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The Province's Growth Plan for the Greater Golden Horseshoe

Are municipalities up to doing their part?

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Dr. Riina Bray, co-author of the 2005 report on public health and urban sprawl in Ontario, published by the Ontario College of Family Physicians

Dr. Meric Gertler, MCIP, RPP, co-author of *Competing on Creativity*, on economic factors and cultural influences and their relationship to sustainable communities

Michael R. Moldenhauer, president, Greater Toronto Homebuilders' Association, on involving home builders in moving towards a healthier built environment

Michael R. LeGault, award-winning editor and writer, and author of *Think! Why Crucial Decisions Can't Be Made in the Blink of an Eye* on our intellectual crisis

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The Growth Plan Will Soon Be Law. I say *Bravo*

Ed Sajecki

Together with other provincial initiatives such as change in the planning system, Ontario Municipal Board (OMB) reform, and plans to streamline *Environmental Assessment* Act procedures, the new Growth Plan for the Greater Golden Horseshoe (GGH) is a historic achievement.

As Mississauga Mayor Hazel McCallion says, “So much has been done in the past five years. I truly hope these achievements don’t get lost or overshadowed by less important things that get media attention. It’s so important to keep the message clear and simple so the everyday person sees what it means for them.”

But what will it mean to the seven and a half million people now living in the GGH, and to the three and a half million more on the way?

How will they judge the plan? Will it be seen as just a lot of words by planners, bureaucrats and politicians? Or will it be recognized as the bold watershed in planning that many of us as planners have been calling for? The average citizen will ask, and ought to ask: “So how does this affect me? Will my commute time be less? Will I be happier? Is there money to do all this? What will this big city look like? How will my life be different?”

