



Committee of Adjustment
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Secretary-Treasurer
Committee of Adjustment
4th Floor, 101 Centrepointe Drive
Ottawa (Nepean) ON K2G 5K7

RE: Application for Consent to Sever
1 Rideau Street – Château Laurier Hotel Addition
Capital Hotel GP Inc.

This letter is filed on behalf of Capital Hotel GP Inc. in support of an application for a consent to sever the lands known municipally as 1 Rideau Street. The general intent of the application is to facilitate the financing and construction of an addition to the existing hotel as approved in Site Plan File D07-12-20-0158 (<https://devapps.ottawa.ca/en/applications/D07-12-20-0158/details>).

The following documents are attached in hard copy in support of this application:

- Application form including a letter of authorization as an agent for the owner.
- Parcel abstract page to confirm ownership.
- Topographic survey of the subject property
- Site Plan
- Draft reference plan
- Tree conservation plan with supporting tree location plan and arborist's report.
- Application fee of \$2994.00 payable to the City of Ottawa.

Copies of these documents in PDF can be accessed with the following link:

<https://www.dropbox.com/sh/o066cq0lyfs5cxd/AABxivscXHVZuYFAAjJlvOrea?dl=0>

Purpose of the Application

The purpose of the application is to sever the existing site of the Château Laurier Hotel to create two separate parcels, one for the hotel and the other for the approved, but not yet constructed, addition. This severance will facilitate the construction of the addition by permitting Capital Hotel GP Inc. (the Owner) to obtain separate financing for each parcel, and to distinctly convey, charge and/or discharge the financial and other instruments which are intended to apply to either or both of the parcels.

Following construction, the existing hotel will continue to operate as it does currently but with the additional opportunities provided by the provision of the long-term stay suites as well as the shared use of the new meeting facilities, outdoor courtyard, internal loading bays and underground parking garage. Access to the overall site will continue to be from Rideau Street and from Mackenzie Avenue as it has in the past.

Existing and Proposed Easements

Given the relationship between the subject property and the terraces along the Rideau canal, as well as with the Crown owned adjacent lands, there are a broad range of interests which are applicable to the subject property. The relevant easements have been identified in discussion with Borden Ladner Gervais who are providing legal support on behalf of Capital Hotel GP Inc. on this matter.

In response to Question 3 on the application form, the following table is provided to identify the existing easements that directly impact the subject property.

Instrument	Interest	Servient Lands	Dominant Lands	Purpose
N529025	Easement	Part of Lot B, Concession C, Rideau Front, formerly in the Township of Nepean, now in the City of Ottawa, Regional Municipality of Ottawa-Carleton, designated as Part 6, Plan 5R-11600	Parts 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 16, 19, 21, 23 and 25 on Plan 5R-11600	“To enter on, construct, install, erect, place, build, maintain, inspect, repair or remove any improvements or appurtenances whatsoever necessary or incidental to use of the Transferor’s Lands as a sidewalk, walkway or promenade provided that until demolition of the building existing as of the date hereof on Parts 1, 6 and 26 on Plan 5R-11600 and known as the Chateau Laurier building the Transferee shall not interfere with the use and enjoyment by the Transferor of the canopy or the right of access for pedestrian or vehicular traffic to the Chateau Laurier building existing as of the date hereof over the Transferor’s Lands.”
OC1954922	Easement	Part of Lot B, Concession C (Rideau	All of PINs 04280-0030	“To access the Easement Lands to construct, install, inspect,



		Front) Nepean, Being Part 1 on Plan 4R-26503, City of Ottawa (Part of PIN 04280-0100)	and 04280-0032	maintain, operate, repair, replace and reconstruct the steam and chilled water distribution systems located on the Easement Lands.”
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In response to Question 4 in the application form regarding proposed easements the following response is provided:

“The Owner will create such blanket reciprocal easements and rights as may be required in connection with the physical and functional integration of the existing Chateau Laurier Hotel and the addition, and/or other matters of mutual interest relating to each parcel. These matters of mutual interest will include among other things, the use, maintenance, operation, repair, replacement, inspection and/or the right to gain access to systems, facilities, structures, servicing elements and/or areas which are agreed to benefit or provide service to both parcels, or one parcel but which are located in whole or in part within the other parcel.”

