



# Local Planning Appeal Tribunal

**CASE NO(S):** PL140495  
PL141235

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants: Shirley Dolan et al  
Subject: Proposed Official Plan Amendment No. 150  
Municipality: City of Ottawa  
OMB Case No.: PL140495  
OMB File No.: PL140495  
OMB Case Name: Dolan v. Ottawa (City)

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Glendon Moore; and others  
Subject: Proposed Official Plan Amendment No. 180  
Municipality: City of Ottawa  
OMB Case No.: PL170983  
OMB File No.: PL170983  
OMB Case Name: Glendon Moore v. Ontario (Municipal Affairs)

## AFFIDAVIT OF BRUCE FINLAY

I, **Bruce Finlay**, of the City of Ottawa **MAKE OATH AND SAY:**

- 1) I am a Registered Professional Planner, with the Economic Development and Long-Range Planning Branch of the City of Ottawa. Since joining the City, in 2001, I have been involved in the preparation and review of the City of Ottawa's Official Plan and responsible for the preparation of the draft and final versions of the comprehensive amendments to that Plan. I have been directly involved with Amendments (OPA) #150,

#140, and #180 that are currently before the LPAT. I continue to provide planning policy advice to Council, my colleagues and other City departments.

- 2) In my career I have provided professional land use planning advice to both municipal and private clients and have been recognised by the Ontario Municipal Board and the LPAT as an expert, for the purpose of giving evidence, in land use planning. My Curriculum Vitae and my Acknowledgement of Experts Duty are attached as Exhibits 1 and 2.
- 3) This affidavit provides the sequence of events leading to, and my professional opinion as to the appropriateness of, the proposed policy changes approved by the City to achieve the settlement of the outstanding appeals, by the Greater Ottawa Home Builders Association (GOHBA) and the Building Owners and Managers Association (BOMA), of Official Plan Amendment 150.

### **Background**

- 4) On December 11<sup>th</sup>, 2013 the City adopted Official Plan Amendment 150 (OPA #150). OPA #150 made significant modifications to policies for Arterial Mainstreets, City-wide Design Policies and included new design policies focusing on the redevelopment of existing areas with new buildings, and particularly, new high-rise buildings.
- 5) On January 10, 2014 the Ministry of Municipal Affairs and Housing approved OPA #150 without modification. The Minister's approval of OPA #150 was appealed in its entirety, but following the adoption by the City, and approval by the Ministry of Municipal Affairs and Housing of Official Plan Amendment 180 on the 8<sup>th</sup>, August 2017, many of these appeals were withdrawn. However, many of the policies dealing with Building Heights and Design remained under appeal.
- 6) When the City adopted OPA 180 Council directed staff to meet with appellants with the view to resolving the outstanding appeals. At the prehearing of October 22<sup>nd</sup>, 2018 the LPAT considered a partial settlement, reached between the City and the appellants, for the Building Height and Intensification policies. That settlement was approved by the LPAT on January 25<sup>th</sup>, 2019. Since October 2018 City staff have continued to work with GOHBA and BOMA on the outstanding matters.
- 7) On April 24<sup>th</sup>, 2019 City Council approved the staff recommendation for further modifications to the Tall Building and Urban Design policies that remained under

appeal. An extract of the Council minutes is attached at Exhibit 3 and associated Staff Report is attached at Exhibit 4 to this affidavit. The Staff report recommended that Council agree to changes to the following components of OPA #150:

- i) Item 160, which amended Section 3.6.3 - Arterial Mainstreets and establishes building heights on these major streets;
  - ii) Item 179, which amended Section 3.6.7 - Major Urban Facilities and established building heights for future major developments: and
  - iii) Item 285, Which replaces Section 4.11 – Urban Design and Compatible and revised the police dealing the design of buildings but specifically high-rise buildings.
- 8) Item 160 - Arterial Mainstreets:
- a) Arterial Mainstreets are major roads located in primarily postwar neighbourhoods where the lot fabric is generally large. Today these corridors contain a broad mix of commercial and residential uses and development is predominantly car oriented. The City's Official Plan identifies these Mainstreets as areas where more detailed planning is required and where there is an opportunity to encourage intensification and a more pedestrian and transit friendly environments. Prior to OPA #150 building heights were limited to 9 storeys in the policies for Arterial Mainstreets. However, policies in Section 4.11 of the Official Plan provides range of locations and situations where taller buildings could be considered.
  - b) The purpose of Item 160, and the other changes made by OPA 150, was to consolidate the relevant building height criteria into one location in the Official Plan. The new policy for Arterial Mainstreets reiterated that Mid-rise Building Heights (up to 9 storeys) would be permitted on Arterial Mainstreets unless a Secondary Plan stated otherwise. The policy also proposed that taller buildings up to 12 storeys could be permitted in specific locations that support the City's Transit objectives.
  - c) The proposed modification proposed for this new policy in (Item 160 Exhibit 5) continues to permit up to 9 storeys but allows consideration of taller buildings (up to 30 storeys), subject to a zoning change, in locations that support transit. The transit supportive locations include sites within 400m of a rapid transit station, at

intersections of two main streets, at the intersection of a Mainstreet and transit priority corridor or in locations that abut Major Urban Facilities.

9) Item 179 - Major Urban Facilities.

- a) Major Urban Facilities are described in the City's Plan uses such as: Hospitals; Universities; Colleges; Major sports, recreational and cultural facilities; Major Shopping Centres and the like. They generally serve the entire City or large parts of it and large numbers of people require convenient access. As a consequence, some facilities exert concentrated demand on the transportation, and other infrastructure. These facilities are permitted in all urban designations other than Traditional Mainstreets but require: a zoning amendment in every instance, proximity to high frequency public transit and detailed consultation and review.
- b) Item OPA #150 proposed that these facilities should be limited in height to the greater of the maximum height permitted by the underlying designation or 9 storeys.
- c) Due to their poitrial impact all new Major Urban Facilities are subject to considerable public scrutiny due to the studies required and the Zoning process that each proposal requires. The underlying designations, in which Major Urban Facilities are permitted, already have policies dealing with building heights. The additional restrictions imposed by Item 179 are not necessary and create additional complications. Council has agreed that the new policy, introduced by Item 179, should be repealed. (see Item 179 Exhibit 5)

10) Item 285, of OPA #150 completely replaced the former policies of Section 4.11 Urban Design and Compatible Development. The new policies proposed for Section 4.11 sought to consolidate many of the urban design components that were previously scattered throughout and often repeated in many locations in the Official Plan. The new section 4.11 focusses on new design policies for High-rise buildings and no longer deals with building heights and where High-rise buildings should be permitted.

11) The proposed modifications to Item 285 (see Item 285 Exhibit 5) deal with the following matters:

**Views -**

- a) The introduction and policies 2 and 3 dealing with Views and view planes have been modified to use language consistent with other parts of the Plan in reference to view planes and to confirm when these criteria are as guidelines and where they are mandatory.
- b) Policy 2 is modified to clarify that the requirement to consider impacts on the skyline apply specifically to buildings of 31+ storeys in height.
- c) Policy 3 is modified to be clearer that specific protected views of the Peace Tower, on the Parliament Building, are to be protected and remain unobstructed. The policy provides that new buildings or additions to existing buildings must be consider these view corridors to the Peace Tower and may not further obscure those views.

**Building Design -**

- d) Policy 6 focuses on the design and orientation of new buildings to the street. OPA #150 required the principal entrances to face the street and that street facing facades to be animated by windows and not blank walls. The original policy specified that the principal entrance of buildings on properties with multiple street frontages should face the higher order street. It also required all visible walls to contain windows. The city agrees that this requirement is too specific and does not accommodate the variety of situations where this requirement may not be practical or reasonable. The city proposes the deletion of this ranking of street orientation and qualifies that walls visible from public spaces should contain windows.
- e) Policy 7 is modified to recognise that in the design matters, identified in this policy are nor mandatory and that the City should encourage but not always require design elements in the policy.
- f) Policy 8 and new policy 9 deal with the design of those normally less attractive aspects of buildings such as service access and loading areas,

utilities and mechanical equipment. The original policy, proposed by OPA #150, required that these areas and facilities be designed so that they could not be seen. This is not always possible. The policy has been reworded to put the emphasis on the design, of these utility spaces in manner that maintains the quality and attractiveness of the pedestrian spaces around buildings. This can be achieved by a number of methods: internalisation, screening and design. Similarly roof top equipment should be incorporated in the design of the of the upper floors of the building.

**High Rise Buildings -**

- g) New policies 14 to 18 (see Exhibit 5) replace the former policies 13 and 14 of OPA 150. These policies have been revised to reflect more recent work the City has undertaken in the development of the new Urban Design Guidelines for High-rise Buildings and to be less prescriptive of the building format and sizes in favour of principles.
- h) The modified policy 14 identifies many of the same impacts that High-rise buildings can have on the safety and comfort of public and private spaces as were identified in the former policy14 but have been reworded. The designers of new High-rise buildings should consider these impacts demonstrate to the city the steps taken to addressed or avoid negative impacts.
- i) New Policy 15 focuses on the structure of the building with emphasis on the provision of appropriate separation distances between the tower-portion of High-rise buildings. These separations apply between towers on the same or adjacent lots. The separation distances between High-rise towers has been refined through the City's new "Urban Design Guidelines for High-rise Buildings" which has determined that separation distances may be varied in specific contexts. It is proposed that the separation distances will be implemented through Zoning and for this reason they have been given less emphasis in this revised policy.

- j) New Policies 16 to 18 (see Exhibit 5) provides that Secondary Plans for specific areas and Zoning may establish specific requirements such as building separation and setbacks. The new policies now reference the completed Urban Design Guidelines for High-rise Buildings.

**Outdoor Amenity Areas**

- k) The Settlement also amends Policy 15 proposed by OPA #150 (now renumbered to Policy 19) to add flexibility to the types of measures that can be used to protect existing private amenity space when proposing new buildings.
- 12) The remaining policies in Item 285, remain as originally proposed by of OPA #150.
  - 13) Exhibit 6 states all the matters that, other than the zoning for 1200 Maritime Way, are within the Building Heights, Intensification and Design Phase.
  - 14) There are a number of modifications found in Exhibit 7 that were made to the Official Plan by OPA #150, to matters listed within Exhibit 6 and for which no further changes are sought by BOMA or GOHBA. The City is seeking the dismissal of all appeals against these modifications such that these changes will come into force.
  - 15) The policy rationale behind these modifications is given in Exhibit 7 within the column entitled "Rationale".
  - 16) Attached at Exhibit 8 is an email showing correspondence between the City Solicitor and the Solicitor for Bridgeport Realty and 1716709 Ontario Inc.
  - 17) Attached at Exhibit 9 is correspondence received by the City from the Solicitor for Bridgeport Realty that was received at 9:29 am on 24<sup>th</sup> April 2019 the date of the Council's consideration of the resolution on the settlement reached with GOHBA and BOMA. The letter states that Bridgeport Realty disagrees with two changes made through the City's settlement with GOHBA and BOMA as follows:

a) Item 285: Section 4.11 policy 9

Bridgeport Realty interprets this new policy as requiring private amenity space to be provided on the roof of High-rise buildings. New Policy 15 in Section 4.11 deals with the provision of private amenity space and indicates that all buildings that include residential uses will incorporate private amenity space in accordance with the City's Zoning By-law. The modified policy 9 and stress that any roof-top mechanical or telecommunications equipment, signage and amenity spaces where provided should be integrated into the overall design and not simply an afterthought. The policy does not mandate the provision of roof-top amenity space.

b) Item 285: Section 4.11 policy 15

Bridgeport Realty is arguing that paragraphs a, b and c of policy 15 are seeking to implement portions of the "Urban Design Guidelines for High Rise Buildings" when in fact they are a rewording of the preamble and policies 13 and 14 of the new Section 4.11 of OPA 150 and from which the more recent Urban Design Guidelines were developed. The policies of Section 4.11 highlight the objectives of the design criteria and give guidance to Zoning.

**Conclusion**

18) In my professional opinion,

- a) the Councils recommendations to modify Items 160 and 285 of OPA #150, and
- b) the recommendation to repeal Item 179 of OPA #150

as set forth in Exhibit 5, are consistent with the Provincial Policy Statement, have regard to matters of provincial interest and represent good planning.



19) I also recommend that the appeals against items set forth in Exhibit 7 be dismissed as the proposed policies are consistent with the Provincial Policy Statement, have regard to matters of provincial interest and represent good planning.

SWORN before me in the City of Ottawa,  
in the Province of Ontario, this 6th day of

May, 2019



A Commissioner for the Taking of Oaths, etc.  
Timothy C. Marc

)  
)  
)  
)  
)  
)

  
BRUCE FINLAY



THIS IS EXHIBIT " 1 " TO THE  
AFFIDAVIT OF BRUCE PINNEY  
SWORN BEFORE ME THIS 6<sup>th</sup> DAY OF

MAY 17 1999



A COMMISSIONER, ETC

# BRUCE FINLAY, M.C.I.P., M.P.I.A., R.P.P

Planner III,  
Policy Planning Branch  
Planning, Infrastructure & Economic Development  
Dept. City of Ottawa

110 Laurier Avenue West, Ottawa, ON, K1P 1J1  
Telephone: (613) 580-2424 ext. 21850;  
e-mail: Bruce.Finlay@ottawa.ca

## SUMMARY - PROFESSIONAL EXPERIENCE

---

### 2005 - 2018 PLANNER III

City of Ottawa

Responsible for the City's Official Plan, preparation of land use policies and providing advice to Council and staff on land use policy matters. Project lead City's Official Plan update OPA #180 and the update of the City's LEAR system (2016). Project lead City's Official Plan update OPA #150 (2013). Responsible for the Rural policy consultation and review for the City's Official Plan update OPA #76 (2009). Provided professional evidence at the Ontario Municipal Board and LPAT

### 2001 - 2005 PLANNER II

City of Ottawa

Responsible for the City's Official Plan, preparation of land use policies and providing advice to Council and staff on land use policy matters. Responsible for the of the City's Greenspace Master Plan, provided policy advice and interpretation of the City's Official Plan and represented and negotiated on behalf of the City at appeal hearings for the Official Plan

### 1998 -2001 PLANNER II

City of Kanata

Policy Planner provided policy advice to development approvals planners, prepared policy documents and processed some Official Plan amendments. From mid-1999 onward assisted with the completion of the updated Official Plan for the City of Kanata. Responsible for the interpretation of Official Plan policy and the provision of comments on major development plans leading to Official Plan and Zoning amendments.

### 1993 -1998 PRINCIPAL

Freelance Consultant

Provided general planning advisory services to rural municipalities and private clients seeking planning approvals. Prepared new and consolidated Official Plans and Zoning By-laws, reviewed applications and responded to Councils with advice applications for development, severance and subdivision proposals and conducted public meetings associated with those proposals. Provided professional evidence for municipal and private clients at the Ontario Municipal Board.

### 1989 -1993 SENIOR PLANNER

J.L. Richards and Associates Ltd.

J. L. Richards is a large firm of Engineers, Architects and Planners who provide consulting services throughout Eastern and Northern Ontario. Provided planning services to a number of rural municipalities and small towns in Eastern and Northern Ontario and to private individuals and land developers. Prepared Official Plans and Zoning By-laws; reviewed and advised on development, zoning, severance and subdivision applications.

### 1981 - 1988 STATUTORY PLANNER

Sydney, Australia

Statutory Planner advising the Chief Town Planner and Council on development and subdivision proposals in the City's main commercial and industrial areas. Also responsible for residential re-development and intensification projects in the older areas of Blacktown and Seven Hills. Provided professional evidence at the Land and Environment Court.

## PROFESSIONAL AFFILIATIONS

---

Canadian Institute of Planners (CIP)  
Ontario Professional Planners Institute (OPPI)

Member (RPP)  
Member



THIS IS EXHIBIT " 2 " TO THE  
AFFIDAVIT OF BRUCE FINLAY  
SWORN BEFORE ME THIS 6<sup>th</sup> DAY OF

MAY, 2019   
A COMMISSIONER, ETC



Ontario

Local Planning Appeal Tribunal  
Tribunal d'appel de l'aménagement local

**ACKNOWLEDGMENT OF EXPERT'S DUTY**

<b>Case Number</b>	<b>Municipality</b>
PL140495	City of Ottawa

1. My name is Bruce Finlay.  
I live in the City of Clarence-Rockland, in the Province of Ontario.
2. I have been engaged by the City of Ottawa to provide evidence in relation to the above-noted LPAT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
  - a. to provide opinion evidence that is fair, objective and non-partisan;
  - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
  - c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

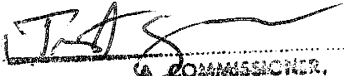
Date....., 2019.....

