routes.

14.1.7.8.3 Private roads may be permitted instead of a public road to facilitate underground services such as deliveries and parking, subject to the following:

- a. public easements will be required;
- b. required right-of-way widths will be provided; and
- c. appropriate terminus may be required for maintenance and operations where a public road connects with a private road.

14.1.7.8.4 New roads will connect and align with existing roads in surrounding neighbourhoods.

14.1.7.8.5 New roads will be designed as **complete streets**. Existing arterial and collector roads within, and surrounding, the Node will be redesigned as **complete streets**, as appropriate.

14.1.7.8.6 Landscaping, street furniture and building setbacks will be used to animate roads and create a positive pedestrian, cycling and transit-oriented experience.

14.1.7.8.7 Vehicular access from roads will be coordinated and consolidated in order to minimize driveways and disruption to pedestrians, cyclists and transit.

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- 14.1.7.8.8 Pedestrian and cycling connections to transit facilities will be prioritized.
- 14.1.7.8.9 Transit services will be enhanced as ridership demands increase. Transit stations and facilities will be incorporated into redevelopment plans adhering to MiWay standards.
- 14.1.7.8.10 Private bicycle parking will be required and will be located throughout the Nodes and at transit facilities.
- 14.1.7.8.11 On-street parking will be provided as appropriate and integrated into the **streetscape** design, balancing the needs of all modes of transportation and the public realm elements that share the right-of-way.
- 14.1.7.8.12 Surface parking areas will be replaced by structured parking on a phased basis as redevelopment proceeds. Limited surface parking will be permitted to accommodate matters such as accessibility parking spaces, car-share spaces and pick-up/drop-off point delivery services.
- 14.1.7.8.13 Where surface parking is permitted its impact should be minimized by being located at the rear or side of buildings, by using screening and employing low impact development techniques, and by providing pedestrian amenities, where appropriate.
- 14.1.7.8.14 Underground parking structures are preferred, however, where above grade parking structures are permitted they will be screened in such a manner that vehicles are not visible from public view and have appropriate direction signage to the structure. Along prominent streets, parking structures should be screened by liner buildings that incorporate a mix of uses between the parking structure and the street.

14.1.7.9 Implementation

- 14.1.7.9.1 The need for a development master plan will be determined through a pre-application meeting and in consultation with staff prior to application submission. Redevelopment of the existing mall properties will require a development master plan. Matters to be addressed by the development master plan may, among other matters, include the following:
 - a. Delineation of development blocks;
 - b. Road alignment and characteristics;
 - c. Distribution of density;
 - d. Building heights and massing;
 - e. Land uses and estimated number of people and jobs;
 - f. Phasing plans;
 - g. Relationship to surrounding areas;
 - h. Servicing requirements;
 - i. A public realm plan, including parkland;
 - j. Vehicular and active transportation circulation plan;
 - k. Vehicular and bicycle parking;
 - l. Animation at grade, particularly for retail focus areas and in proximity to transit services and along major roads;
 - m. Environmentally sustainable measures;
 - n. Existing and proposed transit infrastructure; and

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o. Pedestrian Network Plan

- 14.1.7.9.2 The City will work with development proponents to integrate public and private investments to achieve the objectives of this Plan including the provision of a focal point for the residents and employees within each Node and surrounding neighbourhoods, housing choices for people of various income levels and household types and improvements to multi-modal transportation assets and facilities.
- 14.1.7.9.3 The City may require a retail and service needs assessment study when development applications propose a reduction of existing commercial space. The study will address how the planned function of the Node as the focal point for retail and service commercial uses and community facilities for existing and planned residents of the Node and surrounding neighbourhoods is retained.
- 14.1.7.9.4 Where the redevelopment of retail and service commercial uses is proposed, phasing of development may be required to ensure that the planned function of the Node is maintained during redevelopment.
- 14.1.7.9.5 When a public road is required or a private road is permitted instead of a required public road, development will occur by way of plan of subdivision to secure the location and size of development blocks and the alignment of roads.
- 14.1.7.9.6 Applicants are encouraged to prepare development master plans jointly with other landowners in the Node. Where joint plans are not prepared, City staff may consult with other landowners in the Node.
7. Section 14.4, Malton Community Node Character Area, of Mississauga Official Plan, is hereby amended by removing **Floor Space Index (FSI)** ranges from Map 14-4: Malton Community Node Character Area.
8. Section 14.4, Malton, Community Node Character Area, of Mississauga Official Plan, is hereby amended by deleting Section 14.4.1, Urban Design Policies.
9. Section 14.4 Malton Community Node Character Area, of Mississauga Official Plan, is hereby amended by deleting Sections 14.4.2, Special Site Policies and 14.4.2.1, Site 1.
10. Section 14.5, Meadowvale Community Node Character Area, of Mississauga Official Plan, is hereby amended by removing Floor Space Index (FSI) ranges from Map 14-5: Meadowvale Community Node Character Area.
11. Section 14.5, Meadowvale, Community Nodes, of Mississauga Official Plan, is hereby amended by deleting Section 14.5.1, Land Use.
12. Section 14.5, Meadowvale, Community Nodes, of Mississauga Official Plan, is hereby amended by deleting Sections 14.5.2, Special Site Policies and 14.5.2.1. Site 1.
13. Section 14.7, Rathwood-Applewood Community Node Character Area, of Mississauga Official Plan, is hereby amended by removing **Floor Space Index (FSI)** ranges from map 14-7: Rathwood-Applewood Community Node Character Area.
14. Section 14.7, Rathwood-Applewood Community Nodes of Mississauga Official Plan, is hereby amended by deleting Section 14.7.1, Land Use.

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15. Section 14.7.2, Special Site Policies, Rathwood-Applewood Community Node, of Mississauga Official Plan, is hereby amended by deleting Sections 14.7.2.1. Site 1 and 14.7.2.2 Site 2.
16. Section 14.7, Rathwood-Applewood Community Node of Mississauga Official Plan, is hereby amended by renumbering Section 14.7.2.3 to 14.7.2.1.
17. Section 14.7, Rathwood-Applewood Community Node of Mississauga Official Plan, is hereby amended by deleting Policy 14.7.2.1 (formerly 14.7.2.3.2) and replacing it with the following:

14.7.2.1.2 Notwithstanding the provisions of this Plan, townhouse dwellings will be permitted. The maximum *floor space index (FSI)* permitted for all development will be 2.56 and the maximum permitted height will be 20 storeys.
18. Section 14.8, Sheridan Community Node Character Area, of Mississauga Official Plan, is hereby amended by removing **Floor Space Index (FSI)** ranges from Map 14-8: Sheridan Community Node Character Area.
19. Section 14.8, Sheridan Community Node Character Area, of Mississauga Official Plan, is hereby amended by deleting Sections 14.8.2, Special Site Policies and 14.8.2.1. Site 1.
20. Section 14.8, Sheridan, Community Nodes of Mississauga Official Plan, is hereby amended by deleting Section 14.8.1, Land Use.
21. Section 14.9, South Common Community Node Character Area, of Mississauga Official Plan, is hereby amended by removing **Floor Space Index (FSI)** ranges from Map 14-9: South Common Community Node Character Area.
22. Section 20, Glossary, of Mississauga Official Plan, is hereby amended by adding the following:

Podium means the base of a building that is distinguished from the taller portion of the building by being set forward or articulated architecturally.

Tactical Urbanism means the use of low-cost and temporary changes to the built environment that add to the vitality and activity of the community or to test ideas that may result in long term change.

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