

6. Motion - Council Resolution regarding Section 45 of the *Planning Act*, in respect of 541 and 545 Rideau Street

Motion - Résolution du Conseil concernant l'article 45 de la *Loi sur l'aménagement du territoire*, à l'égard du 541 et 545, rue Rideau

Committee recommendation

That Council approve that an application to the Committee of Adjustment be permitted in respect to the property at 541 and 545 Rideau 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 541 et 545, rue Rideau pour des dérogations mineures associées aux rénovations proposées.

Documentation/Documentation

1. Committee Coordinator's report, Office of the City Clerk, dated October 24, 2019 (ACS2019-OCC-PLC-0002)

Rapport de la coordonnatrice du Comité, Bureau du Greffier municipal, daté le 24 octobre 2019 (ACS2019-OCC-PLC-0002)

Report to
Rapport au:

Council
Conseil

6 November 2019 / 6 novembre 2019

Submitted on October 24, 2019
Soumis le 24 octobre 2019

Submitted by
Soumis par:
Melody Duffenais, Committee Coordinator / coordonnatrice du Comité

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Ward: Rideau-Vanier (12) (12)

File Number: ACS2019-OCC-PLC-0002

SUBJECT: Motion - Council Resolution regarding Section 45 of the *Planning Act*, in respect of 541 and 545 Rideau Street

OBJET: Motion - Résolution du Conseil concernant l'article 45 de la *Loi sur l'aménagement du territoire*, à l'égard du 541 et 545, rue Rideau

REPORT RECOMMENDATIONS

That Council approve that an application to the Committee of Adjustment be permitted in respect to the property at 541 and 545 Rideau 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 541 et 545, rue Rideau pour des dérogations mineures associées aux rénovations proposées.

BACKGROUND

The Planning Committee, at its meeting of October 24, 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-0053 (Zoning By-law Amendment – 541 and 545 Rideau Street), was approved by Planning Committee on August 28, 2018 and Council September 12, 2018 via By-law 2018-309, to permit a mixed nine-storey mixed use building; and

WHEREAS the application had proposed to construct a mechanical penthouse for the building that included indoor private amenity space that would necessitate the need for minor variances to Zoning By-law 2008-250; and

WHEREAS the proposed development is consistent with the Uptown Rideau Street Secondary Plan, and represents good land use planning; and

WHEREAS the applicant has consulted with the Lowertown Community Association who support the request and overall project; 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 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 541 and 545 Rideau 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, October 24, 2019

DISPOSITION

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

Document 1

Planning Committee extract of draft Minutes, October 24, 2019

Other Business – Additional Item

Motion N° PLC 2019-15/3

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

Simon Deiaco, Planner, Planning, Infrastructure and Economic Development department, provided context and responded to questions.

Motion N° PLC 2019-15/4

Moved by Vice-chair T. Tierney

WHEREAS report ACS2018-PIE-PS-0053 (Zoning By-law Amendment – 541 and 545 Rideau Street), was approved by Planning Committee on August 28, 2018 and Council September 12, 2018 via By-law 2018-309, to permit a mixed nine-storey mixed use building; and

WHEREAS the application had proposed to construct a mechanical penthouse for the building that included indoor private amenity space that would necessitate the need for minor variances to Zoning By-law 2008-250; and

WHEREAS the proposed development is consistent with the Uptown Rideau Street Secondary Plan, and represents good land use planning; and

WHEREAS the applicant has consulted with the Lowertown Community Association who support the request and overall project; 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 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 541 and 545 Rideau Street for minor variances associated with the proposed development

CARRIED