Signature





THIS IS EXHIBIT " 3 " TO THE  
AFFIDAVIT OF BRUCE FINLAY.  
SWORN BEFORE ME THIS 6<sup>th</sup> DAY OF

MAY, 2019   
A COMMISSIONER, ETC



---

OTTAWA CITY COUNCIL

Wednesday, 24 April 2019

Andrew S. Haydon Hall, 110 Laurier Avenue W.

10:00 am

DISPOSITION 12

---

*Note: Please note that the recorded votes and dissents contained in this Disposition are to be considered DRAFT until the Minutes of the meeting are confirmed by Council.*

REPORTS

OTTAWA BOARD OF HEALTH

- |   |
|---|
| 1. <u>OTTAWA PUBLIC HEALTH'S 2018 ANNUAL REPORT</u> |
|---|

**BOARD OF HEALTH RECOMMENDATION**

**That City Council receive Ottawa Public Health's 2018 Annual Report, for information of its members, in accordance with the *City of Ottawa Act, 1999.***

RECEIVED

Boulevard and Strasbourg Street to proceed with the proposed works identified within the Front-Ending Report – Roundabout (Brian Coburn Boulevard at Gerry Lalonde Drive/Jerome Jodoin Drive (ACS2019-PIE-PS-0030) at Brian Coburn Boulevard at Gerry Lalonde Drive/Jerome Jodoin Drive.

CARRIED

20. OFFICIAL PLAN AMENDMENT 150 SETTLEMENT OF APPEALS – BUILDING HEIGHT AND DESIGN

**COMMITTEE RECOMMENDATION**

That Council adopt the settlement policies for OPA 150 proposed in this report and attached as Document 1 and the approval of these changes by the Local Planning Appeal Tribunal.

CARRIED

**BULK CONSENT AGENDA**

COMMUNITY AND PROTECTIVE SERVICES COMMITTEE  
REPORT 3

A. COMMEMORATIVE NAMING PROPOSAL – GEORGES  
DASSYLVA PARK

**COMMITTEE RECOMMENDATION**

That Council approve the proposal to name the future park located at 670 Monardia Way, the “Georges Dassylva Park”.

CARRIED



THIS IS EXHIBIT " 4 " TO THE  
AFFIDAVIT OF BRUCE FINLAY  
SWORN BEFORE ME THIS 6<sup>th</sup> DAY OF

MAY, 2019                       
COMMISSIONER, ETC

Extract of Draft Minutes 5  
Planning Committee  
April 11, 2019

Extrait de l'ébauche  
du procès-verbal 5  
Comité de l'urbanisme  
le 11 avril 2019

---

Official Plan Amendment 150 Settlement of Appeals – Building Height and Design

ACS2019-PIE-EDP-0016

City Wide

---

### Report Recommendation

**That Planning Committee recommend Council adopt the settlement policies for OPA 150 proposed in this report and attached as Document 1 and the approval of these changes by the Local Planning Appeal Tribunal.**

The following staff of the Planning, Infrastructure and Economic Development department responded to questions: Bruce Findlay, Planner; Alain Miguelez, Manager, Policy Planning.

Murray Chown, was present in support on behalf of the Greater Ottawa Home Builders Association (GOHBA).

### Motion N° PLC 2019 5/6

Moved by acting Vice-chair A. Hubley

**WHEREAS report ACS2019-PIE-EDP-0016 recommends that Planning Committee and Council adopt changes to policies in Section 4.11 of OPA 150 to resolve appeals concerning the design of high-rise buildings; and**

**WHEREAS the disposition of report ACS2019-PIE-EDP-0016 directs the City Solicitor to take the changes recommended in the report to the Local Planning Appeals Tribunal with the request that the Tribunal approve the policies in Section 4.11 as amended in the report to resolve the appeals; and**

**WHEREAS the changes recommended in report ACS2019-PIE-EDP-0016 will be**

brought to the Local Planning Appeals Tribunal on May 22, 2019; and

WHEREAS on May 8, 2018 Planning Committee considered report ACS2018-PIE-EDP-0013, Urban Design Guidelines and Zoning Provisions for High-Rise Buildings;

WHEREAS Planning Committee recommended approval of the Urban Design Guidelines for High-Rise Buildings and received the draft zoning provisions for high-rise buildings; and

WHEREAS Planning Committee directed staff to seek resolution on the appeals of the policies for high-rise buildings in OPA 150 and bring the zoning provisions for high-rise buildings back to Planning Committee and Council for approval following resolution of the appeals;

THEREFORE BE IT RESOLVED that pending the outcome of the hearing at the Local Planning Appeals Tribunal on May 22, 2019, that Planning Committee direct Planning, Infrastructure and Economic Development staff to bring the zoning provisions for high-rise buildings for approval to Planning Committee on June 13, 2019 and to Council on June 26, 2019.

CARRIED

Committee CARRIED the report recommendation as amended by Motion 2019 5/6.

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
11 Apr 2019 / 11 avril 2019**

**and Council  
et au Conseil  
24 April 2019 / 24 avril 2019**

**Submitted on April 1, 2019  
Soumis le 1er avril 2019**

**Submitted by  
Soumis par:  
John Smit**

**Director / directeur**

**Economic Development and Long Range Planning / Développement économique  
et planification à long terme**

**Contact Person  
Personne ressource:**

**Alain Miguelez**

**Manager/Gestionnaire, Planning Policy and Resiliency/Politiques d'urbanisme et  
Résilience**

**613-580-2424, 27617, Alain.Miguelez@ottawa.ca**

**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2019-PIE-EDP-0016**

**SUBJECT: Official Plan Amendment 150 Settlement of Appeals – Building  
Height and Design**

**OBJET: Règlement de certains appels relatifs à la modification 150 du Plan  
officiel – Hauteur de bâtiment et conception**



## REPORT RECOMMENDATIONS

**That Planning Committee recommend Council adopt the settlement policies for OPA 150 proposed in this report and attached as Document 1 and the approval of these changes by the Local Planning Appeal Tribunal.**

## RECOMMANDATIONS DU RAPPORT

**Que le Comité de l'urbanisme recommande au Conseil d'adopter les protocoles des règlements des appels relatifs à la MPO 150 proposés dans ce rapport et figurant dans le document 1 ci-joint, et l'approbation de ces changements par le Tribunal d'appel de l'aménagement local.**

## BACKGROUND

When considering the adoption of Official Plan Amendment (OPA) 180 on January 25, 2016, Council directed Staff to work with appellants of OPAs 150, 140, 179 and 180 where possible, in order to achieve settlement of the outstanding appeals to these amendments to the City's Official Plan. This report forms part of those settlement negotiations and recommends wording changes to three policy changes, made by OPA 150, which were appealed by the Greater Ottawa Home Builders Association (GOHBA) and the Building Owners and Managers Association (BOMA). GOHBA and BOMA have agreed to the changes being proposed by this report and to the withdrawal of their appeals to nine other changes made by OPA 150 which will come into force, without change, once approved by the Local Planning Appeal Tribunal (LPAT).

The changes proposed by this report fall into three categories as follows: changes to building height policies for properties abutting designated Arterial Mainstreets (Section 3.6.3); the repeal of a proposed policy imposing building height limits for Major Urban Facilities (Section 3.6.7); and changes to some new policies in Section 4.11 that is titled Urban Design and Compatible Development. The majority of the policies of Section 4.11 remain unchanged.

This report recommends that Planning Committee and Council approve the policy changes negotiated by Staff, discussed in this report and shown in Document 1, attached. Once approved by Council the intention is that the City Solicitor bring the changes to LPAT for approval at the earliest possible opportunity.



## DISCUSSION

OPA 150 made many policy changes specifically intended to deal with building heights and urban design. Specific policies related to building form were included in the majority of land use designations. For the most part, these policies placed interim height limits, in most urban designations, until such time as secondary plans are completed that may propose more or less restrictive limits. OPA 150 also substantially revised the urban design and compatibility policies (Sections 2.5.1 and 4.11) of the Plan. Many of the changes related to building heights were resolved earlier in 2018 (See Staff report ACS2018-PIE-EDP-0047 that went to Council October 10, 2018) and have now been approved by LPAT.

While the building height policies for different designations were resolved earlier in a staff report (See Staff report ACS2018-PIE-EDP-0047 ) that went to Council on October 10, 2018. Those changes have been approved by LPAT.

The three Items addressed by this report constitute the body of the substantive changes appealed by GOHBA and BOMA and focus on the following specific policies:

### 1. Arterial Mainstreets

Item 160 in OPA 150 added a new policy 11 to section 3.6.3 Mainstreets. This is one of two policies in OPA 150 (policies 11 and 12) that updated the building heights for both Arterial and Traditional Mainstreets that were originally together as one policy in the Official Plan. OPA 150 proposed that two separate policies (11 and 12) for these Mainstreet designations. The City and LPAT previously agreed to changes to the new policy 12 that identified Mid-rise building heights (5-9 storeys) on Traditional Mainstreets and taller buildings only where permitted by a Secondary Plan. New policy 11, which is addressed in this report, applies to Arterial Mainstreets only. Staff are proposing that is still and continues to permit Mid-rise buildings (5- 9 storeys) but recognizes that taller buildings may be considered at transit supportive locations subject to a zoning change. A secondary plan is not required. The specific locations include proximity to: rapid transit stations, intersections with other Mainstreets and transit priority routes; or proximity to Major City Facilities. These locations generally coincide with target areas for intensification.

The revised policy still maintains that the Zoning by-law may establish lower building heights where dictated by the site conditions and the character of surrounding development. See Item 160 in Document 1 attached.

## 2. Major Urban Facilities

Item 179 in OPA 150 added a new policy 13 to Section 3.6.7 Major Urban Facilities. The purpose of the new policy was to set maximum building heights for Major Urban Facilities that are the greater of either: the surrounding building height or Mid-Rise (up to 9 storeys). Major Urban Facilities are typically distinguished by a number of unique characteristics. These facilities usually service the entire city or large parts of it and may even draw from beyond the boundaries of Ottawa and include: Hospitals; Universities and colleges; Major sports, recreational and cultural facilities, Museums and Shopping centres (over 50,000 square metres gross leasable area) and the like. Large numbers of people require convenient access to these facilities which necessitates good road and public transit access. Applications for these uses are few and they often require large areas of land.

The policies of Section 3.6.7 require a change to zoning every time a Major Urban Facility is proposed to ensure sufficient public consultation, the evaluation of design of the facility and review of the studies needed to support the proposal. Staff agree that establishing as-of-right building heights for these uses has little real impact as each application is evaluated on an individual circumstances. Staff are suggesting that the policy is ineffectual and recommend that Council repeal, in its entirety, Item 179 in OPA 150. See Document 1.

## 3. Urban Design and Compatible Development

Item 285 in OPA 150 retitled and replaced 14 policies in Section 4.11 Urban Design and Compatible Development. Some of the new policies added to Section 4.11, by OPA 150, were relocated from other sections of the Official Plan in order group urban design objectives in one location. The former building height classification were moved from Section 4.11 to Section 2.2.2 by OPA 150 and were subsequently approved by LPAT (see staff report ACS2018-PIE-EDP-0047 that went to Council October 10, 2018).

The revisions proposed as part of the settlement of appeals to Item 285 include the following changes:

- a. **Views and View planes** – this new sub-section deals with the protected views of the Parliament Buildings, particularly when reviewing applications for new high-rise buildings. These policies regarding views of the Parliament already exist for the central area and limit building heights using view planes

from the Peace Tower. The purpose of the policies is to recognize that future secondary plans may identify specific views and vistas (related to other prominent buildings or features) that are to be protected when considering future development applications. The modifications Staff are recommending to Item 285 requires proponents of buildings **over** 30-storeys to identify and evaluate skyline impacts. The policy is also modified to be clear that where a view of the Parliament is already impacted by existing development, a proponent must demonstrate that the view will not be further impacted by the proposed new development. See page 2 of Document 1.

- b. **Building Design** – this new sub-section introduced by OPA 150 identifies the elements of the building and site's design that will be evaluated by the City to assess compatibility.

Old policy 6a required that where a property has frontage to more than one road, the main facade of any new building must face the higher-order road, be it an arterial road, collector road, etc. Staff agree that this is not a matter that needs to be regulated in this detail because there may be good reasons why the building would face the lesser road particularly if that is how access is obtained. In most cases the higher order street is a natural choice for building orientation. Staff agrees that the original policy is too prescriptive and that proposed policy 6a be modified to delete the required orientation (see page 3 of Document 1).

Old policy 6b required that building facades, visible from 'public spaces', have windows. Staff agree this provision is too broad and that the policy should be changed to require facades adjacent to 'public spaces' to have windows. This provision is mainly to provide oversight of public space as well as creating a more pleasing building facades.

Old policy 7 in the last sentence of the preamble the word "required" is to be modified so that the City will "encourage" rather than "require" development proposals at gateway intersections of arterial and collector roads to be designed with strong architectural elements and quality materials and widened landscaped sidewalks to improve the pedestrian environment.

Old policy 8 deals with the design of public spaces around buildings and the design and placement of utilities, loading and servicing facilities at ground level and on roof tops. These aspects of buildings facilities and utilities can impact the attractiveness of the building and the usability of the sidewalk and

entrances to buildings. The old policy 8 required that these facilities should not be seen from the street. Staff agree that this is not possible to achieve in most circumstances. Policy 8 has been completely redrafted to emphasize that the City's objective is to maintain an attractive sidewalk environment for pedestrians and there are many ways in which these necessary components of new buildings can be designed to achieve this objective. New policy 9 addresses roof-top equipment and signage and indicates that the location and design these components should be incorporated into the design of the upper floors of the building. See page 4 of Document 1

- c. **High-Rise Buildings** – the former introductions and policies 13 and 14 of OPA 150 been almost completely revised to be consistent with the work, undertaken by staff, in developing the high-rise building design guidelines which were completed after OPA 150 was adopted. The new polices do the following:

New Policy 14 - modifies the original preamble to the High-Rise Building section and describes the benefits that high-rise buildings have in addition to the negative impacts or disruptions that should be avoided through the design of these buildings. These impacts include ground level comfort and safety for public and private spaces around the building, affects on views, proximity to heritage districts or buildings and protection of privacy of occupants of adjacent buildings. See page 6 of Document 1.

New Policy 15 and 16 – identifies the components of a high rise building as a base (sometimes a podium), the middle (tower) and top. OPA 150 established optimum sizes for each tower components and established a separation distance between buildings on the same lot or between buildings on adjoining lots. Since OPA 150 was adopted staff completed the more detailed "Urban Design Guidelines for High-rise Buildings". These guidelines were adopted by Council May 23, 2018 and established different floor plates and separations distances for High-Rise towers based upon location and building use. See Page 6 of Document 1.

New policies 16 to 18 recognise that, where appropriate, Secondary Plans may, and the Zoning by-law will, provide more detailed standards for High-Rise buildings including separations distances. Policy 18 specifically references the "Urban Design Guidelines for High-rise Buildings". See page 7 of Document 1".

- d. **Outdoor Amenity Areas** – the plans encourage the provision of private outdoor amenity areas as part of a variety of building forms, not just apartments and requires proponents of new development to consider the impact new construction may have on adjacent private amenity areas. Policy 19 identifies a number of techniques to minimize impacts on the privacy of existing amenity areas is amended to recognize that other techniques, not mentioned in the policy may also be appropriate. See page 7 of Document 1

The balance of Item 285 remains as adopted by Council and approved by the Minister in 2014. The appellants have indicated that with the changes identified above that the appeals of Items 47, 98, 99, 100, 101, 102, 103, 104 and 105 will be withdrawn. Staff recommend that Planning Committee and Council support these changes to the text of OPA 150 and direct the City Solicitor to bring this settlement to the LPAT at the earliest opportunity.

Staff recommend that Planning Committee and Council support these changes to the text of OPA 150 and direct the City Solicitor to bring this settlement to the LPAT at the earliest opportunity.

#### **RURAL IMPLICATIONS**

None of these policies directly impact the Rural Area

#### **CONSULTATION**

Council directed that the staff meet with the appellants to resolve the appeals. City Staff meet with representatives of GOHBA and BOMA a number of times and the changes recommended in this report constitute the settlement agreed to by those parties.

#### **COMMENTS BY THE WARD COUNCILLORS**

This is a city-wide report – not applicable.

#### **LEGAL IMPLICATIONS**

Should the modifications be endorsed by Council, they will be presented to the Local Planning Appeal Tribunal on May 22, 2019 for approval by the Tribunal. In the event that one or more modifications are not endorsed by Council, a hearing may be necessary. In order to provide professional planning evidence in such case, it would be necessary to seek to retain an external planner.



## **RISK MANAGEMENT IMPLICATIONS**

These changes have been recommended in order to avoid the necessity of a hearing.

