AGENDA
REGULAR MUNICIPAL COUNCIL MEETING
OF THE CITY OF WESTMOUNT
MONDAY, JUNE 20, 2022

1. OPENING OF THE MEETING

The Mayor calls the sitting to order.

Unless otherwise indicated in these minutes, the Mayor avails herself of her privilege provided for in section 328 of the Cities and Towns Act (CQLR, chapter C-19) by abstaining from voting.

2. MAYOR'S AND COUNCILLORS' REPORTS

3. FIRST QUESTION PERIOD

4. ADOPTION OF THE AGENDA

MOVER Councillor Aronson
SECONDER
THAT the agenda of the regular Council sitting of June 20, 2022, be adopted with the addition of the following items under New Business:

- 18.1. Modification to a design concept - Reconstruction of Lexington and Devon Avenues;

5. CONFIRMATION OF MINUTES

MOVER Councillor Aronson
SECONDER
THAT the minutes of the regular Council sitting held on June 7, 2022, be approved.

6. REPORTS TO COUNCIL

6.1. CORRESPONDENCE

Mayor Smith

The following documents are tabled:

- Letter from the City of Montréal's City Clerk with the object: Assemblée du conseil municipal du 25 avril 2022 - Résolution CM22 0526 – Règlement 04-047-237;
- By-law 04-047-237 of the City of Montréal entitled "Règlement modifiant le plan d'urbanisme de la Ville de Montréal (04-047)" as well as its annexes 1 and 2.
6.2. **TABLING OF MINUTES OF CORRECTION**

**Substitute City Clerk**

In accordance with Section 92.1 of the *Cities and Towns Act*, the Substitute City Clerk tables the minutes of the correction for the Resolution No. 2022-06-140 as well as a copy of the amended document.

7. **APPOINTMENT - MEMBERS OF THE COMMISSION FOR THE MANAGEMENT OF SUSTAINABLE DEVELOPMENT OF THE TERRITORY**

**Councillor Gallery**

WHEREAS, pursuant to Section 70 of the *Cities and Towns Act* (Chapter C-19), the council may appoint permanent or special committees, composed of as many of its members as it may deem necessary, to supervise the administration of the several civic departments for which they are respectively appointed, and to manage such business as it may, by by-law or resolution, assign to them;

WHEREAS, at its sitting held on June 7, 2022, the Municipal Council created the Commission for the management of sustainable development of the territory;

WHEREAS it is necessary to proceed with the appointment of the members of said commission.

MOVER

SECONDER

THAT the Municipal Council appoint the members of the Commission for the management of sustainable development of the territory, as follows:

- That Councillor Conrad Peart be appointed as Chair;
- That Councillor Matt Aronson be appointed as Vice-Chair; and
- That Councillor Anitra Bostock be appointed as a member.


**Councillor Aronson**

WHEREAS tenders were publicly opened on May 27, 2022, for the civil works in Quadrant 168 and the abandonment of the arch at the Glen substation (Tender No. PUB-2022-013), and minutes prepared by the City Clerk’s Office are submitted to this meeting;

WHEREAS, following the analysis of the opened tenders, Transelec/Common Inc. is the lowest conforming bidder as it appears from the report prepared by the Purchasing Manager, which is submitted at this meeting.

MOVER

SECONDER

To authorize an expenditure in the amount of $316,945.50, including tax credits, for the civil works in Quadrant 168 and the abandonment of the arch at the Glen substation (Tender No. PUB-2022-013);

To award to Transelec/Common Inc. the contract for this purpose at its bid price, for a maximum amount of $364,408.09, including taxes, the whole in conformity with the contractual documents of the call for tenders PUB-2022-013;
To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2022-1597.


WHEREAS tenders were publicly opened on May 20, 2022, for the reconstruction of the retaining wall - King George Park (Tender No. PUB-2022-020), and minutes prepared by the City Clerk’s Office are submitted to this meeting;

WHEREAS, following the analysis of the opened tenders, Les Entreprises de construction Ventec inc. is the lowest conforming bidder as it appears from the report prepared by the Purchasing Manager, which is submitted at this meeting.

MOVER Councillor Gallery
SECONDER
To authorize an expenditure in the amount of $317,077.37, including tax credits, for the reconstruction of the retaining wall - King George Park (Tender No. PUB-2022-020);

To award to Les Entreprises de construction Ventec inc. the contract for this purpose at its bid price, for a maximum amount of $347,241.06, including taxes, the whole in conformity with the contractual documents of the call for tenders PUB-2022-020;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2022-1593.

