

Summary of Written and Oral Submissions: Zoning By-law Amendment – 180 Island Park Drive

Note: This is a draft Summary of the Written and Oral Submissions received in respect of Zoning By-law Amendment – 180 Island Park Drive (ACS2019-PIE-PS-0004), prior to City Council's consideration of the matter on January 30, 2019.

The final Summary will be presented to Council for approval at 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'. Please refer to the 'Bulk Consent' section of the Council Agenda of February 13, 2019 to access this item.

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council's consideration:

Number of delegations/submissions

Number of delegations at Planning Committee: 5

Number of written submissions received by Planning Committee and Council between January 14 and January 30, 2019 : 25

Primary concerns, by individual **The McAlea Family** (written submission)

- no concern with an embassy that includes some offices, but concerns that the proposed office buildings will be detrimental to the cohesive neighbourhood atmosphere and character, similar to the Carling Avenue environment

Mary Little and Michel Piche (written submission)

- opposed to rezoning of the area for commercial purposes, which would set a bad precedent and negatively affect the community and the integrity of the residential neighbourhood

Mary Ellen Kot (written submission)

- opposed to allowing offices on this (and other) residential street(s), which would subject it to office traffic
- would exacerbate existing traffic issues because this specific site is close to the Champlain Bridge

Alan and Lilian Smith (written submission)

- Clearview Avenue is currently overrun by vehicle traffic, which is unacceptable for a residential dwelling
- existing traffic congestion on Island Park is causing environmental pollution
- residents' safety is impacted with the density of traffic on Clearview and Island Park
- it is not acceptable to set this precedent by rezoning residential areas to accommodate office occupancy
- Planning Committee's position to accept the pending application is irresponsible, unacceptable, and inexcusable

David and Susan Davidson (written submission)

- strong objections to the City staff opinion favouring the proposed zoning bylaw amendment
- endorse Councillor Leiper's statement outlining reasons for opposition to the request
- the proposed 16 vehicle parking (underground or not), which does not necessarily mean just staff parking, will exacerbate existing traffic congestion so close to the turn-off from the Parkway onto Island Park Drive, and may lead to accidents; this is further complicated by City bus crossing on Island Park Drive not far south of the embassy
- the provision for the Thai government to sell the diplomatic-mission building (later) as simply an office building would mean the entry from the Parkway to a major scenic drive through the nation's capital would become commercial, and spoil the special nature of that entry

Jim Blattman (written submission)

- has written several letters of objection over the last few years, as a homeowner just a block away from the subject property, which, along with those of many neighbours and stakeholders in the community, appear to have been largely ignored by Planning Committee; sensed these comments would be another waste of time and effort, as the outcome appears pre-determined in the applicant's favor
- strongly objects and would like the Planning Committee to explain how they feel this proposal is a positive development that serves the residents of this community (from which he is not aware of any support)
- fears this will lead to similar requests from other embassies along Island Park Drive who will cite this as a precedent

Professor Paul Forster (written submission)

- primary objections include the following three points that are not adequately addressed in the staff report:
 - the rezoning reverses the policies that have governed the development of Island Park Drive over the past 100 years, including restrictive covenants imposed by the Ottawa Improvement Commission (and enforced to this day by the National Capital Commission) to explicitly legislate its character as a single-family residential neighbourhood, and including Council-approved Area Specific Zoning for Island Park Drive that was explicitly aimed at helping to maintain its current character after the covenants expire in 2020/2021
 - a non-residential Embassy office building is not an R1 use;
 - though Embassy business has been carried out on site for years, it is unclear how this transforms a non-conforming use into an R1 use;
 - non-residential offices are not permitted under the covenants in place, nor are non-residential embassy offices a legitimate use under the current zoning by-law
 - the staff opinion that a non-residential office building would be compatible with the neighbourhood's single-family residential character loses sight of the fact that the identity of Island Park Drive is a function of its single-family residences, with people live in them outside of business hours and, as residents, have a stake in the surrounding community
 - granting this rezoning sets a dangerous precedent in this and other R1 neighbourhoods
 - the staff position is tenuous and could have the unintended consequence of leading to office uses other than Embassy-related on Island park Drive and in other similar neighbourhoods
 - while staff feel the site can be exempted from current zoning by-laws because it lies at the “periphery” of the neighbourhood, the site actually falls well within the boundary of the Island Park Drive neighbourhood that the National Capital Commission (NCC) has marked off as a distinctive and unified residential community in the Nation's Capital, and its location in no way renders it any less deserving of protection under the current R1 zoning
- interpretation and application of Official Plan policies (to this zoning) regarding supportive infill development and intensification should take into account that:

