

**The Lansdowne Live Community Development Project:  
Ottawa`s Bid to Commercialize Public Space**

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*I've searched all the parks in all the cities and found no statues of committees.*

**Gilbert K. Chesterton**

## **I. INTRODUCTION**

Lansdowne Park has long been regarded by the citizens of Ottawa as a historic jewel in its park system. It has a long and proud history having first been deeded by the Dominion government to Bytown in 1847 with 24.5 acres. Over a number of years an additional 15 acres was bought from private owners to make up the initial Lansdowne Park. The park was used mainly for agricultural and other shows beginning in 1875, the most famous of which was the Central Canada Exhibition, which commenced in 1888 and continues to present day. However, the park was also used for military purposes. Most notably, Lord Strathcona used the park during the Boer War to house its personnel and equipment. The Princess Patricia's Canadian Light Infantry mustered troops there before being sent to France during World War I. Finally, the park served as the introduction centre for thousands of troops heading overseas during World War II. In fact, the Cameron Highlanders and the Princess Louise Dragoon Guards were headquartered there for several years.

It is no understatement that Ottawa's citizens as well as visitors have deep ties to the park not only for its long cultural and historic significance, but because it has long been a natural gathering place for sporting, recreational, family and civic events. The park has undergone many changes since it was constituted in 1847 and many of these changes were highly contested and debated. These debates continue to this day culminating in a controversial plan launched by the City of Ottawa on 9 May 2007 to re-develop the park. In October 2007, the City launched a design competition called "Design Lansdowne," which was in response, in part, to the poor condition of the lower south grandstand of the Frank Clair stadium, former home of Ottawa's CFL franchise team, which was demolished in July 2008 and not replaced. Discussions throughout the community immediately began to surface as to how a community adjudicates decisions for use of this public space. Specifically, several citizens, councillors and interested parties have asked how and on what basis a city determines the use and enjoyment of public space throughout the course of "redevelopment."

The paper attempts primarily to trace the steps of the design process including the current *Lansdowne Live* proposal, an unsolicited proposal submitted by private developers to construct commercial space on 9.4 acres of the park mainly along the main street bordering the park. This proposal was submitted on 17 October 2008 by the Ottawa Sports and Entertainment Group (OSEG), which includes Jeff Hunt, owner of the Ottawa 67's and Minto Chairman Roger Greenberg. The proposal was put forward as a public-private partnership, which includes the potential signing of a CFL expansion franchise to be housed in a rejuvenated Frank Claire stadium.

According to critics, discussions on the development of Lansdowne Park under this proposal have been hijacked by private sector development interests, which City Council has supported to the exclusion of citizen participation. It is this sometimes confusing and problematic narrative

that provided the impetus to prepare this paper with the objective of addressing the central question of how to adjudicate the use of public space.

There are some fundamental questions that underpin discussions of land use especially within a public context. In our view, the manner in which these important questions and considerations were addressed by the City was inadequate and unsatisfactory to the task of adjudication. First, what is the rationale of the change and what are the drivers behind this change? From our standpoint, there were several purposes behind the push to redevelop Lansdowne, many of these stated but several remain unstated. As such, a key part of the paper is bringing to the surface the drivers and interests that have propelled the Lansdowne Live process and in a process that many citizens and councillors feel is unsatisfactory – even some of those in favour of the project.

Second, what was the process of adjudication behind the various consultations both within and without the City’s apparatus? Clearly, one of the fundamental aspects to any process of adjudication is legitimacy. As our analysis will show, there are many within the Ottawa community who believe the process for deliberating this redevelopment was flawed.

Finally, the question of land use planning and the decisions surrounding the final outcomes for the park are significant. In other words, did the citizens of Ottawa arrive at a solution that best suits their needs and falls within the City of Ottawa’s own land use planning process. On what basis can these final outcomes be evaluated? What are the key measures of success? Again, answering these questions is not straightforward. Given little discussion as to purpose, it is difficult to arrive at a reasonable consensus regarding outcomes.

Overall, we believe there are several aspects of this narrative that require illumination. Fundamental to our inquiry is highlighting those key aspects of this deliberative process that have worked and not worked to arrive at what will hopefully be an outcome that is legitimate and satisfactory for all concerned. That said, we are not optimistic that the City can recover from what can only be characterized as a dubious process of deliberation.

## **II. THE OBJECT: ‘THE JEWEL IN THE CROWN’**

When visiting Vancouver, B.C., public space plays a major role in defining the city and helping to contribute to its reputation as one of the best places in the world to live and we examine this briefly to contrast with the Lansdowne Park example in Ottawa . Throughout Vancouver’s downtown core, open spaces adjacent to large commercial and residential buildings provide small oases offering green space that often includes gardens with water features such as fountains and pools. However, the city’s largest green space is an evergreen oasis of 400 hectares (1,000 acres) close to the downtown core. As the City’s website proudly proclaims, “Stanley Park is recognized around the globe as one of the great parks of the world!”

The foresight of Vancouver’s city politicians was remarkable. The park had already been logged from the 1860-1880s with only the largest trees remaining (they were too big to cut down). In 1886, although the land had been mostly clear cut, Vancouver’s first City Council saw value in using the peninsula for park and recreational purposes. The City petitioned the Federal Government to lease the entire 1000 acres for that purpose. On September 27, 1887 Stanley Park was officially opened as “the fledgling city’s first official ‘greenspace.’”

In 1890, the Council also created a remarkable governance arrangement for its newly acquired green space:

Council decided to set up an autonomous and separately elected committee to govern all park and recreation matters in Vancouver. And so the Vancouver Board of Parks & Recreation was born, the only elected body of its kind in Canada. The system now includes more than 200 parks (over 1300 hectares) but its heart remains in the cool, lush, evergreen oasis of Stanley Park... (City of Vancouver)

Over the many decades since it was created, Stanley Park has offered a refuge for those living nearby in the increasingly more densely populated urban environment. As North America's third largest urban core park, it is also an important destination for the estimated eight million people who visit each year. As the city has grown, the park has retained a role consistent with its original purpose: "as you see it today was not one designer's grand scheme but more an evolution of a pioneer city's hopes and dreams; a place for its citizens to recreate themselves through active sport or passive repose."

