

ISSUE DATE:

June 15, 2011



PL101256

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 902494 Ontario Ltd.
Appellant: Hugh Blakeney
Appellant: Dennis Brock
Appellant: Byrne, Donald; and others
Subject: By-law No. 2010-329
Municipality: City of Ottawa
OMB Case No.: PL101256
OMB File No.: PL101256

APPEARANCES:

Parties

Counsel*/Agent

City of Ottawa

J. Bradley*

Ottawa Sports and Entertainment Group

A. Cohen* and J. Cohen*

Glebe Community Association and Old
Ottawa South Community Association

B. Sinclair*

Robert Martin and Danica Robertson,
Dennis and Darlene Brock, Carol MacLeod,
Richard Lamothe and John Lawford known
as the "Holmwood Group"

E. Costello*

Glebe Business Improvement Area

P. Webber*

Catherine Caule

A. Belanger

Frank Johnson and John Rive

A. E. Fleming*

DECISION DELIVERED BY N. C. JACKSON AND ORDER OF THE BOARD

The City of Ottawa ("the City") passed By-law 2010-329 rezoning the area known as Lansdowne Park to permit what the City calls a revitalization. The revitalization involves significant reconstruction of Frank Clair Stadium, including the Civic Centre remodelling of the park grounds and construction of residential and commercial uses. The Process

involves the Ottawa Sports and Entertainment Group (OSEG) who proposed a revitalization scheme to the City in a form of Partnership. Much public discussion, meetings and study followed resulting in agreements, the rezoning By-law 2010-329, Master and Site Plans and Court Actions. The Court Actions are procedural in nature respecting the manner in which the OSEG offer was dealt with and in particular the right of others to participate in the procurement process. There is no dispute or court action launched or pending respecting Zoning By-law 2010-329. At the time of the commencement of this Ontario Municipal Board Hearing, on May 9, 2011, there is no dispute as to the jurisdiction of the Ontario Municipal Board respecting appeals to By-law 2010-329. The jurisdiction of the Board is pursuant to the *Planning Act* and the *Ontario Municipal Board Act*.

Site Location

Lansdowne Park is situated on the east side of Bank Street, south of Holmwood Avenue and adjacent to the western side of the Rideau Canal (“the Canal”). The site is within an inner city residential neighbourhood known as the Glebe. The Glebe is bounded by the Queensway on the north and the Canal. South of the Canal lies the old Ottawa South neighbourhood also interested in these proceedings. Bank Street is a Main street running north-south, through not only the Glebe and Ottawa south but the Downtown to Parliament Hill. The Rideau Canal is bounded by the Queen Elizabeth Drive Parkway on the west and Colonel By Drive on the east. The Rideau Canal is a National Historic Site of Canada and a United Nations Educational Scientific and Cultural Organization World Heritage Site. The Canal is widely used for boating in the summer and skating in the winter. The Canal is administered by Parks Canada and the Driveways by the Federal National Capitol Commission. The Driveways are used for scenic tours including visiting dignitaries proceeding to and from Parliament Hill.

Lansdowne Park

The site is owned by the City of Ottawa and is comprised of approximately 40 acres. Since the mid 18th Century this Park, named after Governor General Lansdowne, has been used as a public venue for large scale sporting, agricultural fairs and musical events. It has served as the home of professional football, being the base for Grey Cup celebrations and the Stanley Cup in hockey. It has served as the home of the Central

Canada Exhibition for many years. Many noteworthy musical events have been held before large crowds (more recently the Rolling Stones). It has served as the site of political conventions and as a major gathering area of the armed forces initially on their way to war and on their return.

The sporting facilities, Frank Clair Stadium and Civic Centre, have deteriorated such that a portion of the south side stands has been demolished due to structural considerations. The north side stand and Civic Centre are also in need of serious revitalization. There are three exhibition style buildings on site. The Horticulture Building and the Aberdeen Pavilion have been designated under the *Ontario Heritage Act*. The Aberdeen Pavilion is also designated as a National Historic Site. The Coliseum and Aberdeen Pavilion are used for consumer and trade shows. The Horticulture Building is used for storage. Most of the balance of the site is used as a paved surface parking area for approximately 2,200 cars. Landscaping areas exist along Holmwood and Bank, in an active park since renamed as Sylvia Holden Park, along the entrances to the Civic Centre and to the south of the south side stands. The City has recently moved the location of trade shows to a site near the International Airport. The changing of purposes and deterioration of assets has meant the City has considered the need to revitalize the site.

The Planning Framework

The Ottawa Official Plan designates most of Lansdowne Park as General Urban Area while the Bank Street frontage is designated as Traditional Mainstreet. Commercial and residential uses are recognized in both designations of the Official Plan. The Official Plan also references Lansdowne Park as an existing Major Urban Facility recognizing the nature of its city wide activities and events.

Current Zoning is Major Leisure Facility Zone L2[338] F(1.5). This zoning applies to major city wide sporting, cultural and recreation facilities and permits uses including community centre, fairground, place of assembly and sports arena. The exception denoted by 338 permits in addition to a household waste depot, farmers market (retail store) and the existing 2,200 parking spaces on site.

Related approvals not before the Ontario Municipal Board on appeal are site plan approval under section 41 of the *Planning Act* and approval under the *Ontario Heritage*

Act respecting the relocation of the Horticulture Building (hearing before the Conservation Review Board)

Process

City Council has been aware of Lansdowne Park difficulties for some time. In 1995 the City called for proposals that would have meant the sale and full redevelopment of Lansdowne Park for residential development. Such a proposal was made, but through intervention by the Chair of the then Regional Municipality of Ottawa Carleton, did not proceed.

In May of 2006 the City Auditor General noted the absence of a plan for Lansdowne Park.

In November of 2007 City Council approved a design competition based upon a Right to Develop Approach and provided ten Guiding Design Principles.

From December 2007 to March 2008 technical studies were undertaken and public engagement sessions held.

In March of 2008 the Canadian Football League awarded a franchise in Ottawa to OSEG.

In May of 2008 the Competition was put on hold to investigate structural issues in the stadium.

In October of 2008 OSEG submitted an unsolicited proposal to revitalize Lansdowne Park.

In November of 2008 Council set aside the resumption of the Design Competition to review the OSEG proposal.

In March of 2009 a second unsolicited Proposal was received from the Senators Sports and Entertainment for development of new open air stadium for soccer in Kanata. OSEG finalized its proposal for Lansdowne.

In April of 2009 Council directed the City Manager to negotiate a partnership agreement with OSEG to revitalize Lansdowne Park.

From May 2009 to September 2009 the City project team held discussions with the National Capitol Commission, Parks Canada, Ministry of the Environment, Farmers Market, Exhibition Association *inter alia* and retained experts in Planning and Urban Design, Architecture, Transportation Planning, Infrastructure, Environmental and Retail *inter alia*.

In September of 2009 Council received a staff report on the Lansdowne Park Partnership Plan and directed a city wide consultation on the Partnership Plan to report back in November of 2009.

In mid September of 2009 Nanos Research was retained by the City to assist in public consultation and conducted four focus-group discussions with residents.

The City held six public open houses in different locations where members of the public were invited to review concept plans and the partnership framework. City records show approximately 3,000 people attended the open house sessions and 844 comment sheets were completed. Notice was given through the City website, print and broadcast media.

From late September to mid October of 2009 the City conducted an electronic consultation platform on the Partnership Plan and allowed the sharing of information and questioning on the City's website. 1,039 participants registered and 4,220 comments were provided.

In October of 2009 Nanos Research conducted a poll involving 1,003 residents. Public comments were sought by the City on its 311 service with 411 residents commenting.

The City Manager held meetings with stakeholders including Glebe BIA, Central Canada Exhibition Association, Glebe Community Association, Ottawa South Community Association, Old Ottawa East, Centretown Citizens Community Association, and Farmers Market *inter alia*.

On October 6, 2009 the Corporate Services and the Economic Development Committee were briefed by staff on the Partnership Business Plan and 14 public delegations were heard.

On October 8, 2009 the Joint Transportation and Transit Committee held discussions on transportation and transit strategy of the Partnership Plan. 17 public delegations were heard.

On November 12, 13 and 16, 2009 a special City Council Meeting (Committee of the Whole) heard 95 public delegations. Notice was posted on the City website and in print media. Meetings were broadcast on cablevision.

Council, on November 16, 2009 approved in principle the Lansdowne Park Partnership Plan and set out further process for the concept plan to become a revitalization plan.

From December 2009 to February 2010 Council retained additional consultants on sustainability, accessibility, transportation, heritage and retail.

In January of 2010 the City formed a Design Review Panel of Architects to establish design principles. The International Park Design Competition was launched.

On January 26, 2010 staff met with the community groups Glebe Community Association, Old Ottawa South, Ottawa East, Centretown, Glebe BIA, Safe Cycling, and Roads and Safe Cycling to review terms of reference for a detailed Transportation Impact Assessment.

In early February of 2010 the Design Review panel met with community groups.

On February 8, 2010 there was a public meeting of Joint Transportation and Transit Committee (notice was posted on the City website). Eight public delegations addressed terms of reference for the Traffic Impact Assessment.

In February and March of 2010 City staff briefed City committees on the plans and received comments.

On February 19, 2010 five design teams were selected for design of the urban park on the Lansdowne Site.

On February 24 and 25, 2010, a design symposium was held with five designers regarding the urban park with presentations by 14 community and interest groups.

On April 6, 2010 the Corporate Services and Economic Development Committee, after hearing public delegations, approved peer review terms of reference regarding retail studies.

On May 19 and 20, 2010 five park designs were submitted and released for public review and feedback. 456 public comments were received.

On May 27, 2010, there was a public presentation of the design plans for the Stadium and mixed use (commercial and residential) at Carleton University. Present were 200 persons. These plans from OSEG were on the City website for a two week period for comment. From June 1 to 13, 2010, 222 persons commented. All plans were on display at City Hall. Also on May 27, 2010 the Transportation Plan was presented to Joint Roads, Cycling, Pedestrian and Transit Advisory Committees.

On June 8, 2010 the urban park jury selected a park design from a Vancouver based architect.

On June 17 and June 23, 2010 Council publicly met to question the Partnership Plan.

On June 17, 2010 the Local Architectural Conservation Advisory Committee requested that Council not approve the Revitalization Plan.

On June 24 and 25, 2010 Council as Committee of the Whole heard 100 public delegations.

On June 28, 2010 Council granted approval to the Lansdowne Park Partnership Plan and directed planning approvals proceed including zoning, integrating stadium, park and mixed use plans into the site plan and initiating the *Ontario Heritage Act* processes.

On August 24, 2010 the statutory meeting under the *Planning Act* was scheduled. Notice based upon the Official Plan was mailed out to owners within 120 metres of the site and local community groups with advertisements in daily newspapers on two weekends prior to meeting. The Planning and Environment Committee deferred the public meeting to a September 14, 2010 meeting.

On August 31, 2010 the City integrated the site plan which was posted on the City web site and circulated to technical agencies and community groups.

On September 14, 2010 a statutory public meeting was held by the Planning and Environment Committee with additional public notice repeating earlier notice for the new date. 23 public delegations addressed the Planning Committee. Six further delegations registered. The Planning Committee recommended approval with modifications.

On September 22, 2010 Council modified further and enacted By-law 2010-314. Due to a clerical error Council, on October 6, 2010 repealed By-law 2010-314 and enacted 2010-329.

On October 14, 2010 a public meeting was held for Stage 1 approval of the Integrated Site Plan. 250 people attended the public meeting.

On November 4, 2010 a statutory public meeting was held under the *Ontario Heritage Act*, regarding the relocation of the Horticulture Building. Delegations were heard. The Ottawa Built Heritage and Advisory Committee recommended non approval.

On November 19 and 22, 2010 a Council meeting was held to consider the Integrated Site Plan and *Ontario Heritage Act* approvals. 34 public delegations commented.

Council voted to give Stage 1 site plan approval and approval to relocate the Horticultural Building.