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with this report.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

The recommendations of this report will not have any specific impact on people with disabilities.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

## **TECHNOLOGY IMPLICATIONS**

There are no technology implications associated with this report.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following term of Council priorities:

- EP2 – Support growth of local economy
- HC3 – Building Better Revitalized Neighbourhoods

## **SUPPORTING DOCUMENTATION**

Document 1 - Proposed Policy Changes OPA 150

## **DISPOSITION**

The City Solicitor is directed to take the changes recommended by this report to the Local Planning Appeals Tribunal with the request that the Tribunal approve the policies in Items 160, 179 and 285 of OPA 150 as amended by this report.

Item	Sect	Original OPA 150 Text	PROPOSED POLICY CHANGES
160	3.6.3	<p>Amend by adding a new policy, following policy 8, as follows:</p> <p>11. On Arterial Mainstreets, unless a secondary plan states otherwise, building heights up to 9 storeys will predominate. The tallest buildings will be located at the nodes described below. Subject to a zoning amendment, taller buildings up to a maximum of 12 storeys may be considered, where the development provides a community amenity, where it is demonstrated that the development meets the urban design and compatibility policies in Section 4.11 and where the site is located at one or more of the following nodes:</p> <ol style="list-style-type: none"> <li>within 400 metres walking distance of a Rapid Transit Station on Schedule D of this Plan; or</li> <li>directly abutting an intersection of the Mainstreet with another Mainstreet or a Transit Priority Corridor on Schedule D of this Plan; or</li> <li>directly abutting a Major Urban Facility.</li> </ol> <p>The Zoning By-law may establish building heights lower than nine storeys based on site conditions, existing character and compatibility.</p>	<p>Amend by adding a new policy, following policy 8, as follows:</p> <p>11. On Arterial Mainstreets, unless a secondary plan states otherwise, building heights up to 9 storeys <b>may be permitted as of right but High-rise buildings may only</b> be permitted <b>subject</b> to a zoning amendment and where the <b>building will be</b> located at one or more of the following nodes:</p> <ol style="list-style-type: none"> <li>within 400 metres walking distance of a Rapid Transit Station on Schedule D of this Plan; or</li> <li>directly abutting an intersection of the Mainstreet with another Mainstreet or a Transit Priority Corridor on Schedule D of this Plan; or</li> <li>directly abutting a Major Urban Facility:</li> </ol> <p><b>and</b> where the development provides a community amenity <b>and adequate transition is provided to adjacent low-rise.</b></p> <p>The Zoning By-law may establish <b>as-of-right</b> building heights lower than nine storeys <b>where</b> site conditions, existing character and compatibility <b>with adjacent development dictate that a lower building form is appropriate.</b></p>
179	3.6.7	<p>Amend by adding a new policy 13 as follows:</p> <p>13. Unless otherwise stated in a secondary plan or existing zoning, the maximum building height for Major Urban Facilities is the greater of:</p> <ol style="list-style-type: none"> <li>the maximum height permitted in the underlying land use designation; or</li> <li>nine storeys, providing transition to adjacent low-rise residential areas in accordance with Section 4.11.</li> </ol>	<p><b>City proposes to repeal Item 179 that introduces new Policy 13</b></p>
285	4.11	<p>Amend by deleting policies 1 through 14 in their entirety, and replacing them with the following:</p> <p>"1. A Design Brief will be required as part of a complete application, except where identified in the Design Brief Terms of Reference. The focus of this Brief will vary depending on the nature of the development. The Brief shall evaluate consistency and demonstrate that the following content is considered and/or incorporated into the development proposal with:</p>	<p>Amend by deleting policies 1 through 14 in their entirety, and replacing them with the following:</p> <p>1. A Design Brief will be required as part of a complete application, except where identified in the Design Brief Terms of Reference. The focus of this Brief will vary depending on the nature of the development. The Brief shall evaluate consistency and demonstrate that the following content is considered and/or incorporated into the development proposal with:</p>



	<p>a. The provisions of this Plan that affect the design of a site or building;</p> <p>b. Design Guideline(s) approved by Council that apply to the area or type of development; and</p> <p>c. The design provisions of a community design plan or secondary plan.</p> <p><b>Views</b></p> <p>Depending on its location, the mass or height of new development may enhance or impact the views visible from public view points, such as public monuments, bridges, civic spaces, landforms, and other valued spaces. View corridors can be defined to regulate the height and mass of development within a defined area, so as to protect the public view.</p> <p>2. Development applications for all High-Rise Buildings will demonstrate how the proposed building will contribute to and enhance the skyline of the city and existing prominent views and vistas or create new vistas. Community design plans or other plans approved by Council may identify prominent important views. Skyline is defined in Section 2.5.6, policy 14.</p> <p>3. The City will protect the views of the Parliament Buildings from two locations in Beechwood Cemetery. The view area, or viewshed, and the two locations, the Tommy Douglas Memorial and Poet's Hill, are identified as Annex 12. New buildings or structures should be located to compliment or enhance the view of these important landmark buildings. A building or structure is deemed to obstruct the view if it visually blocks the foreground view or visually mars the background silhouette view of the Parliament Buildings. For each property in the viewshed, no Zoning By-law amendment or minor variance shall be permitted that would obstruct the view. Site plan control approval, other regulations and City maintenance practices may also be adjusted to ensure that fences, signs, trees and other elements do not obstruct the view.</p> <p>4. Policies to protect views of the Parliament Buildings and other national symbols that apply to development applications in the Central Area are contained in Section 3.6.6 Central Area.</p> <p><b>Building Design</b></p> <p>Good building design contributes to successful neighbourhood integration and the compatibility of new development with the existing or planned character of its surroundings. The façades of</p>	<p>a. The provisions of this Plan that affect the design of a site or building;</p> <p>b. Design Guideline(s) approved by Council that apply to the area or type of development; and</p> <p>c. The design provisions of a community design plan or secondary plan.</p> <p><b>Views</b></p> <p>Depending on its location, the mass or height of new development may enhance or impact the views visible from public view points, such as public monuments, bridges, civic spaces, landforms, and other valued spaces. View corridors <b>and view planes</b> can be <b>established to guide and</b> regulate the height and mass of development within a defined area, so as to protect the public view.</p> <p>2. Development applications for all <b>High-Rise 31+</b> buildings will demonstrate how the proposed building will contribute to and enhance the skyline of the city and existing prominent views or vistas or create new vistas. Community design plans or other plans approved by Council may identify prominent important views. Skyline is defined in Section 2.5.6, policy 14.</p> <p>3. The City will protect the views of the Parliament Buildings from two locations in Beechwood Cemetery. The view area, or viewshed, and the two locations, the Tommy Douglas Memorial and Poet's Hill, are identified on Annex 12. New buildings or structures should be located to compliment or enhance the view of these important landmark buildings. A building or structure is deemed to obstruct the view if it visually blocks the foreground view or visually <b>changes</b> the background silhouette of the Parliament Buildings <b>when viewed from the identified locations</b>. For each property in the viewshed, no Zoning By-law amendment or minor variance shall be permitted that would permit a proposed building to obstruct the view <b>unless it is demonstrated that the view is already impacted and would not be further impacted by the proposal</b>. Site plan control approval, other regulations and City maintenance practices may also be adjusted to ensure that fences, signs, trees and other elements do not obstruct the view.</p> <p>4. Policies to protect views of the Parliament Buildings and other national symbols that apply to development applications in the Central Area are contained in Section 3.6.6 Central Area.</p>
--	--	---



buildings influence the feel and function of public spaces and define the edges of the pedestrian environment. Good building design is required throughout the city. In the City's design priority areas and areas subject to the design priority policies, building design is intended to support the image of Ottawa as a Capital city and contribute to a positive experience for residents and visitors.

5. Compatibility of new buildings with their surroundings will be achieved in part through the design of the portions of the structure adjacent to existing buildings and/or facing the public realm. Proponents of new development will demonstrate, at the time of application, how the design of their development fits with the existing desirable character and planned function of the surrounding area in the context of:
  - a. Setbacks, heights and transition;
  - b. Façade and roofline articulation;
  - c. Colours and materials;
  - d. Architectural elements, including windows, doors and projections;
  - e. Pre- and post-construction grades on site; and
  - f. Incorporating elements and details of common characteristics of the area.
6. The City will require that all applications for new development:
  - a. Orient the principal façade and entrance(s) of main building(s) to the street. Where a building abuts more than one street, the building façade and entrances will be oriented in order of priority to the arterial, collector and local street;
  - b. Include windows on the building elevations that are visible from public spaces;
  - c. Use architectural elements, massing, and landscaping to accentuate main building entrances.
7. The intersections of arterial and collector roads can serve as gateways into communities can support high levels of pedestrian and vehicular traffic, the greatest density of housing, and commercial and other land uses and services that are focal points for a community. The City will require that development proposals at such locations include the following:
  - a. Strong architectural design elements that feature the corner or street axis by: locating buildings close to the street edge, and/or orienting the highest and most interesting portion of a building (e.g. the main entrance) to the corner or axis which has a view or terminus;
  - b. Capitalizing on design possibilities for both street façades (by wrapping the materials

## Building Design

Good building design contributes to successful neighbourhood integration and the compatibility of new development with the existing or planned character of its surroundings. The façades of buildings influence the feel and function of public spaces and define the edges of the pedestrian environment. Good building design is required throughout the city. In the City's design priority areas and areas subject to the design priority policies, building design is intended to support the image of Ottawa as a Capital city and contribute to a positive experience for residents and visitors.

5. Compatibility of new buildings with their surroundings will be achieved in part through the design of the portions of the structure adjacent to existing buildings and/or facing the public realm. Proponents of new development will demonstrate, at the time of application, how the design of their development fits with the existing desirable character and planned function of the surrounding area in the context of:
  - a. Setbacks, heights and transition;
  - b. Façade and roofline articulation;
  - c. Colours and materials;
  - d. Architectural elements, including windows, doors and projections;
  - e. Pre- and post-construction grades on site; and
  - f. Incorporating elements and details of common characteristics of the area.
6. The City will require that all applications for new development:
  - a. Orient the principal façade and entrance(s) of main building(s) to the street. **Where a building abuts more than one street, the building façade and entrances will be oriented in order of priority to the arterial, collector and local street;**
  - b. Include windows on the building elevations that are **adjacent to** public spaces;
  - c. Use architectural elements, massing, and landscaping to accentuate main building entrances.
7. The intersections of arterial and collector roads can serve as gateways into communities and can support high levels of pedestrian and vehicular traffic, the greatest density of housing, and other land uses and services, and commercial services and other land uses that are focal points for a community. The City will **encourage** development proposals at such locations **to** include the following:
  - a. Strong architectural design elements that feature the corner or street axis by: locating buildings close to the street edge, and/or orienting the highest and most interesting portion of a building (e.g. the main entrance) to the corner or axis which has a view or terminus;
  - b. Capitalizing on design possibilities for both street façades (by wrapping the materials

- used on the front façade around the building where any façades are exposed to the public realm); and
  - c. Soft landscaping features, special paving materials, and/or curb extensions to shorten the distance across the street and larger sidewalk area to accommodate sidewalk activity.
8. Developments that include loading facilities, service areas, mechanical equipment (including roof-top), vents and metering devices should incorporate these requirements into the building design in such a way that they cannot be seen from, and their operation does not impact, the public street, pedestrian and cycle pathways or adjacent ground-oriented residences. This may be achieved through:
- a. Containment, with a preference to using the same architectural detail, style and materials as the proposed development; and/or
  - b. Screening (e.g. trees, landscaped berms, decorative walls and fences).

**Massing and Scale**

Complementary to building design, the massing and scale of new development also contributes to successful neighbourhood integration and the compatibility of new development with the character of the surrounding community. Massing and scale describes the form of the building, how tall it is, how much of the lot it occupies and how it is positioned in relation to the street and surrounding buildings.

9. Where a secondary planning process establishes criteria for compatibility of new development or redevelopment in terms of the character of the surrounding area, the City will assess the appropriateness of the development using the criteria for massing and scale established in that Plan. Where there are no established criteria provided in an approved Plan, the City will assess the appropriateness of the proposal relying upon its approved Design Guidelines, as applicable, and the following criteria:
- a. Building height, massing and scale permitted by the planned function of adjacent properties as well as the character established by the prevailing pattern of abutting development and development that is across the street;
  - b. Prevailing patterns of rear and side yard setbacks, building separation and landscaped open spaces and outdoor amenity areas as established by adjacent properties or the planned pattern/function

- a. Strong architectural design elements that feature the corner or street axis by: locating buildings close to the street edge, and/or orienting the highest and most interesting portion of a building (e.g. the main entrance) to the corner or axis which has a view of the terminus.
  - b. Capitalizing on design possibilities for both street façades (by wrapping the materials used on the front façade around the building where any façades are exposed to the public realm); and
  - c. Soft landscaping features, special paving materials, and/or curb extensions to shorten the distance across the street and larger sidewalk area to accommodate sidewalk activity.
8. **To maintain a high quality, obstacle free pedestrian environment, all servicing, loading areas, and other required mechanical equipment and utilities should be internalized and integrated into the design of the base of the building where possible. If they cannot be internalized these services are to be screened from public view (i.e. trees, landscaping, decorative walls and fences etc.) and are to be acoustically dampened where possible. The location and operation these areas and equipment should be designed to maintain a pedestrian friendly environment and not impede public use of the sidewalk.**
9. **Roof-top mechanical or telecommunications equipment, signage, and amenity spaces should be incorporated into the design and massing of the upper floors of the building.**

**Massing and Scale**

Complementary to building design, the massing and scale of new development also contributes to successful neighbourhood integration and the compatibility of new development with the character of the surrounding community. Massing and scale describes the form of the building, how tall it is, how much of the lot it occupies and how it is positioned in relation to the street and surrounding buildings.

10. Where a secondary planning process establishes criteria for compatibility of new development or redevelopment in terms of the character of the surrounding area, the City will assess the appropriateness of the development using the criteria for massing and scale established in that Plan. Where there are no established criteria provided in an approved Plan, the City will assess the

	<p>established by existing zoning where that pattern is different from the existing pattern of development;</p> <p>c. The need to provide a transition between areas of different development intensity and scale as set out in policy 12 of this section.</p> <p>10. The City may require a Shadow Analysis and/or Wind Analysis as part of a complete application, except where identified in the Wind/Shadow Terms of Reference. The study(s) will evaluate the potential impacts of the development on the adjacent properties and pedestrian amenity areas. The intent of each Analysis is to demonstrate how these impacts have been minimized or avoided.</p> <p>11. Transition refers to the integration of buildings that have greater height or massing than their surroundings. Transition is an important building design element to minimize conflicts when development that is higher or has greater massing is proposed abutting established or planned areas of Low-Rise development. Proponents for developments that are taller in height than the existing or planned context or are adjacent to a public open space or street shall demonstrate that an effective transition in height and massing, that respects the surrounding planned context, such as a stepping down or variation in building form has been incorporated into the design.</p> <p>12. Building height and massing transitions will be accomplished through a variety of means, including:</p> <ul style="list-style-type: none"> <li>a. Incremental changes in building height (e.g. angular planes or stepping building profile up or down);</li> <li>b. Massing (e.g. inserting ground-oriented housing adjacent to the street as part of a high-profile development or incorporating podiums along a Mainstreet);</li> <li>c. Building setbacks and step-backs.</li> </ul> <p><b>High-Rise Buildings</b></p> <p>High-Rise Buildings are a form of high-density development that can contribute to the achievement of intensification, the provision of a range of housing and employment types and a mix of other uses, creation of new landmarks and skylines and the city's varied built form. They also have the potential to impact the surrounding area in ways that include, but are not limited to: influencing the microclimate, shadowing adjacent properties and public spaces, disruption of public views and the character of heritage districts or buildings, and influencing the street environment.</p>	<p>appropriateness of the proposal relying upon its approved Design Guidelines, as applicable, and the following criteria:</p> <ul style="list-style-type: none"> <li>a. Building height, massing and scale permitted by the planned function of adjacent properties as well as the character established by the prevailing pattern of abutting development and development that is across the street;</li> <li>b. Prevailing patterns of rear and side yard setbacks, building separation and landscaped open spaces and outdoor amenity areas as established by existing zoning where that pattern is different from the existing pattern of development;</li> <li>c. The need to provide a transition between areas of different development intensity and scale as set out in policy 12 of this section.</li> </ul> <p>11. The City may require a Shadow Analysis and/or Wind Analysis as part of a complete application, except where identified in the Wind/Shadow Terms of Reference. The study(s) will evaluate the potential impacts of the development on the adjacent properties and pedestrian amenity areas. The intent of each Analysis is to demonstrate how these impacts have been minimized or avoided.</p> <p>12. Transition refers to the integration of buildings that have greater height or massing than their surroundings. Transition is an important building design element to minimize conflicts when development that is higher or has greater massing is proposed abutting established or planned areas of Low-Rise development. Proponents for developments that are taller in height than the existing or planned context or are adjacent to a public open space or street shall demonstrate that an effective transition in height and massing, that respects the surrounding planned context, such as a stepping down or variation in building form has been incorporated into the design.</p> <p>13. Building height and massing transitions will be accomplished through a variety of means, including:</p> <ul style="list-style-type: none"> <li>a. Incremental changes in building height (e.g. angular planes or stepping building profile up or down);</li> <li>b. Massing (e.g. inserting ground-oriented housing adjacent to the street as part of a high-profile development or incorporating podiums along a Mainstreet);</li> <li>c. Building setbacks and step-backs.</li> </ul> <p><b>High-Rise Buildings</b></p>
--	--	---

