

RESOLUTION NO. 2019-07-152

TO QUALIFIED VOTERS ENTITLED TO HAVE THEIR NAME ENTERED ON THE REFERENDUM LIST OF THE CONCERNED SECTOR (ZONES R3-16-01, R2-17-01, AND R9-21-01)

PUBLIC NOTICE is given of the following:

1. The Municipal Council adopted, at its regular Council sitting held on July 2, 2019, the resolution No. 2019-07-152 regarding lots 1 580 805 and 1 580 825 of the Quebec cadastre on which the immovable bearing civic address 500 Claremont Avenue (the "IMMOVABLE") is located, in virtue of *By-law 1489 concerning specific construction, alteration or occupancy proposals for an immovable (S.C.A.O.P.I.) of the City of Westmount*.
2. Resolution No. 2019-07-152 consists of the approval of the following variances to By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*:
 - a. To grant, notwithstanding the uses permitted in zone R3-16-01 of the City's zoning plan, a multi-family type use;
 - b. To grant, notwithstanding the maximum permitted construction height in zone R3-16-01 of the City's zoning plan, a construction of a maximum height of 23.47 meters.
3. All qualified voters entitled to have their name entered on the referendum list of the concerned sector may request that resolution No. 2019-07-152 be submitted to a referendum poll by entering their name, address and capacity and by signing the register open for that purpose.
4. Is a qualified voter:
 - Any person who is not disqualified from voting and who fulfils the following conditions as of July 2, 2019:
 - is domiciled in the City of Westmount;
 - has been domiciled in Québec for at least six months.
 - Any sole owner of an immovable or sole occupant of a business establishment who is not disqualified from voting and who fulfils the following conditions as of July 2, 2019:
 - has been, for at least 12 months, owner of an immovable or occupant of a business establishment situated in the City of Westmount;
 - has filed or files at the same time as the application, a document signed by the owner or the occupant requesting to be entered on the referendum list, as the case may be.



- Any undivided co-owner of an immovable or co-occupant of a business establishment who is not disqualified from voting and who fulfils the following conditions as of July 2, 2019:
 - has been, for at least 12 months, undivided co-owner of an immovable or co-occupant of a business establishment situated in the City of Westmount;
 - is designated, by way of a power of attorney signed by the majority of persons who have been co-owners or co-occupants for at least 12 months, as the person having the right to sign the application in their name and to be entered on the referendum list, as the case may be. The power of attorney must have been filed or be filed with the application.

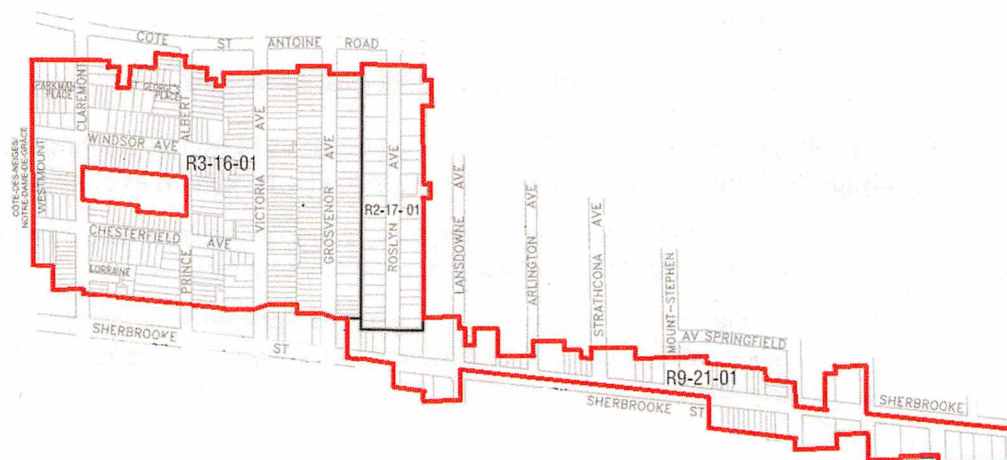
In the case of a natural person, he or she must be of full age, a Canadian citizen and not be under curatorship.

