**CIVIC HOSPITAL NEIGHBOURHOOD ASSOCIATION**

**Input to**

**Temporary Zoning Application**

**115 Champagne Avenue**

**D02-02-17-0109**

 The Civic Hospital Neighbourhood Association (CHNA) is registering its objection to the minor zoning by-law amendment application to allow the temporary addition of outdoor storage as a permitted use (File #D02-02-17-0109). The site in question is at the eastern boundary of CHNA’s community.

 CHNA is on record supporting intensification and was actively involved in supporting the City’s public engagement processes related to the Preston-Carling Secondary Plan. Indeed, CHNA led a series of consultations on the public realm components of the Plan.

 CHNA is therefore very familiar with the City’s commitments and citizen expectations related to the Preston-Carling Secondary Plan. This application breaks the commitments made to the citizens of the district in the Preston-Carling Secondary Plan and is not in the public interest.

 To summarize this application: The approved site plan for 115 Champagne included a landscape plan for the site in the event that construction of the second tower not start within a prescribed period after completion of the first tower. The conditions necessary for the implementation of the Landscape Plan for 115 Champagne have been met. The owner and applicant are ignoring this element of the site plan agreement and have been illegally storing vehicles from Otto’s BMW on the site since the summer of 2016. The owner and applicant would like “to amend the existing zoning to permit, on a temporary basis of up to (3) years, the additional use of Outdoor Storage” to sanction the current and illegal use of this site for vehicle storage.

 The applicant continues to refer to the proposed usage throughout the application as “parking”, citing urban sites in Toronto and Ottawa as precedents. This is not parking; it is storage. Approving this application will introduce a non-urban usage to a residential community that could continue for six (6) years.

 The applicant refers to some of the usages permitted in the R5 Zone as potentially having more negative impacts on the community. This is a red herring used by the applicant to distract from the request for a temporary, non-urban use in this urban residential community and it should be ignored. There may be impacts on each of the permitted uses, but each brings a benefit to residents of the community, which this usage does not. The Preston-Carling district is in transition and decisions at this stage during the evolution of the district could have a long-term, adverse impact on the development of the district.

 Residents of the neighbourhood have expressed their concerns to CHNA about this application and the current negative impact it is currently having on the community. CHNA will not repeat those concerns in this summary, as they are contained in residents’ individual submissions and we trust they will be reflected in the staff report on input.

 A summary of CHNA’s objections follows:

No Public Benefit

 This application directly states: “… the relationship between Otto’s and SOHO is seen as mutually beneficial for both parties involved.” This is a private benefit. Where is the public benefit?

 The Preston-Carling Secondary Plan stressed the importance of “quality of place” as an important ingredient in the success of intensification. Indeed, for residents, pedestrians and cyclists who frequent this area of our neighbourhood, this application introduces a loss or detriment to the liveability of our community, which expected a landscaped site in the event that construction of the second tower was not started within a certain timeframe. It also introduces uncertainty across the city as to what can be expected with the landscaping elements of other site plan agreements.

 CHNA asks Planning Committee to consider which of the following two options brings a public benefit to citizens of a residential community: a site that is used for vehicle storage that was not approved in the original site plan agreement, or a site that is landscaped in accordance with the site plan?

 The community has invested considerable time and energy to date in bringing the illegal use of this property to the attention of City Officials as part of an ongoing effort to ensure “quality of place” in their community. Residents worked with city officials in mitigating other problems with this block, including addressing illegal angle parking, inadequate fencing and neglected landscaping on city property. Residents were also vocal in communicating strong opposition at the Committee of Adjustment when the applicant attempted to characterize this illegal storage as a minor variance.

 If the applicant feels that this usage is consistent with a “public benefit”, CHNA questions why residents of the neighbourhood and the community association were not approached in advance of the site being turned into an outdoor storage lot. If the applicant felt there were no adverse impacts, why not consult the community in advance to get resident support for the idea.

 One resident recently wrote: “I think it is fair to say that our community deserves to get some benefit from all the development that is going on in the area, especially since it is bearing the brunt of intensification, as are other neighbourhoods near O-Train stops.”

Dangerous Precedent

 Should this application be granted, it has the potential to encourage others to ignore the conditions of their site plan agreements. This has implications not only in the Preston-Carling district, but also throughout the City of Ottawa. The danger is that important land use development becomes an ad hoc process and the intent and purpose of zoning by-laws and Secondary Plans are not respected.

 The Ottawa precedents (141 George Street & 991 Carling) cited in the application do not apply as they do not address the issue of outdoor storage. Parking and storage are not synonymous.

 The City of Ottawa must ensure that developers live up to the commitments they make in site plan agreements, that they contribute to the community in which they are working, especially in the wake of the disruption a neighbourhood experiences during construction.