10. NOTICE OF MOTION AND ADOPTION OF A FIRST DRAFT - BY-LAW 1588 TO FURTHER AMEND ZONING BY-LAW 1303 – OFFICE USE IN ZONE R9-09-03

NOTICE OF MOTION

Councillor Peart to give notice of the intention to submit for adoption at a subsequent meeting of Council, By-law No. 1588 entitled By-law to further amend Zoning By-law 1303 – Office use in Zone R9-09-03.

OBJECT

The object of this by-law is to modify the grid of uses and types of buildings permitted in Zone R9-09-03 in order to authorize office uses as well as to add a provision concerning parking to the grid of physical-spatial specifications of Zone R9-09-03.

MOVER Councillor Peart
SECONDER
THAT the first draft of By-law No. 1588 entitled By-law to further amend Zoning By-law 1303 – Office use in Zone R9-09-03 be adopted for submission to public consultation in accordance with the provisions of the Act respecting Land Use Planning and Development (CQLR, chapter A-19.1); and

THAT a public consultation meeting be held in the Council Chamber of Westmount City Hall on July 11, 2022, at 7:00 p.m. in accordance with the provisions of said Act.
11. **TABLING OF THE PLANNING ADVISORY COMMITTEE MINUTES**

WHEREAS the Planning Advisory Committee held special meetings on May 17, May 25, and May 31, 2022, and minutes are submitted to this Council sitting;

WHEREAS the main role of the Planning Advisory Committee is to analyze and give an opinion on any request that must be submitted to it in accordance with the *Land Use Planning and Development Act* (CQLR, c. A-19.1) (e.g.: SPAIP, minor exemption, SCAOPI, conditional uses, etc.) and on any other application in matters of land use planning and development that is submitted to it by Council.

**MOVER**

Councillor Peart

**SECONDER**

THAT Council acknowledge and accept the minutes of the special Planning Advisory Committee (PAC) meetings held on May 17, May 25, and May 31, 2022, as well as of the special meeting of the PAC acting as the Local Heritage Council, held on May 31, 2022.

12. **APPROVAL OF SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMMES (S.P.A.I.P.)**

WHEREAS the minutes of the special meeting of the Planning Advisory Committee held on May 25, 2022, were tabled;

WHEREAS the main role of the Planning Advisory Committee is to analyze and give an opinion on any request that must be submitted to it in accordance with the *Land Use Planning and Development Act* (CQLR, c. A-19.1) (e.g.: SPAIP, minor exemption, SCAOPI, conditional uses, etc.) and on any other application in matters of land use planning and development that is submitted to it by Council;

WHEREAS applications have been submitted by the applicants under *By-law 1305 on Site Planning and Architectural Integration Programmes*;

WHEREAS the Planning Advisory Committee has issued opinions regarding these applications, as stated in the Planning Advisory Committee minutes of the special meeting held on May 25, 2022;

WHEREAS according to *By-law 1305 on Site Planning and Architectural Integration Programmes*, Council must decide on the opinions of the Committee by way of resolution.

**MOVER**

Councillor Peart

**SECONDER**

THAT the Municipal Council act on the opinions of the Planning Advisory Committee (PAC) as set out in the minutes of the special meeting held on May 25, 2022, and adopt for each of them the Site Planning and Architectural Integration Programmes’ conditions for the issuance of a permit, as listed in the following items:

- CCUS 22-05-25.01, CCUS 22-05-25.04, CCUS 22-05-25.06, CCUS 22-05-25.07, and CCUS 22-05-25.27 of the agenda of the special PAC meeting held on May 25, 2022.
13. MINOR EXEMPTION APPLICATION - 730 UPPER ROSLYN AVENUE

WHEREAS the City of Westmount’s By-law 1576 on minor exemptions was adopted on September 20, 2021;

WHEREAS a minor exemption can only be granted if the application of the zoning or subdivision by-law would cause serious prejudice to the person requesting it;

WHEREAS a minor exemption may be granted only if the application of the by-law causes serious harm to the person requesting the minor exemption. Nor may it be granted if it hinders the owners of neighbouring properties in the enjoyment of their right of ownership or if it exacerbates safety or public health risks or affect the quality of the environment or general well-being;