On April 13, 2011 Council approved of further modifications to By-law 2010-329 based upon Minutes of Settlement with three groups representing nine Appellants. Two Appellants' withdrew. Three Appellants proceeded to the Ontario Municipal Board hearing.

Under the terms of the Partnership Agreement OSEG would revitalize the Stadium and Civic Centre Complex. The costs in doing so and managing the facilities would be met through development rights for residential and commercial (mixed uses) along the Bank Street frontage and the northwest sector of the site.

The City approved:

1. The Master Plan for Lansdowne Park calling for the renovation of the stadium and Civic Centre;
2. The transformation of the current asphalt parking along the Rideau Canal corridor into urban park (parking being underground); and
3. The new urban mixed use area, along Bank Street and the northwest sector of the site with Farmers Square to locate between the mixed use area and the urban park.

Access would remain from Bank Street and from the two entry points from the Queen Elizabeth Driveway. Current access north of the Coliseum Building would be retained right-in-right-out only onto Holmwood. Primarily ingress and egress onto Holmwood is for residential use. In addition 300 parking spaces in the below grade parking garage may exit onto Holmwood only during a major event in restricted times and being restricted further in site plan agreement.

The Bank Street frontage is planned as an esplanade or grand promenade.

Residential will total 280 units and non-residential will be approximately 33,450 square metres of gross leasable floor space with 9,300 square metres of office uses fronting on Bank Street. The design of the non-residential is planned in the style of a village; low rise as a continuation of mainstreet commercial on Bank Street and emulation of the form of Ottawa's successful Byward Market downtown. Residential is planned as low scale on Holmwood with walkways and green areas. Slender high rise towers are planned with modest footprints in the strategic corners on Bank Street.

The Ontario Municipal Board Hearing

The Board held two Prehearing Conferences to set down the 14 Appeals to By-law 2010-329. The Parties requested Ontario Municipal Board mediation which was conducted by a separate panel, distinct from the hearing process. The Board originally set a five week period for the hearing of all appeals. Subsequently nine of the Appellants settled with the City based upon amendments to By-law 2010-329 to be detailed later. Two Appellants withdrew. On consent the hearing for the remaining three

Appellants was reduced to two weeks. The hearing commenced on May 9, 2011 and continued for six hearing days, following which the Board reserved its decision. At the hearing the City called professional planning evidence. OSEG called architectural evidence. The Appellants, Frank Johnson and John Rive retained legal counsel who was active in the hearing. Frank Johnson testified principally on Official Plan non-conformity citing the need for an Official Plan amendment, the need for a Community Design Plan and the need to maintain compatible development and green space. Mr. Johnson was articulate and well researched on Official Plan policies and the planning process. John Rive was in attendance throughout but did not testify. Catherine Caule testified in detail as to her concerns with process and consistency with the Provincial Policy Statement, particularly a healthy environment. It was her contention that from the increased traffic and noise from the development that residents health would be at risk and that the City had not studied impacts and effects sufficiently. Ms Caule has suffered from serious illness and asked that she be prompted from her exhibit and that Albert Belanger be agent to assist her. No such prompting or assistance was necessary. Her role in the hearing was central, both in testimony, cross examination and final argument. She made it very clear she was unhappy with the City process, claiming that there was no response to her concerns in the process, personally, through an advisory committee and in the press.

John Martin appeared on the first day of the hearing objecting to settlements. He withdrew that position and requested Participant status. Over objections, the Board granted the request on the understanding that his testimony would deal with Zoning By-law 2010-329. Mr. Martin testified of his interest in a separate proposal to develop Lansdowne Park by the Lansdowne Park Conservancy. He also stated he had commenced a legal action against the City which he discontinued when the current legal action commenced. He indicated his final proposal would be put to the City Council within weeks. Mr. Martin did not reference By-law 2010-329 directly. He did reference Sylvia Holden Park as formerly 945 Holmwood and the renamed Sylvia Holden Park as an active park in separate zoning. A City report from the Deputy City Manager, the City Clerk and the City Solicitor respecting a new Parks Dedication By-law 2011-156, noted that 945 Holmwood now Sylvia Holden Park was part of the lease agreement with OSEG and that at closing that would be removed from the inventory of

City Parks. Mr. Martin's materials (Exhibit 47) describe the Lansdowne Site and surrounding features.

Discussion and Reasons

Process

Both Appellants Johnson and Caule question the public process, its legality, meaningfulness, and finally its nature as required under the Official Plan. The process has been fulsome. Council proceedings on the Zoning By-law involved two days of public representations before City Council sitting as Committee of the Whole. Notice of the rezoning was given in a manner that involved both mailed notice and newspaper notice twice, the first public meeting having not proceeded. At the second advertised date there were 52 written comments and 23 public delegations. Reluctantly, Ms Caule admits the letter of the law was met respecting notice, but she questions its spirit. In that respect she questions notice in the summer and the failure for public representations to be adopted including her own. She states she is here based upon the inadequacy of public information, timeliness and the actual decision making itself. She states Council has not heeded the feedback. Mr. Johnson states the City was not interested in public input and that information expositions have not resulted in discernable effects. The Board cannot require a council to act on public representations. That is the essence of local democracy. The Board does note that there were several close votes underlining that Council did listen. Moreover, there were modifications and changes to the Zoning By-law in process before the Ontario Municipal Board and in the Ontario Municipal Board hearing process. Mr. Johnson did produce a helpful model and questioned the lack of such from OSEG. The model did not show the buildout in the Glebe bordering Holmwood as it did on the Lansdowne Site, nor did it depict the recent amendments made in the mediation process. A three dimensional representation was available on the City website. A model is helpful but is not a legal requirement. The Board finds the City zoning planning process to be in accordance with the *Planning Act*.

Ms Caule points out that there has been no meaningful study of effect on the community in the form of a community impact plan. Mr. Johnson further argues that the public could have been engaged in a Community Design Plan (CDP) as set out in the Official Plan. Community Impact Plans (Caule evidence) are not a requirement of the

Official Plan as a form of planning exercise. Compatibility and Community Design are key parts of the Ottawa Official Plan that have been addressed in actual design exercises carried out in studies, peer reviews and critique by a City appointed Design Review Panel. CDP's are required in extensive growth areas and next to rapid transit where new community identities are being created. Formerly CDP's were known as secondary plans that formed the basis of Official Plan amendments. That is what Mr. Johnson lucidly argues for; an Official Plan Amendment. His reasons are the failure to adopt a CDP, the Greening provisions of the Official Plan, together with the Ancillary nature of commercial and residential uses in the term Major Urban Facility. These issues are further reviewed in the following Official Plan conformity reasons.

Official Plan Conformity

1. CDP

The Board does not agree that in the circumstances of the continuing uses and new uses in Lansdowne Park, a CDP is required. The Nature of the major sporting uses remains and is to be enhanced. A Community Design Plan is a planning tool listed in the Official Plan along with the Zoning By-law and other planning tools. As a caution to the many references to a CDP in the Official Plan and their usefulness section 2.5.6 of the Official Plan entitled Collaborative Community Building and Community Design Plans in Policy 8 states:

In all land use designations, with the exception of Developing Communities, development may proceed in the absence of a Community Design Plan, in a manner consistent with the policies of the designation.

There is no doubt that the City or residents could have initiated a CDP under the permissive nature of the policies of the Official Plan respecting CDP's. There is not, however, a requirement that a CDP must have been undertaken failing which the zoning does not conform to the Official Plan (section 24 of the Planning Act.). The planning process is replete with studies and community input

2. Greenspace

Policy 6 of Greenspaces, section 2.4.5 of the Official Plan states:

Council will pursue the target for total greenspace, in the form of open space and leisure lands, across large areas of the urban area, to fulfill objectives expressed in the Greenspace Master Plan - Strategies for Ottawa's Urban Greenspaces. A target of 4.0 hectares per 1000 population, or approximately 16 percent to 20 per cent of gross land area will be pursued.

Mr. Johnson correctly asserts that the area in the Glebe is short of the target. I find however, based upon City evidence that the Proposal represents a significant increase in greening with the replacement of surface parking and increase in park on site, that there is a positive move forward to meeting the target. Materials show existing green space on site being 18.1% increasing to 54.1% with the proposal. Federal properties such as the Canal to Dows Lake and the expansive Central Experimental Farm are part of the context. The Board finds conformity with the Official Plan in this respect.

3. Ancillary Provisions of Major Urban Facility

Major Urban Facilities are set out in Section 3.6.7 of the Official Plan. Types of Major Urban Facilities are stated to be "hospitals, universities and community colleges, major sports, recreational and cultural facilities of a scale similar to Lansdowne Park..." Complimentary Ancillary Uses on the same site are contemplated. Policy 10 reads:

In considering an amendment to the zoning by-law to permit ancillary uses to be established on the same site as Major Urban Facilities, the City will require that:

- a) the ancillary uses are secondary to and supportive of the primary use;
- b) the addition of ancillary uses does not result in a scale or character of development that is incompatible with adjacent residential uses.

Appellant Johnson and his learned counsel argue that ancillary by its normal meaning cannot include the residential and commercial uses of the scale proposed. Their emphasis is the words in a) "secondary and supportive".

Their evidence, cross examination and argument is to be contrasted with the expert planning testimony of John Smit for the City. Mr. Smit saw a synergistic use of residential and commercial with both the major sporting and park use proposed so that in his mind the proposal indeed was complimentary, ancillary, secondary and supportive. Official Plans as described in the *Planning Act* are Policy Documents. Section 16(1) states:

An Official Plan shall contain “(a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it”.

As such Official Plans cannot be construed as strictly as statutes or by-laws. Policy Documents such as Official Plans are to read liberally with a view to their intent as expressed in their own language. Normally the amount of commercial and residential proposed would not be viewed as being secondary to the primary use. It could be viewed as being supportive of the primary use. However “secondary” in policy 10 must be read in the context of the descriptive preamble language in the commencement of section 3.6.7. That language states that occasionally there may be merit in combining these uses with other complimentary ancillary uses on the same site in recognition of the potential for achieving mutually supportive relationships with other parts of the community.

Due to the scale of Major Urban Facilities and the potential impact they may have on adjoining areas, the city will ensure that they develop in a form that is compatible with and in a manner that respects their neighbours. Further there may be benefits to the community as a whole through the provision of a wider range of complimentary or ancillary uses on sites of some Major Urban Facilities. Examples of some relationships that could prove to be mutually supportive include such things as an independent research laboratory on a university campus or the addition of residential uses to a major shopping centre. The city will consider supporting such requests on an individual basis.

This explanatory language in section 3.6.7 of the Official Plan assists in the interpretation of the meaning of ancillary which is not a defined term in the Official Plan. The terms “mutually supportive” and “complimentary or ancillary” are of assistance in understanding the planning intent. The examples go further and do not have the strict nexus argued to be necessary. The laboratory example uses the term independent and the addition of residential to a major shopping centre is in the nature of a distinct use.

In the absence of a definition of ancillary in the Official Plan, the contextual language provides sufficient flexibility to construe the additional commercial and residential uses to be ancillary in the manner of the use of that term in the language of section 3.6.7.

Policies 1 and 6 in section 3.6.7 permit (new) Major Urban Facilities by amendment to the Zoning By-law. It seems inconsistent or a non sequitur to suggest then that ancillary uses to an existing Major Urban Facility would need an Official Plan amendment as argued.

The Zoning By-law does define ancillary use as “a listed, permitted land use that is additional, secondary and complimentary to a permitted principal use, but not accessory to the permitted principal use”. Accessory is then defined as “aiding or contributing in a secondary way to a principal use to carry out its function...” It is clear that in Ottawa ancillary and secondary are used in a manner that the ancillary use can be a distinct use. The Board notes that the new ancillary uses, commercial and residential are intended to feed the sporting and park uses. While the zoning is not determinative of Official Plan language, it is of some assistance since Ottawa in zoning references intent from the Official Plan and zoning is required to conform with the Official Plan. Comprehensive Zoning in Ottawa was passed after the adoption of the Official Plan. The Board finds the commercial and residential uses to be ancillary in the manner of the use of that term in Ottawa planning documents. The Board also notes that the residential and commercial uses are clearly permitted in the Official Plan in the language used for the actual designations Urban and Traditional Mainstreet.