13. To establish a human-scale and pedestrian-oriented street environment, High-Rise Buildings should be designed such that any façade facing a street steps back a distance that is at least equivalent to a storey in height, at a point above the second but generally no higher than the sixth storey. The portion of the building below this step-back is the base, or podium, while the portion above this step-back is the tower. Proposals to reduce or eliminate the step-backs above must demonstrate that the base or podium will establish a human-scale and pedestrian street environment.
14. It is the City's objective that new High-Rise Buildings should be designed and located to: minimise wind and shadowing impacts and maintain sunlight penetration to public places, maintain privacy, and preserve public views and sky views, among other elements. To achieve these objectives the tower portion of the building, which is above the base or podium described in policy 13 above should:
- a. Be appropriately separated from adjacent towers, either on the same site or an adjacent site. The zoning by-law may establish a minimum separation distance for towers or minimum yard setbacks, and minimum lot sizes for high-rise buildings, that achieve tower separation and accommodate future development on adjacent lots. Proposals for high-rise buildings that include separation distances less than 23m shall:
    - i. Demonstrate that the objectives stated above are met through the use of a smaller floor plate, building orientation, and /or building shape; and
    - ii. Demonstrate that the potential for future high-rise buildings on adjacent lots can be developed and meet the separation distance and setback distances above. Where a proposals cannot demonstrate that the above requirements can be met the site is not appropriate for tall buildings or may require lot consolidation.
  - b. Have a floor plate that is limited. Proposals for residential floorplates larger than 750 square metres, or commercial floorplates larger than 1500 square metres shall:
    - i. Demonstrate that the objectives stated above are met through the use of building orientation, and /or building shape; and
    - ii. Provide a greater separation distance between towers on the same lot and
14. High-Rise Buildings are a form of high-density development that can contribute to intensification, **housing and employment opportunities and provide new view, skyline and landmark possibilities.** High-Rise buildings should be designed to **achieve the objectives of this Plan and avoid or reduce impacts or disruptions associated with:**
- a. **pedestrian comfort, safety and usability resulting from changes to wind and shadow patterns in outdoor amenities and adjacent public and private spaces surrounding the building;**
  - b. **public views, including view planes and view-sheds referred to in Policy 3 above**
  - c. **proximity to heritage districts or buildings,**
  - d. **reduced privacy for existing building occupants on the same lot or on adjacent lots,**
15. **Generally, High-Rise buildings, which consist of three integrated parts, a base, a middle and a top, can achieve many of the urban design objectives and address the impacts described above in the following ways;**
- a. **The base of a high-rise building should respect the scale, proportion, and character of the surrounding buildings, adjacent streets, parks, and public or private open spaces and animate such spaces.**
  - b. **The tower, which typically includes a middle and a top, should step back from the base where possible. The tower design can reduce the building impacts identified above by incorporating an appropriate separation from existing or future adjacent towers located on the same lot or on an adjacent lot. The responsibility for providing an appropriate tower separation shall generally be shared between owners of abutting properties where high-rise buildings are permitted. A separation distance of 23m has been the City's general guidance but actual separation requirements may vary in different parts of the City depending on the context.**
  - c. **Floor plates may also vary depending on the uses and the context. Generally, towers with a larger floor plates may**



greater setbacks to side and rear lot lines;

**Outdoor Amenity Areas**

Outdoor amenity areas are the private and communal areas of a property that are designed to accommodate a variety of leisure activities.

- 15. Applicants will demonstrate that the development minimizes undesirable impacts on the existing private amenity spaces of adjacent residential units through the siting and design of the new building(s). Design measures include the use of transitions or terracing and the use of screening, lighting, landscaping, or other mitigative design measures.
- 16. Applications to develop residential or mixed-use buildings incorporating residences will include well-designed, usable amenity areas for the residents that meet the requirements of the Zoning By-law, and are appropriate to the size, location and type of development. These areas may include private amenity areas and communal amenity spaces such as: balconies or terraces, rooftop patios, and communal outdoor at-grade spaces (e.g. plazas, courtyards, squares, yards). The specific requirements for the private amenity areas and the communal amenity spaces shall be determined by the City and implemented through the Zoning By-law and site plan agreement.

**Public Art**

- 17. Proponents of prominent developments, such as Major Urban Facilities and High-Rise Buildings, are encouraged to include site-specific public art. Public art may be identified as a means to satisfy the policies of Section 5.2.1 where proponents of development are seeking an increase in height and density. Where public art is provided as part of a private development proposal, the City will assist by providing consultation services in adherence with the Municipal Public Art policy.

**Design Priority Areas**

The City has identified target areas for intensification and other prominent areas which are significant destinations in the city and recognized them as design priority areas in Section 2.5.1 of this Plan. Proponents of development within design priority areas must demonstrate, through the design of their building

**require a greater separation from adjacent towers.**

- 16. **Secondary Plans may provide area-specific directions for the design of high-rise buildings.**
- 17. **The Zoning By-law will establish performance measures such as minimum tower separation distances and yard setbacks and may require minimum lot sizes for High-Rise buildings. Proposals for a high-rise building that include performance measures that deviate from the Zoning By-law shall demonstrate that the impacts identified in policy 13 can be satisfactorily avoided or reduced.**
- 18. **The Urban Design Guidelines for High-Rise Buildings may establish general principles for the design of high-rise buildings, including the design of the base and guidance for tower separation distances.**

**Outdoor Amenity Areas**

Outdoor amenity areas are the private and communal areas of a property that are designed to accommodate a variety of leisure activities.

- 19. Applicants will demonstrate that the development minimizes undesirable impacts on the existing private amenity spaces of adjacent residential units through the siting and design of the new building(s). Design measures include the use of transitions or terracing and the use of screening, lighting, landscaping, or other design **measures that achieve the same objective.**
- 20. Applications to develop residential or mixed-use buildings incorporating residences will include well-designed, usable amenity areas for the residents that meet the requirements of the Zoning By-law, and are appropriate to the size, location and type of development. These areas may include private amenity areas and communal amenity spaces such as: balconies or terraces, rooftop patios, and communal outdoor at-grade spaces (e.g. plazas, courtyards, squares, yards). The specific requirements for the private amenity areas and the communal amenity spaces shall be determined by the City and implemented through the Zoning By-law and site plan agreement.

**Public Art**

- 21. Proponents of prominent developments, such as Major Urban Facilities and High-Rise Buildings, are encouraged to include site-

and site, that the following policies have been met.

18. The portion of the building(s) which are adjacent to the public realm will be held to the highest building design standards by incorporating specific building design features:
  - a. Design the building(s) first storey to be taller in height to retain flexibility or opportunity for ground floor uses in the future;
  - b. Locate front building façades parallel to the street; however, consideration may be given to allow for interruptions of continuous building facades at strategic locations to provide pocket parks, plazas or other open spaces that provide a supportive function to the street activity or enable views and vistas;
  - c. Transparent windows at grade to give views into the building to observe the function of the building and out of the building to enhance natural surveillance;
  - d. Using architectural treatments (e.g. projections from continuous building lines, awnings, canopies, alcoves and bays) to soften the interface between buildings and the public realm;
  - e. Sufficient lighting sources for public uses after dark and to accentuate and animate buildings, natural features, public monuments and public spaces;
  - f. Utilize façade treatments to accentuate the transition between floors and interior spaces to provide visual interest and relief; and
  - g. Signage that contributes to the character of the surrounding area and architectural design of the building through appropriate architectural design elements, materials, and colour.
  
19. The portion of the development which impacts the public realm will be held to the highest site design standards and should incorporate enhanced public realm improvements, such as:
  - a. weather protection elements, (eg. colonnades, and awnings);
  - b. shade trees, median planting and treatments and other landscaping;
  - c. wider sidewalks and enhanced pedestrian surfaces;
  - d. coordinated furnishings and utilities, transit stops, and decorative lighting; and
  - e. memorials and public art commissioned for the location.
  - f. To achieve these public realm improvements, coordination with the City

specific public art. Public art may be identified as a means to satisfy the policies of Section 5.2.1 where proponents of development are seeking an increase in height and density. Where public art is provided as part of a private development proposal, the City will assist by providing consultation services in adherence with the Municipal Public Art policy.

**Design Priority Areas**

The City has identified target areas for intensification and other prominent areas which are significant destinations in the city and recognized them as design priority areas in Section 2.5.1 of this Plan. Proponents of development within design priority areas must demonstrate, through the design of their building and site, that the following policies have been met.

22. The portion of the building(s) which are adjacent to the public realm will be held to the highest building design standards by incorporating specific building design features:
  - a. Design the building(s) first storey to be taller in height to retain flexibility or opportunity for ground floor uses in the future;
  - b. Locate front building façades parallel to the street; however, consideration may be given to allow for interruptions of continuous building facades at strategic locations to provide pocket parks, plazas or other open spaces that provide a supportive function to the street activity or enable views and vistas;
  - c. Transparent windows at grade to give views into the building to observe the function of the building and out of the building to enhance natural surveillance;
  - d. Using architectural treatments (e.g. projections from continuous building lines, awnings, canopies, alcoves and bays) to soften the interface between buildings and the public realm;
  - e. Sufficient lighting sources for public uses after dark and to accentuate and animate buildings, natural features, public monuments and public spaces;
  - f. Utilize façade treatments to accentuate the transition between floors and interior spaces to provide visual interest and relief; and
  - g. Signage that contributes to the character of the surrounding area and architectural design of the building through appropriate architectural design elements, materials, and colour.

	<p>will be required in accordance with Section 2.5.1, policy 5(d).</p> <p>20. The massing and scale of development will define and enclose public and private spaces (e.g. streets, parks, courtyards, squares) using buildings, structures and landscaping; and relate to the scale and importance of the space they define (e.g. street width to height ratios).</p>	<p>23. The portion of the development which impacts the public realm will be held to the highest site design standards and should incorporate enhanced public realm improvements, such as:</p> <ul style="list-style-type: none"> <li>a. weather protection elements, (e.g. colonnades, and awnings);</li> <li>b. shade trees, median planting and treatments and other landscaping;</li> <li>c. wider sidewalks and enhanced pedestrian surfaces;</li> <li>d. coordinated furnishings and utilities, transit stops, and decorative lighting; and</li> <li>e. memorials and public art commissioned for the location.</li> </ul> <p>To achieve these public realm improvements, coordination with the City will be required in accordance with Section 2.5.1, policy 5(d).</p> <p>24. The massing and scale of development will define and enclose public and private spaces (e.g. streets, parks, courtyards, squares) using buildings, structures and landscaping; and relate to the scale and importance of the space they define (e.g. street width to height ratios).</p>
--	--	--





THIS IS EXHIBIT " 5 " TO THE  
AFFIDAVIT OF BRUCE PINUM  
SWORN BEFORE ME THIS 6<sup>th</sup> DAY OF

MAY, 2009 J. R. [Signature]  
A COMMISSIONER, ETC

Item	Sect	Original OPA#150 Text	PROPOSED POLICY CHANGES
160	3.6.3	<p>Amend by adding a new policy, following policy 8, as follows:</p> <p>11. On Arterial Mainstreets, unless a secondary plan states otherwise, building heights up to 9 storeys will predominate. The tallest buildings will be located at the nodes described below. Subject to a zoning amendment, taller buildings up to a maximum of 12 storeys may be considered, where the development provides a community amenity, where it is demonstrated that the development meets the urban design and compatibility policies in Section 4.11 and where the site is located at one or more of the following nodes:</p> <ul style="list-style-type: none"> <li>a. within 400 metres walking distance of a Rapid Transit Station on Schedule D of this Plan; or</li> <li>b. directly abutting an intersection of the Mainstreet with another Mainstreet or a Transit Priority Corridor on Schedule D of this Plan; or</li> <li>c. directly abutting a Major Urban Facility.</li> </ul> <p>The Zoning By-law may establish building heights lower than nine storeys based on site conditions, existing character and compatibility.</p>	<p>Amend by adding a new policy, following policy 8, as follows:</p> <p>11. On Arterial Mainstreets, unless a secondary plan states otherwise, building heights up to 9 storeys <b>may be permitted as of right but High-rise buildings may only be permitted subject</b> to a zoning amendment and where the <b>building will be</b> located at one or more of the following nodes:</p> <ul style="list-style-type: none"> <li>a. within 400 metres walking distance of a Rapid Transit Station on Schedule D of this Plan; or</li> <li>b. directly abutting an intersection of the Mainstreet with another Mainstreet or a Transit Priority Corridor on Schedule D of this Plan; or</li> <li>c. directly abutting a Major Urban Facility:</li> </ul> <p><b>and</b> where the development provides a community amenity <b>and adequate transition is provided to adjacent low-rise.</b></p> <p>The Zoning By-law may establish <b>as-of-right</b> building heights lower than nine storeys <b>where</b> site conditions, existing character and compatibility <b>with adjacent development dictate that a lower building form is appropriate.</b></p>
179	3.6.7	<p>Amend by adding a new policy 13 as follows:</p> <p>13. Unless otherwise stated in a secondary plan or existing zoning, the maximum building height for Major Urban Facilities is the greater of:</p> <ul style="list-style-type: none"> <li>a. the maximum height permitted in the underlying land use designation; or</li> <li>b. nine storeys, providing transition to adjacent low-rise residential areas in accordance with Section 4.11.</li> </ul>	<p><b>City proposes to repeal Item 179 that introduces new Policy 13</b></p>
285	4.11	<p>Amend by deleting policies 1 through 14 in their entirety, and replacing them with the following:</p>	<p>Amend by deleting policies 1 through 14 in their entirety, and replacing them with the following:</p>

1. A Design Brief will be required as part of a complete application, except where identified in the Design Brief Terms of Reference. The focus of this Brief will vary depending on the nature of the development. The Brief shall evaluate consistency and demonstrate that the following content is considered and/or incorporated into the development proposal with:
  - a. The provisions of this Plan that affect the design of a site or building;
  - b. Design Guideline(s) approved by Council that apply to the area or type of development; and
  - c. The design provisions of a community design plan or secondary plan.

**Views**

Depending on its location, the mass or height of new development may enhance or impact the views visible from public view points, such as public monuments, bridges, civic spaces, landforms, and other valued spaces. View corridors can be defined to regulate the height and mass of development within a defined area, so as to protect the public view.

2. Development applications for all High-Rise Buildings will demonstrate how the proposed building will contribute to and enhance the skyline of the city and existing prominent views and vistas or create new vistas. Community design plans or other plans approved by Council may identify prominent important views. Skyline is defined in Section 2.5.6, policy 14.
3. The City will protect the views of the Parliament Buildings from two locations in Beechwood Cemetery. The view area, or viewshed, and the two locations, the Tommy Douglas Memorial and Poet's Hill, are identified as Annex 12. New buildings or structures should be located to compliment or enhance the view of these important landmark buildings. A building or structure is deemed to obstruct the view if it visually blocks the foreground view or visually mars the background silhouette view of the Parliament Buildings. For each property in the viewshed, no Zoning By-law amendment or minor variance shall be permitted that would obstruct the view.

1. A Design Brief will be required as part of a complete application, except where identified in the Design Brief Terms of Reference. The focus of this Brief will vary depending on the nature of the development. The Brief shall evaluate consistency and demonstrate that the following content is considered and/or incorporated into the development proposal with:
  - a. The provisions of this Plan that affect the design of a site or building;
  - b. Design Guideline(s) approved by Council that apply to the area or type of development; and
  - c. The design provisions of a community design plan or secondary plan.

**Views**

Depending on its location, the mass or height of new development may enhance or impact the views visible from public view points, such as public monuments, bridges, civic spaces, landforms, and other valued spaces. View corridors **and view planes** can be **established to guide and** regulate the height and mass of development within a defined area, so as to protect the public view.

2. Development applications for all **High-Rise 31+** buildings will demonstrate how the proposed building will contribute to and enhance the skyline of the city and existing prominent views or vistas or create new vistas. Community design plans or other plans approved by Council may identify prominent important views. Skyline is defined in Section 2.5.6, policy 14.
3. The City will protect the views of the Parliament Buildings from two locations in Beechwood Cemetery. The view area, or viewshed, and the two locations, the Tommy Douglas Memorial and Poet's Hill, are identified on Annex 12. New buildings or structures should be located to compliment or enhance the view of these important landmark buildings. A building or structure is deemed to obstruct the view if it visually blocks the foreground view or visually **changes** the background silhouette of the Parliament Buildings **when viewed from the identified locations**.

