

Zoning By-law Amendment – 180 Island Park Drive

ACS2019-PIE-PS-0004

Kitchissippi (15)

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.**

Jean-Charles Renaud, Planner, and Doug James, Manager, Development Review – Central, both of the Planning, Infrastructure and Economic Development department, responded to questions. Tim Marc, Senior Legal Counsel, Planning, Development and Real Estate, Office of the City Clerk and Solicitor, also responded to questions.

The committee heard five delegations:

- Paul Forster, Vice-president, Island Park Community Association¹, opposed the application and provided the following arguments: the proposed office use is not

¹ Written submission provided; a copy is held on file with the City Clerk

compatible with the residential uses in the neighbourhood; the impact of the rezoning is significant; rezoning reverses 100 years of policy (including City policies and covenants enforced by the National Capital Commission; rezoning will set a dangerous precedent; rezoning is unnecessary.

- Heather Mitchell, Westboro Community Association², provided the following arguments in opposition to the application: spot zoning in this residential neighbourhood should not be permitted and will set a precedent for future requests in this and other residential neighbourhoods; the proposal is not compatible with the character of the area and will impact the scenic and historic residential parkway; if the Embassy cannot operate as it wishes within the current zoning it should relocate to an appropriately zoned area that would permit this office use; an office building that resembles a house is still not a residence and is not acceptable for the area.
- Heather Pearl, Co-chair, Champlain Park Community Association³, did not take issue regarding the Owners' current legal non-conforming rights to operate an Embassy and Diplomatic Premises but opposed the rezoning request on the following premise: the policies in the Official Plan do not support changing the Bylaw; the change does not meet the intent of the By-law; the proposed By-law provisions do not afford protection from the perhaps unintended consequences; the impact of allowing this Zoning By-law Amendment Proposal will be significant for Island Park Drive and all of Ottawa's residential areas; non-conforming rights should cease when the current building ceases to be.
- Bruce Enstone opposed the application, noting that the Government of Thailand would have been subject to conditions of purchase with respect to existing residential zoning when they purchased the existing property and the rezoning request should not be approved to corrupt what already exists.
- Peter Boos opposed the application, noting the Thai Embassy is currently permitted to operate as an embassy with some office use and could continue to do so. He questioned what protections would be in place in granting the rezoning

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request to prevent it from being used for other non-residential purposes (by the current and potential future owners).

In addition to the submissions previously noted, the committee received the following correspondence between January 14 (the date the report was published to the City's website) and the time it was considered on January 24, a copy of which is held on file:

- Email dated January 11 from the McAlea Family
- Email dated January 11 from Mary Little and Michel Piche
- Email dated January 13 from Mary Ellen Kot
- Email dated January 14 from Alan & Lillian Smith
- Email dated January 14 from David and Susan Davidson
- Email dated January 15 from Jim Blattman
- Email dated January 17 from Professor Paul Forster
- Email dated January 17 from Isla Paterson
- Letter dated January 15 from Mari Wellman, Co-president, Westboro Beach Community Association
- Email dated January 19 from Edward Ellis
- Email dated January 20 from Paul and Elizabeth McCormick
- Email dated January 20 from Tara Hennessy
- Letter dated January 21 from Heather Mitchell, Westboro Community Association
- Email dated January 21 from Patricia Wiebe
- Email dated January 21 from Roland Dorsay
- Email dated January 23 from Ella Forbes-Chilibeck
- Email dated January 23 from Carey Roeske
- Email dated January 23 from Dr. Lise Paquet
- Letter dated January 19 from Cathy Shaw and James Wagner, Co-Presidents, Island Park Community Association
- Email dated January 23 from Heather Pearl, Co-chair, Champlain Park Community Association
- Email dated January 23 from Linda Gama-Pinto, President, Heron Park Community Association
- Email dated January 24 from Jocelyne Woolhouse
- Email dated January 24 from Sheila Perry, President, Federation of Citizens' Associations (FCA).

Planning Committee considered the report recommendations, as follows:

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LOST on a division of 2 yeas and 7 nays, as follows:

YEAS (2): Councillors S. Moffatt, A. Hubley

NAYS (7): Councillors L. Dudas, G. Gower, R. Chiarelli, J. Leiper, S. Blais, Vice-chair
T. Tierney, Chair J. Harder

Mr. Marc advised the committee that, having voted against the staff recommendation, if committee was not prepared to prepare and consider the required motion indicating the reason for refusal, the report could advance to Council on January 30, 2019 with no committee recommendation, whereupon Council would need to consider such a motion. The Chair agreed with this approach.