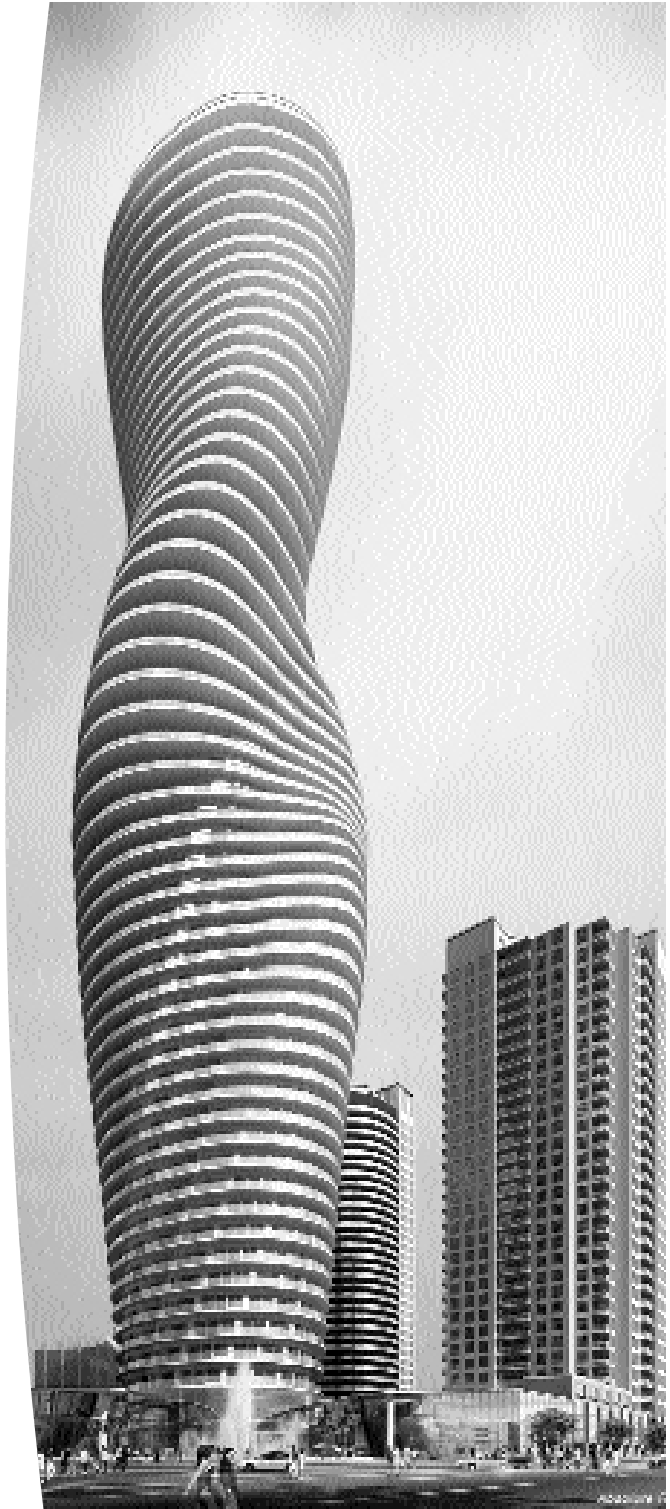
Re-establishing Leadership in Planning

Travelling northward along Hwy 400 toward cottage country, the sign says “Oak Ridges Moraine—for the Next 10 km.”

Flashing back a mere five years ago, we well remember the battleground. The fight went on for years and years. David Lewis Stein’s columns in the *Toronto Star* chronicled it well: big developers and STORM (Save the Oak Ridges Moraine coalition), lawyers and consultants, HUGELY expensive OMB Hearings. And then the unbelievable—a development freeze. The “Queen Mary” was making a turn. Slowly maybe, but the turn had started. Successive governments and environmental groups had tried to deal with the Oak Ridges Moraine for 15 years—but a solution was now in sight. And “smart growth” was taking hold as “an idea whose time had come.”

The statement, “There is nothing more powerful than a good idea whose time has come,” still resonates with me. There had been many attempts at growth management in the past: the Toronto Centred Region Plan (TCR), the Metropolitan Toronto and Region Transportation Study (MTARTS), the Central Ontario Lakeshore Urban Complex (COLUC). But each fell short—no money, and limited tools to implement.

But now for the first time since the early 1970s the province has set out a plan to coordinate investment in infrastructure with land decisions across the Greater Golden Horseshoe. It effectively in



The shape of things to come in Mississauga City Centre?

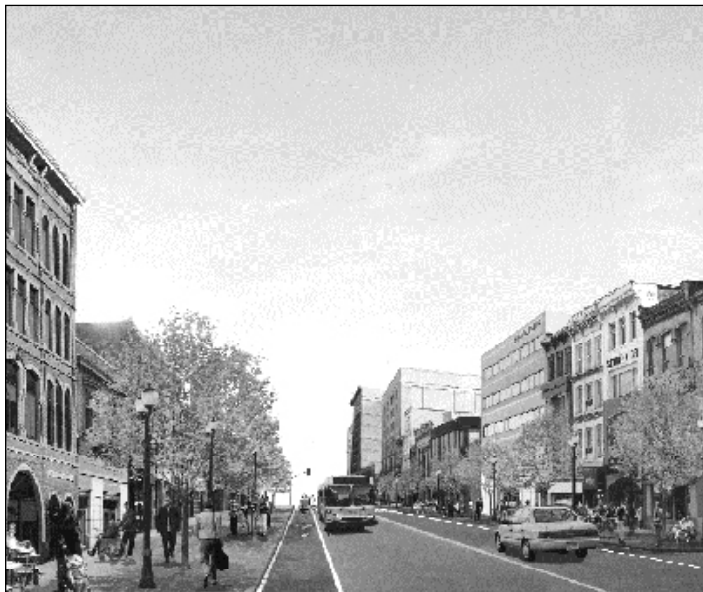


Illustration: Government of Ontario

Impressions of Intensification

duces a “provincial plan” with which all other plans must conform.

These initiatives together fundamentally change how development and planning is undertaken in Ontario.

- By stating where and how to grow through the Growth Plan
- By establishing the Oak Ridges Moraine and Greenbelt legislation and plans
- By putting in place a new Provincial Policy Statement
- By enacting brownfield legislation
- By reforms to the *Planning Act* and the Ontario Municipal Board
- By enacting new source water protection legislation
- By establishing the Greater Toronto Transportation Authority (GTTA)
- By looking at streamlining and simplification of current *Environmental Assessment Act* procedures.