Like Vancouver, the City of Ottawa also benefitted from the generosity of land transfers from a senior level of government. Forty years before the creation of Stanley Park, Bytown (as Ottawa was then called) was deeded land on the periphery of the "city."<sup>1</sup> Following the acquisition of additional acreage, "Lansdowne Park" became a site for exhibitions. In 1868, the canal ordinance land east of Bank Street was offered to the Ottawa Agriculture Society for the purpose of a fairground. As Leaning points out, "since then, it has been used for exhibitions, spectator sports and participatory sports, and an amusement midway, but never actually as a park." Because of the vagaries surrounding the purpose of the land, it has remained a political football during the past decade:

When the park was first created, it was outside the city. By the 1930s, the Glebe residential area had encompassed it. But even though the Driveway had been built along its eastern side in 1926, traffic access to the park by the 1950s was limited and started to cause problems of congestion and pollution in the surrounding areas. Lansdowne Park was not originally intended as a spectator sports ground as it is now. The Rough Riders football team did not appear until 1896. They lasted 100 years, until their demise due to mismanagement in 1996. The use of the park as a commercially operated midway by Amusements of America did not appear until 1964. It is the primary reason why we now have a vast asphalt parking lot where playing fields used to be - even though the midway only lasts for ten days each year. (Leaning)

The use of Lansdowne Park is now the subject of intense debate. In June 2010 Ottawa City Council will decide its fate: a significant portion (25%) has been marked for proposed commercial redevelopment. Through public consultations, many concerned citizens have expressed their opposition to the development of this public space as "retail space."

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<sup>1</sup> Given the population of Bytown (2073 as determined in an 1839 assessment role) the nomenclature "city" does seem somewhat incongruous.

Thus we have a remarkable tale of two cities with different approaches to the treatment of “public space.” While the City of Vancouver has not completely banished commercial activities from occurring in Stanley Park, the location and number of facilities such as restaurants (the Teahouse, the Prospect Point cafe and the Stanley Park Pavilion) and snack bars close to public beaches are strictly controlled. It would be unthinkable for the Vancouver Board of Parks & Recreation Commission to entertain unsolicited bids from the private sector to open a retail shopping mall in Stanley Park. While the park includes several sports facilities (Brockton Oval Athletics Fields for outdoor track and field events), lawn bowling, and a pitch and put golf course and putting green, it would be unthinkable for the Commission to entertain unsolicited bids from the private sector to develop a major sports and entertainment complex.

In Ottawa, on the other hand, the City Council is giving serious consideration to a proposed significant commercial development on Lansdowne Park. While the land in Lansdowne is a fraction of that contained in Stanley Park (40 versus 1000 acres) the pending decision of Council to convert 25% of this land into commercial space is extraordinary in its disdain for public space. This issue raises a number of questions about publicly-owned land. What is meant by “public space” and the “public realm”? Who determines what is deemed public space and how it is used?

Public space can be defined as an area or place that is open and accessible to all citizens. In a rural setting the concept of public space or common land (“the common”) applied to the grazing of domestic animals on pasture. There was an understanding that the land was not “owned” but was shared as a benefit to all in the community. Within an urban setting, the concept of public space or the public realm came to be understood as open land used for a common purpose, such as a recreational area. The Boston Common, created in 1634, is an example of this concept. As cities grew the need for public space in a sea of privately owned land became increasingly more important to the quality of life of citizens. The public realm came to be seen as “public space” connected to privately owned land: sidewalks, roads, parks and public squares. Accessibility became the cornerstone of the public realm.

Local governments are the custodians of public space. Although most public space is used to provide corridors for services (transportation on roadways and water and sewer below) city councils also provide a stewardship role over publicly-owned land and buildings. Such land is subject to the needs of the community (office space for city administration and recreational and community centres). Lands for schools (although often administered through governance arrangements separate from local government) also constitute publicly owned lands that can be bought and sold. The distinction here, however, is that the use of such public lands is determined through public interest: decisions are made by elected officials acting on behalf of the electorate. In the case of land used for parks and recreational purposes, however, changes to their purpose and function are particularly critical. Who determines what is “in the public interest” when the underlying use of these lands as “public space” is altered?

It is clear from the Lansdowne Park Administration website that the City of Ottawa does not consider Lansdowne Park “public space.” Rather it is a business venue. There is no mention made of public space:

Lansdowne Park caters to an endless variety of events from trade and consumer shows to spectacular family shows and rock performances; from junior hockey to community events; from national and international competitions to the annual

SuperEx. Its mission is to be operated as a multi-purpose sports and entertainment facility catering to the needs of both local citizens and visitors; and conduct such activities in a manner which minimizes impacts on adjacent communities ... Lansdowne Park offers a wide assortment of facilities able to accommodate events ranging from intimate gatherings of 35 to concert crowds of 35,000. Over the year's Lansdowne Park has drawn over 65 million visitors attending over 34,000 activities. (City of Ottawa)

However, the city has used the expression “open public space” in its website to describe land *within* Lansdowne Park. In discussing the public consultations involved in the “Lansdowne Partnership Plan” the City refers to “opportunities for public input (in)to ... the open space design competition.” Further, the City’s refers to a Letter of Understanding that it has signed with the NCC and Parks Canada “regarding the federal government’s participation in the design competition for the public open space.” The reference to “public space” in this context is much like the treatment accorded to public land that abuts privately owned land and buildings.

The Design and Planning Guidelines on the City’s web site refer to the “public realm” in the design of pedestrian links and “open space.” In the City’s Official Plan, “major open space” is defined as:

... large parks such as Walter Baker Park, open space corridors along the Ottawa and Rideau Rivers and the Rideau Canal, parkway corridors and corridors reserved for rapid-transit and major roads. Most Major Open Spaces are already in public ownership. The Rideau River and Canal are national historic sites and development of marinas on adjacent lands requires approval of Parks Canada. Major Open Spaces are a key component of the Greenspace Network (see Section 2.4), which contributes to the quality of life in neighbouring communities as well as to the overall integrity of the natural environment. (City of Ottawa, Official Plan, Major Open Space, Section 3.3.1)

The City’s policies state that “Major Open Spaces are designated ... to protect the larger open spaces in Ottawa that are to be generally available for public use and enjoyment” (3.3.1, 1.). The City also defines activities and uses that are permitted in major open spaces “where they do not adversely impact the natural environment, cultural heritage and open characteristics of the area.” These activities include:

- a) Sport, recreation, leisure and cultural facilities including water-orientated facilities and activities along shorelines;
- b) Uses that involve scientific or educational study, conservation, interpretation or restoration of the elements of the natural and cultural heritage of the area or waterways;
- c) Roads and other infrastructure identified in this Plan where they maintain the overall quality and character of the open space, protect natural and cultural features, and enhance public access and opportunities for leisure.
- d) Small-scale commercial activities and institutional uses that contribute to or are ancillary to a use permitted in a) and b) above are also permitted subject to a zoning by-law amendment. (City of Ottawa, Official Plan 3.3.1, 3.)