4. Community Impact – Noise and Traffic – Health – The Official Plan and the Provincial Policy Statement

There is no doubt that through revitalization there will be increased activity at Lansdowne Park. That however is anticipated and planned for what has been recognized as an asset with City wide attributes and significance. There is clear recognition that there will be some impact on the surrounding community as there has been in the past. The new uses, residential and commercial have been carefully designed to fit in design terms with what have been the Traditional Main Street characteristics of Bank Street. There will be more on such design later in this decision. Traffic has been an issue in the past and has been carefully reviewed through a traffic and parking analysis by the firm of McCormick and Rankin. The conclusions of that analysis have been available at information sessions, public meetings and Council deliberations. While no expert traffic evidence is called by the Appellants, Ms Caule has extrapolated vehicle volumes for the new commercial and residential uses to express

her alarm. It would have been preferable to have first hand evidence from traffic experts. Some of the Caule extrapolations were questioned by counsel in cross examination. The position of the City is that parking for major events at Lansdowne Park will be by bussing from the larger parking lots of Carleton University to a designated entrance and parking area off the Queen Elizabeth Parkway. The City Plans have not been and are not that all parking for major events will be on the Lansdowne Park site. The onus on an appeal to a By-law passed pursuant to section 34(11) of the *Planning Act* is initially on the Appellant; he or she who asserts must prove. The Board is not satisfied that there are planning-traffic grounds proven to warrant the relief requested by Ms Caule; the allowing of her appeal and the repeal of By-law 2010-329. There is no concrete evidence relating to the speculation regarding possible traffic accidents that may happen. Ms Caule relies upon the use of the Glebe retirement home across and on the west side of Bank Street. That evidence is not substantiated with any evidence directly from the retirement home or its residents. Traffic studies to date have found no appreciable impact on the community. Traffic implementation is set out in the Site Plan Report.

The issue of health is referenced in the Ottawa Official Plan and in the Provincial Policy Statement. It is relevant and important. However there is no scientific or empirical evidence upon which the Board could draw a conclusion that human health would be at risk in this case. Ms Caule has referenced learned articles but there is no proven connection to this proposal.

Ms Caule relies upon a continuing incident respecting noise from an air treatment device on the roof of the remodelled Lord Lansdowne building directly across Bank Street from Lansdowne Park. The Board accepts Ms Caule's evidence that the noise was a concern to residents and that enforcement was not satisfactory to them. Response from the City suggested that the device had not been installed properly and that noise readings found it to be subsequently in accordance with the City Noise By-law. The City evidence is that noise is regulated by a city noise by-law and through site planning. A noise attenuation study is required in the site plan approval. In this instance the City has required baffling in the Phase 1 Site Plan conditions: "the integration of roof top mechanical equipment where provided into the architecture of the building so as to avoid roof top clutter". The Board understands that requirement will be continued in-site planning for the buildings proposed. General motor vehicle noise is

complained of, but without specifics in terms of decibel readings or reference to Provincial Guidelines set out in the Ottawa Official Plan.

There are lingering remnants of past coal usage on site which the City acknowledges. Such are part of Environmental Impact Statements and review with the Ministry of the Environment with a view to the issuance by the Ministry of the Environment of a Record of Site Condition. The site plan approval requires this process to be brought to conclusion. Ground water management and decommissioning of on site monitoring wells are regulated in the site plan approval

Ms Caule's concerns regarding signage and sight lighting are covered in the site plan which requires individual plans for such.

The numerous site plan matters are related to the zoning such that By-law 2010-239 contains a holding symbol requiring removal of the H, based upon site plan approval and heritage approvals.

Assisted Housing is raised. The Board is satisfied that it is permitted under the residential use term in the Zoning under appeal

5. Traditional Mainstreet Designation – Height

The traditional Mainstreet designation in the Official Plan supports height in the range of four to six stories and provides for higher heights to be considered.

Greater building heights will be considered in any of the following circumstances:

- a) Specific building heights are established in the zoning by-law based upon a CDP or other council approved study;
- b) the proposed building height conforms with prevailing building heights or provides a transition between existing buildings;
- c) the development fosters the creation of a community focus where the proposal is on a corner lot, or at a gateway location or at a location where there are opportunities to support transit at a transit stop or station;
- d) the development incorporates facilities, services or matters as set out in section 5.2.1 with respect to the authorization of increases in height or density that, in the opinion of the City, significantly advance the vision for mainstreets; and

- e) where the application of the provisions of Section 2.5.1 and section 4.11 determine that additional height is appropriate.

Two primarily residential buildings on Bank Street, first at Holmwood and then at the Bank Street bridge are planned in the range of 14 stories to 12 stories. The Glebe retirement home across the street is 12 stories. The buildings are designed with a small footprint and more height in satisfaction of design considerations. They will serve as gateway features to Lansdowne Park and meet Official Plan criterion for higher buildings. The Board accepts the planning rationale for increased height as planned for under the Mainstreet Official Plan provisions.

6. Settlements

The Minutes of Settlement in Exhibits 28, 29 and 30 disclose substantive changes to By-law 2010-329, for example height, limits of the use and floor space. The Minutes disclose the nature of the continuing planning process. The Holmwood group represented by Counsel Costello, The Glebe Community Association and Old Ottawa South Community Association represented by Counsel Sinclair and the Glebe Business Improvement Area by Counsel Weber carry memberships that engaged with the City early in the Ontario Municipal Board process in privileged discussions leading to the settlements. Although privileged as to discussions, the Minutes of Settlement have now been approved by those Appellant groups and the City. The Minutes of Settlement are now public and representative of changes to the By-law in public process under the *Planning Act*. The Settlements are requested to be attached to the Board Decision. Motions pending but adjourned in the earlier prehearing process, are now dismissed on consent. These settlements are accepted by the Board and adopted in accordance with planning evidence in the hearing and submissions from Counsel. The settlements contribute to good planning and are in the public interest

Decision and Order

The Board has carefully considered all evidence and argument in coming to this reserved decision. The City of Ottawa is normally a legislative body acting in the first instance to deal with concerns raised in the planning process. The Board is required under section 2.1 of the *Planning Act* to have regard for the decision of City Council and under section 2.2 the materials before council. The City is normally in the position of

dealing with the *Planning Act* requirements over the lands of a third party. In this case the City is legislating zoning over City owned lands that the City wishes to revitalize. The City should not be in position where it is appearing to benefit itself as a result of a legislative process. The Board has carefully reviewed the cases of the City and the Appellants to perform a watchdog role in the public interest. The Board has had assistance from the appellants and their counsel in performing vital roles as expected under the *Statutory Powers Procedure Act*, the *Planning Act* and the Rules of the Ontario Municipal Board. However the remaining Appellants have not been successful in persuading the Board that their Appeals should be allowed so as to repeal the By-law. The effect of By-law 2010-329 is to rejuvenate a blighted area of the City and to restore it to its past grandeur. A gated community as it is now will be opened to the Community nearby and the Community at large. The planning concepts well known across the Province of sustainability are hard at work in this case. The goal is to live, work and play in close proximity in a complimentary manner. Throughout the process there have been modifications so that the proposal will fit in terms of compatibility and design. The amendments sought in this hearing and granted are but a part of the continuing planning process. For all the reasons given in this decision, the Appeals of the Appellants Caule, Church and Rive are dismissed.

The Board accepts the submissions of the remaining nine appellants through their legal counsel and Counsel with the City, together with supportive evidence of planner Smit that those appeals should be allowed in part. By-law 2010-329 is amended by the Board so as to give effect to the settlements set out in Exhibits 28, 29 and 30 which are appended as Attachments 1, 2 and 3. The Board considers such to be in the public interest and based upon good planning grounds so as to make the Proposal fit with the surrounding community. Those nine appeals are otherwise dismissed.

The Board finds that the Amended Zoning By-law 2010-329 is in conformity with the Ottawa Official Plan and consistent with the Provincial Policy Statement. The Amended By-law 2010-329 inclusive of technical amendments suggested by the Board as to form is appended as Attachment 4 (Exhibit 54).

So Orders the Board.

“N. C. Jackson”

N. C. JACKSON
VICE-CHAIR

ATTACHMENT 1

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF appeals, pursuant to subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P 13 as amended, from the passing of By-law 2010-329 with respect to the rezoning of lands known as Lansdowne Park, in the City of Ottawa.

GLEBE BIA

MINUTES OF SETTLEMENT

MARCH 11, 2011

BELL BAKER LLP
Barristers & Solicitors
Suite 700, 116 Lisgar Street,
Ottawa ON K2P 0C2

Tel: (613) 237-3444
Fax: (613) 237-1413

Lawyers for the Glebe BIA

Minutes of Settlement

The parties to this appeal, by their lawyers, consent to the disposition of this appeal on the following terms:

Whereas the Council of the City of Ottawa approved "the Conceptual Layout and Marketing Plan for the Retail portion of the Urban Mixed-Use component of the proposed Lansdowne Park Master Plan, as outlined in (this) report and described in Document 11, and the Guiding Principles for the Lansdowne Transformation described in Document 2 and that this Conceptual Layout and Marketing Plan be incorporated into the proposed Site Plan and overall Master Plan requirements" on June 28, 2010, as witnessed by Minutes 92 of a Special Ottawa City Council Meeting;

And Whereas the said Document 11 is annexed to these Minutes as Schedule A;

Now therefore the parties agree as follows:

1. The City of Ottawa will proceed with the accelerated reconstruction of Bank Street as described in MOTION # Capital 2 adopted by Council on Tuesday, March 8, 2011, a copy of which is attached hereto as Schedule B.

2. The City of Ottawa will augment the budget for the accelerated reconstruction resulting in an allowance of \$300,000.00, for the use of the BIA during reconstruction, subject to the prior approval by the City, and payable by the City on the receipt of invoice.

3. The provisions of paragraph 2 are subject to Council approval. Should Council not approve, within 35 days from the date of these Minutes, these Minutes are null and void and of no force or effect.

4. Relying on the recitals contained in these Minutes, the Glebe BIA will consent to an order dismissing its appeal. The Glebe BIA acknowledges and agrees that Council retains the right to amend the approval noted in the recitals.

Dated: March 11, 2011

Glebe BIA

Per:



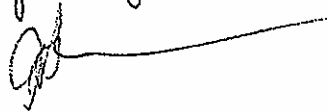
City of Ottawa

Per:



OSEG

Per:



Overview:

The retail component of Lansdowne will add to the vibrancy and vitality of the surrounding community through the introduction of shops and destinations that will animate the streets and be the place to 'see and be seen'. The retail component will integrate as one element of a larger urban village of residential, office and sporting uses intended to be a natural and authentic extension of the existing urban fabric.

The major themes of the retail component will be food, restaurants, entertainment, and sport. These themes have been informed by, and are intended to reflect, the City of Ottawa's Lansdowne Retail Strategy (Retail Strategy) prepared by the JC Williams Group.

Site Organization:

The built form will be pedestrian friendly and allow for social and cultural interaction through a series of patios and a central piazza. Public art be used throughout the site to act as wayfinders and meeting points while simultaneously enhancing the public realm.

The commercial component fronting Bank Street will occupy the first two levels of built form and will predominantly serve a "Main Street" function, with uses such as an organic food store, financial institutions, restaurants/cafes and personal service uses to serve the day to day needs of the community.

As one moves into the central portion of the site, the realm transforms from the 'Main Street' into an entertainment and restaurant experience. It is anticipated that the central piazza will serve as a focal point for restaurants, cafes, cinemas and live entertainment and will be the social and cultural crossroads of the village. Opportunities have also been identified where smaller retail space could be located to serve the local entrepreneur wanting to take their business model to the next level.