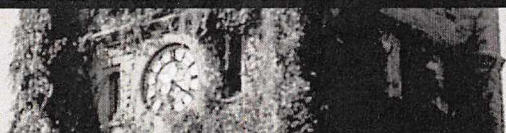
In the case of a legal person, one must:

- have designated by resolution, from amongst its members, directors or employees, a person who, as of July 2, 2019, is of full age, a Canadian citizen, who is not under curatorship and who is not disqualified from voting;
- have filed or file at the same time as the application, the resolution designating the person authorized to sign the application and to be entered on the referendum list, as the case may be.

Except in the case of a person designated as the representative of a legal person, no one may be considered an interested person in more than one capacity, in accordance with section 531 of *An Act respecting elections and referendums in municipalities* (CQLR, chapter E-2.2).

5. The concerned sector is comprised of the following zones: R3-16-01, R2-17-01, and R9-21-01. The sketch of the concerned sector is reproduced hereafter.





6. The register will be open for registration on **Wednesday, July 24, 2019**, from **9:00 a.m. to 7:00 p.m.** in the Council Chamber at City Hall, located at 4333 Sherbrooke Street West in Westmount. The results of the registration procedure will be announced the same day at 7:15 p.m.;
7. The number of valid applications needed to require that resolution No. 2019-07-152 be submitted to a referendum poll is **122**. If the required number of applications is not reached, resolution No. 2019-07-152 will be deemed approved by the qualified voters;
8. Any interested person may consult resolution No. 2019-07-152 at City Hall during regular business hours, during the registration hours as well as on the City's website: https://westmount.org/wp-content/uploads/2019/07/PPCMOI_500-Clairemont_Registre_EN.pdf.

GIVEN at Westmount, this July 9, 2019.

Me Nicole Dobbie
Assistant City Clerk



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RÉSOLUTION N° 2019-07-152**RESOLUTION No 2019-07-152**

**LORS DE LA SÉANCE ORDINAIRE DU
CONSEIL MUNICIPAL DE LA VILLE DE
WESTMOUNT TENUE LE 2 JUILLET 2019 :**

**AT THE REGULAR MEETING OF THE
MUNICIPAL COUNCIL OF THE CITY OF
WESTMOUNT HELD ON JULY 2, 2019:**

Sont présents / Were present:

La mairesse / The Mayor :	C.M. Smith, présidente / Chairman
Les conseillers / Councillors:	A. Bostock
	M. Brzeski
	M. Gallery
	K. Kez
	C. Lulham
	C. Peart
	J.J. Shamie

Formant quorum / Forming a quorum

**14. AMÉNAGEMENT URBAIN –
RÈGLEMENT 1489 – ADOPTION
D'UNE RÉOLUTION FINALE –
500 CLAREMONT**

**14. URBAN PLANNING – BY-LAW
1489 – ADOPTION OF A FINAL
RESOLUTION – 500 CLAREMONT**

ATTENDU QUE la Ville de Westmount a adopté le *Règlement 1489 sur les projets particuliers de construction, de modification ou d'occupation d'un immeuble (P.P.C.M.O.I.) de la Ville de Westmount* et que ce règlement est en vigueur ;

WHEREAS the City of Westmount has adopted *By-law 1489 concerning specific construction, alteration or occupancy proposals for an immovable (S.C.A.O.P.I.) of the City of Westmount*, and this by-law is in force;

ATTENDU QUE ce règlement permet au conseil municipal, sur demande et sous réserve des conditions qu'il détermine, d'autoriser un PPCMOI ;

WHEREAS this by-law allows the Municipal Council, upon request and subject to the conditions it determines, to authorize a SCAOPI;

ATTENDU QUE le projet de conversion de l'ancien bâtiment institutionnel situé au 500, avenue Claremont en un immeuble multifamilial a déjà fait l'objet d'un examen dans le cadre d'un PPCMOI et a été approuvé par le conseil municipal en janvier 2018 (résolution no 2018-01-16) ;