	<p>Site plan control approval, other regulations and City maintenance practices may also be adjusted to ensure that fences, signs, trees and other elements do not obstruct the view.</p> <p>4. Policies to protect views of the Parliament Buildings and other national symbols that apply to development applications in the Central Area are contained in Section 3.6.6 Central Area.</p> <p><b>Building Design</b></p> <p>Good building design contributes to successful neighbourhood integration and the compatibility of new development with the existing or planned character of its surroundings. The façades of buildings influence the feel and function of public spaces and define the edges of the pedestrian environment. Good building design is required throughout the city. In the City's design priority areas and areas subject to the design priority policies, building design is intended to support the image of Ottawa as a Capital city and contribute to a positive experience for residents and visitors.</p> <p>5. Compatibility of new buildings with their surroundings will be achieved in part through the design of the portions of the structure adjacent to existing buildings and/or facing the public realm. Proponents of new development will demonstrate, at the time of application, how the design of their development fits with the existing desirable character and planned function of the surrounding area in the context of:</p> <ol style="list-style-type: none"> <li>Setbacks, heights and transition;</li> <li>Façade and roofline articulation;</li> <li>Colours and materials;</li> <li>Architectural elements, including windows, doors and projections;</li> <li>Pre- and post-construction grades on site; and</li> <li>Incorporating elements and details of common characteristics of the area.</li> </ol> <p>6. The City will require that all applications for new development:</p> <ol style="list-style-type: none"> <li>Orient the principal façade and entrance(s) of main building(s) to the street. Where a building abuts more than one street, the building façade</li> </ol>	<p>For each property in the viewshed, no Zoning By-law amendment or minor variance shall be permitted that would permit a proposed building to obstruct the view <b>unless it is demonstrated that the view is already impacted and would not be further impacted by the proposal.</b></p> <p>Site plan control approval, other regulations and City maintenance practices may also be adjusted to ensure that fences, signs, trees and other elements do not obstruct the view.</p> <p>4. Policies to protect views of the Parliament Buildings and other national symbols that apply to development applications in the Central Area are contained in Section 3.6.6 Central Area.</p> <p><b>Building Design</b></p> <p>Good building design contributes to successful neighbourhood integration and the compatibility of new development with the existing or planned character of its surroundings. The façades of buildings influence the feel and function of public spaces and define the edges of the pedestrian environment. Good building design is required throughout the city. In the City's design priority areas and areas subject to the design priority policies, building design is intended to support the image of Ottawa as a Capital city and contribute to a positive experience for residents and visitors.</p> <p>5. Compatibility of new buildings with their surroundings will be achieved in part through the design of the portions of the structure adjacent to existing buildings and/or facing the public realm. Proponents of new development will demonstrate, at the time of application, how the design of their development fits with the existing desirable character and planned function of the surrounding area in the context of:</p> <ol style="list-style-type: none"> <li>Setbacks, heights and transition;</li> <li>Façade and roofline articulation;</li> <li>Colours and materials;</li> <li>Architectural elements, including windows, doors and projections;</li> <li>Pre- and post-construction grades on site; and</li> </ol>
--	---	--

	<p>and entrances will be oriented in order of priority to the arterial, collector and local street;</p> <ul style="list-style-type: none"> <li>b. Include windows on the building elevations that are visible from public spaces;</li> <li>c. Use architectural elements, massing, and landscaping to accentuate main building entrances.</li> </ul> <p>7. The intersections of arterial and collector roads can serve as gateways into communities can support high levels of pedestrian and vehicular traffic, the greatest density of housing, and commercial and other land uses and services that are focal points for a community. The City will require that development proposals at such locations include the following:</p> <ul style="list-style-type: none"> <li>a. Strong architectural design elements that feature the corner or street axis by: locating buildings close to the street edge, and/or orienting the highest and most interesting portion of a building (e.g. the main entrance) to the corner or axis which has a view or terminus;</li> <li>b. Capitalizing on design possibilities for both street façades (by wrapping the materials used on the front façade around the building where any façades are exposed to the public realm); and</li> <li>c. Soft landscaping features, special paving materials, and/or curb extensions to shorten the distance across the street and larger sidewalk area to accommodate sidewalk activity.</li> </ul> <p>8. Developments that include loading facilities, service areas, mechanical equipment (including roof-top), vents and metering devices should incorporate these requirements into the building design in such a way that they cannot be seen from, and their operation does not impact, the public street, pedestrian and cycle pathways or adjacent ground-oriented residences. This may be achieved through:</p> <ul style="list-style-type: none"> <li>a. Containment, with a preference to using the same architectural detail, style and materials as the proposed development; and/or</li> <li>b. Screening (e.g. trees, landscaped berms, decorative walls and fences).</li> </ul>	<ul style="list-style-type: none"> <li>f. Incorporating elements and details of common characteristics of the area.</li> </ul> <p>6. The City will require that all applications for new development:</p> <ul style="list-style-type: none"> <li>a. Orient the principal façade and entrance(s) of main building(s) to the street. <b>Where a building abuts more than one street, the building façade and entrances will be oriented in order of priority to the arterial, collector and local street;</b></li> <li>b. Include windows on the building elevations that are <b>adjacent to</b> public spaces;</li> <li>c. Use architectural elements, massing, and landscaping to accentuate main building entrances.</li> </ul> <p>7. The intersections of arterial and collector roads can serve as gateways into communities and can support high levels of pedestrian and vehicular traffic, the greatest density of housing, and other land uses and services, and commercial services and other land uses that are focal points for a community. The City will <b>encourage</b> development proposals at such locations <b>to</b> include the following:</p> <ul style="list-style-type: none"> <li>a. Strong architectural design elements that feature the corner or street axis by: locating buildings close to the street edge, and/or orienting the highest and most interesting portion of a building (e.g. the main entrance) to the corner or axis which has a view of the terminus.</li> <li>b. Capitalizing on design possibilities for both street façades (by wrapping the materials used on the front façade around the building where any façades are exposed to the public realm); and</li> <li>c. Soft landscaping features, special paving materials, and/or curb extensions to shorten the distance across the street and larger sidewalk area to accommodate sidewalk activity.</li> </ul> <p>8. <b>To maintain a high quality, obstacle free pedestrian environment, all servicing, loading areas, and other required mechanical equipment and utilities should be internalized and integrated into the design of the base of the building where possible. If they</b></p>
--	---	--

**Massing and Scale**

Complementary to building design, the massing and scale of new development also contributes to successful neighbourhood integration and the compatibility of new development with the character of the surrounding community. Massing and scale describes the form of the building, how tall it is, how much of the lot it occupies and how it is positioned in relation to the street and surrounding buildings.

- 9. Where a secondary planning process establishes criteria for compatibility of new development or redevelopment in terms of the character of the surrounding area, the City will assess the appropriateness of the development using the criteria for massing and scale established in that Plan. Where there are no established criteria provided in an approved Plan, the City will assess the appropriateness of the proposal relying upon its approved Design Guidelines, as applicable, and the following criteria:
  - a. Building height, massing and scale permitted by the planned function of adjacent properties as well as the character established by the prevailing pattern of abutting development and development that is across the street;
  - b. Prevailing patterns of rear and side yard setbacks, building separation and landscaped open spaces and outdoor amenity areas as established by adjacent properties or the planned pattern/function established by existing zoning where that pattern is different from the existing pattern of development;
  - c. The need to provide a transition between areas of different development intensity and scale as set out in policy 12 of this section.
- 10. The City may require a Shadow Analysis and/or Wind Analysis as part of a complete application, except where identified in the Wind/Shadow Terms of Reference. The study(s) will evaluate the potential impacts of the development on the adjacent properties and pedestrian amenity areas. The intent of each Analysis is to

**cannot be internalized these services are to be screened from public view (i.e. trees, landscaping, decorative walls and fences etc.) and are to be acoustically dampened where possible. The location and operation these areas and equipment should be designed to maintain a pedestrian friendly environment and not impede public use of the sidewalk.**

- 9. **Roof-top mechanical or telecommunications equipment, signage, and amenity spaces should be incorporated into the design and massing of the upper floors of the building.**

**Massing and Scale**

Complementary to building design, the massing and scale of new development also contributes to successful neighbourhood integration and the compatibility of new development with the character of the surrounding community. Massing and scale describes the form of the building, how tall it is, how much of the lot it occupies and how it is positioned in relation to the street and surrounding buildings.

- 10. Where a secondary planning process establishes criteria for compatibility of new development or redevelopment in terms of the character of the surrounding area, the City will assess the appropriateness of the development using the criteria for massing and scale established in that Plan. Where there are no established criteria provided in an approved Plan, the City will assess the appropriateness of the proposal relying upon its approved Design Guidelines, as applicable, and the following criteria:
  - a. Building height, massing and scale permitted by the planned function of adjacent properties as well as the character established by the prevailing pattern of abutting development and development that is across the street;
  - b. Prevailing patterns of rear and side yard setbacks, building separation and landscaped open spaces and outdoor amenity areas as established by existing zoning where that pattern

demonstrate how these impacts have been minimized or avoided.

- 11. Transition refers to the integration of buildings that have greater height or massing than their surroundings. Transition is an important building design element to minimize conflicts when development that is higher or has greater massing is proposed abutting established or planned areas of Low-Rise development. Proponents for developments that are taller in height than the existing or planned context or are adjacent to a public open space or street shall demonstrate that an effective transition in height and massing, that respects the surrounding planned context, such as a stepping down or variation in building form has been incorporated into the design.
- 12. Building height and massing transitions will be accomplished through a variety of means, including:
  - a. Incremental changes in building height (e.g. angular planes or stepping building profile up or down);
  - b. Massing (e.g. inserting ground-oriented housing adjacent to the street as part of a high-profile development or incorporating podiums along a Mainstreet);
  - c. Building setbacks and step-backs.

**High-Rise Buildings**

High-Rise Buildings are a form of high-density development that can contribute to the achievement of intensification, the provision of a range of housing and employment types and a mix of other uses, creation of new landmarks and skylines and the city's varied built form. They also have the potential to impact the surrounding area in ways that include, but are not limited to: influencing the microclimate, shadowing adjacent properties and public spaces, disruption of public views and the character of heritage districts or buildings, and influencing the street environment.

- 13. To establish a human-scale and pedestrian-oriented street environment, High-Rise Buildings should be designed

is different from the existing pattern of development;

- c. The need to provide a transition between areas of different development intensity and scale as set out in policy 12 of this section.
- 11. The City may require a Shadow Analysis and/or Wind Analysis as part of a complete application, except where identified in the Wind/Shadow Terms of Reference. The study(s) will evaluate the potential impacts of the development on the adjacent properties and pedestrian amenity areas. The intent of each Analysis is to demonstrate how these impacts have been minimized or avoided.
- 12. Transition refers to the integration of buildings that have greater height or massing than their surroundings. Transition is an important building design element to minimize conflicts when development that is higher or has greater massing is proposed abutting established or planned areas of Low-Rise development. Proponents for developments that are taller in height than the existing or planned context or are adjacent to a public open space or street shall demonstrate that an effective transition in height and massing, that respects the surrounding planned context, such as a stepping down or variation in building form has been incorporated into the design.
- 13. Building height and massing transitions will be accomplished through a variety of means, including:
  - a. Incremental changes in building height (e.g. angular planes or stepping building profile up or down);
  - b. Massing (e.g. inserting ground-oriented housing adjacent to the street as part of a high-profile development or incorporating podiums along a Mainstreet);
  - c. Building setbacks and step-backs.

**High-Rise Buildings**

- 14. High-Rise Buildings are a form of high-density development that can contribute to intensification, **housing and employment opportunities and provide**



such that any façade facing a street steps back a distance that is at least equivalent to a storey in height, at a point above the second but generally no higher than the sixth storey. The portion of the building below this step-back is the base, or podium, while the portion above this step-back is the tower. Proposals to reduce or eliminate the step-backs above must demonstrate that the base or podium will establish a human-scale and pedestrian street environment.

14. It is the City's objective that new High-Rise Buildings should be designed and located to: minimise wind and shadowing impacts and maintain sunlight penetration to public places, maintain privacy, and preserve public views and sky views, among other elements. To achieve these objectives the tower portion of the building, which is above the base or podium described in policy 13 above should:

- a. Be appropriately separated from adjacent towers, either on the same site or an adjacent site. The zoning by-law may establish a minimum separation distance for towers or minimum yard setbacks, and minimum lot sizes for high-rise buildings, that achieve tower separation and accommodate future development on adjacent lots. Proposals for high-rise buildings that include separation distances less than 23m shall:
  - i. Demonstrate that the objectives stated above are met through the use of a smaller floor plate, building orientation, and /or building shape; and
  - ii. Demonstrate that the potential for future high-rise buildings on adjacent lots can be developed and meet the separation distance and setback distances above. Where a proposals cannot demonstrate that the above requirements can be met the site is not appropriate for tall buildings or may require lot consolidation.
- b. Have a floor plate that is limited. Proposals for residential floorplates larger than 750 square metres, or commercial floorplates larger than 1500 square metres shall:

**new view, skyline and landmark possibilities.** High-Rise buildings should be designed to achieve the objectives of this Plan and avoid or reduce impacts or disruptions associated with:

- a. **pedestrian comfort, safety and usability resulting from changes to wind and shadow patterns in outdoor amenities and adjacent public and private spaces surrounding the building;**
  - b. **public views, including view planes and view-sheds referred to in Policy 3 above**
  - c. **proximity to heritage districts or buildings,**
  - d. **reduced privacy for existing building occupants on the same lot or on adjacent lots,**
15. **Generally, High-Rise buildings, which consist of three integrated parts, a base, a middle and a top, can achieve many of the urban design objectives and address the impacts described above in the following ways;**
- a. **The base of a high-rise building should respect the scale, proportion, and character of the surrounding buildings, adjacent streets, parks, and public or private open spaces and animate such spaces.**
  - b. **The tower, which typically includes a middle and a top, should step back from the base where possible. The tower design can reduce the building impacts identified above by incorporating an appropriate separation from existing or future adjacent towers located on the same lot or on an adjacent lot. The responsibility for providing an appropriate tower separation shall generally be shared between owners of abutting properties where high-rise buildings are permitted. A separation distance of 23m has been the City's general guidance but actual separation requirements may vary in different parts of the City depending on the context.**

- i. Demonstrate that the objectives stated above are met through the use of building orientation, and /or building shape; and
- ii. Provide a greater separation distance between towers on the same lot and greater setbacks to side and rear lot lines;

**Outdoor Amenity Areas**

**Outdoor amenity areas** are the private and communal areas of a property that are designed to accommodate a variety of leisure activities.

- 15. Applicants will demonstrate that the development minimizes undesirable impacts on the existing private amenity spaces of adjacent residential units through the siting and design of the new building(s). Design measures include the use of transitions or terracing and the use of screening, lighting, landscaping, or other mitigative design measures.
- 16. Applications to develop residential or mixed-use buildings incorporating residences will include well-designed, usable amenity areas for the residents that meet the requirements of the Zoning By-law, and are appropriate to the size, location and type of development. These areas may include private amenity areas and communal amenity spaces such as: balconies or terraces, rooftop patios, and communal outdoor at-grade spaces (e.g. plazas, courtyards, squares, yards). The specific requirements for the private amenity areas and the communal amenity spaces shall be determined by the City and implemented through the Zoning By-law and site plan agreement.

**Public Art**

- 17. Proponents of prominent developments, such as Major Urban Facilities and High-Rise Buildings, are encouraged to include site-specific public art. Public art may be identified as a means to satisfy the policies of Section 5.2.1 where proponents of development are seeking an increase in height and density. Where public art is provided as part of a private development

- c. **Floor plates may also vary depending on the uses and the context. Generally, towers with a larger floor plates may require a greater separation from adjacent towers.**

- 16. **Secondary Plans may provide area-specific directions for the design of high-rise buildings.**
- 17. **The Zoning By-law will establish performance measures such as minimum tower separation distances and yard setbacks and may require minimum lot sizes for High-Rise buildings. Proposals for a high-rise building that include performance measures that deviate from the Zoning By-law shall demonstrate that the impacts identified in policy 13 can be satisfactorily avoided or reduced.**
- 18. **The Urban Design Guidelines for High-Rise Buildings may establish general principles for the design of high-rise buildings, including the design of the base and guidance for tower separation distances.**

**Outdoor Amenity Areas**

Outdoor amenity areas are the private and communal areas of a property that are designed to accommodate a variety of leisure activities.