- the Embassy being proposed will be the only non-residential building on Island Park Drive—from the Parkway to Carling Avenue—and the only office building
- the office building being proposed will function exclusively as a place of employment; it will not be on a main street or in a mixed-use centre but rather in an area whose “planned function” is and always has been residential, and it will have no direct service by public transit; its road access will be from Island Park Drive, which is part of the NCC driveway, a residential street on which commercial traffic is strictly prohibited
- there is no justification for replacing zoning that gives primacy to residential use in a 100 year-old single-family neighbourhood with zoning that eliminates this residential function entirely and replaces it with an exclusively non-residential office use
- as a single-family neighbourhood comprising a significant “cultural heritage landscape”, Island Park Drive merits preservation
- there are other reasonable options open to the Thai Embassy and no compelling reason to exempt 180 Island Park Drive from the existing by-laws that apply to every other property

Professor Paul Forster, Vice-president, Island Park Community Association

(written and oral submission)

- the proposed office use is not compatible or consistent with the residential uses in the neighbourhood; the community is comprised of single-family homes with residents who have a stake in the neighbourhood, a function that an office building that resembles a house cannot fulfil
- the impact of the rezoning is significant
- 180 Island Park Drive is a prominent address surrounded by single-family residences; the property is not peripheral to the identity of the street, and is no less deserving of protection under R1 zoning because of its location
- rezoning for office use reverses 100 years of policy, including National Capital Commission covenants that established the neighbourhood (still enforced), existing R1 zoning, and Area Specific Zoning to preserve residential character; it was explicitly rejected as incompatible in 2014 when a previous (similar) application was rejected by Planning Committee and Council
 - it was deemed as “non-conforming ” in 2010, which means it should revert to a proper R1 use, should the property be destroyed or change hands

- rezoning will set a dangerous precedent; staff have put forward a tenuous position in supporting this request while giving assurances about R1 protections for the street, which could be exploited and lead to embassy offices and other office uses elsewhere on the street and in other R1 neighbourhoods
- rezoning is unnecessary because reasonable alternatives exist; the Embassy can maintain and refurbish their existing property for residential use and build an office elsewhere in the city on an appropriately zoned site, options that other embassies on the street have accepted
- The community has been given no justification for granting the Thai Embassy exceptional privilege and priority over the wishes of long-standing residents and in contravention of existing policy

Isla Paterson (written submission)

- 180 Island Park Drive is currently a home that functions as the Ambassador's residence and the Thai Government's visa and consular office; if the Thai government wants a larger office for their embassy activities, they can rent, buy or build another office in the city; there is no need for the City Council to grant an exception to the existing residential zoning on Island Park
- spot zoning begins a slippery slope to the change and ending of the residential character of any street, as evidenced on Bank Street, north of the Lansdowne redevelopment, which has become high rise haven in just four years because of the gateway spot zoning that was approved
- office buildings don't belong on residential streets and this request should be a non-starter

Mari Wellman, Co-president, Westboro Beach Community Association (written submission)

- doubt that this non-conforming use will be a one-off occurrence, despite assurance, as has been the experience
- lack of confidence that granting this re-zoning will not set a dangerous precedent to non-conforming uses in established residential neighbourhoods
- cannot support spot re-zonings and non-conforming uses under any zoning designation, especially in established residential neighbourhoods
- aggravated that the Thai Embassy proposal is being supported by the Planning Department, even after the public consultation of previous years where the residents opposed the creation of a non-conforming use to the zoning designation at 180 Island Park Drive

- request City adherence to the permitted uses of an R1 designation by not supporting the application

Edward Ellis (written submission)

- allowing this change sets a very dangerous precedent that could lead to other homes being granted similar rezoning, and the street would eventually become a commercial strip rather than a pleasant drive and residential area
- the proposed change is completely out of keeping with the character of the neighbourhood

Paul and Elizabeth McCormick (written submission)

- strengthening the residential character of Island Park Drive is an ongoing challenge; given the volume of traffic that is permitted to use the street; the NCC has reinforced the residential character of the street by erecting stone cairns as a major signal to traffic coming on to the street that it is a residential neighbourhood, two of which are in place just beside 180 Island Park Drive
- 180 Island Park Drive is the first building that is seen by south bound users of the street and is surrounded by houses on three sides and parkland and the Ottawa River Parkway to the north, with no other office buildings in the immediate vicinity; allowing an office building in such a prominent location could convey a misleading message to all that this is potentially a street where offices are welcome
- a number of foreign governments have chosen to have their ambassadors live on Island Park Drive and these diplomatic residences contribute to the residential character of the street; it is unclear why the Thai government cannot follow suit with a residential building
- were surprised to learn that a legal non-conforming use for this house was approved by the City at some point, and noted that having a non-conforming use does not make it right; were of the understanding that the non-conforming use applies just to the current house and that demolition of it would trigger a reversion to the previous zoning
- an office should not be permitted in this neighbourhood of houses

