

**1. Zoning By-law Amendment – 180 Island Park Drive**

**Modification au Règlement de zonage – 180, promenade Island Park**

**COMMITTEE RECOMMENDATION**

**No Committee recommendation**

**RECOMMANDATION DU COMITÉ**

**Aucune recommandation du Comité**

**DOCUMENTATION/DOCUMENTATION**

1. Director's Report, Planning Services, Planning, Infrastructure and Economic Development department, dated January 8, 2019 (ACS2019-PIE-PS-0004)

Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'Infrastructure et du développement économique, daté le 8 janvier 2019 (ACS2019-PIE-PS-0004)

2. Extract of draft Minutes, Planning Committee, January 24, 2019

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 24 janvier 2019

3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of February 13, 2019, in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council meeting of January 30, 2019".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 13 février 2019 du Conseil, dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes du projet de loi 73, à la réunion du Conseil municipal prévue le 30 janvier 2019 ».

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
24 January 2019 / 24 janvier 2019**

**and Council  
et au Conseil  
30 January 2019 / 30 janvier 2019**

**Submitted on 8 January 2019  
Soumis le 8 janvier 2019**

**Submitted by  
Soumis par:**

**Lee Ann Snedden  
Director / Directrice**

**Planning Services / Services de la planification  
Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

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**Ward: KITCHISSIPPI (15)**

**File Number: ACS2019-PIE-PS-0004**

**SUBJECT: Zoning By-law Amendment – 180 Island Park Drive**

**OBJET: Modification au Règlement de zonage – 180, promenade Island Park**

#### **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 180 Island Park Drive to permit an office use in the development of a new two storey embassy building, as detailed in Document 2.**

2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of January 30, 2019" subject to submissions received between the publication of this report and the time of Council's decision.

## RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification du Règlement de zonage 2008-250 pour le 180, promenade Island Park afin de permettre une utilisation de bureau dans la nouvelle ambassade de deux étages qui sera construite, comme il est expliqué en détail dans le Document 2.
2. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigée par le Bureau du greffier municipal et avocat général et soumise au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux "exigences d'explication" aux termes du projet de loi 73 à la réunion du Conseil municipal du 30 janvier 2019 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

## EXECUTIVE SUMMARY

### Assumption and Analysis

The site is subject to the General Urban Area Designation in the Official Plan, and is located along the periphery of the Richmond Road/Westboro Secondary Plan.

The proposal is for the construction of a new two-storey embassy use (office use) with underground parking, which would replace the existing two-storey single detached dwelling, currently used for the same purposes as a legal non-conforming use. The Zoning By-law amendment would site-specific zoning to the property in order to allow an

office use, limited to an embassy. A holding symbol would also be placed on the property, prohibiting the office use until such time as a Site Plan Control approval has been granted for the development of an embassy building, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department. An application for Site Plan Control has not been submitted yet.

#### Public Consultation/Input

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Official Plan and Zoning By-law amendments. Over 50 comments were received from the public. The issues and concerns raised were mostly related to traffic, design compatibility and the proposed use's compatibility with its surroundings.

### **RÉSUMÉ**

#### Hypothèse et analyse

L'emplacement, désigné Secteur urbain général dans le Plan officiel, est situé à la périphérie du secteur visé par le Plan secondaire du secteur du chemin Richmond à Westboro.

La proposition vise à permettre la construction d'une ambassade de deux étages (utilisation de bureau) et d'une aire de stationnement souterraine, qui remplacerait l'habitation isolée de deux étages existante qui sert actuellement aux mêmes fins en tant qu'utilisation non conforme légale. La modification au Règlement de zonage attribuerait un zonage propre à l'emplacement afin de permettre une utilisation de bureau limitée à une ambassade. Un symbole d'aménagement différé serait par ailleurs appliqué à la propriété afin d'interdire toute utilisation de bureau jusqu'à ce qu'une réglementation du plan d'implantation visant un bâtiment abritant une ambassade ait été approuvée, à la satisfaction du directeur général de Planification, Infrastructure et Développement économique. Aucune demande de réglementation du plan d'implantation n'a été présentée à ce jour.