Regulatory Framework and Criteria for Approval

Applications for a consent to sever must address the criteria listed in Section 51(24) of the *Planning Act*. The criteria as stated were drafted to apply to an application for a plan of subdivision and so I have reworded them as appropriate to assess this application.

The following are my opinions on how this application respond to these criteria as they are found in the Act.

(a) the effect of development of the proposed severance on matters of provincial interest as referred to in Section 2 (of the Act)

The proposed severance will have no adverse effect on matters of provincial interest as found in Section 2 or as stated in the Provincial Policy Statement 2020. The severance is intended to facilitate the construction of an addition to the hotel previously approved in Site Plan File D07-12-20-0158 (the Approval). It will not the alter the intent or purpose of the development as proposed in that approval.

(b) whether the proposed severance is premature or in the public interest

This application is timely and in the public interest as it seeks to facilitate the implementation of the Approval which was granted on February 5, 2021.



(c) whether the severance conforms to the official plan and adjacent plans of subdivision, if any

The subject property is designated Downtown Core Transect; Parliament and Confederation Boulevard Special District in the Official Plan 2021. This designation supports a broad range of uses with a built form appropriate for a dense urban setting with proximal access to public transit. The proposed hotel addition built form and land use conforms with this designation. It allows for an infill development that better utilizes the existing hotel property and the addition helps to sustain the ongoing operations of the hotel.

(d) the suitability of the land for the purposes for which it is to be subdivided

The land is currently used for hotel purposes, and this will continue.

Subsections *(d.1)* and *(e)* are not applicable to this application.

(f) the dimensions and shapes of the proposed lots

The dimension and shape of the proposed lot is dictated by the limits of the existing hotel on the site and the area to which the Approval applies.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land

The site is zoned Mixed Use Downtown Zone F(4.5) under Comprehensive Zoning By-law 2008-250 as amended. It is also subject to Section 60 Heritage Overlay of said By-law. The conformity of the proposed redevelopment to these restrictions was confirmed in the Approval. Section 93 – One Lot for Zoning Purposes (see section details included at the end of this letter) permits the severing of the rear portion of the site without any change as to how the by-law provisions are applied across the entire developed area of the original lot.

Subsections *(h)* through *(m)* are not applicable to this application.

Summary Opinion

This concludes my analysis of the criteria under Section 51(24) of the *Planning Act* for the approval of a consent to sever. Based on this review, it is my opinion that all the applicable criteria have been adequately met to permit the approval of this application. It is my summary opinion that the proposed application demonstrates good and appropriate land use planning and is in the public interest.



If additional information or clarification of this submission is necessary, please do not hesitate to contact me.

Yours respectfully

Dennis Jacobs

Dennis Jacobs MCIP, RPP
Principal Planner



Section 93 - One Lot for Zoning Purposes

- (1) A group of occupancies located in an AM – Arterial Mainstreet Zone, GM – General Mixed-Use Zone, LC – Local Commercial Zone, MC – Mixed-Use Centre Zone, MD – Mixed-Use Downtown Centre Zone, IG – General Industrial Zone, IH – Heavy Industrial Zone, IL – Light Industrial Zone, or IP – Business Park Industrial Zone, or RC - Rural Commercial Zone that: (By-law 2013-58)
- (a) are designed, developed and managed, including site access and infrastructure servicing, as a unit whether by a single owner or a group of owners or tenants acting in collaboration;
 - (b) are made up entirely of uses permitted or lawfully non-conforming on the site, and has either:
 - (i) a common parking lot or parking garage or a combination thereof; or
 - (ii) a group of parking lots or parking garages or a combination thereof which are managed as a unit by the same owner, owners or tenants of the occupancies required in clause (a) above, and are on the same lot or lots as the occupancies required in clause (a) above; shall be considered as one lot for the purposes of applying zoning provisions and regulations. (OMB Order, File #PL080959 issued June 1, 2010)
- (2) Where lands considered as one lot for the purposes of applying zoning provisions are subject to an application to create a condominium, and that application is approved, the lands are not, by reason only of the approval of the condominium application, to be considered more than one lot for the purposes of zoning. (By-law 2017-302)