WHEREAS a minor exemption must respect the objectives of the City of Westmount’s Master Plan;

WHEREAS the minor exemption is to allow the construction of a solarium at 730 Upper Roslyn Avenue with a coverage ratio on the lot that would exceed the maximum of 40% provided for in the Grid of physical-spatial specifications of Zone R2-04-01 of Zoning By-law 1303;

WHEREAS the current site coverage ratio on the lot of the concerned property is 43.9%, which exceeds the maximum of 40% provided for in the Grid of physical-spatial specifications for Zone R2-04-01 of Zoning By-law 1303;

WHEREAS the property concerned benefits from an acquired right with respect to the site coverage of the density on the lot;

WHEREAS the application requires the demolition of the existing solarium;

WHEREAS the proposed solarium would bring the maximum site coverage ratio for the lot to 44%, which would exceed the current 43.9% and the maximum 40% provided for in the Grid of physical-spatial specifications for the Zone R2-04-01 of Zoning By-law 1303;

WHEREAS the impact on the neighborhood of such construction is negligible;

WHEREAS a public notice was published on June 2, 2022, in accordance with the law;

WHEREAS the Planning Advisory Committee has issued opinions concerning this application, as set out in the minutes of the meeting held on May 17, 2022.

MOVER
Councillor Gallery

SECONDER
THAT the preamble be an integral part of this resolution;

THAT Council approve the application for a minor exemption for the property located at 730 Upper Roslyn Avenue, to allow the construction of a sunroom for a site coverage ratio that would exceed the maximum of 40% provided for in the Grid of physical-spatial specifications of Zone R2-04-01 of the City of Westmount Zoning By-law 1303 with the following condition:

- That the maximum site coverage ratio on the lot of the property does not exceed the current rate of 43.9%.
14. **MINOR EXEMPTION APPLICATION - 318 KENSINGTON AVENUE**

WHEREAS the City of Westmount's *By-law 1576 on minor exemptions* was adopted on September 20, 2021;

WHEREAS a minor exemption can only be granted if the application of the zoning or subdivision by-law would cause serious prejudice to the person requesting it;

WHEREAS a minor exemption may be granted only if the application of the by-law causes serious harm to the person requesting the minor exemption. Nor may it be granted if it hinders the owners of neighbouring properties in the enjoyment of their right of ownership or if it exacerbates safety or public health risks or affect the quality of the environment or general well-being;

WHEREAS a minor exemption must respect the objectives of the City of Westmount's Master Plan;

WHEREAS the minor exemption is to allow the construction of a third storey at the property located at 318 Kensington Avenue, which would bring the total height of the building to 11.89 metres (39 feet), although the Grid of physical and spatial specifications for Zone R3-22-01 of *Zoning By-law 1303* specifies that the maximum height of the building is 9.14 metres (30 feet);

WHEREAS the adjoining building, located at 316 Kensington Avenue, already has a third floor for a total property height identical to that proposed by the applicant;

WHEREAS the project is subject to *Zoning By-law 1303* and *By-law 1305 on site planning and architectural integration programmes*;

WHEREAS the requirements stipulated in the Grid of physical and spatial specifications of Zone R3-22-01 of *Zoning By-law 1303* applicable to the proposed project are in contradiction with the criteria stipulated in *By-law 1305 on site planning and architectural integration programmes*;

WHEREAS this contradiction causes prejudice to the applicant by making it impossible to propose a project that complies with both by-laws;

WHEREAS the impact on the neighborhood of such construction is negligible;

WHEREAS a public notice was published on June 2, 2022, in accordance with the law;

WHEREAS the Planning Advisory Committee has issued opinions concerning this application, as set out in the minutes of the meeting held on May 17, 2022.

Mover

Councillor Gallery

Seconder

THAT the preamble be an integral part of this resolution;

THAT Council approve the application for a minor exemption for the property located at 318 Kensington Avenue, to allow the construction of a third storey to the existing main building that would bring the total height to 11.89 metres (39 feet), notwithstanding the fact that the Grid of physical-spatial specifications for Zone R3-22-01 of the City of
Westmount Zoning By-law 1303 provides for a maximum building height of 9.14 metres (30 feet).