#### Consultation publique et commentaires

La publication des avis et la consultation publique se sont déroulées conformément à la Politique de publication des avis et de consultation publique approuvée par le Conseil municipal pour les modifications au Plan officiel de la Ville et au Règlement de zonage. Plus de 50 commentaires ont été émis par des membres du public. Les questions et les

préoccupations abordées concernaient essentiellement la circulation, la compatibilité de la conception du projet et la compatibilité de l'utilisation proposée avec le secteur environnant.

## **BACKGROUND**

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

### **Site location**

180 Island Park Drive

### **Owner**

Royal Thai Embassy Ottawa

### **Applicant**

Royal Thai Embassy Ottawa

### **Architect**

Vladimir Popovic, N45 Architecture Inc.

### **Description of site and surroundings**

The subject property is municipally known as 180 Island Park Drive and is located on the west side of Island Park Drive, directly south of lands owned by the NCC and Sir John A. Macdonald Parkway along the scenic entry route from the Champlain Bridge. The subject site is approximately 0.1 hectare in size and has approximately 38 metres of frontage along Island Park Drive. The site is currently occupied by a two-storey embassy building that is to be demolished. The surrounding lands are characterized by low-density residential dwellings to the south and east, higher density residential to the west and NCC greenspace and the Ottawa River to the north.

The property has been occupied by the Royal Thai Embassy since 1987, at which time a "Diplomatic Premises" was permitted within the zoning. The zoning has since then changed, and the current 2008-250 Zoning Bylaw identifies the property as being zoned R1P, which no longer allows an Embassy or Diplomatic Premises, but rather a

Diplomatic Mission. Legal non-conforming rights to an Embassy and Diplomatic Premises were confirmed in 2010.

The voluntary demolition of the building today would result in the loss of legal non-conforming rights. The applicant wishes to formalize the current use with a new building and has applied for this rezoning

### **Summary of requested Zoning By-law amendment proposal**

The applicant requests to rezone the subject property to accommodate an office use limited to an embassy within a new two-storey building. The gross floor area of the new building is proposed to be limited through the zoning at 645 square metres.

The site is currently zoned Residential First Density, Subzone P, Exception 2499 (R1P[2499]). A diplomatic mission is a permitted use under the R1P Zone, however, under the definition of a diplomatic mission an office may only be an accessory to and in conjunction with the diplomatic residence. Consequently, the applicant is seeking to allow an office use to be the primary function within the building.

The current concept plan for the redevelopment includes a two-storey embassy building with a gross floor area of 645 square metres. The redevelopment would remove the existing surface parking spaces and create 16 parking spaces in an underground garage. The only application currently subject for review is the Zoning Bylaw Amendment. A Site Plan Control application has not been submitted at this time, but would have to be submitted at a later date.

In order to ensure that the building design is suitable for the residential area, a holding symbol is proposed to be put on the property's zoning, to be removed once Site Plan Control is approved, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

## **DISCUSSION**

### **Public consultation**

Notification and public consultation was undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications. Over 50 individuals/households expressed interest in the proposal as a result of the notification process, offered comments, and wished to be kept informed.

For this proposal's consultation details, see Document 3 of this report.

### **Official Plan designation**

The property is designated General Urban Area on Schedule B of the Official Plan, which permits a wide mix of different uses.

### **Other applicable policies and guidelines**

The property is located along the periphery of the Richmond Road/Westboro Secondary Plan, in the "Westboro Beach / Atlantis-Selby" sector. There is otherwise no land designation associated with this edge property.

### **Urban Design Review Panel**

The application was not subject to the Urban Design Review Panel.

### **Planning rationale**

#### Provincial Policy Statement

The *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), 2014, a document that provides further policies on matters of Provincial interest related to land use development.

The recommended Zoning By-law amendment is considered consistent with the matters of Provincial interest as outlined in the *Planning Act* and is in keeping with the PPS, 2014 by accommodating for a wide range of uses to efficiently occupy serviced lands, based on local conditions.

