

City of Mississauga Department Comments

Date Finalized: 2024-08-08	File(s): A339.24
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2024-08-15 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the amendments.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new building proposing:

1. An apartment tower floor plate of 860.00sq m (approx. 9257.04sq ft) whereas By-law 0225-2007, as amended, permits a maximum apartment tower floor plate of 850.00sq m (approx. 9149.40sq ft) in this instance;
2. A podium projection for the first 3 storeys of a residential building of 2.50m (approx. 8.20ft) whereas By-law 0225-2007, as amended, permits a maximum podium projection for the first 3 storeys of a residential building of 0.00m (approx. 0.00ft) in this instance;
3. A 49.00% glazed area of the first storey street wall of a building containing a non-residential use facing a "A" street frontage whereas By-law 0225-2007, as amended, requires a minimum glazed area of the first storey street wall of a building containing a non-residential use facing a "A" street frontage of 65.00% in this instance;
4. A retail activation unit depth of 4.40m (approx. 14.44ft) whereas By-law 0225-2007, as amended, requires a minimum retail activation unit depth of 10.00m (approx. 32.81ft) in this instance.

Amendments

The Building Department is currently processing a site plan approval application under file SP 21-119. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

2. A podium projection for the first 3 storeys of a residential building of 2.81m whereas By-law 0225-2007, as amended, permits a maximum podium projection for the first 3 storeys of a residential building of 0.00m (approx. 0.00ft) in this instance

Should Committee see merit in the application, Planning staff recommend the following amendment:

3. A 55.9% glazed area of the first storey street wall of a building containing a non-residential use facing a "A" street frontage whereas By-law 0225-2007, as amended, requires a minimum glazed area of the first storey street wall of a building containing a non-residential use facing a "A" street frontage of 65.00% in this instance;

Background

Property Address: 180 Burnhamthorpe Rd W

Mississauga Official Plan

Character Area: Downtown Core
Designation: Downtown Mixed Use

Zoning By-law 0225-2007

Zoning: H-CC2(2) - Commercial

Other Applications: SP 21-119 & H-OZ 22-4

Site and Area Context

The subject property is located south-west of the Burnhamthorpe Road West and Hurontario Street intersection in the Downtown Core Character Area. With the site currently vacant, the applicant is proposing to construct two mixed-use buildings being 40 and 60-storeys in height consisting of 1,063 dwelling units and office and retail space. The surrounding context includes a mix of uses, including commercial, residential and office uses, as well as a mix of built forms such as single detached dwellings and high-rise apartment units.

The proposal requires variances for floorplate size, podium projection, glazing and retail activation unit depth.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

The subject property is located in the Downtown Core Character Area and is designated Downtown Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP).

Planning staff note the nature of the four variances sought are to facilitate a design which has been conceptually approved by both the Urban Design and Development Planning teams through their review of the application to lift the H provision (H-OZ 22-4) and Site Plan Approval application (SP 21-119).

Variance 1 requests an increase in tower floor plate size. The intent of limiting residential tower floor plate sizes is to promote compact, slim towers thereby minimizing shadow impacts and negative wind conditions, maximizing separation, protecting views between buildings, and reducing privacy and overlook impacts on adjacent streets, parks, open spaces and properties. Planning staff have reviewed the requested tower floor plate size with Urban Design staff and are satisfied that the increase is negligible and will result in a compact, slim tower mitigating privacy and overlook impacts to adjacent properties.

Variance 2 requests a podium projection for the first 3 storeys of the residential building of 2.81m. The intent of limiting a podium projection is to mitigate the perception of height creating a comfortable scale for pedestrians, mitigate the effects of wind on the pedestrian environment and to maximize sunlight on the public realm. Staff are satisfied that the projected podium design creates a uniform street wall, mitigates the perception of height and effects of wind while maintaining a viable public realm.

Variance 3 pertains to a reduced ratio of the glazed area of the first storey street wall of a building containing a non-residential use. The intent of this zoning by-law regulation is to avoid blank walls along key major streets and to promote a pedestrian-oriented environment. Through conversations with Urban Design staff, initial concerns were raised about the amount of glazing (49%) proposed by the applicant with variance #3. Due to the subject property's prominent location in proximity to the proposed Exchange District, the City's vision for this area is to create an active lively pedestrian oriented urban place in the heart of the emerging downtown. After reviewing staff concerns, the applicant submitted revised drawings depicting changes to the Burnhamthorpe Road West façade resulting in an increased clear glazing ratio of 55.9%. While the variance is still required for reduced glazing, Urban Design and Planning staff are satisfied with the revision and the increased clear glazing area as it will enhance and promote a pedestrian-oriented environment.