These are bold initiatives. It is clear the province is re-establishing a leadership role in planning. So where will municipalities be? Are we up to doing our part?

Putting bold public policy into practice has its challenges. It's important for local leaders to be part of broad initiatives, like the smart growth panel or the greenbelt task force. As examples, Mayor McCallion and Burlington Mayor Rob MacIsaac have both stepped up and embraced these initiatives, each as chair. They looked at the GGH from the 30,000-foot level, yet brought crucial municipal perspective to putting broad policy into place on the ground.

With the Growth Plan, we're seeing the intersection of good public policy with a change in market housing trends, public preferences, lifestyle choices and attitudes. And the market, namely affordability and growing energy costs, is dictating intensification in the form of smaller lot sizes, townhouses and mid and high-rise condominiums.

In speaking of my own municipality, Mississauga, a lot is happening. Mississauga today is an urban centre of more than 700,000 people. Visitors to City Hall now see a downtown skyline. And then there's "Marilyn Monroe"—it will be a striking addition at 56 storeys and is receiving international acclaim. It is to be built by a 905 builder who sees the transformation occurring within Mississauga and the opportunities for higher density here and in other parts of the Golden Horseshoe, just like many other house builders who are now setting up infill and higher density housing divisions within their companies. Soon, there will also be a start on east-west rapid transit through the city, and feasibility studies for higher order transit /Light Rail (LRT) along Hurontario Street. This is the “new” Mississauga.

And across the Greater Golden Horseshoe there's a lot more. In Brampton, transit funding announcements. In Markham, “smart growth” principles permeate city-centre plans and development proposals. In Vaughan, there's the recently announced Spadina Subway extension to the Vaughan Corporate Centre. And after 31 years, Queen's Park is moving forward in Durham Region on Seaton—a sustainable, energy-efficient and transit-supportive community covering 12,000 acres, which will provide homes to 70,000 residents and 35,000 jobs. And in support of infrastructure, the Provincial Budget has laid out five-year infrastructure investment plans. There's cautious optimism around federal funding.

Intensification

One of the key themes of the Plan is intensification. That means finding room for a large portion of our growing population within

existing urban areas. That's the only way to protect our countryside and make efficient use of our infrastructure.

This is a radical change from the way things were done before. For that reason the Growth Plan lays out a phased approach to help municipalities and builders adapt. By the year 2015 all upper- and single-tier municipalities will have to reach a minimum target of building 40 percent of each year's new residential units within their existing built-up urban area.

Meeting this goal is easier than you may think. Consider the case of Mississauga. With intensification, we're confident we can add 100,000 people just by carrying on with development in the City Centre, opening up multi-residential and condominium development along Hurontario Street, and supporting development with higher order transit such as an LRT.

Other towns and cities have different situations. Recognizing this, the Growth Plan requires that each municipality prepare intensification strategies to meet the target in a way respecting that community's character.

For example, look at Waterloo and two Growth Plan principles; the first is where to intensify, the second where to protect.

Mike Murray, the Chief Administrative Officer for the Region of Waterloo, actually administers a region encompassing three small cities. Years ago his planners came up with the idea of a transit corridor to reduce car use in the Waterloo-Kitchener-Cambridge loop.

Mike was on the Central Ontario Smart Growth Panel. He pushed the importance of using a transit corridor as the backbone for intensified new housing development. It made so much sense that it became part of the template for the Growth Plan. The other

challenge is where to protect. The Waterloo region—unlike today's Mississauga—is rich in buildable greenfield land. But it's not sitting beside Lake Ontario, so it's critical to protect the ground water recharge areas in the region. "It's our local version of the Oak Ridges Moraine," Mike tells me. "We've always had some tools to deal with developers wanting to subdivide recharge lands. But enshrining these principles in provincial legislation would provide much greater certainty and consistency." By ensuring more development is focused within already serviced and built-up areas, the Growth Plan can help protect these lands.

Intensification will not be everywhere, but will be focused in nodes and on transit corridors. Twenty-five downtowns have been designated as Urban Growth Centres within the Greater Golden Horseshoe. By 2031, they have to reach minimum densities ranging from a low of 150 (in the majority of cities outside the Greenbelt) to 400 people and jobs per hectare in various parts of Toronto. These urban nodes will form the main focal points for a multitude of services and will function as transportation, employment and population hubs for the region.