The western portion of the site will be a celebration of the history and culture of Ottawa and a clear statement about its future. The ability to integrate the village with a festival urban park on the front lawn is a vital and highly anticipated part of the redevelopment of Lansdowne. From the magnificent waters of the Rideau Canal and its linear park system, into the new urban park with its many festivals and events, to the iconic architecture of the refurbished Frank Clair, the Farmer's Market in the relocated Horticultural Building and the majesty of the Aberdeen Pavilion, Lansdowne will serve to showcase Ottawa as a world class national capital. The retail buildings in their proximity will reflect this history through pavilion style architecture. It is anticipated that retailers in this area will gravitate toward uses that will provided synergies with the Farmer's Market, the future use of the Aberdeen Pavilion, and complement the many recreational/sporting/cultural events taking place in the new urban park, along the Rideau Canal, and within the stadium and hockey arena.

Implementation:

The retail implementation strategy is based on the Lansdowne Retail Strategy Report prepared on behalf of the City of Ottawa by the JC Williams Group and the Market Impact Assessment Report prepared by Tate Economic Research. Both of these reports have been peer reviewed and validated by the City of Ottawa. These reports will act as guiding documents as the redevelopment process transitions from the planning stage to implementation.

Until such time as Ottawa City Council approves the Lansdowne Partnership Plan it is premature to initiate a formal marketing program. However OSEG has received letters of interest (many from local businesses) from a variety of retailers anxious to locate within the village. Potential users include:

- An organic grocer not currently in the Ottawa market
- A live theatre/dinner company
- A unique cinema concept with VIP theatres
- Local restaurant owners wanting to create signature restaurants
- Local cafes and micro breweries with unique concepts
- Local sporting good stores

These letters of interest have been reviewed by the JC Williams Group on behalf of the City of Ottawa, and they are satisfied that the potential retailers identified are in keeping with the Retail Strategy.

The Ottawa Sports and Entertainment Group (OSEG) has also submitted a letter to the JC Williams Group indicating their intention to implement the Retail Strategy and will be incorporating a copy into all marketing brochures to better inform prospective tenants of the expectations of retailers at Lansdowne. Once the formal marketing program has been initiated, leasing representatives of OSEG will be actively pursuing retailers to implement the strategy through their industry contacts, outside brokers and business forums.

Finally, the Project Agreement for the Lansdowne Partnership Plan will contain clauses that will require new and future retail uses to meet the intent of the Lansdowne Retail Strategy. In this regard, the City of Ottawa has a commitment from OSEG to create a vibrant urban village that the citizens of Ottawa will visit with pride.



Lansdowne Retail Strategy Background material provided to the Design Review Panel

Overview

The retail component of Lansdowne will add to the vibrancy and vitality of the surrounding community through the introduction of shops and destinations that will animate the streets and be the place to 'see and be seen'. The retail component will integrate as one element of a larger urban village of residential, office and sporting uses intended to be a natural and authentic extension of the existing urban fabric.

The major themes of the retail component will be food, restaurants, entertainment, and sport. These themes have been informed by, and are intended to reflect, the City of Ottawa's Lansdowne Retail Strategy (Retail Strategy) prepared by the JC Williams Group. The JC Williams report has been peer reviewed and validated by the City of Ottawa. The amount of retail space proposed has been informed by the Market Impact Assessment Report prepared by Tate Economic Research. This report has also been peer reviewed and validated by the City of Ottawa.

Site Organization:

The built form will be pedestrian friendly and allow for social and cultural interaction through a series of patios and a central piazza. Public art be used throughout the site to act as wayfinders and meeting points while simultaneously enhancing the public realm.

The commercial component fronting Bank Street will occupy the first two levels of built form and will predominantly serve a "Main Street" function, with uses such as an organic food store, financial institutions, restaurants/café's and personal service uses to serve the day to day needs of the community.

As one moves into the central portion of the site, the realm transforms from the 'Main Street' into an entertainment and restaurant experience. It is anticipated that the central piazza will serve as a focal point for restaurants, cafés and live entertainment and will be the social and cultural crossroads of the village. Opportunities have also been identified where smaller retail space could be located to serve the local entrepreneur wanting to take their business model to the next level.

The western portion of the site is dominated by the Aberdeen Pavilion and relocated Horticultural Building. The retail buildings in their proximity will reflect a pavilion style architecture. It is anticipated that retailers in this area will gravitate toward uses that will provided synergies with the Farmer's Market, future use of the Aberdeen Pavilion, and recreational/sporting uses that reflect their location adjacent to the Rideau Canal, stadium and hockey arena.

Implementation:

Until such time as Ottawa City Council approves the Lansdowne Partnership Plan it is premature to initiate a formal marketing program. However OSEG has received letters of interest (many from local businesses) from a variety of retailers anxious to locate within the village. Potential users include:

- An organic grocer not currently in the Ottawa market
- A live theatre/dinner company
- A unique cinema concept with VIP theatres
- Local restaurant owners wanting to create signature restaurants
- Local cafes and micro breweries with unique concepts
- Local sporting good stores

These letters of interest have been reviewed by the JC Williams Group on behalf of the City of Ottawa and they are satisfied that the potential retailers identified are in keeping with the Retail Strategy.

The Ottawa Sports and Entertainment Group (OSEG) has also submitted a letter to the JC Williams Group indicating their intention to implement the Retail Strategy and will be incorporating a copy into all marketing brochures to better inform prospective tenants of the expectations of retailers at Lansdowne. Once the formal marketing program has been initiated, leasing representatives of OSEG will be actively pursuing retailers to implement the strategy through their industry contacts, outside brokers and business forums.

Finally, the Project Agreement for the Lansdowne Partnership Plan will contain clauses that will require new and future retail uses to meet the intent of the Lansdowne Retail Strategy. In this regard, the City of Ottawa has a commitment from OSEG to create a vibrant urban village that the citizens of Ottawa will visit with pride.



TRINITY

2275 Lake Shore Blvd. W., Suite 400
Toronto, ON Canada M8V 3Y3
t: 416.255.8800 f: 416.255.8355

May 20, 2010

By: E-mail

JC Williams
JC Williams Group
17 Dundonald Street, 3rd Floor
Toronto, ON
M4Y 1K3

Dear Mr. Williams,

Re: Lansdowne Retail Strategy

Thank you for our meeting of today's date. Further to our various discussions this letter is to confirm that Trinity Development Group, on behalf of the OSEG Partnership, has reviewed the JC Williams Evaluation Criteria for Lansdowne Park Retail document dated May 14th, 2010 are in general agreement with its contents. Furthermore our vision for the tenancies for Lansdowne is consistent with the retail mix and physical design as outlined in the JC Williams Retail Strategy Report. I would confirm that the OSEG Partnership intends to attract tenants that fulfill the retail vision that you have described. We also confirm to you that we will incorporate a copy of the JC Williams Retail Strategy Report into our marketing brochures so as to better inform prospective tenants of the vision and expectations for the retail development at Lansdowne Park.

Given the above, it is our sincere hope that this letter will indicate to you and the City of Ottawa our commitment to making Lansdowne Park a thriving and dynamic urban village which we can all be proud of.

Yours very truly,

Michael Foley
Associate VP, Development

mf/lc

cc: John Smit - City of Ottawa

TRINITY DEVELOPMENT GROUP INC. www.trinity-group.com

CLERK DOLE IS



MOTION # Capital 2

**Committee of the Whole / Comité plénier
2011 Budget Motion/Motion du budget 2011**

Operating/Fonctionnement

Capital/Immobilisation

Increase/Augmentation: \$6.6 m tax-supported debt
\$10.4 m rate-supported debt

Decrease/Réduction:

Moved by/
Motion de: Councillor Chernushenko

Seconded by/
Appuyée par: Councillor Hume

RE: Accelerating the reconstruction of Bank Street

WHEREAS the Bank Street reconstruction between the Rideau Canal and Holmwood Avenue is included in the 2011 budget and the section between Holmwood Avenue and the Queensway is identified as a high-priority for renewal; and

WHEREAS the reconstruction of Bank Street between the Queensway and the Rideau Canal has been deferred approximately five years and the condition of the road and underground infrastructure is deteriorating; and

WHEREAS the opportunity to complete the reconstruction of Bank Street between Holmwood and the Queensway exists prior to the redevelopment of Lansdowne and not proceeding prior to this will result in the reconstruction occurring in 2016 at the earliest; and

WHEREAS staff will be bringing forward a report to Committee and Council in April 2011 on the potential to accelerate the completion of the reconstruction of Bank Street between Holmwood and the Queensway prior to the redevelopment of Lansdowne to mitigate the effects of the redevelopment of Lansdowne Park on local businesses and the community; and

WHEREAS the cost of the acceleration of the completion of the reconstruction of Bank Street between Holmwood and the Queensway is \$17 million, with \$6.6 million in tax-supported debt and \$10.4 million in rate-supported debt; and

WHEREAS there is now an opportunity for the City to host the Fédération Internationale de Football Association (FIFA) U-20 Women's World Cup 2014 and FIFA Women's World Cup 2015 and it will be important that Bank Street between the Queensway and the Rideau Canal be readily accessible should one or both of these events come to Ottawa and be held at Lansdowne; and

WHEREAS this staff report could not be ready prior to consideration of the 2011 Draft Capital Budget as staff will be engaging the Bank Street Reconstruction Advisory Committee, which includes representatives of the Glebe Community Association and the Glebe BIA, in further consultations;

THEREFORE BE IT RESOLVED that Council, as Committee of the Whole, approve an additional \$17 million in capital authority as follows: \$6.6 million in tax-supported debt and \$10.4 million in rate-supported debt, for the acceleration of the reconstruction of Bank Street between Holmwood and the Queensway, subject to the consideration and approval of the staff report, anticipated in April 2011.

MOTION # Capital 2

10

AND FURTHER BE IT RESOLVED that the 2012 and 2013 tax-supported capital budgets be reduced by \$6.6 million in order to offset the advancement of these funds into 2011.

ATTACHMENT 2

OMB File No. PL101256

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF appeals pursuant to subsection 34(19) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, from the passing of By-law 2010-329 with respect to the rezoning of lands known as Lansdowne Park, in the City of Ottawa

MINUTES OF SETTLEMENT

**Donald and Jackie Byrne, Dennis and Darlene Brock, Carol MacLeod,
, Robert Martin and Danica Robertson, Richard Lamothe and John Lawford
(the "Holmwood Group")**

The parties to this appeal, by their lawyers, consent to the disposition of this appeal on the following terms:

1. The proposed building at the corner of Bank Street and Holmwood Avenue, described as Building A1 on the Integrated Stage 1 Site Plan Drawing AO-01, dated November 4, 2010 (the "Integrated Site Plan") shall be a maximum of 10 storeys of residential units above a 2 storey commercial and retail podium and shall not exceed a height of 42 metres excluding mechanical equipment and/or penthouse(s) (as per Section 64 of the City of Ottawa's comprehensive Zoning By-law 2008-250). By-law 2010-329 (the "By-law") and the final site plan shall be amended in this regard.
 2. Except in Building A1, no residential units shall be permitted above the retail space proposed in Buildings A2, B, C and D on the Integrated Site Plan. The By-law and final site plan shall be amended in this regard.
 3. Only singles, semi-detached, stacked townhouses, or townhouse dwelling units, or any combination thereof, shall front onto Holmwood Avenue, except for the uses proposed for Building A1, as described in Paragraph 1. These units shall have a maximum height of 12 metres and a front yard setback of 3 metres. The By-law and final site plan shall be amended in this regard.
 4. The By-law and final site plan shall be amended to revise the height limit on Schedule 258 in accordance with Schedules "A" and "B" attached hereto (height limits exclude mechanicals which are regulated by Section 64 of By-law 2008-250).
 5. The By-law shall be amended to permit a maximum of 280 residential units on the site.
 6. The By-law and final site plan and site plan agreement shall provide that no commercial vehicles, including but not limited to, service or utility vehicles serving the non-residential uses at Lansdowne Park, shall utilize Holmwood Avenue for any purpose, including but not limited to, access, parking and loading.
 7. The By-law and final site plan and site plan agreement shall provide that no vehicular traffic to or from Lansdowne Park shall be allowed to enter to, or exit from, Holmwood Avenue.
 8. Notwithstanding clause 7, emergency vehicles only shall be permitted to access Lansdowne Park at grade from Holmwood Avenue in the area between Buildings C and D, as shown on the Integrated Site Plan.
-