#### Official Plan

The property is designated General Urban Area on Schedule B of the Official Plan. The General Urban Area designation permits the development of a full range and choice of housing types, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. This designation is meant to facilitate the development of complete and sustainable communities. The broad scale of uses ranges from ground oriented buildings up to mid-rise buildings.

The proposed development consists of a two-storey office building limited to an embassy and underground parking, on a property located along the periphery of a residential neighbourhood.

Section 2.5.1 – Designing Ottawa includes design objectives related to built form, open spaces and infrastructure. These policies strive towards compatibility and the contribution to a community identity. Compatibility is described not as being the same as or similar to existing buildings in the vicinity, but rather as being able to coexist with existing development without causing adverse impact on surrounding properties.

Section 4.11 – Urban Design and Compatibility provides objective criteria, which can be used to evaluate compatibility. These policies strive to require high quality urban design throughout the City.

While a Site Plan Control application has not yet been submitted, multiple concept plans have been submitted for illustrative purposes, which show various design strategies that the applicant is considering (Document 4). While one of the proposals is very modern in design style, the other two are seemingly meant to reflect the residential characteristics of the neighbourhood. Such details will be determined at the Site Plan Control stage. In order to ensure that the building design is suitable for the residential area, a holding symbol is proposed to be put on the property's zoning, to be removed once Site Plan Control is approved, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.

#### Richmond Road/Westboro Secondary Plan

The Richmond Road/Westboro Secondary Plan was adopted in 2009 to guide development of the area. The property in question is located along the north-eastern edge of the secondary plan area, and included in the Westboro Beach / Atlantis-Selby sector. Seeing as the property faces outward and away from the sector, as well as the secondary plan area altogether, the applicability of the plan's policies is rather limited.

Generally, the secondary plan seeks to promote compatibility and pedestrian scale, and strives to maintain the green space network and to define the distinct urban character of each sector of Richmond Road. The conceptual proposal seeks to eliminate the surface parking spaces in favour of underground parking, with the possibility of incorporating residential elements in the building's design.

#### Zoning Bylaw 2008-250

The site is currently zoned Residential First Density, Subzone P, Exception 2499 (R1P[2499]). A diplomatic mission is a permitted use under the R1P Zone, and is defined as follows: "*Diplomatic mission means a residential use building of the accredited head or member of the diplomatic mission of a recognized foreign or*



*Commonwealth state having diplomatic or official status in Canada, and may include an office accessory to and in conjunction with the diplomatic residence and a security hut.”* While the definition mentions an office use, one must be accessory to the residential nature of the diplomatic mission. Having no proposed residential component and an office that is to serve the public, the proposed development is not permitted and requires a rezoning. For this reason, a site-specific exception is required to include an office use on the site.

Exception 2499 requires a 7.6-metre minimum setback from a lot line abutting Island Park Drive, which will also be reflected in the proposed site-specific exception. This zoning exception was adopted in 2018 at the request of the Island Park Community Association. Covenants put on title by the NCC requiring a 25 foot front yard setback were due to expire in 2020, and the Community Association wished to maintain the character of Island Park Drive by requiring the 25 foot setback through zoning.

Although an office use is proposed to be permitted, Section 130 of the Zoning Bylaw would still apply, which states that “*where a non-residential use is permitted in a residential zone, the non-residential use must comply with the residential zone regulations that apply to the highest density residential use permitted in that zone*”. This provision will ensure that any new building built on the property will need to adhere to the performance standards of the highest residential density permitted in the zone, which, in this case, is that of a single detached dwelling. In other words, any proposed office building would not be allowed to be built any bigger than would a single detached dwelling. In order to alleviate concerns with the overall size of the building, staff has proposed to add wording to the zoning, which would limit the gross floor area to 645 square metres, which is what has been proposed by the applicant on their conceptual proposal.

In order to ensure that the proposed new office use is limited to that of an embassy building, the following text shall be implemented in the zoning: “*office use, limited to embassy use*”. Should a general office wish to locate on the property in the future, the proposal’s appropriateness would need to be evaluated through a rezoning at that time.