Greenfields

Throughout the GGH, growth will still occur in Designated Greenfield Areas—the parts of the settlement area not built-up. Under the Plan, on average these areas will have to reach a density of 50 people and jobs per hectare averaged across each upper- and single-tier municipality. That's a higher density than what was normally built in the past. Specific environmental features as identified in the Growth Plan will be netted out. But lands taken by public authorities for roads, schoolyards and parks will not be



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netted out. And that has an important consequence.

If planning includes wide road allowances and large parklands, development on leftover land must be built at a higher density to reach the 50 people and jobs per hectare average. So planners will have to consider these tradeoffs between public takings and built form when planning new greenfield development.

Fostering a change in attitude is essential. Visualize the Golden Horseshoe area with 11.5 million people in it, rather than the 2001 population of 7.8 million. We need to accept that we are in a process of change and are no longer a thinly populated, semi-rural region.

This takes time. My colleague Ted Tyndorf, the chief planner of Toronto, knows about NIMBYism. He sees proposals for new condominium projects next to established neighbourhoods arrive on his desk daily. He realizes the size of the task ahead, but sees the benefits. He points out that “Greenfields are often easier to develop than certain areas of a municipality. It’s challenging for a planner to make the intensified neighbourhood fit with the existing fabric. But the rewards of success will make it all worthwhile.”

Also consider employment lands. In the Growth Plan, specific employment areas are protected from conversion to residential or big box retail and require that an adequate supply of lands be maintained; this ensures the creation of complete communities and opportunities for people to live close to where they work. Employers must realize that for continued economic health, public transit is important. We see cases where businesses choose suburban land over downtown simply because users want large floor-plate buildings and ample parking, largely in greenfield locations.

While changes are afoot and some businesses are locating closer to a variety of amenities for their staff, business leaders need to join hands with us in thinking about putting that building near a transit line and taking steps to reduce energy consumption.

Expanding Urban Boundaries

Finally, there’s the matter of expanding urban boundaries. With the population influx we’re expecting, some municipalities will

still have expansion pressure even after they’ve built intensified housing and met the other Plan criteria on their existing land. In certain cases, bringing new lands into the urban envelope will be necessary. But these municipalities will also have to meet the targets for their existing lands and clearly demonstrate the need for the expansion through a comprehensive municipal review.

The municipality has to show that, after applying the intensification and density targets, there isn’t enough land to accommodate the forecasted growth. It has to demonstrate that the timing and phasing of development within an expansion area will not adversely affect the achievement of the intensification target and density targets. For small cities within the outer ring, where attracting new jobs can be a challenge, the municipality will have to take steps toward a minimum of one full-time job per three residents in the city or town’s immediate vicinity. This will discourage the spread of bedroom communities.

If this article has barely scratched the surface of the Growth Plan, it should serve to at least suggest the ambitious scope of the Plan’s proposals—and also the vast expense for the infrastructure required to carry them out. Where is the money to come from? In the past, major investment decisions across the Golden Horseshoe have been splintered among dozens of separate regional and local governments. By virtue of the Plan, public expenditures will be (ought to be) directed strategically in tune with land use decisions.

The Growth Plan’s long-term effectiveness will inevitably depend on whether or not adequate provisions have been made to address growth in the Golden Horseshoe. Carefully as the groundwork has been laid, it is hardly to be expected that a plan as wide-ranging as this and as expensive to carry out will receive universal support.

Infrastructure costs will be high. But as Mayor McCallion says, “The costs of not doing what needs to be done will be even higher.” To stay the course is to determine a path for the future.

Ed Sajecki, P. Eng., MCIP, RPP, is Commissioner of Planning at the City of Mississauga. He was previously an assistant deputy minister with the Ministry of Municipal Affairs and Housing.



The ever-maturing skyline of Mississauga City Centre.

A Brighter Future for the Dismal Science? Can an Economist's Contribution Help the New Growth Plan Succeed?

