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GAGNON LAW BOZZO
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Principals
Michael Gagnon, B.E.S., M.C.I.P., R.P.P.
Lily Law, B.E.S.
Jennifer Bozzo, B.A., M.C.I.P., R.P.P.

LEGISLATIVE SERVICES			
COPY TO:		FOR:	
Chair	✓	Committee	
CAO	✓		
Corporate Services		Council	✓
Public Works	✓	Dec. 10, 2009	
Employee and Business Services		Rc	
Health Services		File	
Human Services			
Peel Living			

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED ✓

November 30, 2009

Our File:
P.N.90.050.00
OPA 95

The Regional Municipality of Peel
Clerk's Department
10 Peel Centre Drive, 5th Floor, Suite A
Brampton, Ontario
L6T 4B9

RECEIVED
DEC 03 2009
REGION OF PEEL
CLERKS DEPT.

Attention: Jeff Payne, Deputy Regional Clerk

Re: Mississauga OPA 95
Region of Peel Growth Plan Conformity Exercise

(copies of figures 1, 2 & 3 are available from the office of the Regional Clerk)

Dear Mr. Payne:

Gagnon & Law Urban Planners Ltd. (G&L) (formerly Gagnon Law Bozzo Urban Planners Ltd.) represents Azuria Group (Azuria), the registered owner of 3150 Golden Orchard Drive, located at the southwest corner of Golden Orchard Drive and Dixie Road, Part of Lot 6, Concession 1, N.D.S., City of Mississauga, Regional Municipality of Peel.

The Azuria site is located north of the intersection of Dixie Road and Dundas Street East. It is bound by Golden Orchard Drive and detached residential dwellings to the north, Little Etobicoke Creek and District Commercial uses to the south, detached residential dwellings and valley land to the east and detached residential dwellings to the west.

The site has an approximate area of 2.44 ha. (6.03 ac.), a frontage along Golden Orchard Drive of approximately 113 m. (370 ft.) and 158 m. (518 ft.) along Dixie Road. It is currently occupied by two (2) existing 14 and 16 storey apartment buildings, containing a total of 238 units. The current in force zoning applicable to the site permits a third multi-storey apartment building. The zoning permits a total of 328 residential units.

City of Mississauga OPA 95

Azuria has requested that we review City of Mississauga Official Plan Amendment 95 ("OPA 95"), which is meant to bring the Mississauga Official Plan into conformity with the Growth

21 Queen Street East, Suite 500 ∘ Brampton, Ontario, Canada L6W 3P1
Phone: (905) 796-5790 x233 ∘ Fax: (905) 796-5792 ∘ E-mail: mgagnon@glbplanners.com

Plan for the Greater Golden Horseshoe. The City of Mississauga has forwarded OPA 95 to the Region of Peel for approval.

Earlier this year, the Region of Peel commented that OPA 95 did not conform to population and employment figures contained in the Region of Peel Official Plan. The Region of Peel was of the opinion that the lack of conformity between the proposed Amendment and the Region of Peel Official Plan resulted in a situation where the Amendment did not meet the tests for exemption from Regional approval pursuant to Peel Region By-law 1-2000. Regional staff recommended that the Amendment be deferred until after the Regional Plan has been amended. The Regional Plan is to be amended by way of ROPA 24. In Regional staff's own November 12, 2009 staff report, they have advised that "a large number of circulation responses to ROPA 24 have been received which provided significant input on complex growth management issues. As such, an approval date cannot be reasonably predicted for ROPA 24". On this basis, Azuria cannot support the approval of OPA 95.

In light of Regional staff's admission that they have received "significant input on complex growth management issues" related to the Growth Plan Compliance Exercise, it seems inconceivable that they can now support the advancement and approval of OPA 95. It also seems inconceivable that the Region of Peel would recommend the approval of the whole of OPA 95 (save and except for Section 1.2) when OPA 95 includes policies which may very well need to be amended in order to comply with ROPA 24 which is yet to be approved. If the Region proceeds to approve OPA 95 it is possible that OPA 95 may need to be amended.

We are concerned with Regional staff's decision to not conduct a second circulation of OPA 95, especially in view of their comments on the status of ROPA 24.

We have had an opportunity to review the OPA 95, together with the May 12th, 2009 Mississauga staff report; and additional background reports that were used as the basis for the proposed Amendment. We have reviewed the Region of Peel staff report dated November 12, 2009 dealing with OPA 95. This report is intended to be considered by Peel General Committee on December 3, 2009 and Regional Council on December 10, 2009. It is our recommendation that only after the Region's conformity exercise is complete should OPA 95 be considered for approval. In the absence of the approval of ROPA 24, we fail to understand what the purpose behind the approval of OPA 95.

On behalf of our Azuria, we wish to offer additional comments, observations and recommendations in connection with OPA 95. Please note that a separate submission on ROPA 24 is forthcoming.

- It is premature to approve OPA 95 in advance of the approval of ROPA 24, on account of the fact that ROPA 24 is meant to implement the goals and objectives of the Provincial Growth Plan on a Regional basis. ROPA 24 is still under review. Regional staff have identified complex growth management issues which have not yet been rectified. Until ROPA 24 has been approved there is no way of knowing whether or not OPA 95 will be in conflict with ROPA 24. The premature approval of OPA 95 may unduly and inappropriately impact on the direction taken with respect to the policies which will constitute ROPA 24.

- It is inappropriate to approve population and employment forecasts in the absence of the approval of a Regional framework.