- 19. Applicants will demonstrate that the development minimizes undesirable impacts on the existing private amenity spaces of adjacent residential units through the siting and design of the new building(s). Design measures include the use of transitions or terracing and the use of screening, lighting, landscaping, or other design **measures that achieve the same objective.**
- 20. Applications to develop residential or mixed-use buildings incorporating residences will include well-designed, usable amenity areas for the residents that meet the requirements of the Zoning By-law, and are appropriate to the size, location and type of development. These areas may include private amenity areas and communal amenity spaces such as:

proposal, the City will assist by providing consultation services in adherence with the Municipal Public Art policy.

**Design Priority Areas**

The City has identified target areas for intensification and other prominent areas which are significant destinations in the city and recognized them as design priority areas in Section 2.5.1 of this Plan. Proponents of development within design priority areas must demonstrate, through the design of their building and site, that the following policies have been met.

- 18. The portion of the building(s) which are adjacent to the public realm will be held to the highest building design standards by incorporating specific building design features:
  - a. Design the building(s) first storey to be taller in height to retain flexibility or opportunity for ground floor uses in the future;
  - b. Locate front building façades parallel to the street, however, consideration may be given to allow for interruptions of continuous building facades at strategic locations to provide pocket parks, plazas or other open spaces that provide a supportive function to the street activity or enable views and vistas;
  - c. Transparent windows at grade to give views into the building to observe the function of the building and out of the building to enhance natural surveillance;
  - d. Using architectural treatments (e.g. projections from continuous building lines, awnings, canopies, alcoves and bays) to soften the interface between buildings and the public realm;
  - e. Sufficient lighting sources for public uses after dark and to accentuate and animate buildings, natural features, public monuments and public spaces;
  - f. Utilize façade treatments to accentuate the transition between floors and interior spaces to provide visual interest and relief; and
  - g. Signage that contributes to the character of the surrounding area and

balconies or terraces, rooftop patios, and communal outdoor at-grade spaces (e.g. plazas, courtyards, squares, yards). The specific requirements for the private amenity areas and the communal amenity spaces shall be determined by the City and implemented through the Zoning By-law and site plan agreement.

**Public Art**

- 21. Proponents of prominent developments, such as Major Urban Facilities and High-Rise Buildings, are encouraged to include site-specific public art. Public art may be identified as a means to satisfy the policies of Section 5.2.1 where proponents of development are seeking an increase in height and density. Where public art is provided as part of a private development proposal, the City will assist by providing consultation services in adherence with the Municipal Public Art policy.

**Design Priority Areas**

The City has identified target areas for intensification and other prominent areas which are significant destinations in the city and recognized them as design priority areas in Section 2.5.1 of this Plan. Proponents of development within design priority areas must demonstrate, through the design of their building and site, that the following policies have been met.

- 22. The portion of the building(s) which are adjacent to the public realm will be held to the highest building design standards by incorporating specific building design features:
  - a. Design the building(s) first storey to be taller in height to retain flexibility or opportunity for ground floor uses in the future;
  - b. Locate front building façades parallel to the street; however, consideration may be given to allow for interruptions of continuous building facades at strategic locations to provide pocket parks, plazas or other open spaces that provide a supportive function to the street activity or enable views and vistas;

	<p>architectural design of the building through appropriate architectural design elements, materials, and colour.</p> <p>19. The portion of the development which impacts the public realm will be held to the highest site design standards and should incorporate enhanced public realm improvements, such as:</p> <ul style="list-style-type: none"><li>a. weather protection elements, (e.g. colonnades, and awnings);</li><li>b. shade trees, median planting and treatments and other landscaping;</li><li>c. wider sidewalks and enhanced pedestrian surfaces;</li><li>d. coordinated furnishings and utilities, transit stops, and decorative lighting; and</li><li>e. memorials and public art commissioned for the location.</li><li>f. To achieve these public realm improvements, coordination with the City will be required in accordance with Section 2.5.1, policy 5(d).</li></ul> <p>20. The massing and scale of development will define and enclose public and private spaces (e.g. streets, parks, courtyards, squares) using buildings, structures and landscaping; and relate to the scale and importance of the space they define (e.g. street width to height ratios).</p>	<ul style="list-style-type: none"><li>c. Transparent windows at grade to give views into the building to observe the function of the building and out of the building to enhance natural surveillance;</li><li>d. Using architectural treatments (e.g. projections from continuous building lines, awnings, canopies, alcoves and bays) to soften the interface between buildings and the public realm;</li><li>e. Sufficient lighting sources for public uses after dark and to accentuate and animate buildings, natural features, public monuments and public spaces;</li><li>f. Utilize façade treatments to accentuate the transition between floors and interior spaces to provide visual interest and relief; and</li><li>g. Signage that contributes to the character of the surrounding area and architectural design of the building through appropriate architectural design elements, materials, and colour.</li></ul> <p>23. The portion of the development which impacts the public realm will be held to the highest site design standards and should incorporate enhanced public realm improvements, such as:</p> <ul style="list-style-type: none"><li>a. weather protection elements, (e.g. colonnades, and awnings);</li><li>b. shade trees, median planting and treatments and other landscaping;</li><li>c. wider sidewalks and enhanced pedestrian surfaces;</li><li>d. coordinated furnishings and utilities, transit stops, and decorative lighting; and</li><li>e. memorials and public art commissioned for the location.</li></ul> <p>To achieve these public realm improvements, coordination with the City will be required in accordance with Section 2.5.1, policy 5(d).</p> <p>24. The massing and scale of development will define and enclose public and private spaces (e.g. streets, parks, courtyards, squares) using buildings, structures and landscaping; and relate to the scale and importance of the space they define (e.g. street width to height ratios).</p>
--	--	---



THIS IS EXHIBIT " 8 " TO THE  
AFFIDAVIT OF BRUCE FINLAY  
SWORN BEFORE ME THIS 6<sup>th</sup> DAY OF

MAY, 1949 T. J. [Signature]  
A COMMISSIONER, ETC

Item Sub-Item Section Description Applicant

Building Height, Design & Intensification

30

2.2.2 12 Bridgeport Realty  
2.2.2 9 1716709 On. Inc. "Inside Edge"

31

2.2.2 9 1716709 On. Inc. "Inside Edge"  
2.2.2 12 Bridgeport Realty

32

a 2.2.2 9 1716709 On. Inc. "Inside Edge"  
b 2.2.2 9 1716709 On. Inc. "Inside Edge"  
b 2.2.2 12 Bridgeport Realty  
a 2.2.2 12 Bridgeport Realty

33

a 2.2.2 9 1716709 On. Inc. "Inside Edge"  
b 2.2.2 9 1716709 On. Inc. "Inside Edge"  
a 2.2.2 12 Bridgeport Realty  
b 2.2.2 12 Bridgeport Realty

34

a 2.2.2 12 Bridgeport Realty  
b 2.2.2 12 Bridgeport Realty  
a 2.2.2 9 1716709 On. Inc. "Inside Edge"  
b 2.2.2 9 1716709 On. Inc. "Inside Edge"

38

c 2.2.2 12 Bridgeport Realty  
h 2.2.2 12 Bridgeport Realty  
b 2.2.2 12 Bridgeport Realty  
a 2.2.2 12 Bridgeport Realty  
e 2.2.2 12 Bridgeport Realty  
g 2.2.2 12 Bridgeport Realty  
d 2.2.2 12 Bridgeport Realty  
h 2.2.2 9 1716709 On. Inc. "Inside Edge"  
g 2.2.2 9 1716709 On. Inc. "Inside Edge"  
f 2.2.2 9 1716709 On. Inc. "Inside Edge"

Item	Section	Division	Area	Comments
	e	2.2.2	9	1716709 On. Inc. "Inside Edge"
	d	2.2.2	9	1716709 On. Inc. "Inside Edge"
	c	2.2.2	9	1716709 On. Inc. "Inside Edge"
	b	2.2.2	9	1716709 On. Inc. "Inside Edge"
	a	2.2.2	9	1716709 On. Inc. "Inside Edge"
	f	2.2.2	12	Bridgeport Realty
41				
		2.2.2	12	Bridgeport Realty
		2.2.2	9	1716709 On. Inc. "Inside Edge"
45				
		2.2.2	12	Bridgeport Realty
		2.2.2	9	1716709 On. Inc. "Inside Edge"
46				
	a	2.2.2	12	Bridgeport Realty
	b	2.2.2	12	Bridgeport Realty
	b	2.2.2	9	1716709 On. Inc. "Inside Edge"
	c	2.2.2	12	Bridgeport Realty
	a	2.2.2	9	1716709 On. Inc. "Inside Edge"
	c	2.2.2	9	1716709 On. Inc. "Inside Edge"
47				
	c	2.2.2	7	Riverside South Development Corp / Urbandale
	c	2.2.2	9	1716709 On. Inc. "Inside Edge"
	b	2.2.2	9	1716709 On. Inc. "Inside Edge"
	a	2.2.2	9	1716709 On. Inc. "Inside Edge"
	d	2.2.2	7	Riverside South Development Corp / Urbandale
	a	2.2.2	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	b	2.2.2	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	c	2.2.2	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	a	2.2.2	12	Bridgeport Realty
	d	2.2.2	12	Bridgeport Realty
	d	2.2.2	9	1716709 On. Inc. "Inside Edge"
	b	2.2.2	7	Riverside South Development Corp / Urbandale
	a	2.2.2	27	Richcraft Homes Ltd.
	b	2.2.2	27	Richcraft Homes Ltd.
	c	2.2.2	27	Richcraft Homes Ltd.
	d	2.2.2	27	Richcraft Homes Ltd.



Item	Sub-Item	Version	Accession #	Project
	a	2.2.2	7	Riverside South Development Corp / Urbandale
	c	2.2.2	12	Bridgeport Realty
	b	2.2.2	12	Bridgeport Realty
	d	2.2.2	26	Greater Ottawa Home Builders Assoc. (GOHBA)
48				
		2.2.2	12	Bridgeport Realty
		2.2.2	9	1716709 On. Inc. "Inside Edge"
49				
	f	2.2.2	12	Bridgeport Realty
	e	2.2.2	12	Bridgeport Realty
	d	2.2.2	12	Bridgeport Realty
	c	2.2.2	12	Bridgeport Realty
	b	2.2.2	12	Bridgeport Realty
	a	2.2.2	9	1716709 On. Inc. "Inside Edge"
	a	2.2.2	12	Bridgeport Realty
	f	2.2.2	9	1716709 On. Inc. "Inside Edge"
	e	2.2.2	9	1716709 On. Inc. "Inside Edge"
	d	2.2.2	9	1716709 On. Inc. "Inside Edge"
	c	2.2.2	9	1716709 On. Inc. "Inside Edge"
	b	2.2.2	9	1716709 On. Inc. "Inside Edge"
50				
		2.2.2	9	1716709 On. Inc. "Inside Edge"
		2.2.2	12	Bridgeport Realty
98				
	h	2.5.1	7	Riverside South Development Corp / Urbandale
	f	2.5.1	27	Richcraft Homes Ltd.
	f	2.5.1	7	Riverside South Development Corp / Urbandale
	d	2.5.1	27	Richcraft Homes Ltd.
	g	2.5.1	7	Riverside South Development Corp / Urbandale
	c	2.5.1	27	Richcraft Homes Ltd.
	p	2.5.1	7	Riverside South Development Corp / Urbandale
	o	2.5.1	7	Riverside South Development Corp / Urbandale
	n	2.5.1	7	Riverside South Development Corp / Urbandale
	m	2.5.1	7	Riverside South Development Corp / Urbandale
	i	2.5.1	7	Riverside South Development Corp / Urbandale
	k	2.5.1	7	Riverside South Development Corp / Urbandale

Item	Sub-Item	Section	Attachment / Jurisdiction
	j	2.5.1	7 Riverside South Development Corp / Urbandale
	q	2.5.1	27 Richcraft Homes Ltd.
	e	2.5.1	27 Richcraft Homes Ltd.
	h	2.5.1	27 Richcraft Homes Ltd.
	p	2.5.1	27 Richcraft Homes Ltd.
	o	2.5.1	27 Richcraft Homes Ltd.
	n	2.5.1	27 Richcraft Homes Ltd.
	m	2.5.1	27 Richcraft Homes Ltd.
	l	2.5.1	27 Richcraft Homes Ltd.
	k	2.5.1	27 Richcraft Homes Ltd.
	j	2.5.1	27 Richcraft Homes Ltd.
	i	2.5.1	27 Richcraft Homes Ltd.
	i	2.5.1	7 Riverside South Development Corp / Urbandale
	m	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	d	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	e	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	f	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	g	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	h	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	j	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	c	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	l	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	b	2.5.1	27 Richcraft Homes Ltd.
	n	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	o	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	p	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	q	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	a	2.5.1	27 Richcraft Homes Ltd.
	g	2.5.1	27 Richcraft Homes Ltd.
	k	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	e	2.5.1	7 Riverside South Development Corp / Urbandale
	a	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	a	2.5.1	7 Riverside South Development Corp / Urbandale
	b	2.5.1	7 Riverside South Development Corp / Urbandale
	i	2.5.1	26 Greater Ottawa Home Builders Assoc. (GOHBA)
	c	2.5.1	7 Riverside South Development Corp / Urbandale

Item	Sub-item	Section	Page No.	Applicant
	d	2.5.1	7	Riverside South Development Corp / Urbandale
	b	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
99				
	i	2.5.1	27	Richcraft Homes Ltd.
	h	2.5.1	27	Richcraft Homes Ltd.
	g	2.5.1	27	Richcraft Homes Ltd.
	l	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	k	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	j	2.5.1	27	Richcraft Homes Ltd.
	i	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	g	2.5.1	7	Riverside South Development Corp / Urbandale
	h	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	g	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	k	2.5.1	7	Riverside South Development Corp / Urbandale
	j	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	k	2.5.1	27	Richcraft Homes Ltd.
	l	2.5.1	27	Richcraft Homes Ltd.
	l	2.5.1	7	Riverside South Development Corp / Urbandale
	h	2.5.1	7	Riverside South Development Corp / Urbandale
	f	2.5.1	7	Riverside South Development Corp / Urbandale
	e	2.5.1	7	Riverside South Development Corp / Urbandale
	d	2.5.1	7	Riverside South Development Corp / Urbandale
	c	2.5.1	7	Riverside South Development Corp / Urbandale
	e	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	d	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	a	2.5.1	7	Riverside South Development Corp / Urbandale
	b	2.5.1	7	Riverside South Development Corp / Urbandale
	i	2.5.1	7	Riverside South Development Corp / Urbandale
	f	2.5.1	27	Richcraft Homes Ltd.
	a	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	e	2.5.1	27	Richcraft Homes Ltd.
	d	2.5.1	27	Richcraft Homes Ltd.
	c	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	c	2.5.1	27	Richcraft Homes Ltd.
	b	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	j	2.5.1	7	Riverside South Development Corp / Urbandale

Item	Section	Section	Address	Applicant
	b	2.5.1	27	Richcraft Homes Ltd.
	f	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	a	2.5.1	27	Richcraft Homes Ltd.
100		2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
		2.5.1	27	Richcraft Homes Ltd.
		2.5.1	7	Riverside South Development Corp / Urbandale
101	a	2.5.1	27	Richcraft Homes Ltd.
	b	2.5.1	27	Richcraft Homes Ltd.
	a	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	b	2.5.1	7	Riverside South Development Corp / Urbandale
	a	2.5.1	7	Riverside South Development Corp / Urbandale
	b	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
102		2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
		2.5.1	7	Riverside South Development Corp / Urbandale
		2.5.1	27	Richcraft Homes Ltd.
103	a	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	b	2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
	b	2.5.1	7	Riverside South Development Corp / Urbandale
	a	2.5.1	7	Riverside South Development Corp / Urbandale
	b	2.5.1	27	Richcraft Homes Ltd.
	a	2.5.1	27	Richcraft Homes Ltd.
104		2.5.1	9	1716709 On. Inc. "Inside Edge"
		2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
		2.5.1	27	Richcraft Homes Ltd.
		2.5.1	12	Bridgeport Realty
		2.5.1	7	Riverside South Development Corp / Urbandale
105		2.5.1	27	Richcraft Homes Ltd.
		2.5.1	7	Riverside South Development Corp / Urbandale
		2.5.1	26	Greater Ottawa Home Builders Assoc. (GOHBA)
151				

Page	Document	Section	Process No.	Topic
	e	3.6.2	9	1716709 On. Inc. "Inside Edge"
	d	3.6.2	9	1716709 On. Inc. "Inside Edge"
	d	3.6.2	12	Bridgeport Realty
	g	3.6.2	12	Bridgeport Realty
	a	3.6.2	9	1716709 On. Inc. "Inside Edge"
	e	3.6.2	12	Bridgeport Realty
	f	3.6.2	12	Bridgeport Realty
	c	3.6.2	9	1716709 On. Inc. "Inside Edge"
	c	3.6.2	12	Bridgeport Realty
	a	3.6.2	12	Bridgeport Realty
	h	3.6.2	12	Bridgeport Realty
	f	3.6.2	9	1716709 On. Inc. "Inside Edge"
	g	3.6.2	9	1716709 On. Inc. "Inside Edge"
	h	3.6.2	9	1716709 On. Inc. "Inside Edge"
	b	3.6.2	9	1716709 On. Inc. "Inside Edge"
	b	3.6.2	12	Bridgeport Realty
160				
		3.6.3	7	Riverside South Development Corp / Urbandale
		3.6.3	12	Bridgeport Realty
		3.6.3	25	Building Owners & Managers Assoc. (BOMA)
		3.6.3	26	Greater Ottawa Home Builders Assoc. (GOHBA)
		3.6.3	9	1716709 On. Inc. "Inside Edge"
179				
		3.6.7	9	1716709 On. Inc. "Inside Edge"
		3.6.7	26	Greater Ottawa Home Builders Assoc. (GOHBA)
		3.6.7	25	Building Owners & Managers Assoc. (BOMA)
		3.6.7	7	Riverside South Development Corp / Urbandale
		3.6.7	27	Richcraft Homes Ltd.
285				
		4.11	26	Greater Ottawa Home Builders Assoc. (GOHBA)
		4.11	25	Building Owners & Managers Assoc. (BOMA)
		4.11	17	Groupe Claude Lauzon Ltee
		4.11	12	Bridgeport Realty
		4.11	9	1716709 On. Inc. "Inside Edge"
		4.11	31	Claridge Homes
		4.11	27	Richcraft Homes Ltd.