Responsibilities for Growth Plan Fall on Broad Shoulders

Ray Conlogue

An interview with Brad Graham

CONLOGUE: You're an economist who worked for nearly two decades in the Ontario Public Service, how did you feel moving to the Ontario Growth Secretariat (OGS) and leading the Places to Grow initiative, which touches nearly every aspect of life in communities across the Greater Golden Horseshoe?

GRAHAM: That's right, I'm an economist in a planner's world. I remember early on at a public meeting, someone stood up and said he was utterly dismayed the Province had appointed an economist to head up the OGS. I told him, don't worry—I'm not a very good economist. He seemed reassured.

Truth be known, economics is well suited to growth management. An economist is trained to evaluate a wide variety of factors—typically attempting to maximize benefits and minimize costs—be they financial or societal. In growth management we have environmental and economic factors, not to mention demographic influences both in terms of total population and individual preferences. That

said, I assure you I am surrounded by talented planners and rely on them continuously.

CONLOGUE: The Places to Grow initiative had its genesis in the Smart Growth panels set up by the previous government. Was there concern the growth initiative might be derailed with the change of government?

GRAHAM: There was scepticism from some of my colleagues at Queen's Park. But good ideas have legs, and I always felt a Growth Plan for the GGH was a great idea. When the current government called for that very thing, we were able to hit the ground running. In the iterations of the Growth Plan you see much of the work of the Central Ontario Smart Growth Panel led by Mayor Hazel McCallion. The government was able to build on the ideas generated by the panel and form them into a clear and concrete plan.

CONLOGUE: Why do we need a Growth Plan for the Greater Golden Horseshoe now?

GRAHAM: We have 3.7 million more people and 1.8 million more jobs coming here over the next 25 years. Which is a good thing, since it is essential for the economic health of the region. But if not planned for

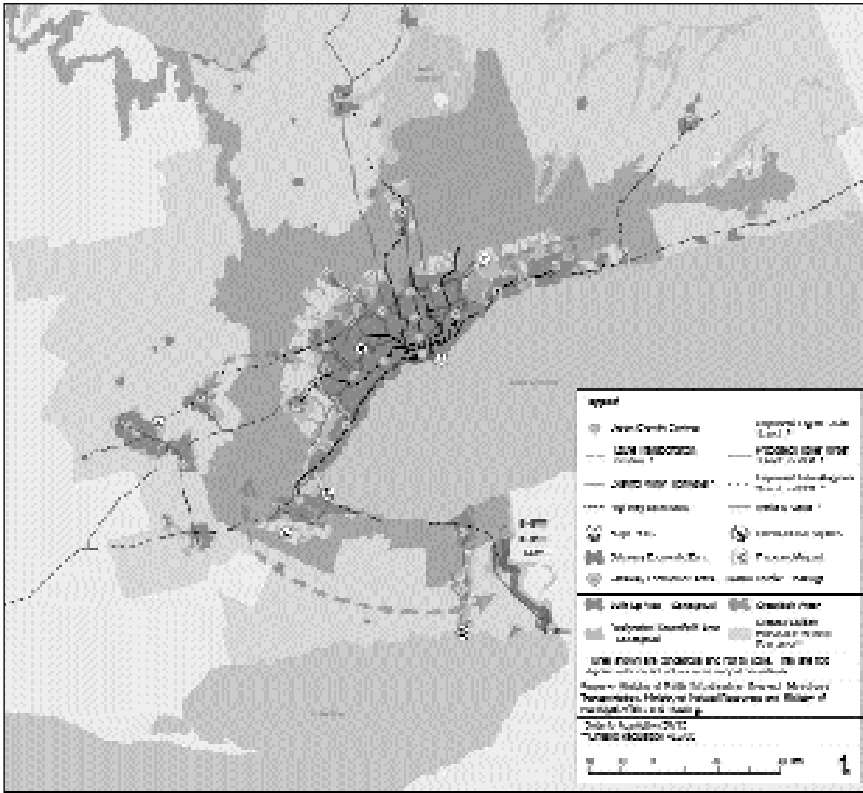


Brad Graham



The city hopes to create a vibrant, mixed-use downtown

Map: Province of Ontario



PLACES TO GROW

BETTER CHOICES. BRIGHTER FUTURE.