The policy's reference to "sport, recreation, leisure and cultural facilities" would, in the instance of the proposed development of Lansdowne Park, therefore not permit "commercial" operations such as that of a professional for profit sports enterprise. As well, the proposed commercial development of one-quarter of the site would be in conflict to the policy's reference to "small-scale commercial activities and institutional uses that contribute to or are ancillary."

Should the City of Ottawa proceed with the approval of the proposed redevelopment of Lansdowne Park, it would undermine the policies of the City's Official Plan, including its own commitment to build large public venues close to mass public transit such as the proposed light rail system. Further, the City would be creating a dangerous precedent about the nature and value of public space: does short term political and financial interest trump a longer perspective about public interest? To put this in some perspective, if those who decided the outcome of the 1000 acres abutting the City of Vancouver a century ago acted with the same haste and motivation, Stanley Park would today be a densely developed property not unlike that next to False Creek.

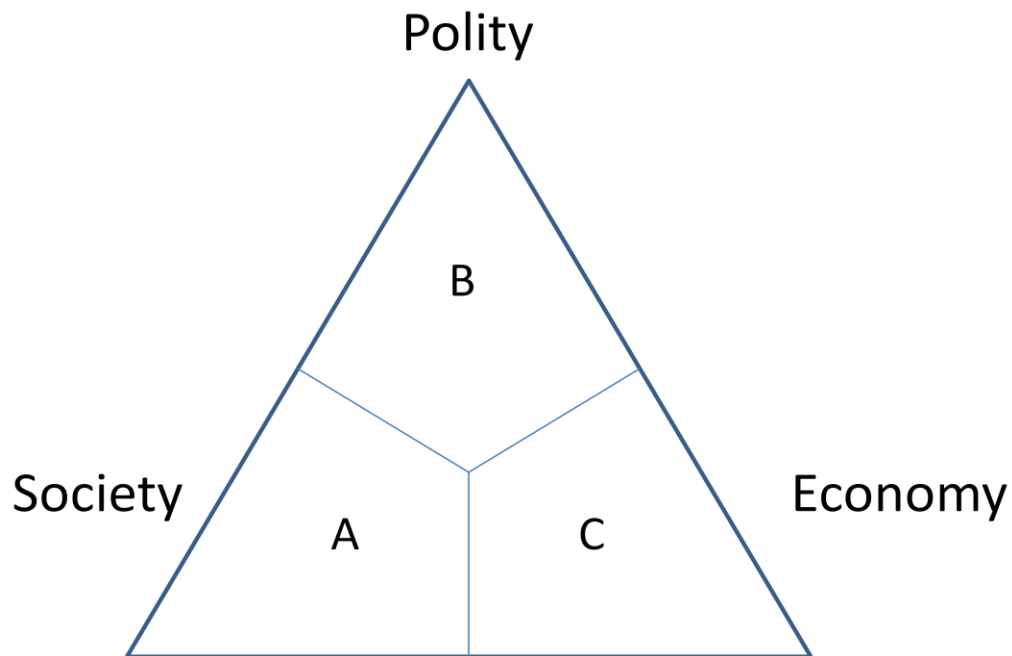
### **III. THE DRIVERS FOR THE REDEVELOPMENT OF LANSDOWNE**

In order to fully appreciate the complexity of the question of discerning appropriate use of public space, it is useful to explore the various drivers and groups applying pressure to influence public discourse. This is often difficult to accomplish especially when public governance is becoming increasingly horizontal, complex and interactive (Pollitt & Bouckaert 2000). That said, no discussion of public interests, whether these relate to pensions, environment, economic standards of living, housing, or even parks can be divorced from some mentioning of political, economic or community/societal actors or drivers. The Lansdowne Live community project can also be described using these three basic terrains.

Kenneth Boulding proposes a simple schema to map out three generic collections of organizations and actors. He outlines a triangle (Boulding 1970) containing these institutions and the different mechanisms of integration. With respect to the market/economy, exchanges are transactional or based on *quid pro quo*. Coercion and redistribution characterize integration in the polity sphere, and solidarity or reciprocity to describe this same process for institutions in the community/society sphere. Each of these integrative mechanisms in its most pure form is located at one of the apexes of the triangle. Those institutions and actors in the centre of the triangle represent different mixes of these integrative mechanisms. Figure 1 shows the model in a simplified form where there is a proportionate number of actors in each terrain.



Figure 1: Stylized Boulding Triangle



Of importance for purposes of this paper is to note that these three sectors do not always possess equal or even similar weight both in terms of influence, but also in terms of the number of actors. For example, the community/society sphere was relatively limited a century ago. As such, the Canadian landscape would have been dominated by economic and political actors. Over time, however, this sector has grown in importance especially through continued processes of decentralization and deregulation. As such, a more distributed system of governance and integration has developed, with greater attention being given to reciprocal means of integration as social and community actors have entered public discourse.

Using Boulding as a reference point of analysis, the various forms of integration can be mapped as a way of understanding the drivers underlying the Lansdowne debate over the use of public lands. In theory, as the three sectors have become more and more intermingled, there has been a filling in of organizations in the centre of the triangle, which draw upon the various sources of integration. These institutions rely more heavily on their capability to carry out their operations using cooperation, concertation, harmonization, and various means of joint decision-making structures to balance various interests (Laurent & Paquet 1998). What is particularly puzzling about the Lansdowne case is why there has not been greater reliance on the part of the City of Ottawa to balance various interests given the range of organizations wishing to influence the direction of redevelopment. What has resulted could be regarded as illegitimate given the dominance of the economic and political actors in this process. What follows is a general identification of actors and interests. The list is not exhaustive, but the discussion provides a flavour of the division of interests around this issue.



## **i) Political Actors: Analysing Interests Influence?**

### *City Staff: Audit, Property Management*

City staff initiated the redevelopment debate in 2006 based on an audit of property management, which raised questions about public use of resources in maintaining and managing the park (City of Ottawa 2009). Aside from concern over the use of public resources, city staff was interested in some discussion that would coincide with potential citizen expectations around use of the park. Given years of non-decisions and incremental neglect regarding the park, it is interesting that preferences for engaging citizens (i.e., redistribution) should have sparked the discussion.