WHEREAS the project to convert the former institutional building located at 500 Claremont Avenue into a multi-family building has already been reviewed under a SCAOPI and approved by City Council in January 2018 (Resolution No. 2018-01-16);



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ATTENDU QU'une nouvelle demande d'autorisation en vertu du règlement 1489 a été déposée afin de modifier l'usage permis et la hauteur de construction permise dudit bâtiment ;

WHEREAS a new request for authorization pursuant to By-law 1489 has been submitted to modify the permitted use and construction height of this building;

ATTENDU QUE le projet requiert la démolition du 5^e étage et de la toiture dudit bâtiment ;

WHEREAS the project requires the demolition of the 5th floor and the roof of the building;

ATTENDU QUE lors de sa séance extraordinaire du 21 mai 2019, le conseil municipal a autorisé la démolition partielle dudit bâtiment (résolution no 2019-05-119) ;

WHEREAS at its special sitting held on May 21, 2019, Council authorized the partial demolition of the building (Resolution No. 2019-05-119);

ATTENDU QUE le comité consultatif d'urbanisme, lors de sa réunion du 26 février 2019, ainsi que le directeur de l'aménagement urbain, recommandent favorablement le projet ;

WHEREAS the Planning Advisory Committee, at its meeting of February 26, 2019, as well as the Director of Urban Planning favourably, recommend the project;

ATTENDU QUE la Ville de Westmount a adopté un premier projet de résolution en date du 1^{er} avril 2019 (résolution no 2019-04-79) ;

WHEREAS the City of Westmount has adopted a first draft resolution dated April 1st, 2019 (Resolution No. 2019-04-79);

ATTENDU QU'une consultation publique sur la résolution susmentionnée a eu lieu le 30 avril 2019 ;

WHEREAS a public consultation on the aforementioned resolution was held on April 30, 2019;

ATTENDU QUE la Ville de Westmount a adopté un deuxième projet de résolution en date du 3 juin 2019 (résolution no 2019-06-133) ;

WHEREAS the City of Westmount has adopted a second draft resolution dated June 3, 2019 (Resolution No. 2019-06-133);

ATTENDU QUE suite à un avis public daté du 11 juin 2019, la Ville a reçu des demandes de participation à un référendum dans le délai prescrit.

WHEREAS following a public notice dated June 11, 2019, the City received applications to take part in a referendum during the prescribed time.

Il est proposé par le conseiller Peart, appuyé par la conseillère Lulham

It was moved by Councillor Peart, seconded by Councillor Lulham

QUE la Ville de Westmount adopte, conformément au règlement 1489 intitulé *Règlement sur les projets particuliers de construction, de modification et d'occupation d'immeubles (P.P.C.M.O.I.) de la Ville de Westmount*, une résolution finale, ayant pour

THAT the City of Westmount adopt, pursuant to By-law 1489 entitled *By-law concerning specific construction, alteration or occupancy proposals for an immovable (S.C.A.O.P.I.) of the City of Westmount*, a final resolution, to grant the application for authorization for a



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effet d'accorder la demande d'autorisation portant sur un projet particulier de construction, de modification ou d'occupation d'un immeuble pour l'immeuble portant l'adresse civique 500, avenue Claremont situé sur les lots 1 580 805 et 1 580 825 du cadastre du Québec (ci-après l'IMMEUBLE) ;

specific construction, alteration or occupancy project for an immovable bearing the civic address 500 Claremont Avenue on lots 1 580 805 and 1 580 825 of the Quebec cadaster (hereinafter referred to as the IMMOVABLE);

QUE la résolution finale ainsi adoptée ait les effets suivants sur l'IMMEUBLE :

THAT the final resolution thus adopted have the following effect on the IMMOVABLE:

A. déroger au règlement no 1303 de la Ville de Westmount, intitulé *Règlement concernant le zonage*, en permettant, nonobstant les usages permis dans la zone R3-16-01 du plan de zonage de la Ville, un usage de type multifamilial ;

A. grant a variance to By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, allowing, notwithstanding the uses permitted in zone R3-16-01 of the City's zoning plan, a multi-family type use;