9. Notwithstanding clause 7, with respect to access and egress to and from the parking garage, the following shall apply and shall be incorporated in the By-law and shown in the final site plan and secured in the final site plan agreement;
 - (a) Only access and egress from and to underground parking spaces for the residential units fronting onto Holmwood Avenue and in Building A1 shall be permitted from and to Holmwood Avenue;
 - (b) Notwithstanding (a) above, on the day of scheduled major stadium, arena or other events in excess of 15,000 people, the cars from delineated and controlled underground parking areas for a maximum of 300 spaces associated exclusively with commercial and retail uses shall be permitted to exit onto Holmwood, but only during the event and three (3) hours before and after the event; and
 - (c) For greater certainty, at no time shall any cars related to stadium, arena or other events in Lansdowne Park be permitted to exit onto Holmwood Avenue or access the site from Holmwood Avenue.
 10. The urban park lands shall be zoned O1 for public park use and for other ancillary uses such as kiosks, shelters and bathrooms with a height limit of 6 metres. The By-law and final site plan shall be amended in this regard.
 11. The final site plan shall provide for a passive public open space area adjacent to the Holmwood facade of Building A-1 (comprising hard surfaces and benches) of approximately 6 metres x 6 metres . This space shall front onto Holmwood behind the Bank Street facade of building A1 and shall be part of the public realm and be publically accessible at all times.
 12. The provision of additional landscape features and use of the space between the buildings along Holmwood shall be explored as part of the consideration in preparing the final site plan.
 13. The view corridor of the Aberdeen Pavilion between Buildings C and D shall be confirmed through discussions with the Ontario Heritage Trust and the final site plan shall protect for an unobstructed view of the Aberdeen Pavilion from Adelaide Street.
 14. For clarification regarding the By-law and/or final site plans and site plan agreements:
 - (a) Commercial signage is not regulated by the zoning by-law but it is not proposed that any commercial signage will be directed to Holmwood Avenue;
-

- (b) The By-law shall provide that roof top patios shall not be permitted on the commercial buildings identified as Buildings A1, A2, B, C and D on the Integrated Site plan;
 - (c) No casinos are permitted by the by-law. The By-law shall provide that no nightclubs shall be permitted in the commercial buildings identified as Buildings A1, A2, B, C and D on the Integrated Site Plan;
 - (d) The By-law shall provide for no above-grade parking garages in any of the buildings fronting onto Holmwood Avenue; and
 - (e) The term "amusement centre" shall be as defined in the comprehensive zoning by-law
 - (f) The Bylaw shall cap the number of theatres permitted in a cinema at 10.
15. In accordance with recommendations in Section 6.7 of the McCormick Rankin Traffic Impact and Assessment Study and Transportation Master Plan, dated July 2010, McCormick Rankin is currently preparing a Traffic and Parking Operations Plan for both on-site traffic and parking operations for day to day and for special events. The plan shall include an ongoing monitoring program. The City shall undertake to consult with the community on this Plan.
16. The Parties acknowledge that the amended by-law will clarify that the 33,450 square metres of non residential uses includes office uses but is exclusive of the 9300 square metres of office space to be located within Building I.
17. The parties acknowledge that the plans for Building C provide for height limits in accordance with Schedules "A" and "B" to the Minutes of Settlement. The parties further acknowledge that the final design of the building will be subject to further refinement during the Stage 2 approval process for the Site Plan which includes formal design review and approval specific to the design and architecture for all new development.
18. The final site plan approved by Council for the buildings identified as A2, B, C and D on the Integrated Site Plan shall illustrate an interim landscape design which design shall be undertaken in consultation with a representative of the Holmwood Group and which will require a majority of soft landscaping (i.e. not paving) and mature vegetation for the area between the buildings to be constructed and any area between the buildings and Holmwood Avenue. The site plan agreement for any of buildings A2, B, C and D on the Integrated Site Plan shall provide that, if
-

one year after the first occupancy of any of those buildings, there has been no executed agreement of purchase and sale for the lease or sale of the air rights for the construction of dwelling units between the building to be constructed and Holmwood Avenue, then the said landscape plan shall be implemented. The Holmwood Group shall be provided with a copy of the executed Site Plan Agreement.

19. If a building permit for residential uses along a minimum of thirty percent (30%) of the Holmwood frontage adjacent to buildings identified as A2, B, C and D on the Integrated Site Plan has not issued within 10 years of the construction and occupancy of the first of these commercial buildings along Holmwood, then the City shall within two months of that date commence a public process to rezone any portion of the 12 metre (and/or 9 metre strip) south of Holmwood, not subject to a site plan approval for residential development, for park/open space purposes and if such by-law is approved shall dedicate these lands as a park and or open space.
 20. The City and OSEG consent to the Holmwood Group being consulted on any revisions to the approved site plans as they relate to those lands referred to in paragraphs 18 and 19 above and will not object to the Holmwood Group being granted party status to any site plan appeal filed with the Ontario Municipal Board in respect of those lands.
 21. This settlement is conditional on the review by the parties of a proposed draft by-law to be delivered within 24 hours of the execution of these Minutes of Settlement.
 22. The parties acknowledge that, as a result of short time lines to have these Minutes of Settlement considered by Council, these Minutes of Settlement shall be executed no later than April 10, 2011.
 23. The provisions of the above-noted paragraphs are subject to Council approval. Should Council not approve, within 10 days from the date of these Minutes, these Minutes are null and void and of no force or effect.
 24. Subject to Council approval of the matters herein and the Ontario Municipal Board approving the proposed amendments to the By-law, the Holmwood Group agrees to an order settling their appeals based on these Minutes of Settlement and the revised By-law.
-

25. The Board order will attach these Minutes of Settlement and the revised By-law.

DATED: April 10, 2011.


DONALD BYRNE
JACKIE BYRNE
DENNIS BROCK
DARLENE BROCK
CAROL MacLEOD
ROBERT MARTIN
DANICA ROBERTSON
RICHARD LAMOTHE
JOHN LAWFORD

**By their Solicitors
AIRD & BERLIS LLP**


Eileen Costello

CITY OF OTTAWA

**By its Solicitors
BORDEN LADNER GERVAIS LLP**

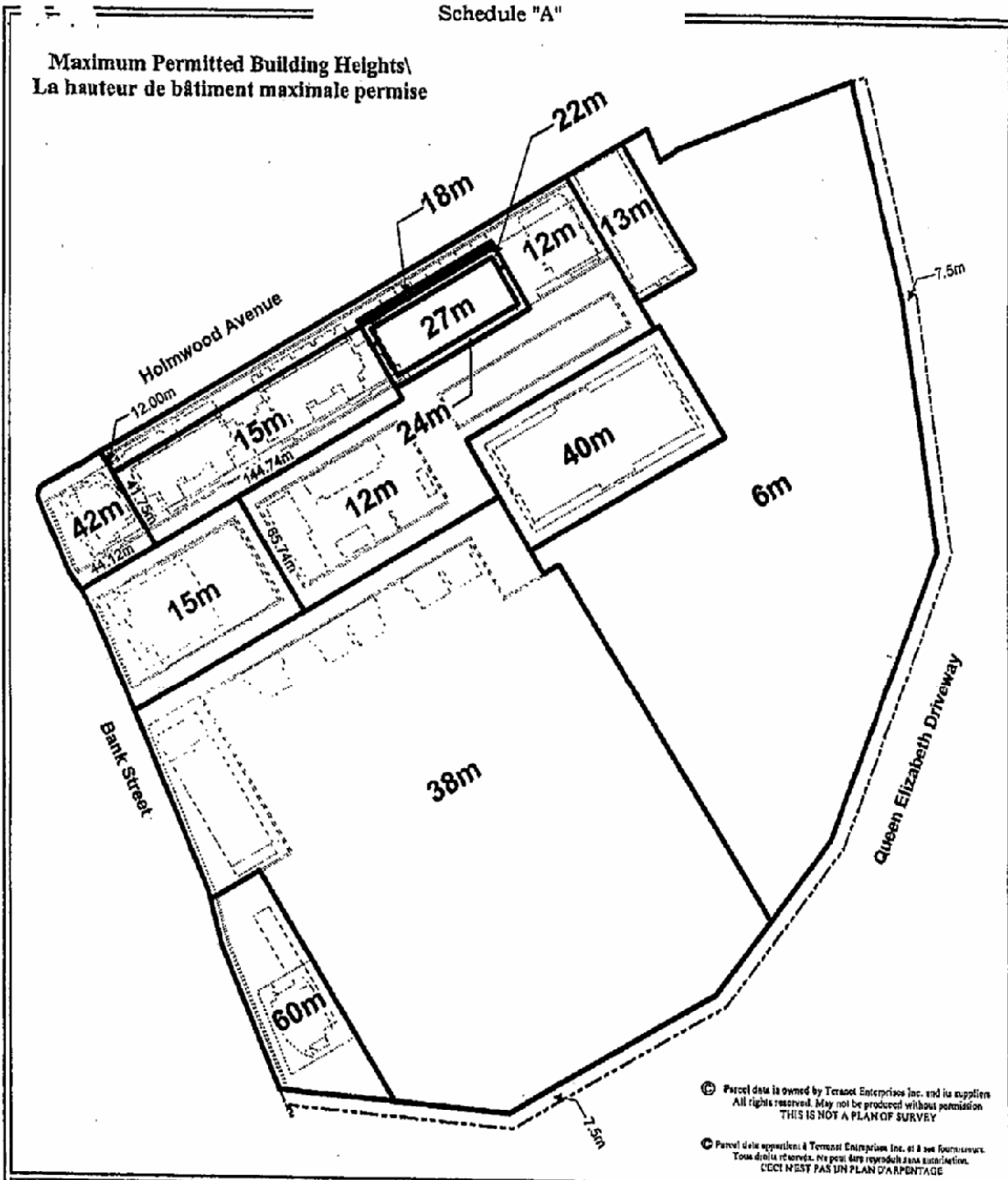

Janet E. Bradley

OTTAWA SPORTS AND ENTERTAINMENT GROUP

**By its solicitors
SOLOWAY, WRIGHT LLP**


JANUARY COHEN

P
OTT1011441034




Ottawa
 AOS2010-CMR-OCM-000
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 Produced by Infrastructure Services
 and Community Sustainability
 Produit par le Services d'Infrastructure
 et Viabilité des collectivités

This is Schedule 258-A to Zoning By-law No. 2008-250
Annexe 258-A au Règlement de zonage n° 2008-250