City staff was also involved with managing the bidding process that was initiated by Council in November 2007, called “Right to Develop” approach intended to arrive at a long-term strategy for use of the park (City of Ottawa Auditor General 2009). The process highlighted the underlying expectations behind the bids, including providing open space that was sustainable and suitable for recreational use; bids must showcase the Pavilion and Horticulture buildings; improve public access to the park and pathways along the canal; uphold the character of the adjacent main street; and maintain a community focus, ensuring the continuation of the Farmer’s Market, and enhancing the opportunity for local sports and outdoor festivals. These expectations were set out by city staff in a statement of principles, although there was no weighting associated with any of the provisions or principles until later stages in the bidding process (Friends of Lansdowne Park 2008). The point here is that there are various expectations regarding the type of development expected. Clearly, the emphasis of city staff was on the use of the park as gathering space to be used along similar lines as argued by various citizen groups. This position may be considered at odds with senior decision-makers on Council including the Mayor and senior managers. What is unknown is the extent to which the perspectives of city staff are aligned with or conflict with internally debated positions within the City.

### *City Manager, Deputy City Manager and Mayor*

Both the City Manager and the Deputy City Manager played prominent roles negotiating the agreement with the Ottawa Sports and Entertainment Group. They worked closely with the Mayor. These actors, more than any others with the City of Ottawa, had most impact on the process. The Mayor has repeatedly rested his credibility on resolving the issue of Lansdowne Park. Going into the next election in 2010 without some solution in place would be politically damaging. This is substantiated by the fact that the Mayor is on record for meeting with the City Manager to discuss the future of the park in advance of public consultations in order to reduce any uncertainty about outcomes (Jaimet 2009b).

The Mayor requires a quick resolution to the issue, even at the expense of consultation. In addition, the Mayor is a strong proponent of business interests which are often incompatible with citizen participation resulting in a corporate model that favours the business elites .

### *City Council*

The perspective of City Council was a moving target. There were multiple camps on Council with respect to Lansdowne redevelopment and the single proposal offered by OSEG. One thing

is for certain: several councillors recognized that public consultation on the final proposal from OSEG was not an acceptable means of engaging the public. It was argued that more than one proposal ought to have been offered to the public for discussion, evaluation and comparison (Ottawa City Council 2009; Doucet 2009).

In particular there were schisms that had arisen since amalgamation on City Council, mainly between rural and urban councillors. Rural councillors appeared to support the OSEG proposal whereas inner city councillors were generally opposed, with some exceptions. It appears that as long as rural areas did not have to ante up additional taxes, their support was assured. For inner city councillors, increases in property tax and the fall-out from voters may have influenced their support. In this respect, fair distribution of the tax burden was an issue for many city councillors.

### *Citizen as Voters Interests*

Although not an institution in the sense of the Boulding model, citizens do have voting power. In this case, the Lansdowne redevelopment was not part of the platform of either councillors or the Mayor during the 2006 municipal election. Voters did not have an opportunity to express their preferences through the selection of councillors. In this respect, the legitimacy of not only the process following the election was in question, but also the fact that voters were unaware that Lansdowne redevelopment was a priority for the Mayor and Council. In general terms, the City exercised its coercive ability to steer the design, bidding, and negotiation processes. Even the consultation process used was determined by City Council to the exclusion of other actors. The rationale for the process moving forward from the standpoint of political actors could be regarded as expedient.

## **ii) Economic Interests: Altruism or Maximizing Gain?**

### *Ottawa Sports and Entertainment Group (OSEG)*

As noted, the Lansdowne Live project is the creation of four Ottawa businessmen: Jeff Hunt, William Shenkman, John Ruddy and Roger Greenberg. Their partnership proposes to rebuild Frank Clair Stadium and the Civic Centre.

For OSEG, they defend their proposal using the argument:

This Partnership Plan represents the best solution for the legacy of Lansdowne: the City of Ottawa will always retain ownership of the park; the residents of Ottawa will have complete access to an innovative new jewel on the Rideau Canal, and the dilapidation on this treasured site will be gone — once and for all (City of Ottawa 2009, 2).

Development appears to be based on altruistic intentions to revitalize the current “dilapidation.” However, the tax benefits for citizens appear minimal. In fact, according to a recent analysis, claims of revenue neutrality by the City are defended on the grounds that 75 percent of the potential Lansdowne Live realty taxes will be gained by the proposed mall tenants. However, it is argued that much of this revenue will be needed to revitalize key building on the site in order

to attract a professional sports franchise. In addition, borrowing costs on the \$117 million are likely to increase should interest rates continue to rise, not to mention debt charges on the City's already \$1.2 billion long-term debt. This proposal appears anything but revenue neutral.

#### *Local Business Interests (Glebe retailers and other businesses)*

Another important actor in the Lansdowne discussion is the Glebe Improvement Business Area (BIA), which is one of several BIAs that have been formally recognized by the City of Ottawa. BIAs constitute local businesses and property owners "improve, promote and undertake projects that will result in a stronger and more competitive commercial main street or business district" (City of Ottawa, Business Improvement Areas). Overall, the BIA supports the OSEG proposal but one of the key concerns raised is the need to encourage small independent operations to take up residence rather than large independents. This would complement the several small businesses already in the Glebe (Cook 2010a).

Overall, economic interests are supportive of development at Lansdowne but perhaps for different reasons as outlined. The end result here appears the same, however: 10 acres of Lansdowne Park will be developed as retail space. There are differences of opinion between the OSEG proposal and the BIA with respect to retail capacity issues and matters of aesthetics, but nonetheless, are supportive (Glebe BIA 2009).

### **iii) Community Interests: Finding Common Ground or Ground that is Common?**

Perhaps the most difficult interests to track are the various community and social interests, including those of citizens. There are several groups competing to be heard in the discourse around Lansdowne Park. However, these groups appear united in their opposition to some aspect of the OSEG proposal or the City's handling of the process. The following is a general tracking of the major advocacy groups and community associations active in the discussion.

#### **a) Advocacy Groups**

##### *Friends of Lansdowne*

Friends of Lansdowne is a loosely organized group of 1,400 plus concerned citizens "who care about the heart of our city. We want to see Lansdowne Park revitalized in a way that's best for the people of Ottawa – taxpayers, sport enthusiasts, current users, and future visitors" (Friends of Lansdowne). The group was constituted in 2008 with the following goals: to revitalize the Park based on principles developed through a process involving significant and meaningful public consultation; to reconstitute the design competition that City Council had cancelled in 2008; and, to create a sustainable design that incorporates heritage values and an environmental vision, addresses transit constraints and community impact, and offers good value to taxpayers. Most importantly, the group provides a community outlet for discussing the future of the Park with all citizens of Ottawa.