Growth Plan

for the Greater Golden Horseshoe

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Ministry of Public Infrastructure Renewal

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properly, could lead to a multitude of issues ranging from diminishing countryside to increased traffic congestion and poorer air quality. I believe the Plan is a hopeful plan—one that just doesn't reduce negatives but builds strong and vibrant communities.

We are competing globally with similar-sized urban regions. But it's not just about economic competitiveness; it's about promoting complete communities where people want to live. You need to protect natural systems. That calls for coordination. The Growth Plan takes economics, liveability and the environment as objectives that can be tackled together, because they are mutually reinforcing.

CONLOGUE: The province has attempted to do broad regional planning before, but not with very much success. How will the Growth Plan achieve what earlier efforts like the Toronto-Centred Region Plan did not?

GRAHAM: I would point to four things. First, there is a better and broader understanding of growth challenges. Second, strong stakeholder consensus. Third, there is now legislated authority, which comes from the *Places to Grow Act*. And fourth, the province is committed to aligning policies and infrastructure to support the Plan, as we saw with transit funding in the recent budget along with other tools and policies to support the Plan.

CONLOGUE: You mentioned strong stakeholder consensus. But surely there are competing demands across the sectors?

GRAHAM: Of course there are, and there always will be. The government worked hard to get a consensus. But we knew we did not want just a watered-down version for easy agreement. The Plan had to be meaningful. I'm proud of how we got a highest principle consensus. It took two years and hundreds of meetings, but the various sectors bought into the goal and helped us find the best way to get there. They will see themselves in the Plan, and understand, I hope, where the tradeoffs had to be made.

CONLOGUE: There's growing public acceptance, too. But we still get NIMBYism, particularly around the idea of higher housing density and intensification. How will you build public support for that?

GRAHAM: While we have seen a marked shift in the market toward people buying multi-residential housing, NIMBYism is far from dead. And since it will take years to physically build what we have in mind, we have to help people visualize it now. Once they are convinced that a more compact urban form can lead to better transit, less gridlock, that it can bring more services closer to where they live, and that it preserves

important natural areas, they'll see the benefits of growth planning. So part of our implementation plan is a public engagement strategy.

CONLOGUE: Let's talk a bit about how this looks from the municipal point of view. Is the province intruding into areas of municipal jurisdiction?

GRAHAM: I believe the province is moving back into an area of provincial responsibility from which it has been absent for a couple of decades. The Plan is directive but it doesn't "get into the weeds." It respects municipal planning. And where municipal planners struggle in the face of powerful economic and political forces, it can help them. I think it's fair to say that when the province abandoned region-wide planning several decades ago, it left local planners without the backstop and the support they needed.

There are also issues that transcend municipal boundaries, and I think local planners appreciate that. The Growth Plan gives them the traction and the tools to grow their community strategically.

CONLOGUE: How will the government ensure that decisions conform to the Plan?

GRAHAM: There are conformity provisions included in the *Places to Grow Act*. To avoid creating another bureaucracy, PIR intends to be a part of the One-Window provincial planning service for municipalities, planning boards, developers and the public.

But I believe the Plan will succeed not so much through the conformity provision but through the widespread agreement that it is the right thing to do. On their own initiative, York Region, Mississauga, Peel, Waterloo and others have held town hall meetings and summits on growth management. That's what

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I am most excited about—the imagination and initiative that will be unleashed by this Plan.

CONLOGUE: Many see transportation as the linchpin of growth planning. How will the Growth Plan coordinate new transit systems with land use planning?

GRAHAM: The cornerstone of any growth plan is the transportation network that knits it together.

What we can do is create favourable conditions to optimize transit use. We can increase densities along each transit corridor. Design our streets and subdivisions to support the integration of transit. All of which are supported by the policies of the Growth Plan.

As I previously mentioned, this direction was reflected in the recent Provincial budget, which included significant transit funding of \$838 million for projects within Toronto, Mississauga, Brampton and York Region as well as gas tax funding for transit.

We also need to have efficient economic corridors or highways linking ourselves to our largest trading partner, which includes border improvements.

CONLOGUE: In the past, local planners have said that provincial ministries often set out conflicting directions. Has the Ontario Growth Secretariat been able to break down these silos?