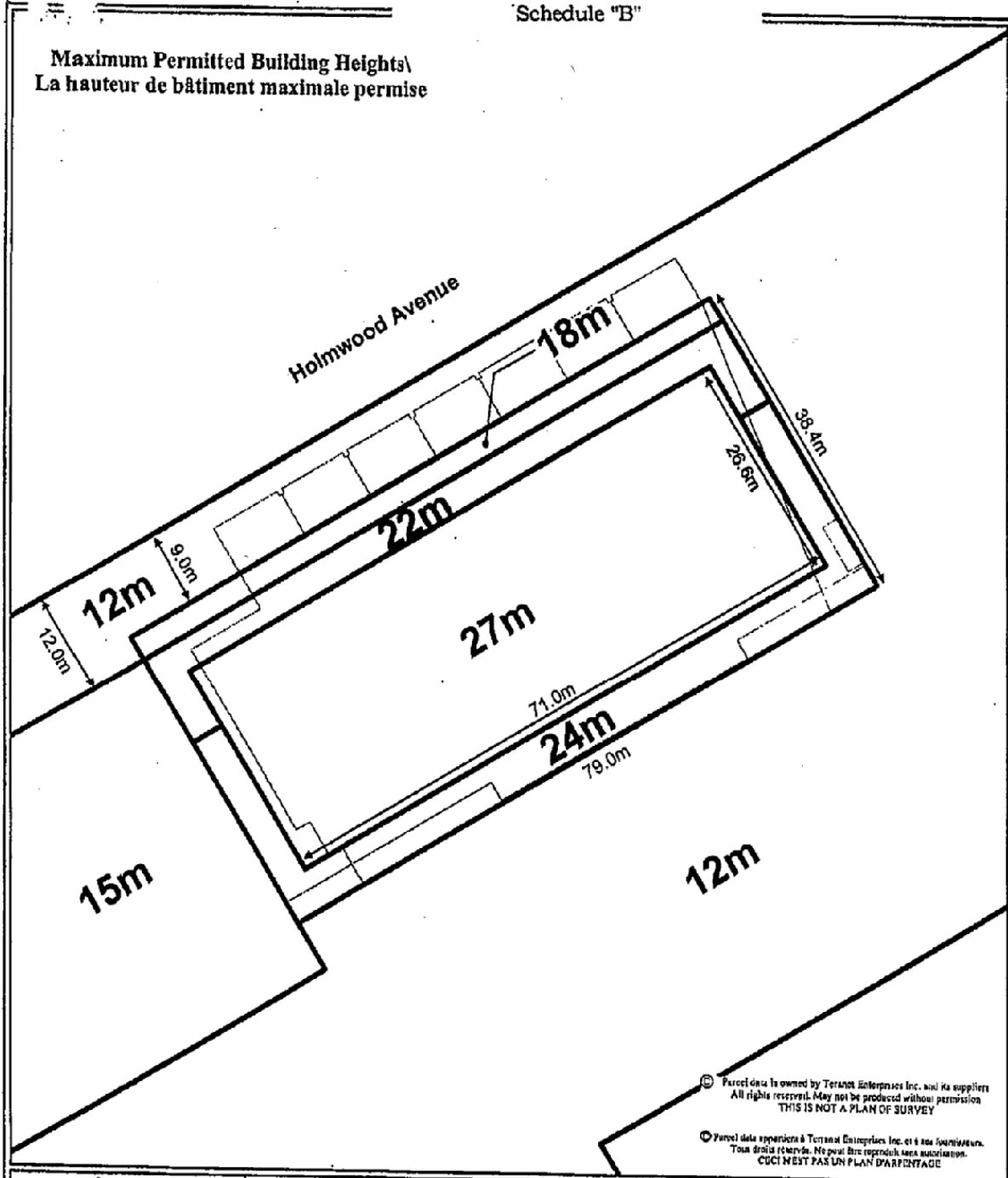
This is Attachment 2A to By-law Number 2010-329, passed October 6, 2010
 Pièce jointe n° 2A du Règlement municipal n° 2010-329, adopté le 6 octobre 2010
 Subject to OMB approval

Échelle
 N.T.S.
 Mètres


 Scale
 N.T.S.
 Metres

Schedule "B"

Maximum Permitted Building Heights
La hauteur de bâtiment maximale permise



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 and Community Sustainability
 Produit par le Services d'Infrastructure
 et Viabilité des collectivités

**This is Schedule 258-B to Zoning By-law No. 2008-250
 Annexe 258-B au Règlement de zonage n° 2008-250**

This is Attachment 2B to By-law Number 2010-329, passed October 6, 2010
 Pièce jointe n° 2B du Règlement municipal n° 2010-329, adopté le 6 octobre 2010
 Subject to OMB approval

Échelle
 N.T.S.
 Mètres


 Scale
 N.T.S.
 Metres

ATTACHMENT 3

OMB File No. PL101256

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF appeals pursuant to subsection 34(19) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, from the passing of By-law 2010-329 with respect to the rezoning of lands known as Lansdowne Park, in the City of Ottawa

MINUTES OF SETTLEMENT

**Glebe Community Association and Old Ottawa South Community Association,
(the "Community Groups")**

The parties to this appeal, by their lawyers, consent to the disposition of this appeal on the following terms:

1. The proposed building at the corner of Bank Street and Holmwood Avenue, described as Building A1 on the Lansdowne Integrated Site Plan, DWG No. A0-01, prepared jointly by BBB Architects, Barry J Hobin Architects, Cannon Design and Phillips Farevegg Smallerberg Landscape Architects dated November 4, 2010, dated as received by the City of Ottawa November 5, 2010 and approved by City Council on November 22, 2010, (the "Integrated Site Plan ") shall be a maximum of 10 storeys of residential units above a 2 storey commercial and retail podium and shall not exceed a height of 42 metres. By-law 2010-230 (the By-law) shall be amended in this regard. A copy of the Integrated Site Plan is attached as Annex "A". The parties understand that the Integrated Site Plan is subject to refinement and modification as provided for by the conditions imposed by Council in its approval of the Integrated Site Plan.
 2. The Zoning By-law shall provide for a maximum number of 280 residential units.
 3. The height of Building H, as shown on the Integrated Site Plan shall be reduced to 15 metres and Schedule 258 of the By-law shall be amended to reduce the height from 27 metres to 15 metres and increase the height from 12 metres to 15 metres for the balance of the building.
 4. The City shall undertake to consult with the Community Groups in developing the Traffic and Parking Operations Plan, the Shuttle Operations Plan, the Transit Operations Plan and the detailed Transportation Demand Management ("TDM") Plan (which were recommended by McCormick Rankin ("MRC") in their Traffic Impact and Assessment Study and TDM Plan) and were imposed as Special Conditions 4.4, 4.5, 4.6, and 4.7 in the approval by Council of the Integrated Site Plan (the "Plans"). MRC is currently working on preparing these Plans and as part of their work, will be directed to engage and consult with the Community Groups in preparing these Plans and to provide reasonable advance notice to the Community Groups for such consultation. Day to day traffic and parking impacts on local streets arising from the Lansdowne development as well as traffic and parking impacts from special events at Lansdowne shall be considered as part of the community consultation and the development of the Plans. The City further undertakes to ensure that these Plans provide for community consultation as part of the monitoring that will be undertaken after the Lansdowne development is completed.
 5. The urban park lands shall be zoned O1 for public park use and for other ancillary uses such as kiosks, shelters and bathrooms. Recognizing that there are multiple subzones under the O1 zone and that there will be a need to have specific provisions in place to reflect and appropriately accommodate the revitalization program, the parties agree that a new O1 subzone that is specific to Lansdowne will be established. This subzone will set out the provisions that will
-

apply to regulate the urban park and will reflect the urban park elements shown on the Integrated Site Plan, including integration with the overall development program in regard to matters such as stormwater management, access, staging, shuttle drop off and pick up, marshalling and limited temporary surface parking to support both park and stadium activities/events with public parking for the urban park accommodated by the below grade parking in the mixed use area. The subzone will also provide that any new buildings in the urban park for ancillary uses shall be single storey buildings limited in height to 4 metres (except for the roofline which may extend to 6 metres) and that the urban park not be used for day to day parking for the general public.

6. The Horticulture and Aberdeen Pavilions shall remain entirely under the control of the City. The City shall include provisions in the Zoning By-law that will provide for these buildings accommodating uses that are supportive of and complimentary to the uses and activities of the urban park but recognize that they will also relate to and work with the uses and activities in the urban mixed use area (such as some unique retail type uses that have a synergistic relationship with the urban park for the Horticulture Building) and possibly the stadium (such as programmed activities associated with stadium events) to achieve overall synergies between uses, activities and programming for all of Lansdowne.
 7. The City undertakes to ensure that the Community Groups shall be engaged and consulted in developing the programming plan for the urban park based on conditions imposed in the approval by Council of the Integrated Site Plan and that the programming plan shall provide for ongoing dialogue with the Community Groups related to the planning of various events and activities that will be part of the ongoing programming for the urban park.
 8. The By-law shall be amended to permit only residential dwelling uses in the form of single detached, semi detached, townhouses and/or stacked townhouses located above the below grade parking to be located adjacent to the Holmwood frontage, open space, a below grade parking garage and access to a below grade parking garage. Any commercial frontage along Holmwood shall be limited to Building A1 for the commercial uses required for this building, subject to such commercial uses having their primary orientation to Bank Street.
 9. Except in Building A1, no residential units shall be permitted above the retail space proposed in Buildings A2, B, C and D on the Integrated Site Plan. The By-law and final site plan shall be amended in this regard. The maximum heights in the Bylaw shall be in accordance with Annex "B" and "C" attached hereto.
 10. Pursuant to conditions imposed by Council for the Integrated Site Plan, all conceptual and final architectural plans for new development at Lansdowne shall respect and respond to architectural design directions and guidelines set out in the approved site plan conditions. These include specific directions and
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guidelines for different building types at Lansdowne, directions and guidelines set out in the Official Plan, and building design guidelines set out in various applicable city wide design guideline documents such as those for Traditional Mainstreets, Tall Buildings and Residential Infill. Buildings along Bank Street taller than two storeys shall be stepped back in accordance with Guideline 12 of the Built Form section of the Traditional Mainstreet Design Guidelines.

11. The final site plan shall provide for a passive public open space area adjacent to the Holmwood facade of building A1 (comprising hard surfacing, street trees and benches) of not less than 6 metres x 6 metres. This space will front onto Holmwood and be open to Bank Street, and it shall be part of the public realm and be publically accessible from Bank Street at all times.
 12. The final site plan shall provide for an unobstructed view corridor of the Aberdeen Pavilion from Adelaide Street at Holmwood and from Bank Street in accordance with approvals given by the Ontario Heritage Trust ("OHT") pursuant to an easement agreement registered on title between the City and the OHT.
 13. The City undertakes to have its Infrastructure Services Department consult with the Community Groups on road and pedestrian safety issues during the reconstruction of Bank Street and the development of Lansdowne Park.
 14. The Parties acknowledge that the amended by-law will clarify that the 33,450 square metres of non residential uses includes office uses but is exclusive of the 9300 square metres of office space that would be located within Building I.
 15. The City acknowledges that the accelerated reconstruction for the Bank Street Rehabilitation and the magnitude of the construction project associated with the Lansdowne redevelopment, will have implications during the construction period associated with both projects on the manner in which area residents will travel through their neighbourhood. The City further acknowledges that the Community Groups feel there is a need for the Community Groups, independent of any communications that may be provided by the City, to provide area residents with on-going up-dates and independent of measures that may be implemented by the City to address safe movement of area residents in their neighbourhood, to be able to augment these City initiatives for the benefit of area residents. To support this, the City will make available to the Community Groups a sum to a maximum of \$30,000.00 that can be accessed by the Community Groups to fund various communications, advisories and measures to support ensuring resident safety in moving through their community during the period of the Bank Street Rehabilitation and the Lansdowne construction, subject to the City first giving its approval to the Community Groups for any such initiatives to be pursued by the Community Groups to ensure no overlap or conflicts with ongoing City initiatives, with costs incurred by the Community Groups for City authorized initiatives as described above being payable by the City on receipt of invoices.
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16. The parties acknowledge that the plans for Building C provide for maximum height limits in accordance with Annex "B" and "C" to the Minutes of Settlement. The parties further acknowledge that the final design of the building will be subject to further refinement during the Stage 2 approval process for the Site Plan, which includes formal design review and approval, specific to the design and architecture for all new development.
 17. No surface or above grade parking garages shall be permitted in the OS1 subzone.
 18. This settlement is conditional on the review by the parties of a proposed draft by-law to be delivered within twenty four hours of execution of these Minutes of Settlement.
 19. The provisions contained in these Minutes of Settlement shall also be considered and implemented through the final site plan approval process and related agreements for development.
 20. The parties acknowledge that, as a result of short time lines for these Minutes of Settlement to be considered by Council, these Minutes of Settlement must be executed by April 11, 2011.
 21. The provisions of the above-noted paragraphs are subject to Council approval. Should Council not approve these minutes of settlement on or before April 13, 2011, these Minutes of Settlement are null and void and of no force or effect.
 22. The provisions of these Minutes of Settlement shall remain confidential until approved by the Planning Committee and Council. The City shall inform the Community Associations of any public statement or disclosure to be issued with respect to the Minutes of Settlement at least 24 hours prior to the release of any such statement or disclosure.
 23. Subject to Council approval of the matters herein and the Ontario Municipal Board approving the proposed amendments to the By-law, the Community Groups will consent to an order dismissing their appeal.
 24. These Minutes of Settlement may be executed in multiple counterparts, each of which shall be deemed to be an original and all counterparts shall be construed together and shall constitute the Minutes of Settlement. The Minutes of Settlement, to the extent signed and delivered by means of electronic transmission (including, without limitation, facsimile and internet transmissions), shall be treated in all manner and respects as an original copy of the Minutes of Settlement and should be considered to have the same binding legal effect as if it were the original signed version thereof.
-

DATED: April 11, 2011.