Tara Hennessy (written submission)

- rezoning will have detrimental effects on the neighbourhood; the existing residential zoning should be respected by any development along Island Park Drive
- frustrated by the Committee of Adjustment's continued indifference to existing zoning bylaws
- the proposal will not enhance the neighbourhood, and will increase already

congested traffic given that walking and public transit usage will not be part of the traffic considerations for those using the proposed office space

- rezoning this location for office use could set a precedent that leads to more offices and alternative zoning, and could alter Island Park as it is now known
- there are many other ‘prestigious’ locations for the Thai Embassy offices to locate in

Heather Mitchell, Westboro Community Association (written and oral submission)

- opposed to a spot zoning change for a single property on a street to allow an office building, which is unnecessary and would set a precedent for the street, the neighborhood, and the city overall
 - Island Park Drive is a distinct, 100-year-old planned residential street on a National Capital Commission parkway system; an office building would be incompatible, especially at its historic northern gateway, with the residential character of the neighbourhood and the long standing vision for the scenic residential parkway
 - there is no justification for rezoning to permit an office building in a residential neighbourhood, which would disrupt the community, impact the street’s heritage landscape and intended function, undermine the community’s trust in the City’s decision-making processes and confidence in the integrity of the Official Plan; the Embassy can relocate to an appropriately zoned area without such impacts
 - despite staff assurances, the community is worried this would lead to further non-conforming uses in established residential neighbourhoods
 - the community won’t be appeased if the office building resembles a house; it is the use of the property and its intended zoning change that is the biggest issue now and for the future

Patricia Wiebe (written submission)

- approval of this application would seem to risk setting a precedent for the neighbourhood, Planning Committee should reject it and take measures to prevent future similar applications on Island Park

Roland Dorsay (written submission)

- allowing the conversion of an existing non-conforming right into an as-of-right use would overturn a long-standing By-law requirement that applies city-wide, and should be rejected for the following reasons:
 - there may be unintended consequences, such as lack of justification to refuse other such requests in this and other residential neighbourhoods

- the proposal runs counter to the spirit of the recently implemented Mature Neighbourhoods Overlay for Island Park Drive and disregards the strong objections of nearby residents, adjacent community associations and others across the city who have concerns about its consequences
 - the proposal does not include a site plan and there are no assurances the building would be compatible with the surrounding built form, but it also misses the essential point that no office building, regardless of how it is made to look, would be compatible with the street's and the neighbourhood's long-established residential characteristics
 - even if a visually compatible building could be achieved in this case, there is no assurance that the next iteration of the Site Plan Control By-law will allow for mitigation measures with respect to any future applications
- there could be problems with precedents because there is no guarantee the proviso of office use 'limited to Embassy use' would be a sustainable condition for future owners and for other properties, especially without sufficient planning rationale to support it
 - it provides the wrong signals about Council's intent and reliability to uphold policies in the current Official Plan and Zoning By-law provisions and measures aimed at preserving neighbourhood characteristics, such as the Council-approved Area Specific Zoning for Island Park
- the community welcomes the Thai Embassy to remain a neighbour for as long as they wish, including in a new Embassy residence that meets all of the current R1P By-law and Mature Neighbourhoods Overlay requirements, but there are better solutions to meet the Embassy's needs than the proposed spot zoning

Heather Pearl, Co-chair, Champlain Park Community Association (written and oral submission)

- 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 provide no justification to support rezoning that would permit an office building; Island Park Drive is identified as a Distinctive Street and a Scenic Entry Route, and an isolated office building, even if it resembles a residence, is not a compatible use, nor does it fit the current, historical and proposed future context

- the change does not meet the intent of existing R1P residential zoning, the Mature Neighbourhoods Overlay and Alternative Provisions
- any discussion of this property being on the periphery of the neighbourhood must consider its full context: it is the first residence on the west side of the residential gateway; the nearest commercial properties are nearly a kilometre away, at the Richmond Road/Wellington Street intersection, and new commercial properties are being constructed nearly 700 metres away, on Scott Street; an office building at this location would be isolated and would not foster engagement within the community
- 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; in this case it will lead to the erosion of the character of the Island Park cultural heritage landscape, and in other residential neighbourhoods it will promote spot rezoning of this type
- non-conforming rights should cease when the current building ceases to be, and with any new building, regardless of exterior design, the reversion to use as a residence is key; allowing the property to be rezoned and rebuilt as an office will impede future residential occupancy and limit justification to prohibit further rezoning
- the owner has viable options: rebuild a diplomatic residence in compliance with existing regulations, or relocate an office to an appropriately zoned site

