

8. Motion - Council Resolution regarding Section 45 of the *Planning Act*, in respect of 473 Albert Street

Motion - Résolution du Conseil concernant l'article 45 de *la Loi sur l'aménagement du territoire*, à l'égard du 473, rue Albert

Committee recommendation

That Council approve that an application to the Committee of Adjustment be permitted in respect to the property at 473 Albert Street for minor variances associated with the proposed development.

Recommandation du Comité

Que le Conseil approuve qu'une demande au Comité de dérogation soit permise à l'égard de l'immeuble du 473, rue Albert pour des dérogations mineures associées aux rénovations proposées.

Documentation/Documentation

1. Committee Coordinator's report, Office of City Clerk, dated November 14, 2019 (ACS2019-OCC-PLC-0003)

Rapport de la Coordonnatrice du comité, Bureau du Greffier municipal, daté le 14 novembre 2019 (ACS2019-OCC-PLC-0003)

Report to
Rapport au:

Council
Conseil

27 November 2019 / 27 novembre 2019

Submitted on November 14, 2019
Soumis le 14 novembre 2019

Submitted by
Soumis par:

Melody Duffenais, Committee Coordinator / coordonnatrice du Comité

Contact Person

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Ward: SOMERSET (14)

File Number: ACS2019-OCC-PLC-0003

SUBJECT: Motion - Council Resolution regarding Section 45 of the *Planning Act*, in respect of 473 Albert Street

OBJET: Motion - Résolution du Conseil concernant l'article 45 de la *Loi sur l'aménagement du territoire*, à l'égard du 473, rue Albert

REPORT RECOMMENDATIONS

That Council approve that an application to the Committee of Adjustment be permitted in respect to the property at 473 Albert Street for minor variances associated with the proposed development.

RECOMMANDATIONS DU RAPPORT

Que le Conseil approuve qu'une demande au Comité de dérogation soit permise à l'égard de l'immeuble du 473, rue Albert pour des dérogations mineures associées aux rénovations proposées.

BACKGROUND

The Planning Committee, at its meeting of November 14, 2019, approved the following motion, which was added to the agenda pursuant to Subsection 89. (3) of Procedure By-law 2016-377:

WHEREAS report ACS2018-PIE-PS-0043 (Zoning By-law Amendment – 473 Albert Street), was approved by Planning Committee on April 24, 2018 and Council May 9, 2018, for an office building with ground floor retail; and

WHEREAS Minor Variances will be required to meet residential zoning requirements including height and setbacks, as well as a variance to allow a commercial patio; and

WHEREAS the building is vacant and has struggled to gain tenancy and the conversion would provide opportunity for affordable housing; and

WHEREAS Section 45 (1.3) of the *Planning Act* does not permit an application for minor variance before the second anniversary of the initial zoning amendment (September 12, 2020); and

WHEREAS waiting until May 2020 may result in occupancy being delayed until 2021; and

WHEREAS Section 45 (1.3) of the *Planning Act* permits Council to declare by resolution that such an application would be permitted.

THEREFORE BE IT RESOLVED that Planning Committee recommend to Council that an application to the Committee of Adjustment be permitted in respect to the property at 473 Albert Street for minor variances associated with the proposed development.

DISCUSSION

The Committee unanimously supported the aforementioned motion, which is now before Council.

RURAL IMPLICATIONS

There are no rural implications associated with the report recommendation.

CONSULTATION

No consultation was undertaken as this is an administrative item that was added at the Planning Committee meeting.

COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Fleury is aware of the motion.

LEGAL IMPLICATIONS

Legal staff will be present at the Council meeting and can provide comment if requested.

RISK MANAGEMENT IMPLICATIONS

There are no known risk implications associated with the report recommendation.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no impacts to accessibility associated with the report recommendation.

TERM OF COUNCIL PRIORITIES

This report has no direct impacts on the City's strategic priorities or directions identified for the current term of Council.

SUPPORTING DOCUMENTATION

Document 1 – Planning Committee Extract of draft Minutes, November 14, 2019

DISPOSITION

The Office of the City Clerk will communicate Council's decision to the property owner.

Note: Pursuant to the City Clerk's Delegated Authority to correct clerical, spelling or minor errors of a minor administrative nature under Schedule C, Subsection 7 of the Delegation of Authority By-law 2019-280, a correction was made to the French title of this report after its issuance to Council.

**Planning Committee
Report 16
November 27, 2019**

200

**Comité de l'urbanisme
Rapport 16
le 27 novembre 2019**

Document 1

Planning Committee extract of draft Minutes, November 14, 2019

Other Business – Additional Item

Motion N° PLC 2019-16/8

Moved by Vice-chair T. Tierney

That the Planning Committee approve the addition of the following Item to the agenda for consideration by the Committee at this meeting, pursuant to Section 89(3) of the Procedure By-Law, in order to give timely consideration to this matter, as the applicant would like to apply to the Committee of Adjustment as soon as possible.

- **Council Resolution regarding Section 34 of the *Planning Act*.**

CARRIED

Motion N° PLC 2019-16/9

Moved by Vice-chair T. Tierney

WHEREAS report ACS2018-PIE-PS-0043 (Zoning By-law Amendment – 473 Albert Street), was approved by Planning Committee on April 24, 2018 and Council May 9, 2018, for an office building with ground floor retail; and

WHEREAS Minor Variances will be required to meet residential zoning requirements including height and setbacks, as well as a variance to allow a commercial patio; and

WHEREAS the building is vacant and has struggled to gain tenancy and the conversion would provide opportunity for affordable housing; and

WHEREAS Section 45 (1.3) of the *Planning Act* does not permit an application for minor variance before the second anniversary of the initial zoning amendment (May 9, 2020); and

WHEREAS waiting until May 2020 may result in occupancy being delayed until 2021; and

WHEREAS Section 45 (1.3) of the *Planning Act* permits Council to declare by resolution that such an application would be permitted;

THEREFORE BE IT RESOLVED that Planning Committee recommend to Council that an application to the Committee of Adjustment be permitted in respect of the property at 473 Albert Street for minor variances associated with the proposed development.

CARRIED