15. **APPROVAL OF SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMMES (S.P.A.I.P.) - MINOR EXEMPTION**

WHEREAS the minutes of the special meeting of the Planning Advisory Committee held on May 17, 2022, were tabled;

WHEREAS the main role of the Planning Advisory Committee is to analyze and give an opinion on any request that must be submitted to it in accordance with the *Land Use Planning and Development Act* (CQLR, c. A-19.1) (e.g.: SPAIP, minor exemption, SCAOPI, conditional uses, etc.) and on any other application in matters of land use planning and development that is submitted to it by Council;

WHEREAS applications have been submitted by the applicants under *By-law 1305 on Site Planning and Architectural Integration Programmes*;

WHEREAS the Planning Advisory Committee has issued opinions regarding these applications, as stated in the Planning Advisory Committee minutes of the special meeting held on May 17, 2022;

WHEREAS according to *By-law 1305 on Site Planning and Architectural Integration Programmes*, Council must decide on the opinions of the Committee by way of resolution.

**MOVER**

Councillor Gallery

**SECONDER**

THAT the Municipal Council act on the opinions of the Planning Advisory Committee (PAC) as set out in the minutes of the special meeting held on May 17, 2022, and adopt for each of them the Site Planning and Architectural Integration Programmes' conditions for the issuance of a permit, as listed in the following items:

- CCUS 22-05-17.01 and CCUS 22-05-17.02 of the agenda of the special PAC meeting held on May 17, 2022.

16. **APPROVAL OF SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMMES (S.P.A.I.P.) - 178 CÔTE-SAINT-ANTOINE ROAD**

WHEREAS this application meets its objectives and criteria set out in *By-law 1305 on site planning and architectural integration programmes* (S.P.A.I.P.);

WHEREAS Category I* buildings are to be kept in perpetuity and that alterations to character-defining features, and additions that affect these features, are generally unacceptable;

WHEREAS the character-defining features and materials that contribute significantly to the character of the building and property, identified in the heritage study by Luce Lafontaine, architect, are substantially preserved and restored;

WHEREAS the addition is located on the rear facade and is set back from the lateral facades of the original building;
WHEREAS the proposed addition and accessory buildings on the property are generally compatible with the massing, size and scale of the original building;

WHEREAS the contemporary style of the addition integrates well with the existing building while establishing an acceptable differentiation from the original construction, using a limited number of materials and a freestanding structure in accordance with the conservation strategy;

WHEREAS the addition adopts a conservative design approach, recalling the existing greenhouse and the horticultural vocation of the site;

WHEREAS the proposed addition and modifications to the original building do not significantly alter the character-defining features of the original building, as shown in the conservation strategy;

WHEREAS the proposed lowering of the masonry of the three existing openings on the rear façade to access the addition is acceptable, if sawn and not dismantled, and is located on a wall that will be integrated into the interior design;

WHEREAS the entrance vestibule is rehabilitated in keeping with the original material, design and original exterior dimensions;

WHEREAS the hierarchy of landscape zones, identified in the W.A.A. heritage study as having heritage value, is maintained in the architectural and landscape proposals;

WHEREAS the new garage is located on the site of the original garage, in an area identified as having low heritage value, and is reminiscent of the original garage in terms of form and materials;

WHEREAS the swimming pool is located in an area with low heritage value and in a strategic location to minimize the impact on the topography of the site;

WHEREAS the lattice fence visible from the street will be rebuilt in accordance with the available archival images;

WHEREAS the project as a whole (comprising restoration, rehabilitation and an addition to the main building) contributes to the sustainability of the original building and its residential function.

MOVER

SECONDER

THAT the Municipal Council, having received the opinion of the Planning Advisory Committee (PAC), as set out in the minutes of the special meeting held on May 31, 2022, approves the Site Planning and Architectural Integration Programme (SPAIP) conditions for the issuance of a permit, according to the plans and documents submitted in reference to permit applications 2020-01254 – PIIA 2021-00113 – for the restoration and the extension of the main building, and the construction of two accessory buildings (garage and pool house) on the property, and 2021-01625 – PIIA 2021-00113 – for the landscape work including a pool for the property located at 178 Côte-Saint-Antoine Road;

THAT these plans and documents be attached to the present resolution to form an integral part thereof.
17. **DESIGNATION BY-LAW - 178 CÔTE-SAINT-ANTOINE ROAD**