GRAHAM: I think we have seen significant progress in this regard. We have set up a political forum—what we call the G9—a committee involving the Ministers of Finance, Economic Development, Environment, Energy, Natural Resources, Agriculture and Food, Transportation, Municipal Affairs, and Public Infrastructure Renewal. These Ministers come together monthly to discuss issues that cross silos and contribute to the development of the Growth Plan. This coordination continues at the staff level. The success of this forum can be seen in the integration of a variety of Provincial initiatives with the Growth Plan such as the Greenbelt, Greater Toronto Transportation Authority, *Planning Act* and Ontario Municipal Board Reform for example. All Ministries have benefited from gaining a greater understanding of how one piece of work can affect others, and in ensuring that their work will function towards supporting a cohesive goal.

CONLOGUE: The *Places to Grow Act* empowers the province to create growth plans across Ontario. After the Greater Golden Horseshoe, which region is next?

GRAHAM: A good question. Many regions have expressed strong interest. We are lucky to have the work of the five Smart Growth

Panels that covered the entire province and showed us that regions have different issues, ranging from growth management to growth promotion. But as to what area will be next is still under discussion.

CONLOGUE: The new Act, and the soon to be released Greater Golden Horseshoe Growth Plan, are significant achievements. How do you feel about these accomplishments to date?

GRAHAM: As I said earlier this is a great idea whose time has come. Over the past couple of years I've had the pleasure of working with talented and dedicated Mayors, CAOs, planning commissioners, planning experts, environmentalists, developers and homebuilders—and even other economists. They've bought into the vision and given freely of their time and advice. We could not have done it without them. And I need to acknowledge the leadership of our Minister, the Honourable David Caplan, as well the people at the Ontario Growth Secretariat, for bringing this to reality.

Brad Graham is Assistant Deputy Minister with the Ontario Ministry of Public Infrastructure Renewal. Ray Conlogue is a freelance journalist.

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Planners as Agents of Change

Another way to say collaboration

Susan Taylor Simpson

One of the motivating factors in establishing the profession of planning was a concern for protecting the general health and well-being of the community. There was a sense that, provided there were adequate sewers and water, health and well-being was a function of availability and type of housing, how and where public buildings were located, where streets and highways should be built, and how access to parks and recreation facilities should be managed.

This approach worked for many years. Communities in Ontario changed slowly. Decisions about land use and its development inched forward incrementally. The pace of change was moderate and if a citizen didn't like what was happening in the community there were always options and choices. The same was true for developers, road-builders and park creators—if their projects were not needed or welcomed in one place, there were always communities that were more hospitable and receptive.

Change Happens

The pace of development accelerated as the postwar population and economy grew. After a time, and with growing demand for housing, it even became easy to create brand new communities such as Don Mills, Erin Meadows and, decades later, Cornell.

Out of necessity, planners became technocrats. For the next 50 years, the profession deconstructed the planning process and developed expertise in zoning by-laws, site plan approvals, official plan amendments, land stewardship, street-scaping, population and employment forecasts, geomatics, housing mix, transit planning, intensification and growth management. Planners have become concerned with built form, with the intricacies of municipal financing and the provision of servicing needs. Planning to support transportation and road-building has become a priority while, at the same time, there is increasing specialty in the mitigation of environmental degradation, often a consequence of rapid growth and development.

Planners had to get on top of this increasingly rapid pace of change and they had to do that within the confines of the Ontario *Planning Act* (1947) which regulated roles and responsibilities, prescribed procedures and dictated the content of official plans. By the 1970s, official plans became the framework that all local, individual and incremental decisions were supposed to support. A review of this approach was initiated

in 1991, but the Act wasn't revised until 1995 and, even then, the significant changes were limited to technical and regulatory dimensions of planning—not, as many had hoped, to the healthy, sustainable community-building that the Sewell Commission (Commission on Planning and Development Reform in Ontario, 1991) had imagined.

The complexity of planning in these times and the need to develop skill sets to address them is not unfamiliar to planners. Horst Rittel and Max Webber have been talking about “wicked problems” since 1973 and Jane Jacobs provoked debate ever since she wrote *The Death and Life of Great American Cities* in 1961 and even more recently in her 2005 *Dark Age Ahead*. The messages of all thoughtful thinkers have one thing in common—no single person or profession has all the answers and we cannot solve all the problems by one single professional approach.