THIS IS EXHIBIT " 7 " TO THE  
AFFIDAVIT OF BRUCE HULTI  
SWORN BEFORE ME THIS 6<sup>th</sup> DAY OF

MAY, 2019   
A COMMISSIONER, ETC

Item	Section	Details of Amendment	Rationale
30.	2.2.2 – Managing Growth Within the Urban Area	<p>Amend the preamble by deleting it in its entirety and replacing it with the following:</p> <p><b>“2.2.2 Managing Intensification Within the Urban Area</b></p> <p>This Plan supports intensification throughout the urban area where there are opportunities to accommodate more jobs and housing and increase transit use. Intensification is directed to Target Areas for Intensification which have the potential to develop at moderate to high densities in a compact form.”</p>	<p><b>Change:</b> This item deletes the existing heading and preamble to Section 2.2.2 and replaces it with new heading and a shorter preamble that focuses the policies on the city’s approach to intensification within the Urban area.</p> <p>The original heading and preamble referred to Growth in the urban area but primarily concentrated on the promotion of intensification. The policies in Section 2.2.2 also deal primarily with intensification. One of the objectives of OPA 150 was to reduce the descriptive content and to focus on directions and policy..</p>
31.	2.2.2	<p>Amend Policy 1 by deleting the word “intensification” prior to the words “of a property” and replacing it with the words “the development”.</p>	<p><b>Change:</b> This is a grammatical change to the policy to remove the repetition of the term “intensification”.</p> <p>The policy changes from: <i>“Residential Intensification means intensification of a property, building or area that results in a net increase in units...”</i> to <i>“Residential intensification means the development of a property, building or area that results in a net increase in units...”</i></p>
32.	2.2.2	<p>Amend Policy 2 by:</p> <ul style="list-style-type: none"> <li>a) deleting the word “intensification” prior to the words “of a property” and replacing it with the words “the development”; and</li> <li>b) deleting the words “Employment Areas” where they occur in paragraph c. and replacing them with the words “employment lands”.</li> </ul>	<p><b>Change:</b> Similar to item 31 this change removes the repetition of the term intensification.</p> <p>The change also deletes reference to Employment Areas as this term is also only one of a number of designations that permit jobs. The change in terminology recognises that Employment intensification can occur in many different locations.</p>
33.	2.2.2	<p>Amend Policies 3 and 5 by:</p> <ul style="list-style-type: none"> <li>a) deleting Policy 3 in its entirety; and</li> </ul>	<p><b>Change:</b> This change removes a policy former policy 3 in its entirety. The policy simply required intensification to occur in accordance with policies in the Urban Design and Compatibility policies in Sections 2.5.1 and 4.11 and</p>



Item	Section	Details of Amendment	Rationale
		<p>b) amending Policy 5 by deleting the outdated requirement being the words "36% in 2007-2011," and renumbering the policy as policy 3.</p>	<p>with the Heritage Buildings and Areas policies in Section 4.6.1. These and other policies are relevant to all development. The policy was removed to streamline the Plan.</p> <p>The City is requesting that Item 33(b) be considered at the Urban Expansion Hearing in August 2019 as it is relevant to the discussion of Urban expansion. This policy is further modified by Item 8 in OPA #180 and will also be considered at that same hearing.</p>
34.	2.2.2	<p>Amend Policy 4 by:</p> <p>a) deleting the words "focused on major elements of the rapid transit network" and replacing them with the words "the Central Area, Mixed-Use Centres, Mainstreets, and Town Centres defined on Schedule B, and the Community Core in Riverside South. These areas are located on the Rapid Transit and Transit Priority Network as defined on Schedule D. "; and</p> <p>b) deleting paragraphs a. and b.</p>	<p><b>Change:</b> This policy identifies the designations and areas of the city that will be the target locations for intensification. The objective of OPA 150 was to condense the original three paragraphs in this policy into one.</p> <p>The changes also shift the focus of the policy from major elements of the transit system to designated areas, that coincide with the Rapid Transit and Transit Priority Systems, and that permit a mix of land uses, higher densities and which have targets for jobs. The amended policy is:</p> <p>4. Target areas for intensification are the Central Area, Mixed Use Centres, Mainstreets, and Town Centres defined on Schedule B, and the Community Core in Riverside South. These areas are located on the Rapid Transit and Transit Priority Network as defined on Schedule D.</p>
38.	2.2.2	<p>Amend Policy 9 by:</p> <p>a) deleting the words "will also" and replacing them with the word "has";</p> <p>b) adding "ed" to the word "establish", so it will now read as "established";</p>	<p><b>Change:</b> In addition to the density targets that are identified by Figure 2.3 in the Plan, this policy indicates that the City has also developed residential density targets for other locations that will inform the development of future secondary plans for those areas.</p>

Item	Section	Details of Amendment	Rationale
41.	2.2.2	<p>c) adding the word "intensification" between the words "residential" and "targets";</p> <p>d) deleting the word "in", where it precedes the word "areas" and replacing it with the following: "(in the Residential Land Strategy or subsequent study) for";</p> <p>e) adding the words "Traditional Mainstreet" between the words "Town Centre" and "Arterial Mainstreet";</p> <p>f) deleting the semi-colon following the words "Figure 2.3" and replacing it with a period;</p> <p>g) adding the following text to the end of the parent policy: "These targets are intended to inform the community design plan process, infrastructure planning, growth projections, and other planning processes and policies."; and</p> <p>h) deleting paragraph b. in its entirety.</p>	<p>The revisions to this policy change the tense from the "City will establish" to the "City has established" these residential targets for identified and adding Traditional Mainstreets. It clarifies that these targets are intended to inform the City's actions on the development of community design plans, and other planning exercises, such as infrastructure plans.</p>
45.	2.2.2	<p>Amend by adding the new heading "Implementation of Intensification" following Policy 15.</p>	<p><b>Change:</b> This item simply adds a new heading to structure of the policies in the OP in order to focus on what the city will do to encourage intensification.</p>
46.	2.2.2	<p>Amend by adding a new policy following policy 19, as follows:</p> <p>"19. Where this Plan makes reference to the walking distance from a Rapid Transit station or a Transit Priority corridor, the walking distance shall be measured from the center point of the station using the most direct route along public streets or public pathways. Where there is no existing or planned road network, a radius equal to ¾ of the walking distance will be measured from the centre point of the station."</p>	<p><b>Change:</b> this item adds a new policy to the Plan that defines how the City assess proximity criteria such as walking distance from a Rapid Transit Station.</p> <p>The City generally promotes intensification within 800 m walking distance of a station and this policy clarifies that the measurement uses existing public streets and pathways etc. in this assessment. This is policy is intended to accommodate different development circumstances and provides an alternative measure where roads and pathways do not yet exist.</p>
46.	2.2.2	<p>Amend Policy 14 by:</p> <p>a) adding the word "compatible" between the words "supports" and "development";</p>	<p><b>Change:</b> This policy recognises that intensification will also occur outside of areas targeted by the City. These modifications changes the focus of the policy from</p>

Item	Section	Details of Amendment	Rationale
		<p>b) deleting the words “throughout the urban area” and replacing them with the words “within the urban boundary”;</p> <p>c) deleting the words “in the following cases, provided that all other policies in the Plan are met:” and deleting the remaining paragraphs a through e and replacing them with the following text:</p> <p>“in areas determined by the policies in Section 3.6.1. Intensification that is compatible with the surrounding context will also be supported on: brownfield sites that have been remediated; on underdeveloped sites such as current or former parking lots; in extensive areas previously used for outside storage; sites that are no longer viable for the purpose for which they were originally used or intended; and on sites of exhausted pits and quarries in the urban area.”</p>	<p>locations or sites with generic characteristics to a general approach that will apply anywhere.</p> <p>The new policy also stresses compatibility of the new development with the surrounding areas.</p>
47.	2.2.2	<p>Amend Policy 15 by:</p> <p>a) deleting the word “stable” from between the words “portions of” and “low-rise residential” and replacing it with the word “established”;</p> <p>b) deleting the words “Section 4.11, policy 7” and replacing them with the words “Figure 2.4”;</p> <p>c) adding the words “desirable character reflected in the” between the words “complement the area’s” and the words “pattern of built form”; and</p> <p>d) adding the following sentences to the end of the policy:</p> <p>“The character of a community may be expressed in its built environment and features such as building height, massing, the setback of buildings from the property line, the use and treatment of lands abutting the front lot line, amenity area, landscaped rear yards, and the location of parking and vehicular</p>	<p><b>Change:</b> This is the second policy dealing with intensification outside to the targeted areas and deals with how the existing character of the community will be established.</p> <p>The new text added to the policy identifies the elements of the surrounding development that should be considered to establish character. The City uses these elements when undertaking zoning studies and reviewing individual applications.</p> <p>The amended Policy is</p> <p>7. The interior portions of established, low-rise residential neighbourhoods will continue to be characterized by low-rise buildings (as defined in Figure 2.4. The City supports intensification in the General Urban Area where it will enhance and</p>

Item	Section	Details of Amendment	Rationale
		<p>access to individual properties. The City will consider these attributes in its assessment of the compatibility of new development within the surrounding community when reviewing development applications or undertaking comprehensive zoning studies."</p>	<p>complement its desirable characteristics and long-term renewal. Generally, new development, including redevelopment, proposed within the interior of established neighbourhoods will be designed to complement the area's desirable character reflected in the pattern of built form and open spaces. The character of a community may be expressed in its built environment and features such as building height, massing, the setback of buildings from the property line, the use and treatment of lands abutting the front lot line, amenity area landscaped rear yards, and the location of parking and vehicular access to individual properties. The City will consider these attributes in its assessment of the compatibility of new development within the surrounding community when reviewing development applications or undertaking comprehensive zoning studies.</p>
48.	2.2.2	<p>Amend by adding a new heading "Intensification and Housing" before policy 16 and amend Policy 16 by deleting the words "within urban areas" from the first sentence of the policy, between the words "Zoning By-law" and "to eliminate residential"</p>	<p><b>Change:</b> This change has two purposes:</p> <ol style="list-style-type: none"> <li>1. It inserts a new heading "Intensification and Housing" to aid policy navigation. and</li> <li>2. Identifies the City's intention to avoid the ultimate loss of opportunity to achieve greater residential densities through down zoning. Originally these policies only applied to the urban area but this amendment removes this limitation to allow it to be considered as a principle city-wide.</li> </ol> <p>The amended policy is:</p> <p><b>Intensification and Housing</b></p> <p>16. Applications to amend the Zoning By-law within urban areas to eliminate residential apartments as a permitted use, or to change the permitted use so that the effect is to down-zone a site, will not be permitted unless there is an equivalent rezoning to ensure no net loss of apartment</p>

Item	Section	Details of Amendment	Rationale
49.	2.2.2	<p>Amend Policy 17 by:</p> <ul style="list-style-type: none"> <li>a) deleting the word "City" prior to the word "Council";</li> <li>b) deleting the word "concept" prior to the word "plan";</li> <li>c) Replacing the word "apartment" with the word "apartments";</li> <li>d) deleting the words "uses in an urban area" and replacing them with the words "an area;</li> <li>e) adding the words "residential apartments are permitted in" following the words "will ensure that"; and</li> <li>f) deleting the words "permits residential apartment uses" at the end.</li> </ul>	<p>potential or maintenance of unit yield potential through other forms of multiple-unit housing.</p> <p><b>Change:</b> This policy ensures that the City implements through zoning where the City supports a development concepts that includes apartments. The modifications to this policy ensure that it this objective is not limited to development in the urban area.</p> <p>The amended policy is:</p> <p>17. In situations where Council has approved a plan that permits residential apartments in an area, but an amendment to the Zoning By-law has not yet been enacted to implement the plan, City Council will ensure that residential apartments are permitted in the enabling Zoning By-law amendment.</p>
50.	2.2.2	<p>Amend by deleting policy 19 that reads "Policies on where high-rise buildings may be considered are found in Section 4.11 of this Plan." it in its entirety.</p>	<p><b>Change:</b> This amendment removes an obsolete policy that advises that directs attentions to Section 4.11 for additional policies related to High-rise buildings. OPA 150 removed those policies from Section 4.11.</p>
98.	2.5.1	<p>Amend the preamble by:</p> <ul style="list-style-type: none"> <li>a) deleting the sub-titles "Urban Design" and "Compatibility";</li> <li>b) deleting the first sentence of the third paragraph, beginning with the words "In support of lively" and ending with the words "development in Villages" in its entirety;</li> <li>c) adding the words "and higher densities" between the words "new development" and "in existing areas" in the third paragraph;</li> <li>d) adding the letters "to" to the end of the word "in" where it occurs prior to the words "existing areas" in the third paragraph;</li> </ul>	<p><b>Change:</b> Section 2.5.1 Designing Ottawa was a lengthy section. With the development of the City's design guideline documents the objective was to condense and consolidate as much as possible the design policies in the OP. Items 98 to 105 remove or consolidate the existing policies to condense the design policies</p>

Item	Section	Details of Amendment	Rationale
		<p>e) adding the words "Development of large areas of undeveloped land or redevelopment of brownfield sites provides opportunity to create new communities." prior to the words "This Plan provides guidance";</p> <p>f) deleting the word "these" between the words "will mitigate" and the words "and help achieve" and replacing it with the words "differences between existing and proposed development";</p> <p>g) deleting the word "it" from the first sentence of the fourth paragraph between the words "although" and "is not necessarily the same";</p> <p>h) deleting the word "nonetheless" following the words "existing buildings in the vicinity," and replacing it with the word "can";</p> <p>i) adding the words "through good urban design and innovation" to the fourth paragraph prior to the words "and coexists with existing development";</p> <p>j) deleting the words "among those functions that surround it" from the fourth paragraph and replacing them with the words "with the existing and planned function";</p> <p>k) deleting the word "it's" from the first sentence of the fifth paragraph and replacing it with the word "the" prior to the words "design, the more compatible it will be;</p> <p>l) deleting the words "where a new" prior to the words "vision for an area" and replacing them with the words "Planned function refers to a";</p> <p>m) adding the word "which" between the words "vision for an area" and "is established through";</p> <p>n) deleting the word "where" prior to the words "the Zoning By-law";</p> <p>o) adding a period following the words "Zoning By-law" to create a new sentence;</p> <p>p) adding the words "The planned function may" prior to the words "permits development"; and</p>	