Ella Forbes-Chilibeck (written submission)

- concerned that the existing property is no longer operating as a residence, even though the legal non-conforming zoning does permit office use only, and that the proposal for the new building has no residential aspect
- the proposal to have an office use only building on Island Park Drive is not compatible in any way with the existing neighbourhood structures and development; no other embassy on Island Park functions as an office only, there are no office buildings located nearby, and all of the buildings adjacent to 180 Island Park Drive are single family residential dwellings or residential embassies
- if approved, this will set a precedent that future applications can reference if/when other embassies submit a similar rezoning proposal

- concerned that this proposal is being supported by the Planning Department even after the public consultation of previous years where there was strong opposition to allowing an office building within the current R1 zoning designation

Carey Roeske (written submission)

- agreed with concerns highlighted by Ella Forbes-Chilibeck and noted previous objections submitted to the City

Dr. Lise Paquet (written submission)

- agreed with concerns highlighted by Ella Forbes-Chilibeck
- disturbed that the Planning committee is allowing the Embassy to violate existing zoning-by-laws and argued they should not be treated any differently than all other residents of Island Park Drive and the neighborhood
- indicated the Thai ambassador is more than welcome to become a resident of the neighborhood but that using 180 Island Park Drive as an office only building will set a dangerous precedent for all neighborhoods with residential embassies; urged protection of the residential character of Island Park Drive and of any other residential neighborhoods

Cathy Shaw and James Wagner, Co-Presidents, Island Park Community

Association (written submission)

- Island Park Drive is a livable and beautiful neighbourhood, created and protected by covenants, government policies and municipal zoning rules aimed at defining and protecting its residential purpose and aesthetic character, including City Council-approved Area Specific Zoning that will help preserve the front yard setbacks that enhance the boulevard; there is no legitimate rationale to abandon these time-tested principles now
- the proposal to build a fairly large office building in the midst of single-family homes, zoned R1, is inconsistent with the well-established purpose of the neighborhood; such an office building will not “enhance an established community,” as city planning documents require
- the Association does not agree with the proponent’s opinion that the location “differs” from the residences all around it, it has been, and continues to be, residential
- the Association takes exception to the architectural designs submitted to date that, while intended for illustrative purposes only, indicate a desire for a landmark building that is more prominent than its neighbours, with a focal point in relationship to Island Park and the Parkway; it is not within the purview of this applicant to visually reinterpret the entrance to Island Park Drive, or to make its own building a “focal

point.” as it will neither “fit well” within the physical context nor “work well” among the functions around

- the one-off solution proposed and the reliance on a vague “holding symbol” on the zoning to guide the suitability of the structure does not provide residents with the certainty and clarity afforded by the 100-year covenants and R1/area specific zoning
- the Embassy should find an alternate location in Ottawa that will be more suitable for the architectural statement they wish to make

Linda Gama-Pinto, President, Heron Park Community Association (written submission)

- supported the Island Park Community Association’s position
- there will be consequences for the wider residential zoned areas, should this proposal be approved, including:
 - the City will not have any integrity to refuse future requests for non-conforming uses to be transformed into as-of-right uses, including businesses setting up in residential areas and applying for similar dispensation after a period of time
 - erosion of residential neighbourhoods from their intended look, function and purpose when businesses are deemed legal non-conforming or as-of-right uses that are compatible with the surrounding built form
- there is no justification to not uphold the existing R1 zoning, and the Embassy can buy commercial land or rent offices elsewhere

Jocelyne Woolhouse (written submission)

- allowing an office building on a residential street affects negatively the character of the neighbourhood
- the drawing of the future embassy is extremely commercial and does not belong on any residential street; it is simply not compatible with the character of the community and reflects badly on the surroundings

Sheila Perry, President, Federation of Citizens’ Associations (written submission)

- endorses the concerns raised and opposition expressed by the Champlain Park, Westboro, Westboro Beach, and Island Park Community Associations

Bruce Enstone (oral submission)

- 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 (oral submission)

- the Thai Embassy is currently permitted to operate as an embassy with some office use and could continue to do so
- questioned what protections would be in place in granting the rezoning request to prevent it from being used for other non-residential purposes (by the current and potential future owners)

Primary arguments in support, by individual:

None provided

Effect of Submissions on Planning Committee Decision: Debate: The Committee spent approximately 45 minutes on this item.

Vote: The Committee voted against the report recommendation on a division of 7 nays to 2 yeas.

Effect of Submissions on Council Decision:

Council considered all written and oral submissions in making its decision, and **voted against the report recommendation by way of the following motion:**