##### *Lansdowne Park Conservancy*

The Lansdowne Park Conservancy is a community response to what it believes is an alternative to the OSEG proposal. It is being constituted as of 1 June 2010 as a federally incorporated not-

for-profit partnership between the City of Ottawa and a board comprising representation from the City, National Capital Commission, Parks Canada, the federal and provincial governments, community leaders from local Associations, the Arts, sports, trade show, the CCEA , agricultural/rural, heritage and architectural. This approach is modelled after the Central Park Conservancy in New York City, which enjoys substantial support from the city for its operations (Central Park Conservancy 2010). The mission of this conservancy will be “to protect, preserve, manage and promote every aspect of the Park in partnership with the public and to ensure that 100 percent of the Park remains public. Additionally it is to enhance and restore the natural beauty of the park for the benefit of present and future generations, and to carry forward an over 122-year legacy in perpetuity” (Lansdowne Park Conservancy 2010, 3).

Overall, the members of the Conservancy believe Lansdowne Park is public space and that this “legacy” should not be altered with the development of retail and hotel space.

#### ***b) Community Associations***

There are several community associations that have been constituted across the City of Ottawa. One of the most vocal of these associations with respect to Lansdowne Park has been the Glebe Community Association (GCA). Like other community associations, members have been concerned about the consultative process used by the City of Ottawa to deliberate the redevelopment of the Park. More importantly, the GCA is worried that recent accusations about development “in their backyard” are unfounded (Cook 2010b). For the GCA, such perceptions are unlikely to bring positive results for the city as such attacks only serve to pit one community against another (GCA 2010, 1). The President of the GCA has long voiced concerned about the issue of public space and their opposition to development of retail space within the park (Creelman, Joint Meeting 2009).

#### ***c) Media Interests***

Without doubt one of the loudest voices in the Lansdowne redevelopment discourse has been the various media, most notably the print media. Although not homogenous, most media commentators have been dubious about several aspects of the public consultation process, costs of redevelopment, the City’s management of the process, and its professional ethics in dealing with the issue on several fronts, including conflicts of interest regarding procurement, and its general single-mindedness in handling of citizen relationships. Several articles pointed to the manipulation of citizens as part of the process. For example, OSEG’s proposing the attraction of a professional sports franchise was regarded as distracting citizens from the bigger picture of retail development (Reevelly 2009a; Reevely 2009b; Chianello 2010b). This tactic has also been used with a proposed aquarium, an art gallery, marina and other window dressing proposals.

However, the media has “flip-flopped” on a number of occasions, at times showing its support for the OSEG proposal. It has urged citizens and councillors to “get on with the vote” and make a redeveloped Lansdowne a reality, in spite of their reservations about the process, costs and rationale (Denley 2009e; Dare 2009f; Ottawa Sun 2009; Craig 2009; Butler 2010; Denley 2010d).

Having looked the key actors involved and briefly outlined their interests and positions regarding Lansdowne the next section analyses the process that has been used to mediate interests and reach decisions about the site.

## **THE PROCESS OF DELIBERATING LAND USE...”LANSDOWNE STYLE”**

Criticism of the Lansdowne Live project has manifested itself in many forms including the commercialization of public space, the financing and risks arising from the public private partnership, the lack of public transit, the impact on the local community and existing businesses in the area and the design plans themselves. These issues are of crucial importance and are being addressed by academics, community groups, financial experts and concerned citizens. However, in this paper we wish to focus on the process used to decide the future of the public space that is Lansdowne Park. In this context we begin by reviewing some of the features, concerns and criticisms that have made the process highly controversial.

### **Expediting the process**

A transparent and inclusive process is thought to promote policies that better reflect the public interest. In the case of Lansdowne, established planning procedures, protocols and best practices were sacrificed in favour of an unsolicited and sole sourced bid that circumvents the principles of good governance and urban planning. By effectively setting aside the rules in order to fast track the OSEG proposal the council has undermined the credibility of the overall process and set another dangerous precedent for future decision-making in the city following the failed Light Rail debacle.

Creating a sense of urgency is a tried and tested strategy for developers and the politicians who speak for them on council. OSEG made it clear to council that this proposal was effectively a limited time offer and that it would be withdrawn if a competitive process were initiated. The ‘gun to the head’ tactics were also used effectively throughout the process by OSEG warning that they would walk away if any “deal breakers” were imposed by the council - a threat that councillors Chiarelli and Monette, the chief proponents of the LPP on Council along with the mayor, would regularly convey to council. Proponents also claimed that the CFL had insisted Ottawa’s franchise was conditional on the Lansdowne Park site. This statement turned out to be false, according to a heavily redacted letter that circulated City Hall in the November 2009 (CBC; November 9, 2009c).

The crumbling and neglected state of the Frank Clair stadium has also been used effectively by proponents of Lansdowne Live to justify the expedited process. Drawing on city estimates, they point out that it currently costs the city between \$3-4 million to maintain the park and stadium in its current state and that with parts of the stadium now crumbling this is a waste of taxpayers’ money: by labelling Lansdowne a civic disgrace, councillors reinforced their case for development<sup>2</sup>. Although few in Ottawa would disagree that something needs to be done with Lansdowne Park, LPP proponents have skilfully presented the only choice to be made is between the status quo and adopting OSEG’s plans for the site.

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<sup>2</sup> As Weber has pointed out, use of an ‘urban blight’ scenario often accompanies efforts to engage in P3 partnerships for infrastructure and redevelopment (Weber; 2002).

The tactic of applying pressure to expedite the process and maintain political momentum is also in evidence as the next election approaches in October 2010 with pro LPP councillors resisting calls for the final vote on the Lansdowne Live plans to be delayed until after the new council is elected. Given the council's poor track record on major decisions, the high degree of opposition to the Lansdowne Live process on council<sup>3</sup> and the fact that the current mayor is expected by many to be defeated in the next election, should he decide to run, it is easy to see why the proponents are eager to push through the Lansdowne plans in an expedited process. Consequently, after several decades of inaction and indecision, by the council over Lansdowne Park many councillors appear ready to vote for Lansdowne Live without creating a design competition for the overall site, without reviewing alternative proposals and before engaging the public and local community in meaningful engagement about what Ottawa's 'Jewel in the Crown' should be.