Glebe Community Association

Per: 
Caroline Vanneste, President

I have authority to bind the Corporation

Old Ottawa South Community Association

Per: 
Brendan McCoy, Director

I have authority to bind the Corporation

CITY OF OTTAWA

By its solicitors

BORDEN LADNER GERVAIS LLP

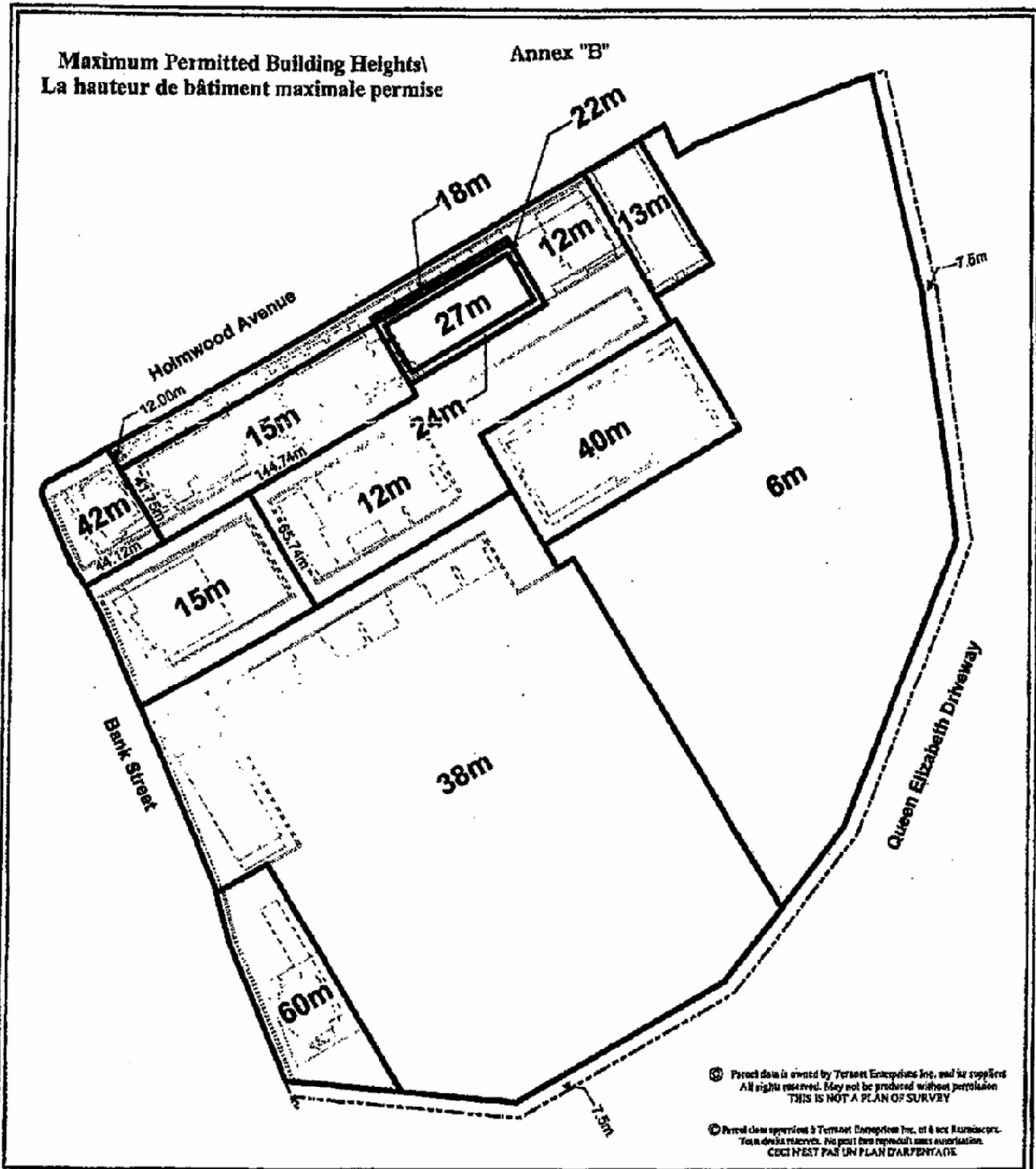

JANET E. BRADLEY

OTTAWA SPORTS AND ENTERTAINMENT GROUP

By its solicitors

SOLOWAY WRIGHT LLP


JANUARY COHEN



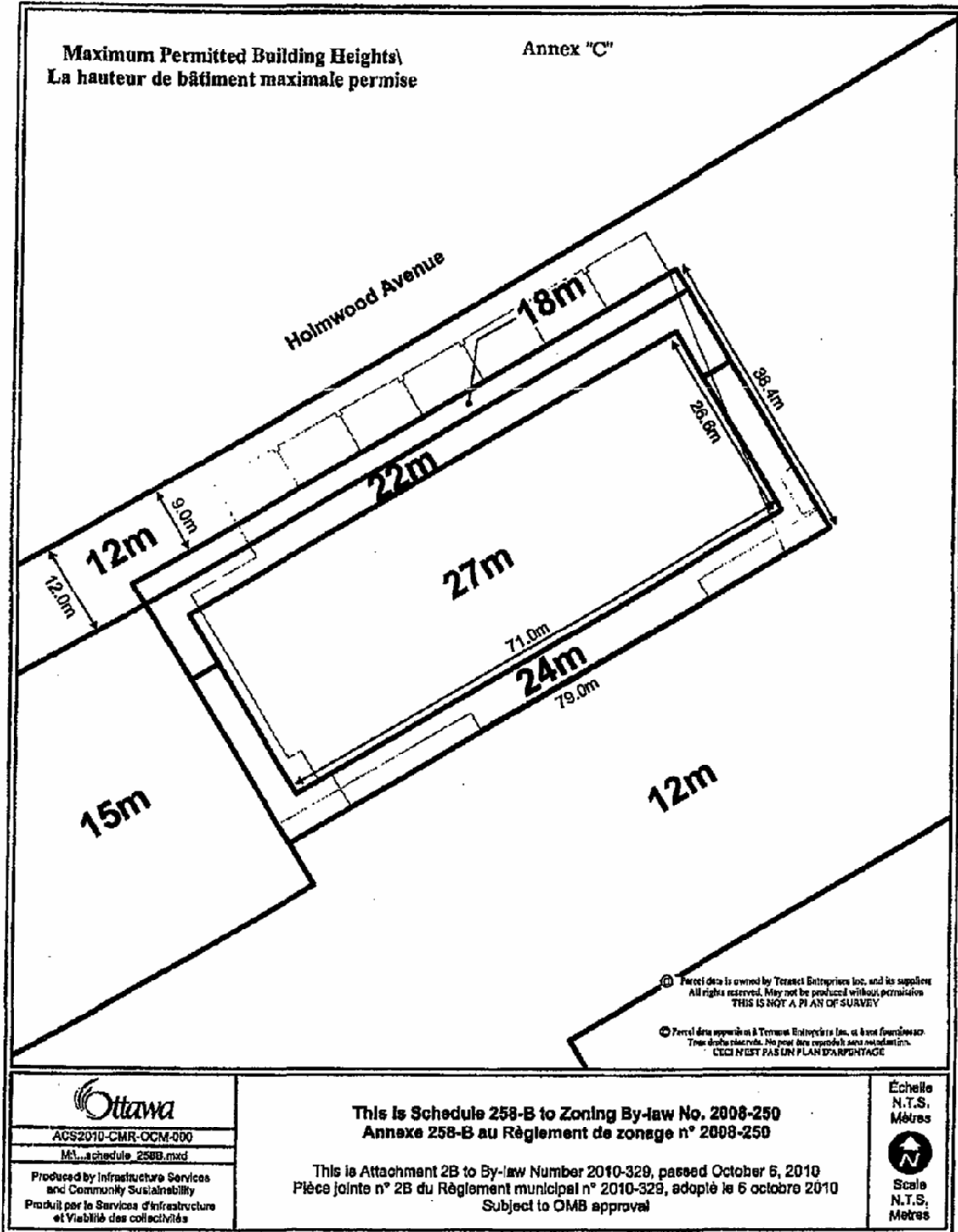
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 Produced by Infrastructure Services
 and Community Sustainability
 Produit par le Services d'Infrastructure
 et Visibilité des collectivités

This is Schedule 258-A to Zoning By-law No. 2008-250
Annexe 258-A au Règlement de zonage n° 2008-250

This is Attachment 2A to By-law Number 2010-329, passed October 6, 2010
 Pièce jointe n° 2A du Règlement municipal n° 2010-329, adopté le 6 octobre 2010
 Subject to OMB approval

Echelle
 N.T.S.
 Mètres


 Scale
 N.T.S.
 Mètres



ATTACHMENT 4

MODIFIED BY-LAW 2010-329

DOCUMENT 4

BY-LAW NO. 2010 - 329

A by-law of the City of Ottawa to repeal By-law No. 2010-314 and to amend By-law No. 2008-250 of the City of Ottawa to change the zoning of lands which are the subject of PEC Agenda 80, Item 5, Report Reference Number ACS2010-ICS-PGM-0154.

The Council of the City of Ottawa, pursuant to Section 34 of the *Planning Act*, R.S.O.1990, enacts as follows:

1. By-law No. 2010-314 entitled "A by-law of the City of Ottawa to amend By-law No. 2008-250 of the City of Ottawa to change the zoning of lands which are the subject of PEC Agenda 80, Item 5, Report Reference Number ACS2010-ICS-PGM-0154" is hereby repealed.
2. The Zoning Map of By-law No. 2008-250, entitled the "City of Ottawa Zoning By-law" is amended by rezoning the lands shown on Attachment 1 to this by-law as follows:
 - (a) Area A is rezoned from L2[338] F(1.5) to L2C[338]S258-A S258-B-h;
 - (b) Area B is rezoned from L2[338] F(1.5) to L2 F(1.5);
 - (c) Area C is rezoned from L2[338] F(1.5) to L1; and,
 - (d) Area D is rezoned from L2[338]F(1.5) to O1S S258-A.
3. The Zoning Map of the said By-law No. 2008-250 is amended by removing the heritage overlay from the lands shown on Attachment 1 to this by-law.
4. Sections 176 of the said By-law No. 2008-250 is amended by adding the following new subzone:

L2C SUBZONE – LANSDOWNE

- (3) In the L2C Subzone,
 - (a) The following uses are permitted provided they are located on the same lot as a permitted use listed under subsection 175(1):

Non-residential Uses:

- amusement centre**
- animal care establishment**
- animal hospital**
- artist studio**
- bank**

bank machine
bar
catering establishment
cinema with a maximum of 10 theatres
convenience store
farmers' market
home-based business, see Part 5, Section 127
home-based day care, see Part 5, Section 129
hotel
instructional facility
medical facility
municipal service centre
night club
office
below grade parking garage
personal service business
post office
production studio
research and development center
restaurant
retail food store
retail store
service and repair shop
small batch brewery, see Part 3, Section 89
training centre

Residential Uses:

dwelling units, as per (e), (f), and (g) below
residential care facility
retirement home

- (b) Non-residential uses listed under subsection 176(3)(a) and located outside of buildings designated under the Ontario Heritage Act are limited to a total cumulative gross leasable floor area (GLFA) of 33,450 sq m.
 - (c) A further total cumulative GLFA of 9,300 sq m may be occupied by **Office** uses provided these are located within a building designed predominately as an office building fronting onto Bank Street.
 - (d) In the L2C Subzone a building is considered to front onto a public street when any wall of that building faces a public street and no part of that wall is separated from that public street by another building.
 - (e) The maximum number of dwelling units permitted is 280.
 - (f) Residential uses are only permitted in buildings either fronting directly onto Holmwood Avenue or fronting directly onto Bank Street.
-

(g) Buildings fronting directly onto only Holmwood Avenue that are located within the area shown on Schedule 258-A where building heights are limited to 12 m may only be used for residential purposes. More specifically, these buildings must comprise dwelling units oriented to and facing Holmwood Avenue in the form of detached dwellings, semi-detached dwellings, multiple attached dwellings and/or stacked dwellings located above a below grade parking structure and no other uses except landscaped open space and a driveway access to the below grade parking structure are permitted in this area.