Variance 4 requests a reduction in retail activation unit depth. The intent of the by-law regulation is to ensure existing and new streets that are deemed 'retail activation streets' in the Downtown Core establish at grade retail within mixed use buildings to create a "Mainstreet" environment. Staff note the reduction in retail unit depth is due to pinch points on the ground floor created by design elements of the building such as vestibules, exhaust shafts and entrance and access points to the residential component of the building. Staff are satisfied the intent of establishing retail space at grade is maintained even when considering the reduction of retail activation unit depth

Staff are of the opinion that the requested variances represent minor changes that have already been reviewed in consultation with municipal staff and do not fundamentally change the intended design or functionality of the site. Planning staff have no objections to the proposed variances as they meet the general intent and purpose of the official plan and zoning by-law, are minor in nature and result in orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Comments Prepared by: Tony Iacobucci, T&W Development Engineering

We are noting that any Transportation and Works Department comments/requirements for the proposed development are being addressed through the Site Plan Application Process, City File: SP 21-119.

Appendix 2 – Zoning Comments

SP RECEIVED, AMEND VARIANCE

The Building Department is currently processing a site plan approval application under file SP 21-119. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

1. A podium projection for the first 3 storeys of a residential building of 2.81m whereas By-law 0225-2007, as amended, permits a maximum podium projection for the first 3 storeys of a residential building of 0.00m (approx. 0.00ft) in this instance

Our comments are based on the plans received by Zoning staff on 06/18/2024 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack - Zoning

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 4 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 180 Burnhamthorpe Road West to allow the construction of a new building proposing:

- An apartment tower floor plate of 860.00sq m (approx. 9257.04sq ft) whereas By-law 0225-2007, as amended, permits a maximum apartment tower floor plate of 850.00sq m (approx. 9149.40sq ft) in this instance.
- A podium projection for the first 3 storeys of a residential building of 2.50m (approx. 8.20ft) whereas By-law 0225-2007, as amended, permits a maximum podium projection for the first 3 storeys of a residential building of 0.00m (approx. 0.00ft) in this instance.
- A 49.00% glazed area of the first storey street wall of a building containing a non-residential use facing a “A” street frontage whereas By-law 0225-2007, as amended, requires a minimum glazed area of the first storey street wall of a building containing a non-residential use facing a “A” street frontage of 65.00% in this instance.
- A retail activation unit depth of 4.40m (approx. 14.44ft) whereas By-law 0225-2007, as amended, requires a minimum retail activation unit depth of 10.00m (approx. 32.81ft) in this instance.

As circulated on July 18th, 2024, and to be heard at Public Hearing on August 15, 2024, at 1:00 PM. Metrolinx’s comments on the subject application are noted below:

- The subject property is located in proximity of the proposed Hazel McCallion LRT (formerly Hurontario LRT).

GO/HEAVY-RAIL – ADVISORY COMMENTS

- Be advised Metrolinx is a stakeholder that has provided comments on the comprehensive application including the Site Plan application and has been engaged in technical review with our Technical Advisor.
- Any comments/requirements provided by Metrolinx and/or our Technical Advisor are still applicable.
- Metrolinx and its contractors will be utilizing the Hurontario Street right-of-way, and its intersections, during the project’s Construction Period. Based on the location of the subject property, there is potential for construction coordination and traffic staging conflicts.
 - Should construction of the Hazel McCallion LRT and the proposed development occur simultaneously, Metrolinx will require the developer to submit schedule or staging plans to coordinate access to both parties.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit:

- **Warning:**
 1. The proximity of the proposed development lands municipally described as *180 Burnhamthorpe Rd West* (the “**Development**”), to the Metrolinx *Hurontario RT Corridor* LRT works, and *Matthews Gate*. Stop infrastructure, may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as “**Interferences**”) to the Development;
 2. It has been advised by Metrolinx to apply reasonable attenuation/mitigation measures with respect to the level of the Interferences on and in the Development;
 3. A Metrolinx Interferences Warning clause, as provided below and satisfactory to Metrolinx has been, or shall be inserted into all rental agreement(s), and/or offers of purchase and sale or lease and condominium declaration(s) for individual lots, blocks or units of the Development:
 - *“The Purchaser and/or Lessee acknowledges and agrees that the proximity of the lands municipally described as Burnhamthorpe Rd West (the “Development”) to Metrolinx transit operations may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as “interferences”) to the Development and despite the inclusion of control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants in the Development. The Purchaser and/or Lessee acknowledge and agree that an electromagnetic, stray current and noise-warning clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die with the closing of the transaction.”*

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com.

Comments Prepared by: Jenna Auger, Third Party Project Review