### **Expedition costs**

The most obvious costs of accepting an unsolicited, sole sourced bid are financial. In addition to the inflated costs that can arise in the absence of competition, there is also an increased likelihood of suboptimal design plans and projects being adopted. Moreover, sole sourcing is prohibited in many jurisdictions because it is thought to conflict with the provision of value for money services and increases the chances of corrupt practices. In addition, because alternative proposals are not generated or considered, the opportunity costs are never recognised making a full evaluation of a sole sourced project impossible.

Important as these considerations are, other crucial factors and principles of good public governance have been sacrificed at the altar of expediency including effective communication and information sharing, citizen and community engagement, the city's official plans and stated values and, crucially, the objectivity and independence of Council members themselves. How did this happen?

#### **(i) Failure to engage**

Ironically the Lansdowne redevelopment process began promisingly enough in the spring of 2007. On May 9, the 2006 Audit of Property Management was released, recommending, "That the Branch develop, for City Council approval, a long-term plan and vision for Lansdowne Park in order that future usage of the park be done in conjunction with citizens' expectations." (City of Ottawa, 2010b). On November 28, 2007 a competitive design process for Lansdowne was initiated by Council based on a "Right to Develop" approach (City of Ottawa 2010b). The Design process, designed on ten principles established by the City was the intended mechanism to develop a long-term strategy for the park.

The Design competition was based on ten principles set-out by City staff. For example, competition submissions would provide public open space, which would be green and sustainable, suitable for recreational use and complimentary to the Park's overall function;

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<sup>3</sup> On November 16, 2009, city council voted by a margin of 15-9 to provisionally proceed with the Lansdowne Partnership Plan.



submissions would have to showcase the Pavilion and Horticulture buildings; they would improve public access to the pathways running the canal; uphold the character of the adjacent main street; and maintain a community focus, ensuring the continuation of the Farmer's Market, and enhancing the opportunity for local sports and outdoor festival (Friends of Lansdowne Park 2008). As part of the Design process, the City of Ottawa also undertook public consultations both online and offline. These consultations were conducted by Nanos, a private consultation company, which presented a final report summarizing public opinion and feedback on March 5, 2008. A series of public consultations were also held at the Lansdowne site and two of the authors were in attendance. The meetings were well attended (200-300 people) and debate about the future of the park was vigorous and informed. Council and city staff were well represented and in addition to lay people, the process attracted local planners, architects, accountants and lawyers as well as football fans, environmentalists and representatives of local community associations. Roundtable discussions with city and volunteer facilitators provided input into larger plenary sessions and panel discussions.

However, in spite of all the time, energy and imagination that went into these meetings, the City suspended the Design Competition on July 8, 2008 in order to assess the condition of the buildings on the site, and to consider a forthcoming proposal from the Ottawa Sports and Entertainment Group (OSEG). On November 12, 2008, a motion was presented to re-start the Design process, pending the completion of the City Manager's evaluation. After a needs assessment and location analysis, made on April 22, 2009, Council directed the City to proceed with negotiations with OSEG (Auditor General 2009).

The decision to cancel the public consultation and design competition was astonishing given its importance and the City's stated commitment to citizen engagement in its official plan and many other policy documents<sup>4</sup>. The City Manager later acknowledged this was a mistake and publicly accepted responsibility for it. However, a local newspaper also reported that the Mayor met with the City Manager to discuss the Park, shortly before the public consultation process and the Design competition were cancelled, and many question the influence of the Mayor in this decision (Jamait).

City Manager Kent Kirkpatrick assumed personal control over negotiations with OSEG. He declared that "my job in this is to look out for the public's interest... We're looking for the best deal we can get..." (Rupert; 2009). The City Manger was given guidance from city council as to what was acceptable in any agreement with OSEG (Rupert; 2009). However, the proposal that resulted included several components that contradicted those directives and, given the involvement of the Mayor and other proponents on Council, it is not clear how much independence the City Manager had to represent the public interest in the negotiations with the developers (Jaimet, 2009b).

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<sup>4</sup> Of particular importance for the redevelopment of the park, the third Governance Objective of the 2007-10 Governance review committed the City to "develop a democratic, engaging and visible process to maximize input from residents in the work of Council and in policy development, . The City of Ottawa, "Mid-term Governance Review Public Consultation: Summary Whitepaper – Structural Issues." *2007-2010 Governance Review*, <http://app01.ottawa.ca/wiki/tiki-index.php?page=Summary+Whitepaper+-+Structural+Issues>



In contrast to the cancelled program of public engagement the revised process constituted little more than information sharing. The first event was staged at Frank Clair stadium which was significant as this was the only consultation planned for the Glebe ward, in which Lansdowne is located and where opposition to Lansdowne Live is most intense. As an exercise in community engagement the event was highly inadequate and even as a public relations exercise it backfired producing a number of attendees to protest. In addition to the lack of information available, the protestors were angry that neither the City Manager, Mayor or the councillors pushing the proposal through council were not in attendance and available to take questions. There was also outrage that OSEG representatives and consultants were given name tags suggesting they were in fact city staff, compounded by the fact that the City of Ottawa logo appeared on the drawings and documents outlining the plans.

In response to public criticism and pressure from some councillors to ‘open up’ the process, changes were made to the remaining open houses including a 90 minute question and answer session with the City Manager. Even so, they were described as information sessions to “shut out criticism” (Cobb, 2009a), with no opportunity provided for alternative proposals to be presented or discussed. Indeed, John Martin who tried proposing another solution was slapped with a notice ‘under the Trespass to Property Act’ and barred from participating in the so called ‘consultation’ sessions (Cobb, 2009a; Cobb, 2009b).

In spite of the City of Ottawa’s well documented commitment to community engagement in its Official Plan, numerous strategy documents and white papers on governance the Lansdowne process, according to Arnstein’s ladder of participation (1969), would classify as cynical consultation aimed at manipulation and therapy<sup>5</sup>. As municipal columnist for the Ottawa Citizen David Reevely commented following the first open house:

I have a lot of sympathy for the idea that the open-house format doesn't feel like a real "consultation" when you're in it. There are display boards, some of the people from the city are there to explain things if you have questions, and you can leave notes. Which I'm quite sure the planners responsible really do read and think about. But as an opportunity for community-based democratic expression, open houses stink.... [I]t contributes to the impression that if Lansdowne Live happens, it's going to be because it was shoved down the throats of the people who live nearby. (Reevely 2009c)

Even though senior city staff and many councillors, including several who voted for the Lansdowne Live bid, have expressed regret and concern about the process, they have continued to ignore calls for an open and competitive process<sup>6</sup>. Although the Mayor and the pro-Lansdowne Live councillors were forced to introduce a competitive process for the ‘front lawn’

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<sup>5</sup> Manipulation and 2 Therapy are both non participative. The aim is to cure or educate the participants. The proposed plan is best and the job of participation is to achieve public support by public relations (Arnstein 1969).