While an office use is proposed to be added as a response to the construction of a new building on the property, as the use currently exists this proposal does not represent an expansion in intensity. That being said, the proposal would include two parking spaces more than currently exists, which has the potential of increasing the number of trips to

and from the site, according to the traffic study. A transportation overview anticipates that this proposal may only generate 1 to 2 additional vehicles per hour.

Considering that the proposed use has existed on the property since 1987, has not caused any adverse undo impact on the surrounding community, is located at the periphery of the community, and that the construction of a new building will not result in an intensification of the use, staff are of the opinion that the proposed Zoning Bylaw Amendment is appropriate for this site. Further consideration can be given to the improvements to the site from a greenery and water infiltration perspective as a result of providing underground parking, as well as the conceptual options for either modern or traditional residential designs, in an attempt to be as respectful as possible to the existing character of the neighbourhood.

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

### **COMMENTS BY THE WARD COUNCILLOR**

Councillor Leiper provided the following comments:

"The application to permit an office use on Island Park Drive has been met with consistent opposition by residents and myself for several years. Island Park is zoned for residential use. This property immediately abuts a residential property to the south, and is across from other residential properties. The site does not, the applicant's assertions notwithstanding, have any features that differ significantly from the properties around it that would justify re-zoning it for an office use, other than being the last house in a row at a location that demands the utmost sensitivity.

The property is currently zoned R1, which has as one of its purposes to "regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced." The application, if granted, would allow an office building which clearly does not fit with the existing residential character of Island Park.

It is important to note that the R1 zone currently permits a diplomatic mission, which facilitates the use of the property by the Royal Thai government to undertake some level of consular functions at the location associated with it being the Ambassador's residence. The Royal Thai government, however, has announced its intention to the community that there would be no residential component to the building. This raises a

thorny issue for Council. While the application would permit an office use to the residential zoning on a site-specific basis, the effect would be to allow an office building in a residential zone. The site would continue to have R1 zoning despite having no residential use. If the building were to continue as a residential use with a diplomatic mission, there would be no need for a re-zoning.

Allowing a property zoned residential to be given over entirely to office use should concern Ottawa residents and Council. Commercial, mainstreet and other zoning that allows office uses is applied to geographies carefully, taking into account the impacts that office uses have including very different traffic patterns and other impacts. This site is an approximately 1 kilometer walk from the nearest transit station, in an entirely residential community. While an embassy use has a certain cachet, its functioning does not differ in any material way from that of, say, an accounting firm. In fact, should the Royal Thai government re-locate, the new zoning on this property would allow a corporate entity to purchase the building and land as an office. This obviously does not meet the intent of the City's Official Plan that commercial/office uses should be directed to areas where well-served by transit and otherwise appropriate for employment and traffic generators.

There are ample lands available in Ottawa to build embassies that conform to the zoning in place. In order to accommodate this proposal, Council is being asked to tie itself into knots to allow a site-specific exception that has the effect of zoning land residential that has no actual residential use. It is absurd on the face of it to suggest that an office building meets the R1 zoning intent. I trust that my colleagues will vote to refuse this application and preserve the integrity of our zoning.”

## **LEGAL IMPLICATIONS**

In accordance with Bill 139, if the proposed zoning by-law is adopted, it can only be appealed on the basis of inconsistency with the Provincial Policy Statement or lack of conformity with the official plan. Were the zoning by-law appealed, the preparation of the necessary documentation for the Local Planning Appeal Tribunal and the making of submissions to the Tribunal could be done within staff resources.