- Future growth and development should be directed to not only the Urban Growth Centre, but all areas of the municipality which exhibit characteristics which are conducive to the accommodation of higher density development. These characteristics include the availability of existing and planned infrastructure capable of accommodating higher density development; including engineering services, transportation capacity, transit services and community infrastructure; as well as commercial, open space and institutional facilities.

- Prior to supporting the notion of reducing population and employment forecasts on the basis that satisfactory arrangements for the implementation of high-order transit are not made, it is necessary that the policy framework be more explicit regarding what constitutes "satisfactory arrangements". In the absence of details, Section 1.2 is far too subjective.

- Based on the strategic location of the Azuria site on Dixie Road, a designated 45.0 metre Arterial, we are of the opinion that it would be appropriate that Schedule 2 be amended to identify Dixie Road as a Higher Order Transit Corridor. Dixie Road connects to the Highway 401 and Highway 407. It also provides a vital transportation and transit linkage to the rest of the City of Mississauga and Region of Peel. Consideration should also be given to elevating all other arterial roads across the municipality thereby maximizing their potential.

- We do not understand the rationale behind the proposal to delete Section 2.10.2.4. The policy as it currently reads encourages conventional transit close to medium and high density development and in lower density areas; this is considered positive.

- Section 3.2.3.11 should be amended to encourage and support Residential Intensification where infrastructure and community services exist capable of supporting proposed development. If engineering facilities, transit, and community services capacity exits it should be utilized to its fullest.

- Section 3.13.1.1 references Intensification Areas as shown in Figure 1. The proposed Intensification Areas are too narrowly defined and do not support the intent of the Growth Plan which seeks to encourage and facilitate intensification in areas; not just within Urban Growth Centres. The Growth Plan recognizes that there are other major opportunities for intensification; including brownfields and greyfields.

- Section 3.13.1.3 suggests that Nodes are identified on the Planning District Land Use Maps. The Amendment which is attached to the November 12, 2009 Regional staff report does not include the Planning District Maps.

- Section 3.13.1.4 identifies Hurontario Street and Dundas Street East as Intensification Corridors. For the reasons stated above, we believe that Dixie Road should be identified as an Intensification Corridor. The appropriateness of the Dixie Road Corridor for higher density residential development is well documented and

supportable as evidenced by numerous existing medium and high density developments.

- Assuming that Dixie Road is re-classified as an Intensification Corridor and the Azuria site and the lands located on the east and west sides of Dixie Road, south to Dundas Street East, are identified as a Node, then it would be appropriate to amend Sections 3.13.3 and 3.13.4 to include these lands and prescribe minimum and maximum height of buildings should be prescribed.

- In the context of the foregoing and focusing specifically on the Azuria site, recognizing that existing buildings are 14 and 16 storeys tall, at a minimum future development on the Azuria site should be permitted to a height of 16 storeys. It would be appropriate to examine the heights of other buildings within the proposed Node to establish what might be appropriate on other properties. Please find attached to this submission a concept site plan illustrating the location of the existing apartment buildings and two (2) newly proposed buildings.

- With respect to Section 3.13.5 dealing with lands located Outside Intensification Areas, the policy language should be amended to make it clear that existing residential areas include a broad range of low, medium, and high density development and that these developments define the character of neighbourhoods. In the case of the residential area within which the Azuria site is located, the character located closes to the Dixie Road is in large part defined by the existing apartment buildings.

- Recognizing the size of the Azuria site, it would be appropriate to focus intensification within this residential area on the Azuria site which is located at the intersection of Golden Orchard Drive and Dixie Road. The way that policies 3.13.5.1 through 3.13.5.5 are written, it is conceivable that individuals reading the Official Plan may be mislead into believing that intensification is not to be considered. Care needs to be exhibited to ensure intensification opportunities are optimized and that available infrastructure is used to its maximum capacity. In this regard, the recommended four (4) storey height seems overly restrictive and may serve to discourage the pursuit of development which may be wholly appropriate.

- Section 3.17.3.14.a should be further amended to include Dixie Road along with the references to Hurontario Street and Dundas Street for the reasons articulated in this submission.

- Section 4.3 Applewood Land Use Map should be amended to clearly indicate that Dixie Road is to be delineated as a Higher Order Transit Corridor; similar to Hurontario Street and Dundas Street. This delineation should be made in the appropriate policies and plans which apply to the other Secondary Plan areas that Dixie Road traverses.

- Section 5.3.1.10 should be further amended to include Dixie Road along with references to Hurontario Street and Dundas Street for the reasons articulated in this submission.

We respectfully request that this submission be recognized as formal input into the OPA 95 approval process and that it be acknowledged that it was received prior to Region of Peel Council approval of OPA 95. We reserve the right to provide additional input into OPA 95. We request that the Region of Peel as the approval authority notify us on any and all approvals associated with OPA 95.

We formally request to be notified of future Planning Committee and Council meeting dates where OPA 95 and the Regional Growth Plan conformity exercise are to be addressed.

Yours truly,

Michael Gagnon, B.E.S., M.C.I.P., R.P.P.
Managing Principal Planner

Marc De Nardis, B.U.R.Pl
Associate Planner

c.c.: **D. Labreque, Region of Peel**
E. Sajecki, City of Mississauga
C. Greer, City of Mississauga
E. Devico, Azuria Group
S. Zakem, Aird & Berlis
S. Stoll, Aird & Berlis
J. Bourie, Counterpoint Engineering