<sup>6</sup> Some councillors have acknowledged the fact that more than one vision for Lansdowne exists and that public consultations should have included more than one proposal. “Motion No, 71/24,” Ottawa City Council Minutes, November 12, 2009, Available online: <http://www.ottawa.ca/calendar/ottawa/citycouncil/occ/2009/11-12/englishminutes77.htm>

of the Lansdowne site in order to ensure enough votes to pass it through council, this is really tokenism in the form of window dressing given the bigger decisions already taken regarding the park's purpose and development<sup>7</sup>. Moreover, while the public is encouraged to look at the five bids being put forward and enter comments on line or at more public houses, the final recommendation will rest with the Design committee headed by George Dark with the final decision taken by City Council in June 2010<sup>8</sup>.

(ii) Advocates not arbiters

The City's attempts to push through the Lansdowne Live proposal without entering into meaningful citizen engagement first, without committing the site to an open design competition and before the upcoming election in Fall 2010, have brought into question the motives, objectivity and independence of councillors and key City staff. In particular there is concern that the Mayor, senior city staff and a group of pro Lansdowne Live councillors have become too closely aligned with the OSEG proposal. Rather than maintaining an objective stance to better serve and protect the public interest, they have assumed the role of advocates for the LPP, suggesting a high degree of cooption. This impression is not helped by the fact that most of the pro LPP councillors receive funding from one or more of the OSEG developers to assist with election costs.

What influence developer funding plays in the actions and decisions of councillors is of course unknown. However, what we do know is that the public optics are worrying and inconsistent with principles of good governance and the municipal role in arbitrating decisions over land use. In addition, we know that the more closely aligned with a particular bid or proposal Councillors become, the more politically dependent they themselves become on the implementation of the project. This is an unhealthy position for the mayor and council members to adopt and in addition to increasing potential conflicts of interest, the blinkered approach adopted by some is a recipe for groupthink and the suspension of critical thinking.

In order to safeguard the public interest, city officials must avoid the tendency towards 'boosterism' and maintain a rational and neutral perspective. As Flyvbjerg *et al.* note, "government should not see its primary role of project promoter, but should instead, keep the project, and involved actors, at arm's length in order to critically assess, at all stages, whether the project meets public interest objectives" (2003, 110). In the Lansdowne negotiations the opposite approach has been taken with councillors and the Mayor actively involved in championing the project, using hyperbole, rhetoric and press conferences to sell the plans to the public and sceptical voters while trying to kill the idea of an international competition for the site, ensuring that OSEG's bid remains the only one on the table:

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<sup>7</sup> This is, in effect, like an architect not engaging with a client about the design of their new home but rather asking them to focus on choosing the curtains and the landscaping.

<sup>8</sup> Arnstein (1969) calls this form of tokenism 'Placation'. For example, the co-option of hand-picked 'worthies' onto committees. It allows citizens to advise or plan ad infinitum but retains for power holders the right to judge the legitimacy or feasibility of the advice.

Pro football, yes. International ideas, no: [t]hat's the vision for Lansdowne Park, Ottawa Mayor Larry O'Brien said at a news conference at the park's Frank Clair Stadium Wednesday. There, he surrounded himself with former CFL players, a pair of city councillors wearing Ottawa Rough Riders gear and Jeff Hunt, who leads a group that wants to bring a football franchise back to Ottawa and includes prominent Ottawa developers. O'Brien didn't specifically endorse Hunt's plan for the park, but he soundly rejected an idea that had been floated by some city councillors of holding an international design competition. He wants ideas from within Ottawa's boundaries, he said. "I do not think that at this point in the City of Ottawa's history, with the quality of developers, the quality of individuals, the quality of imagination we have in the City of Ottawa, that we have to go very far to get the ideas we need." (CBC News, 2007)

The 'boosterism' rationale that drives the Lansdowne Live plan is also clearly articulated by the Mayor:

O'Brien said Ottawa needs to invest in "hardware" such as the new conference centre, Lansdowne and light-rail transit system in order to continue economic growth. Those types of long-term projects could suddenly make the city attractive "to some corporation that we hadn't even considered," he said. (Cockburn & Adam 2010)

Despite the best efforts of the developers, parts of the media, the Mayor and some councillors to talk up the merits of the Lansdowne Live plan in a bid to strengthen their basic position that the *ends* justify the *means*, this was quickly dismissed by George Dark, the world renowned specialist in urban design invited by the Council to head the committee formed to oversee the Lansdowne plans and the competition to design the front lawn of the site. Soon after his appointment, Dark was asked for his views on the Lansdowne Live design plans and his comments were both candid and revealing:

"I didn't really think there was a design. I think there was a series of diagrams designed to back-stop a commercial discussion. It does not reflect the kind of hard, slogging, detailed evolution of ideas that is required for this site," Dark said. [He] told CBC News he wants to save Lansdowne Park from the clutches of mediocrity [and] saw little in the original concept for the park that excited him. (Mayes 2010)

The City Manager has also been put in an invidious and compromising position by his political masters. As the man doing the Council's bidding Mr Kirkpatrick spends much of his time working with OSEG partners and representatives and has much of his own reputation invested in the project. As Reevely points out, this severely undermines his position in the process:

[The City Manager]... and his staff are inescapably in the role of trying to sell the agreement they've reached. There is no other role they can play. They certainly can't be impartial arbiters to city council and the public. Can you imagine Kirkpatrick saying, "Well, councillors, I got the best deal I could, but frankly I think it's still not that great. I respectfully suggest you pass"? Of course not, he'd look like a fool. And

that means he's been put in an impossible position...People don't like being given sales pitches by public officials whose salaries they're paying. (2009c)

This level attachment and dependence on the part of politicians and senior staff illustrates how tangled and symbiotic the interests of public officials and OSEG developers have become. Recognising this helps to explain why the City is willing to eschew good governance, best practices and alternatives in order to push ahead with this proposal. It also helps us to understand why the City is willing to ignore its own plans, reports and recommendations that clearly and consistently indicate that Lansdowne Park is not the best place to locate a major stadium<sup>9</sup>.