Item	Section	Details of Amendment	Rationale
99.	2.5.1	<p>q) deleting the "s" from the word "permits" prior to the word "development".</p> <p>Further amend the preamble to Section 2.5.1 by:</p> <p>a) adding a new heading "<b>Tools for Implementing Urban Design and Achieving Compatibility</b>"; and</p> <p>b) adding a new paragraph following the heading "Tools for Implementing Urban Design and Achieving Compatibility as follows:</p> <p>"The contribute to the achievement of this Plan's objectives, the City will use a combination of legislative and administrative tools to pursue a comprehensive urban design strategy. This Strategy is multi-faceted in its approach and will include initiatives such as the following:</p> <div data-bbox="747 945 1161 1669" style="border: 1px dashed black; padding: 10px; margin: 10px 0;"> <p style="text-align: center;"><b>Figure 2.8: Implementing Urban Design and Compatibility</b></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><b>LEGISLATIVE TOOLS</b></p> <ul style="list-style-type: none"> <li>• Official Plan</li> <li>• Secondary Plan</li> <li>• Zoning By-law Amendment</li> </ul> <p><b>PLANNING TOOLS</b></p> <ul style="list-style-type: none"> <li>• Community Design Plans and Secondary Planning Processes</li> <li>• City Design Guidelines</li> <li>• City Policy Standards and Bylaws</li> </ul> </div> <div style="width: 10%; text-align: center;"> <p><b>Implementing Urban Design And Compatibility</b></p> </div> <div style="width: 45%;"> <p><b>OTHER TOOLS</b></p> <ul style="list-style-type: none"> <li>• Staff Design Review</li> <li>• Design Awards, Charrettes and Competitions</li> <li>• Education and Promotion</li> <li>• Design Review Panel</li> <li>• Public Works Delivery</li> <li>• Independent Peer Review</li> <li>• Incentives</li> <li>• Environmental Assessments</li> <li>• Design Brief</li> </ul> </div> </div> </div> <p>c) deleting the words "and Principles" from the heading "Design Objectives and Principles";</p> <p>d) adding the words "listed below" between the words "of this Plan" and "are qualitative statements" from the first sentence of the first paragraph under the heading "Design Objectives";</p>	<p><b>Change:</b> This adds a new heading "Tools for Implementing Urban Design and Achieving Compatibility" Which is illustrated by the inclusion of introductory text and a diagram that identifies the tools that the City can use to foster good urban design and compatibility. Annex 3 to the Official Plan which contains more detailed design considerations is also deleted through this amendment.</p> <p>The Official Plan originally included 7 Design Objectives each with a list varying numbers of principles for each objective. The 7 Design Objectives are retained but the principles have been deleted.</p>

Item	Section	Details of Amendment	Rationale
100.	2.5.1	<p>e) deleting the words "stated and are to be applied within" from the second sentence of the first paragraph and replacing them with the words "applicable to plans and development";</p> <p>f) deleting the words "either at the" prior to the words "city-wide" in the second sentence of the first paragraph and replacing them with the words "from a";</p> <p>g) deleting the words "level or on" from the second sentence of the first paragraph and replacing them with the word "to";</p> <p>h) deleting the third sentence from the first paragraph as it begins with the words "Design Principles" and ends in the words "achievable in all cases";</p> <p>i) adding the following sentence as a second paragraph: "Proponents are free to respond in creative ways to the Design Objectives and are not limited only to those approaches suggested in this Plan";</p> <p>j) deleting the paragraph beginning with the words "Annex 3, to be entitled Design Framework" and ending in the words "suggested by the Design Considerations" in its entirety;</p> <p>k) deleting the heading "Design Objectives"; and</p> <p>l) deleting all of the text related to design principles referred to under design objectives one through seven, including the "Principles" headings, with the result that only design objectives numbered one through seven remain.</p>	<p><b>Change:</b> This change retitles the policies and removes a lot of the text that does not constitute Policy</p>
101.	2.5.1	<p>Amend by deleting the heading "<b>Ottawa by Design: A Strategy for Implementing Urban Design</b>" and the following four paragraphs "There are many acceptable ways ..." and ending with the heading <b>Application of Design and Objectives and Principles</b>;</p> <p>Amend by:</p> <p>a) adding a new heading "<b>Policy</b>" and</p>	<p><b>Change:</b> Modifies the text of existing policy to require that in addition to guiding city plans and works</p>





Item	Section	Details of Amendment	Rationale
102.	2.5.1	<p>b) amending Policy 1 by deleting the words "the City will apply", and the words "and Principles" in the first sentence and adding the words "will apply, as applicable" at the end of that sentence; and</p> <p>c) deleting Policies 2, 3 and 4 in their entirety.</p> <p>Amend Section 2.5.1, Designing Ottawa by adding the following as preamble text under the existing heading <b>Design Priority Areas:</b></p> <p>"The objectives of this Plan are to direct growth and intensification to identified rapid transit and transit priority locations and to develop those areas with a mix of uses and a greater focus on active transportation. Good urban design is critical in making these places enjoyable places to live, work and socialize. Many of these areas contain existing communities. New development must enhance the existing character and the way they function. In order to ensure that urban design is not overlooked, as these areas develop and change, the City has identified many as design priority areas.</p> <p>In design priority areas, all public projects, private developments, and community partnerships within and adjacent to the public realm will be reviewed for their contribution to an enhanced pedestrian environment and their response to the distinct character and unique opportunities of the area."</p>	<p>proponents of private developments must also consider the design principles of this plan .</p> <p><b>Change:</b> Adds some context around the policies that follow which identify the "Design Priority Areas" of the City. In these areas development proposals may require review by the City's Urban Design Review Panel.</p>
103.	2.5.1	<p>Amend by adding the heading <b>Policies</b> above policy 5 and amending Policy 5 by:</p> <p>a) deleting paragraph d. that reads "Mainstreets within Villages designated on Schedule 'A' of this Plan; and</p>	<p><b>Change:</b> This a sub-policy that refers to Mainstreets in Villages when the intention was to require the Core Areas in Villages to be the location where this design review is most important. The Core areas are also identified in the sample policy. So this change removes that duplication.</p>

Item	Section	Details of Amendment	Rationale
		<p>b) deleting the paragraph g. that reads "Transit-Oriented Development Areas as identified on Annex 6;</p>	<p>Transit Oriented Development Areas are also removed since they now fall within designations identifies as Design Priority Areas and are no longer separately identified.</p> <p><b>Policies</b></p> <p>2. The City recognizes the following lands as design priority areas:</p> <ul style="list-style-type: none"> <li>a. Downtown Precincts as defined by the Downtown Ottawa Urban Design Strategy (DOUDS);</li> <li>b. Traditional and Arterial Mainstreets as identified on Schedule B of this Plan;</li> <li>c. Mixed Use Centres as identified on Schedule B of this Plan;</li> <li>d. Village core areas identified in Volume 2C of this Plan;</li> <li>e. Community core areas identified in community design plans or secondary plans approved by City Council;</li> <li>f. Other areas identified from time to time by City Council.</li> </ul>
104.	2.5.1	<p>Amend by adding two new policies after policy 5, as follows:</p> <p>"3. The City recognizes that, though not part of the formal list of design priority areas provided in Section 2.5.1, High-Rise Buildings, Major Urban Facilities, and that the portion of Ottawa's downtown bounded by the Rideau River, Queensway and O-Train, are types of development and areas that will be subject to evaluation using the policies of Section 4.11."</p> <p>4. The Ottawa Urban Design Review Panel will participate in the enhanced review of the urban</p>	<p><b>Change:</b> Adds two new policies that requires High Rise Buildings, Major Urban Facilities and parts of Ottawa's downtown will be subject to Design Review by the City's Design Panel.</p>

Item	Section	Details of Amendment	Rationale
105.	2.5.1	<p>design elements of development applications and capital projects within design priority areas.”</p> <p>Amend by deleting the three paragraphs of text, related to Design Priority Areas that follow policy 5 and that begin with the words “The objectives of this Plan are” and ending with the words “increased social interaction” in their entirety and replacing them with the following:</p> <p><b>“Public Realm:</b></p> <p>The public realm refers to all of those private and publicly-owned spaces and places which are freely available to the public to see and use. Policies in this section regarding the public realm are applicable only to capital projects. Policies dealing with private development within the public realm are found in Section 4.11.</p> <p><b>Policy:</b></p> <p>As the owner of many public places, infrastructure, buildings, and facilities the City will:</p> <ol style="list-style-type: none"> <li>a. Integrate site-specific public art into municipal buildings, natural places, public spaces and structures in adherence to the City’s Public Art Policy;</li> <li>b. Provide leadership in urban design through public infrastructure design standards and the quality of public works;</li> <li>c. Ensure that capital projects exemplify urban design excellence in design priority areas, through the strategic application of urban design details and enhanced standards, landscape details, public art, surface treatments, decorative lighting, and the general coordination of fixtures, furniture and finishes within these important areas;</li> </ol>	<p><b>Change:</b> This item removes three paragraphs of non-policy text concerning the public realm characteristics of interest in Design Priority Areas and replaces them with a brief introduction and an new policy that describes what the city will do to enhance the public realm in the context of Capital Projects undertaken by the City.</p>

Item	Section	Details of Amendment	Rationale
151.	3.6.2	<p>d. Partner with development proponents to achieve those elements as identified in item c) above through means such as the coordination and development of capital improvements within the public realm as development and redevelopment activities on adjacent properties proceeds."</p> <p>Amend Policy 7 by:</p> <ul style="list-style-type: none"> <li>a) deleting the words "allow for" at the beginning of paragraph a., and replacing them with the words "Require employment and housing as part of a larger";</li> <li>b) adding the words ", and permit a mix of uses," to paragraph a., following the words "a mix of uses";</li> <li>c) deleting paragraphs b. through d., beginning with the words "Enable the employment" and ending in the words "or exceed the target density" in their entirety;</li> <li>d) deleting paragraph f., beginning with the words "Provide a minimum" and ending in the words "rapid transit development" in its entirety;</li> <li>e) deleting the words "the majority" from paragraph i., and replacing them with the words "large areas";</li> <li>f) deleting the reference to "600 metres" from paragraph i., and replacing it with the words "an 800 metre walking distance";</li> <li>g) adding the words "in built form" to paragraph j., following the words "appropriate transition"; and</li> <li>h) adding the word "site" to the end of the paragraph j.</li> </ul>	<p><b>Change:</b> This change amends former policy 7 in Section 3.6.2 Mixed Use Centre. And deals with the ways zoning and community design plans will encourage compact development and a mix of uses.</p> <p>The first change is to require employment and housing as part of a larger mix of uses. The policy supports mixed uses in individual buildings. The policy amends the proximity criteria for development adjacent to Rapid transit from a radial to walking distance measure.</p>



10

THIS IS EXHIBIT " 8 " TO THE  
AFFIDAVIT OF BRUCE FINLAY  
SWORN BEFORE ME THIS 6<sup>th</sup> DAY OF

MAY, 2009 T. J. [Signature]  
A COMMISSIONER, ETC

21

**Marc, Timothy C**

**From:** Marc, Timothy C  
**Sent:** February 26, 2019 11:00 AM  
**To:** 'Alan Cohen'  
**Cc:** Philip Osterhout  
**Subject:** RE: Items under appeal OPA 150.pdf Bridgeport Realty - OPA 150 - Appeal 12

Any news?

Tim Marc  
(613) 580-2424x21444 (Tel)  
(613) 560-1383 (Fax)  
timothy.marc@ottawa.ca  
Certified Specialist in Municipal Law (Land Use Planning)

-----Original Message-----

**From:** Alan Cohen <COHENA@solowaywright.com>  
**Sent:** Monday, February 04, 2019 6:41 PM  
**To:** Marc, Timothy C <Timothy.Marc@ottawa.ca>  
**Cc:** Philip Osterhout <posterhout@solowaywright.com>  
**Subject:** Re: Items under appeal OPA 150.pdf Bridgeport Realty - OPA 150 - Appeal 12

At a 2 week hearing in Kingston, but we will "reach out".  
Alan

Sent from my iPhone

> On Feb 4, 2019, at 1:37 PM, Marc, Timothy C <Timothy.Marc@ottawa.ca> wrote:

>  
> Can we make progress on this?

>  
> Tim Marc  
> (613) 580-2424x21444 (Tel)  
> (613) 560-1383 (Fax)  
> timothy.marc@ottawa.ca  
> Certified Specialist in Municipal Law (Land Use Planning)

> -----Original Message-----

> **From:** Marc, Timothy C  
> **Sent:** Monday, November 19, 2018 3:35 PM  
> **To:** 'Alan Cohen' <COHENA@solowaywright.com>; Philip Osterhout  
> <posterhout@solowaywright.com>  
> **Cc:** Mahon, Kristina <Kristina.Mahon@ottawa.ca>  
> **Subject:** Items under appeal OPA 150.pdf Bridgeport Realty - OPA 150 - Appeal 12

> Further to my November 4, 2018 e-mail, this chart indicates the number of items where the only appellants are Bridgeport and 1716709 Ontario Inc. Is it possible that some withdrawals will be forthcoming? Would a meeting be helpful?

>  
> Tim Marc

72

- > (613) 580-2424x21444 (Tel)
- > (613) 560-1383 (Fax)
- > timothy.marc@ottawa.ca
- > Certified Specialist in Municipal Law (Land Use Planning)

>

>

>

>

> This e-mail originates from the City of Ottawa e-mail system. Any distribution, use or copying of this e-mail or the information it contains by other than the intended recipient(s) is unauthorized. Thank you.

>

> Le présent courriel a été expédié par le système de courriels de la Ville d'Ottawa. Toute distribution, utilisation ou reproduction du courriel ou des renseignements qui s'y trouvent par une personne autre que son destinataire prévu est interdite. Je vous remercie de votre collaboration.

>

>

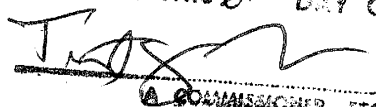
>





THIS IS EXHIBIT " 9 " TO THE  
AFFIDAVIT OF BRUCE FINLAY  
SWORN BEFORE ME THIS 6<sup>th</sup> DAY OF

MAY, 2009



\_\_\_\_\_  
A COMMISSIONER, ETC.

STATE OF CALIFORNIA  
COUNTY OF ...

Soloway  
Wright | lawyers

Soloway Wright LLP  
700 - 427 Laurier Avenue West  
Ottawa ON K1R 7Y2

T: 613.236.0111 | 1.866.207.5880  
F: 613.238.8507  
[www.solowaywright.com](http://www.solowaywright.com)

Alan K. Cohen  
Partner

Direct line: 613.782.3217  
Email address: [cohen@solowaywright.com](mailto:cohen@solowaywright.com)

Philip Osterhout  
Lawyer

Direct line: 613.782.3202  
Email address: [posterhout@solowaywright.com](mailto:posterhout@solowaywright.com)

FILE NO: 49536-1000

April 24, 2019

His Worship Mayor Jim Watson and Council  
110 Laurier Avenue West  
Ottawa, ON K1P 1J1

Dear Mayor Watson and Council Members:

**Re: OPA 150 Building Height and Design – Proposed Settlement  
BridgePort Realty**

We are the solicitors for BridgePort Realty ("BridgePort") with respect to its Appeal to OPA 150, which relates to a number of items in the "Building Height, Intensification and Design" category. Among other items, BridgePort maintains its Appeal to Items 160 of OPA 150, amending section 3.6.3, and to Item 285, amending section 4.11.

BridgePort is not yet a party to the proposed settlement currently before you, which is the result of negotiations amongst the city, GOHBA and BOMA. Although it is generally supportive of the amendments contemplated by the proposed settlement, BridgePort remains opposed to item 160 as amended. It further recommends the following revisions:

**1 – Item 285: 4.11(9)**

Removal of reference to amenity space:

---

Ottawa Office	Kingston Office
700 – 427 Laurier Avenue West, Ottawa ON K1R 7Y2	510 – 300 King Street, Kingston ON K7K 6Y3
T: 613.236.0111   1.866.207.5880   F: 613.238.8507	T: 613.544.7334   1.800.263.4257   F: 1.800.263.4213

---

Roof-top mechanical or telecommunications equipment, signage and amenity space should be incorporated into the design and massing of the upper floors of the building.

There is existing regulation guiding the location and calculation of amenity space. There should be no requirement that buildings incorporate roof-top amenity area, as is this would restrict the flexibility currently permitted and may not lead to good design in all circumstances.

Alternatively, if the intent of this policy is to ensure that any roof-top amenity area that is provided is well-designed in the context of the upper floors of a building, the language should be clarified to reflect that intent.

**2 – Item 285: 4.11(15)**

Subsections (a), (b) and (c) of this policy seek to implement verbatim portions of the Urban Design Guidelines for High-Rise Buildings. Although BridgePort supports the purpose of the High-Rise Building Guidelines as guidelines, it takes the position that these provisions are overly prescriptive for Official-Plan policy. If policy to this effect is to be included, it should merely make reference to Guidelines, which may be amended from time to time and for which general regard shall be had in preparing final design.

We appreciate the efforts made by the city throughout this process, and continue to hope that an outcome agreeable to all parties can be reached. In the meantime, BridgePort intends to maintain its appeal.

Yours very truly,



Philip Osterhout

Alan K. Cohen  
Alan K. Cohen Professional Corporation  
AKC/PO

c.c. Rick O'Connor, City Clerk  
John Smit, Director of Economic Development and Long-Range Planning  
Stephen Willis, General Manager, Planning, Infrastructure and Economic Development  
Timothy Marc, Senior Legal Counsel