WHEREAS By-law 1552 designating the Goode House as heritage property was adopted by the City of Westmount on November 2, 2020 and was amended by By-law 1580, and the application meets the objectives and criteria;

WHEREAS the value of the Goode House is based on its historical value (built in 1844 on an important artery for the development of Westmount), its architectural value (last residence of the Metcalfe Terrace in the Greek Revival style with exceptional integrity and authenticity), its landscaping value (diversified English garden preserved for several generations) and its emblematic value (in the area and in urban planning);

WHEREAS a permit application was submitted for the construction of an addition using the Goode House as a backing to a construction;

WHEREAS this addition is acceptable since it is reversible because its structure is independent from the heritage building and because the flashing is done in the joints of the heritage stone wall;

WHEREAS said project proposes interventions on the six (6) interior heritage character-defining elements, namely the main staircase, the plaster mouldings and woodwork, the interior doors and shutters, the fireplaces and chimneys, the softwood floors and the cast-iron radiator covers;

WHEREAS the above-mentioned interior elements will not be substantially affected except for the main staircase which will be dismantled and rebuilt to meet the requirements of the current building code;

WHEREAS this reconstruction of the staircase will include all the assembly details of the original staircase and will only modify the tread length and the height of the railing.

**MOVER**

Councillor Peart

**SECONDER**

THAT the Municipal Council, having received the opinion of the Planning Advisory Committee (PAC) acting as the Westmount Local Heritage Council (LHC), as set out in the minutes of the special meeting held on May 31, 2022, approves the submitted project for the issuance of a permit, according to the plans and documents submitted in reference to Permit Application 2020-01254 – PIIA 2021-00113 – for the restoration and the extension of the main building, as it pertains to the backing of a construction on the heritage building and to the interventions on the interior heritage character-defining elements for the property located at 178 Côte-Saint-Antoine Road.

THAT these plans and documents be attached to the present resolution to form an integral part thereof.

18. **NEW BUSINESS**

18.1. **MODIFICATION TO A DESIGN CONCEPT - RECONSTRUCTION OF LEXINGTON AND DEVON AVENUES**

WHEREAS, at its regular sitting held on March 31, 2022, the Municipal Council, by a majority, accepted the proposed design for the reconstruction of Lexington Avenue and
Devon Avenue between Lexington Avenue and Summit Crescent (Resolution No. 2022-03-72);

WHEREAS, at its regular sitting held on May 2, 2022, the Municipal Council, by unanimous vote, awarded to Cojalac inc. the contract for the reconstruction of Lexington Avenue and Devon Avenue, between Lexington Avenue and Summit Crescent, for a maximum amount of $6,639,217.77, including taxes, the whole in conformity with the contractual documents of the call for tenders PUB-2022-003 (Resolution No. 2022-05-106);

WHEREAS the members of this Council have had the opportunity to visit the site and deem it necessary to amend the design concept.

MOVER Councillor Peart
SECONDER
THAT the proposed design for the reconstruction of Lexington Avenue and of Devon Avenue, between Lexington Avenue and Summit Crescent, (Resolution No. 2022-03-72) be amended to remove the protrusions indicated on the plan attached to this resolution;

THAT these amended plans be forwarded to Cojalac inc. in order that the work be executed accordingly.

18.2. MODIFICATION TO A CONTRACT - REHABILITATION OF PUBLIC LANES IN THE CITY OF WESTMOUNT (PUB-2022-016)

WHEREAS, on April 4, 2022, Council awarded a contract to Les Pavages Céka inc. for the rehabilitation of public lanes in the City of Westmount, for a maximum amount of $427,240.96, including taxes (Resolution No. 2022-04-87);

WHEREAS during the course of the work, it was revealed that the concrete foundation of one of the lanes was completely inadequate to complete the repair work;

WHEREAS this is a contingency;

WHEREAS it was not possible to foresee such a degradation of the foundation;

WHEREAS the Engineering Department had performed all necessary due diligence prior to the preparation of the specifications.

MOVER Councillor Peart
SECONDER
THAT an additional expenditure be authorized in the amount of $103,477.50, including taxes, for the rehabilitation of public lanes in the City of Westmount with Les Pavages Céka inc.;

To allocate this expenditure in accordance with the financial information included in the decision-making files Nos. 2022-1520 and 2022-1619.

19. SECOND QUESTION PERIOD
20. CLOSING OF THE SITTING

The Mayor declares the sitting closed.