If the zoning amendment is refused, reasons must be provided. Due to the limited timeframes now associated with Local Planning Appeal Tribunal matters, the City Clerk and Solicitor Department would seek to retain an external planner to provide an affidavit in support of the refusal for the initial Tribunal review of the item should an appeal of the

refusal be forthcoming. For an appeal of a refusal of a zoning application to succeed, the appellant must show that the existing zoning is inconsistent with the Provincial Policy Statement and/or does not conform to the Official Plan.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications with the recommendations of this report.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with the approval of the zoning amendment. In the event the zoning amendment is refused and appealed, an external planner would be retained. This expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

### **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report. Any Ontario Building Code requirements for accessibility will be imposed at building permit and any site designs will be addressed at the Site Plan Control stage.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

C1 – Contribute to the improvement of my quality of life

C2 – Provide a compelling, vibrant destination

### **APPLICATION PROCESS TIMELINE STATUS**

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the application being put on hold for an extended period of time.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Proposed Zoning By-law Amendment

Document 3 Consultation Details

Document 4 Proposed Concepts

## **CONCLUSION**

The Planning, Infrastructure and Economic Development department supports the application and proposed Zoning By-law amendment. The proposal is consistent with the Official Plan policies for the General Urban Area. The proposed Zoning By-law amendment is appropriate for the site and maintains policy objectives. The amendment represents good planning and, for the reasons stated above, staff recommends approval of the Zoning By-law amendment.

## **DISPOSITION**

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

**Document 1 – Location Map**

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa).

Location of the subject property at 180 Island Park Drive, south-east of the of Island Park Drive and Sir John A. MacDonald Parkway intersection.



## **Document 2 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 180 Island Park Drive:

1. Area A shown on Document 1 to be rezoned from R1P[2499] to R1P[xxxx]-h
2. Add a new exception, R1P[xxxx] to Section 239, Urban Exceptions, introducing provisions similar in effect to the following:
  - a. In Column II, Applicable Zoning, add the text, “R1P[xxxx]-h;
  - b. In Column III, Additional Land Uses Permitted, add the following text “office, limited to an embassy”.
  - c. In Column IV, Land Uses Prohibited, add the following text: “office, limited to an embassy until the holding symbol is removed”
  - d. In Column V, Provisions, add the following text:
    - i. “minimum setback from a lot line that abuts Island Park Drive: 7.6 m”
    - ii. “maximum gross floor area for office, limited to an embassy: 645 square metres”
    - iii. “The holding symbol may not be removed until such time as Site Plan Control approval has been granted for the development of an embassy building, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department.”

### **Document 3 – Consultation Details**

#### Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

#### Public Comments and Responses

**Comment:** It is unacceptable to allow an office use within a residential neighbourhood. The property's redevelopment as an office use will not be in keeping with the residential character.

**Response:** The proposed use already exists today as a legally non-conforming use. The proposal is to house the use in a bigger building. A future Site Plan Control process will ensure that the building design and site layout are in keeping with the character of the neighbourhood.

**Comment:** The proposal will increase traffic congestion on Island Park Drive.

**Response:** While the use is not expected to intensify as compared to today, the addition of two parking spaces may generate up to one or two new trips per hour, which is expected to be negligible to Island Park's current traffic flows.

**Comment:** What guarantees are there that the Thai Embassy will not sell their office building to a non-embassy buyer in the future?

**Response:** The details of zoning will include wording, which ensures that the new office use only applies to an embassy.

**Comment:** The scale of the building would overwhelm the immediate properties, as it would be much bigger than adjacent homes.

**Response:** Section 130 of the Zoning Bylaw requires non-residential buildings to adhere to the performance standards of a single detached dwelling in this zone. In other words, the proposed building could be no bigger than any single detached dwelling being proposed on the lot.

**Comment:** The approval of this request will open the door to others requesting zoning amendments to commercial uses on Island Park Drive.



Response: Each planning application is evaluated upon its own merits. Exceptional circumstances, notably that of the legally non-conforming status of the use, makes this a unique situation, which would not set precedence.

Comment: The proposed underground parking may cause damage to nearby homes.

Response: The future Site Plan Control application will include a geotechnical report, which will evaluate the soil composition on the property. Issues such as damage to other properties through blasting will be identified in this report and mitigation measures will be imposed.

Document 4 – Proposed Concepts





ROYAL THAI EMBASSY  
180 BILAND PARK DRIVE | OTTAWA | ONTARIO | K1P 6E2



ROYAL THAI EMBASSY  
100 BLAND FINE DRIVE | OTTAWA | ONTARIO | K1Y 0K2