B. déroger au règlement no 1303 de la Ville de Westmount, intitulé *Règlement concernant le zonage*, en permettant, nonobstant la hauteur maximale de construction permise dans la zone R3-16-01 du plan de zonage de la Ville, une construction d'une hauteur maximale de 23,47 m ;

B. grant a variance to By-law No. 1303 of the City of Westmount, entitled *Zoning By-law*, allowing, notwithstanding the maximum permitted construction height in zone R3-16-01 of the City's zoning plan, a construction of a maximum height of 23.47 meters;

le tout, conformément aux plans soumis et aux informations contenues au sommaire décisionnel no 2019-0798, et sous réserve des conditions suivantes :

the whole, according to the plans submitted and the information contained in the decision-making file No. 2019-0798, and subject to the following conditions:

1. finaliser une entente entre le demandeur et la Ville, avant l'émission du permis de construction, portant sur les espaces disponibles pour la communauté se trouvant sur l'IMMEUBLE, afin que ces espaces soient mis en perpétuité à la disposition du public et entretenus par le propriétaire des lieux sans frais pour la Ville ou la collectivité ;

1. The finalization of an agreement between the applicant and the City for the spaces available for the community on the IMMOVABLE prior to the issuance of the building permit, in order for these spaces to be available in perpetuity to the community and maintained by the owner of the premises at no cost to the City or the community;

2. déterminer, de concert avec le personnel municipal compétent de la Ville, avant l'émission du permis de construction, les espèces d'arbres à être plantées par le demandeur tant sur l'IMMEUBLE que sur le domaine public dans le cadre du projet ;

2. The determination, in collaboration with the appropriate City official, of the tree species to be planted as part of the project by the applicant both on the IMMOVABLE and on the public domain prior to the issuance of the building permit;



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| <p>3. des dessins d'exécution d'architecture et un rapport de gestion de chantier doivent être soumis pour évaluation par le Bureau des inspections et le comité consultatif d'urbanisme avant l'émission du permis de construction ;</p> <p>4. que les conditions trouvées aux paragraphes 1, 2, 4 et 5 de l'Annexe B du <i>Règlement 1257 visant à réglementer l'excavation de roc et l'utilisation d'explosifs dans la Ville de Westmount</i>, s'appliquent à la présente demande, et qu'aucun permis de construction ne soit émis par la Ville avant l'évaluation et l'approbation des documents requis et des procédures décrits dans ces sections ; et</p> <p>5. que la conception du site soit révisée et soumise à l'approbation du conseil de la Ville avant l'émission du permis de construction afin d'intégrer une aire de service appropriée pour la gestion de la collecte des ordures ;</p> | <p>3. Detailed working drawings and a construction management document must be submitted for evaluation by the Board of Inspections and the Planning Advisory Committee prior to the issuance of the building permit;</p> <p>4. That the conditions of Schedule B, sections 1, 2, 4 and 5 of <i>By-Law 1257 to Regulate Rock Excavations Blasting Operations in the City of Westmount</i> be applied to the present application, and that no building permit be issued by the City prior to an evaluation and approval of the required documents and procedures outlined in said sections; and</p> <p>5. That the site design be revised and submitted for approval to the City Council before the issuance of the building permit to integrate an appropriate servicing area to manage garbage collection;</p> |
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QUE la présente autorisation donnée par le conseil municipal n'a pas pour effet de dispenser le requérant de devoir obtenir, le cas échéant, tout autre permis, certificat, autorisation ou approbation qui pourrait être requis, en vertu de la loi ou des règlements municipaux, pour la réalisation du projet.

THAT the present authorization given by the Municipal Council does not have the effect of exempting the applicant from having to obtain, if necessary, any other permit, certificate, authorization or approval which could be required, according to the law or the municipal by-laws, for the completion of the project.

ADOPTÉE À L'UNANIMITÉ

CARRIED UNANIMOUSLY

Christina M. Smith
Mairesse / Mayor

Nicole Dobbie
Greffière adjointe de la ville /
Assistant City Clerk