 Residents of this neighbourhood remember a much different, very respectful experience from the developer responsible for building Dows Lake Towers, two buildings situated between Carling, Hickory, Champagne and Loretta. After the first tower was built, as expected, this developer landscaped the site set aside for the second tower and provided the community with green space and an unofficial park for years. As one resident noted: “I and others in my neighbourhood were able to use this space for picnics, flying kites and more until the second tower went up. Both of my children learned how to ride a bike on this land.”

Erosion of Public Trust

 Public engagement and consultations is a crucial component of development in the City of Ottawa. When site plans are approved at the City’s Planning Committee, citizens trust that these site plans give them a measure of certainty around how development will unfold in their communities. Approving this application will undermine that trust and have a very detrimental effect on the long-term public consultations process.

 One resident summarized resident expectations as follows: “Residents expect that all property owners, large or small, respect the zoning of the neighbourhood and that they protect and maintain its residential nature. This property is zoned residential and is located within a residential neighbourhood. Residents do not expect to have a commercial car lot (or other similar “outdoor storage”) on a property zoned residential.”

 Another resident noted: “I believe that Starwood is doing serious damage its reputation and the reputation of developers in general by attempting to renege on its commitment. It is behavior like this that gives developers a bad name.”

Undermines the Reputation of the City of Ottawa’s Planning Committee

 How can citizens have any faith in the power and credibility of Planning Committee should this application be approved? The Committee approved the original site plan. This is a significant change to one of the most important commitments in the original site plan. The Preston-Carling Secondary Plan, with its commitments to residents, was approved at Planning Committee. The effective implementation of the Preston-Carling district as an intensification node will require that city officials pay attention to permitted urban residential zoning uses and direct developers to respect the objectives of the Preston-Carling Secondary Plan. Otherwise, citizens will conclude that the development community, and not the Planning Committee, holds the levers of power around development decisions for the City of Ottawa.

Ignores Policy Direction in the Preston-Carling Secondary Plan

 The Preston-Carling Secondary Plan specifically states that “zoning and site plan approval” are crucial to achieving the “quality of place” and “quality of life” fundamental to the success of an “urbanized community”.

 While the applicant states that this temporary use “will not reduce the ability to achieve the long-term objectives expressed in the Official Plan”, CHNA would argue that allowing storage on this site is not consistent with the development of an “urbanized community” nor is it consistent with the objectives of the Preston-Carling Secondary Plan.

 The Preston-Carling Secondary Plan states that the success of the Preston-Carling District “depends on effective implementation.” The Plan specifies that local streets be designed to “enhance the pedestrian experience, ensure safety, calm traffic and create a more enjoyable and welcoming public realm.” It is clear from the Preston-Carling Secondary Plan, that the “evolution” of the “long-term objectives” is as important as achieving the long-term objectives and that the private sector must do its part. As The Plan notes: “The achievement of the public realm over time is a function of establishing the City’s objectives for its evolution and development, and working with the private sector who bears a large responsibility for delivering it.”

 CHNA hears from residents of the Preston-Carling district who feel that they are experiencing considerable overall negative impacts from intensification. These residents question whether city planners are fully aware of commitments made to residents in terms of the community benefits they can expect from intensification.

Fails to Recognize Intensification as a Long-Term Process

 For residents of the eastern quadrant of the Civic Hospital neighbourhood, intensification is an every-day reality as they cope with closed streets, construction noise and dust which they expect to have to experience for years to come.

 As one resident put it: “The public realm piece is not just about what the district will be like at the end of the process. There needs to be as enjoyable and pleasant public realm as possible while the neighbourhood undergoes intensification.  As the neighbourhood experiences intensification, the Secondary Plan and zoning need to be respected to ensure that it will retain existing residents and attract new residents.”

Does not Respect the Community

 Citizens who were involved in the extensive public consultations related to the Preston-Carling Secondary Plan have indicated to CHNA that this application demonstrates that the city is turning a blind eye to the “disrespect” the applicant is showing towards the residents of the community. As one resident indicated: “… Starwood [is thumbing] its nose at the neighbourhood by treating it like a storage site.”

 One resident spoke about the disrespect shown to the community as follows: “The applicant has not earned any trust from the community. They have violated the requirements of their Site Plan Agreement with the City. They have been in blatant violation of the zoning since July 2016. They have used what can only be construed as delaying and stalling tactics to draw out their illegal use of the property.” This resident also developed a detailed Chronology, which she provided to the city with her submission.

 In summary, CHNA does not support this application for the reasons stated above. It is CHNA’s opinion that outdoor storage on a residential site is inappropriate and the applicant has not put forward any evidence that this use is in the public interest.

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CHNA

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