(h) An open space area measuring a minimum 6 m by 6 m to be used for hard surface landscaping as part of the public realm accessible to the public shall be provided adjacent to the Holmwood Avenue property line and behind the Bank Street facade of a building at the southeast corner of Bank Street and Holmwood Avenue.

The building located at the southeast corner of Bank Street and Holmwood Avenue shall have a maximum of 12 storeys comprising a 2storey commercial and retail podium with 10 storeys of residential dwelling units above.

(i) Commercial buildings located adjacent to that area of the lot where the only permitted uses are residential as set out in (g) shall not be permitted to accommodate in whole or part a nightclub and shall not be permitted to have any commercial outdoor rooftop patios.

(j) For buildings fronting onto Bank Street the ground floor, excluding lobby areas for upper floor uses must accommodate one or more permitted non-residential uses.

(k) Table 175 does not apply.

(l) Minimum required setbacks are as follows:

- (i) from a lot line abutting Bank Street: 3 m;
- (ii) from a lot line abutting Holmwood Avenue: 3 m to be used only as a landscaped front yard. The 3 m setback does not apply to buildings designated under the *Ontario Heritage Act*; and
- (iii) from a lot line abutting the Queen Elizabeth Driveway and as set out on Schedule 258-A: 7.5 m except for small scale pavilion buildings accommodating uses that are accessory to uses in the L2C subzone or are ancillary to and / or associated with the urban park and in accordance with the Urban Park Programming Plan that is to be developed and approved by the City as set out in the conditions of site plan approval given by Council on November 22, 2010.

(m) Maximum permitted building heights: as set out on Schedule 258-A and Schedule 258-B.

- (n) Section 101, Table 101 and Section 104 do not apply and in the L2C Subzone the minimum required total number of parking spaces for all residential and non-residential uses in both the L2C subzone and adjacent O1S subzone is 1230, and,
 - (i) a minimum of 1200 of these parking spaces must be located in a below grade parking garage in the L2C subzone and to provide greater specificity, no at grade or above grade parking garage, which are not permitted uses in the L2C subzone, shall be established;
 - (ii) required parking for each residential use must be calculated at a minimum rate of 0.5 spaces per dwelling unit; and,
 - (iii) despite clause 100(1)(a) all of the parking spaces not set aside for residential uses may be shared amongst all the non-residential uses on the lot in both the L2C and O1S subzones.
- (o) Section 113 does not apply and loading space requirements will be determined through Site Plan Control Approval.
- (p) The only driveway permitted to provide vehicular access from Holmwood Avenue is to provide access to a below grade parking garage. No other vehicular access points, except to allow for emergency access by emergency vehicles, is permitted off Holmwood Avenue.
- (q) The only vehicles permitted to access and egress the below grade parking garage from Holmwood are limited to vehicles using the below grade residential parking.

In addition, up to 300 public parking spaces located in a controlled access area in the below grade parking garage and associated exclusively with commercial and retail uses may exit the below grade parking onto Holmwood during a major stadium, arena and/or urban park event (defined as a minimum 15,000 person capacity event) and for a maximum three hour period prior to and after such an event with this operational requirement being set out in the Site Plan Agreement associated with the redevelopment of the lands.

- (r) No vehicles associated with stadium, arena or other events at Lansdowne shall be permitted to access the site from Holmwood Avenue or to exit the site onto Holmwood Avenue.
- (s) Uses for the Horticulture building are limited to uses permitted by Section 175, uses accessory or ancillary to uses and activities within the adjacent O1S subzone and the following additional uses permitted in the L2C subzone provided such uses are supportive and complementary so as to be compatible with both the activities and uses within the O1S and L2C subzones:

- artist studio**
- farmers' market**
- instructional facility**
- municipal service centre**

office
production Studio
restaurant
retail food store
retail store
service and repair shop
training centre

- (t) Lands within the L2C subzone and adjacent O1S subzone shall be considered one lot for by-law purposes.

5. Section 180 of the said By-law No. 2008-250 is amended by adding the following new subzone

O1S SUBZONE - LANSDOWNE

(19) In the O1S subzone,

- (a) the following additional uses are permitted:

stormwater management facility to serve lands located within both the O1S and L2C subzones;

temporary surface loading and temporary surface parking to support temporary uses, activities and/or events within both the O1S and L2C subzones provided areas for temporary loading and temporary parking are not designed specifically for this purpose and that no at grade or above grade parking garage, which are not permitted uses in the O1S subzone, be established;

shuttle bus drop off and pick up to support uses and activities within both the O1S and L2C subzones; and

ancillary and accessory uses to the L2C subzone in accordance with the Urban Park Programming Plan that is to be developed and approved by the City as set out in the conditions of site plan approval given by Council on November 22, 2010.

- (b) Uses permitted by Section 175 and uses accessory or ancillary to uses and activities within the adjacent L2C subzone that are complementary and supportive so as to have a compatible relationship with either or both the activities and uses within the O1S and L2C subzones are permitted for the Aberdeen Pavilion.
- (c) Buildings and structures are limited in height to the heights shown on Schedule 258-A.
- (d) With the exception of the Aberdeen Pavilion, all accessory and ancillary uses located within buildings shall locate within buildings with no more than 1 storey that has a height for that storey of a maximum of 4 m with the roof of such building being within the 6 m height limit shown on Schedule 258-A.
-

- (e) Notwithstanding Table 179, small scale pavilion buildings accommodating non-residential uses that are ancillary to and / or associated with the urban park as set out (a) and (d) may be located within the required 7.5 m setback from the Queen Elizabeth Driveway.
 - (f) Elements that are public art elements are exempt from the height limits shown on Schedule 258-A and the height limits set out in Section 55 for accessory structures.
 - (g) Lands within the O1S subzone and adjacent L2C subzone shall be considered one lot for by-law purposes.
6. Exception [338] of the said By-law No. 2008-250 is amended by deleting all of the existing text and replacing it with the following:
- (a) In Column II the text LC2[338]S258-A S258-B-h; and,
 - (b) In Column V the text:

The holding symbol may not be removed until:
 - (i) Stage 1 Site Plan Approval consistent with the development proposal that reflects the Master Plan and required modifications approved by Council on June 28, 2010 for the overall development of Lansdowne has been obtained; and,
 - (ii) All required heritage approvals have been obtained.
7. Part 17, Schedules, of the said By-law No. 2008-250 is amended by adding Attachment 2A and Attachment 2B to this by-law as Schedule 258-A and Schedule 258-B.

ENACTED AND PASSED this 6th day of October, 2010.

CITY CLERK

MAYOR

BY-LAW NO. 2010 - 329

-0-

A by-law of the City of Ottawa to repeal By-law No. 2010-314 and to amend By-law No. 2008-250 of the City of Ottawa to change the zoning of lands which are the subject of PEC Agenda 80, Item 5, Report Reference Number ACS2010-ICS-PGM-0154.

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Enacted by City Council at its meeting of October 6, 2010

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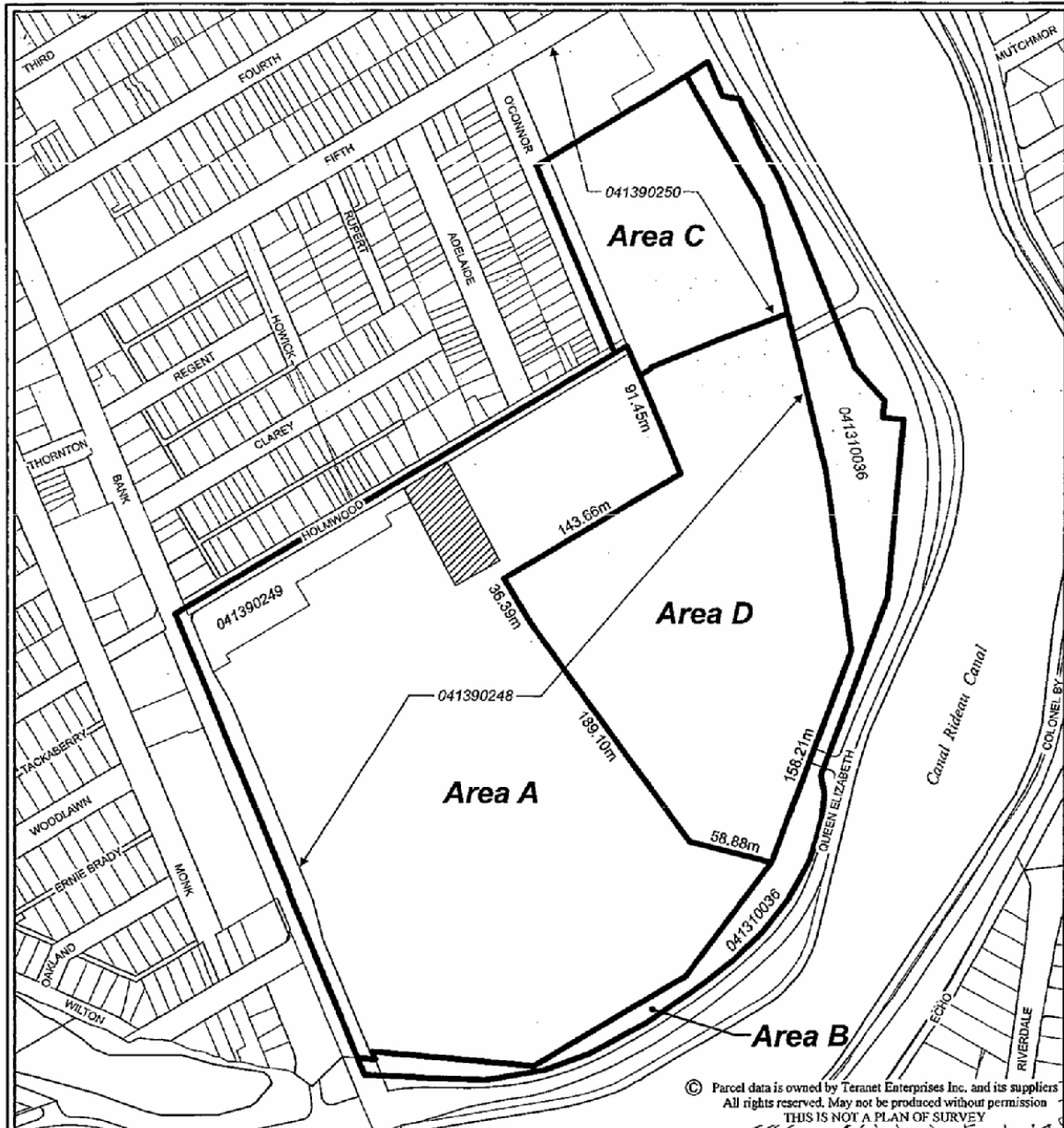
LEGAL SERVICES

MC/rb – G04-01-2010-10-06

COUNCIL AUTHORITY:

City Council September 22, 2010

PEC Report No. 76, Item 5



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**Lands Affected Part of
 The Zoning Map
 of By-law No. 2008-250**

This is Attachment 1 to By-law Number _____, passed _____, 2011

Lands Affected by By-law

Area A Rezone from L2[338] F(1.5) to L2C[338] S258-A S258-B-h
 Area B Rezone from L2[338] F(1.5) to L2 F(1.5)
 Area C Rezone from L2[338] F(1.5) to L1
 Area D Rezone from L2[338] F(1.5) to O1S S258-A

 Heritage Overlay to be removed

041390248 Denotes Teranet/Polaris Parcel Identification Number

Échelle
 N.T.S.
 Mètres



Scale
 N.T.S.
 Metres