As academics in public management and administration we subscribe to the view that in terms of public policy, flawed processes will generally produce flawed outcomes. In short, process matters and this is well recognized in the literature on public administration and strategic management. As Sossin argues, “substantive citizen involvement in public decision-making is increasingly a significant measuring stick for evaluating the success of administrative action” (Sossin; 88) and, as Joyce contends, “The interactions between government and society and between public and private actors are changing so that the notion of good governance now points to interactive problem solving and an engaged civil society (Joyce 1999; 140). In other words good governance, in the form of process and due diligence, can no longer be seen as an optional extra by politicians and bureaucrats, rather, it is a fundamental aspect in any assessment of the policy and final outcomes. In spite of numerous statements to this effect by the City of Ottawa, our analysis illustrates that its rush to expedite the process in order to placate the OSEG developers has produced a damaging and divisive process that appears to repeat the costly mistakes of earlier projects such as the failed LRT plan<sup>10</sup>.

#### IV. CONCLUSIONS: EVALUATING THE OUTCOMES

*“This is your chance to really distinguish yourself with a civic asset. It’s perfectly located. It’s by the canal. It should be a really special place.” George Dark (2010)*

Defining and adjudicating public space will always be a struggle, especially for public decision-makers who must reconcile the various positions of donor government agencies, public and private sector institutions, advocacy groups, community organizations and interests, and individual citizens. To carry out such a mammoth task depends to a large extent on the legitimate use of state power and authority. As seen in the Lansdowne Park case, however, it is highly questionable as to whether the City acted appropriately with respect to the way it carried out its consultations, took its decisions, and dealt with the public. In this respect, the Lansdowne

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<sup>9</sup> The LPP stands in direct contravention to the City’s Official Plan and Transportation Master Plan. In fact, Lansdowne Park only placed sixth in a staff report analyzing suitable stadium locations. Lansdowne Park redevelopment demonstrates the pitfalls

<sup>10</sup> For a detailed account of the Light Rail process see Stoney and Hilton’s ‘Ottawa’s LRT System: Dreams, Delusions and Deceptions’, *Revue Gouvernance*, June 2007 with R. Hilton, Spring 2007 (Vol.4, Issue 1)

process has provided some important insights into how the community has responded to the City's approach and its relationship with citizens.

As shown by Boulding (1970), the three main terrains (political, societal and economic) each play a different role in the integration process. When all three terrains are seen in balance, one could make the argument that any solution, regardless of whether one agrees or not, will be understood as legitimate by all the players involved because at the root of this integration is an implicit, balanced recognition and respect for the other perspectives.

As we have shown in this paper, there was not a balance of interests. The political and economic terrains were clearly in control, despite a few political voices on City Council in opposition. The fact is that an unsolicited bid was submitted, accepted by City Council, and a sole-sourced contract prepared. In addition, public consultations were cut short by Council in 2008 on the original design aspirations of the City in favour of one proposal. Eventually, a new round of public consultations was carried out but only on that portion of the park not covered by the sole-sourced retail contract. Citizens were and remain upset that they were regarded as "bit players" in the larger scheme of redevelopment.

From our discussion, there appears to be two main camps, but three integrative drivers at work in the Lansdowne discussion: those who favour a commercially based redevelopment approach, and those who believe that the discussion of commercial redevelopment in the context of the park is misplaced. With respect to the latter view, there are many who believe the discussion of redevelopment is only the tip of the iceberg. The real discussion, in their view (and ours) is defining public space and determining how that space ought to be used that meets with the greatest approval of citizens (Plant 2010, 45-60). The economic interest is relatively straightforward to understand: an opportunity for development was detected, a sales pitch was made, and profits were sought and will likely be won. The City entered into a binding contract – the developers cannot lose at this point in the process because even if the City reneges on the deal, costs will still be payable.

The more complex set of issues concern the discussion of public space. On this front, garnering opinion and achieving consensus on the many views is a challenging task. As shown, views range from working with the OSEG proposal to outright rejection to proposing alternatives. One idea stands out, however, in this discussion: the public has the right and responsibility to decide on the definition and use of Lansdowne Park. The Lansdowne Live proponents made little effort to accommodate this which has only served to pit various groups against the City and undermined the legitimacy of the process (Hove 2009). From the perspective of the developers and some on council, Lansdowne Park is considered to be a business venue and, as such, a source of untapped revenues. The division in the discourse is eminently clear: public space versus economic space. The City's view is not difficult to understand as 'boosterism' – with economic development, the benefits for citizens will be felt through increased revenues. Clearly, however, most citizens are not interested in economic benefit in the way the City understands it. They want family, social, civic, cultural and sports benefits that usually do not raise sufficient revenues to cover costs and generate relatively few opportunities for private profit compared to condominiums, hotel and shopping mall development. As with the Lansdowne Live proposal, non economic considerations and benefits become important only in so far as they facilitate the economic and political interests at play.

The latest development phase in the Lansdowne Live process, concerning the consultations for the “public” parts of the park illustrates the point. An impressive design panel has been constituted to solicit city funded designs for the 13 acres left for this purpose (Cook 2010f). Several citizens and community groups are puzzled as to how there is so much consultation and open bidding on the park’s ‘front lawn’, while discussion on the retail component has passed virtually unchecked. The key point here is that the ‘front-lawn’ design competition serves a strategic purpose which is to help ensure safe passage of the Lansdowne Live proposal as a whole through Council. In addition to switching the public’s attention to some eye-catching designs, it provides a veneer of post-hoc legitimacy to a severely flawed and tarnished process. As citizens currently trawl through some visually spectacular design proposals, recent media reports suggesting that a ‘chic, boutique hotel’ originally proposed for the site will now be ‘shelved in favour of more condominiums’ at Lansdowne Park raises barely a ripple (Sherring 2010a).

The Lansdowne Live process represents an unfortunate shift in city politics; a divisive form of politics that elevates short-term economic interests above all others in decisions about public space, dismisses the importance of due process and pits various communities against each other. It would be easy to see the events unfolding at Lansdowne Park as just another example in a long line of developments marking the ‘tragedy of the commons’. However, given that all sides agree that this public space really is Ottawa’s ‘jewel in the crown’ the decision to exploit it for commercial gain without even considering alternatives of what it could have been makes this an especially tragic episode for Canada’s capital city, its citizens and future generations.



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