Susan Taylor Simpson,
MCIP, RPP

Planning Healthy, Sustainable Communities

A good place for planners to find guidance is the renaissance of sorts that the healthy communities approach enjoyed in the early 1990s. Healthy communities, when they successfully balance economic, social and environmental factors, are the sustainable communities that planners meant to create when they started the profession. Trevor Hancock's leadership in establishing a Healthy Cities movement started to gain some traction in Ontario in the 1990s but, as it turned out, the framework could not stand up as public policy to the common sense revolution that swept the province in the later half of the decade.

And yet, as complex and as politically charged as planning issues are today, people are still people. They still have the same hierarchy of needs that Abraham Maslow identified in the 1950s and which have been taught ever since to every psychology 101 class throughout North America. Maslow's model has been expanded and modified over the years, but its basic premise that physiological and safety needs have to be met before higher order aesthetic and self-actualization needs can be satisfied is still applicable.

Much of current planning practice is directed at the practicalities of growth—where it happens, how to build the supporting infrastructure and how to protect the environment. That, combined with constant and sustained economic growth, has pushed aside concerns for human needs. The latest

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changes to the *Planning Act* and the Places to Grow policies make that evident. It's as if Maslow's hierarchy of needs is passé and people's basic physiological needs are assumed to be met or, at least, the means to have them met is equally and equitably available to everyone.

Although provincial policy doesn't explicitly support it, sustainable development is gaining momentum among planners as a theoretical approach. Its definition is a problem in that it's somewhat circular—development is sustainable when environmental stewardship, economic development and the well-being of all people is integrated, not just for today, but for countless generations to come. An additional problem with the concept of sustainable development is the lack of an agreed-upon measurable outcome of success for sustainability.

Complementary to both the healthy communities and sustainable development frameworks is a move to insert human services in the traditional growth management equations of land use, municipal financing and hard infrastructure building. Human services can be broadly defined as those services and programs that support a safe, healthy community and maintain and promote its quality of life. Approaching growth management with a conscious and proactive consideration of the human service needs that will be generated in new communities or of existing communities is a necessary element of both healthy and sustainable communities.

This approach argues every person should have access to the same level of human services, on balance, no matter where they

live. Availability of human services is a function of both community capacity and government's willingness to provide adequate funding that is also affordable, equitable, stable, flexible and accountable.

The Complexity of Integration

While gaining a clearer understanding of the function of human services in creating sustainable communities is necessary, there is a complexity about their provision that does not exist in the same way for hard infrastructure. Human service sectors tend to operate as systems—such as the health care system, the education system, the child welfare system. In addition, the human services sector, as whole, operates as an interdependent system. Prevention programs, gaps in service or a change in funding in one system have consequences that often reach beyond the direct delivery of another system. For example, the quality of care that a sick child receives in the health care system when she is three years old (not to mention the access her parents have to a hospital that will care for their child) can impact on her readiness to learn at junior kindergarten when she enters the school system. Or her grandfather may receive meals-on-wheels from an agency in the non-profit sector and go to his doctor's appointments on a wheelchair bus provided by the municipality's transit service so that he can continue to live independently at home and not become a user of the health care system.

In other cases a community asset may be built by one sector, but its benefit is shared across sectors. For example, a 211 information and referral system may be created,

funded and delivered by a charitable agency operating in the non-profit voluntary sector, but every sector benefits when citizens have a one-stop resource and referral centre.

Whether it's the impact of technology, a burgeoning health care budget or changing demographics, all of these systems are in a constant state of change and transformation. Within each of these systems there are many professions and professional analysts who hold the knowledge about how these systems work and what is needed to meet the demands of a rapidly changing and growing population.

Planners as Leaders

Planners are uniquely positioned to bridge this expanse and create linkages to inform and guide the work of sustainable community-building. But assuming the mantle of leadership is not a responsibility that planners should take lightly. The human services system is a complex one and planners must take care they do not reduce social, health or education policy to its simplest interpretations. At the same time, planners must not be cowed by the powerful institutions and the massive budgets that many human service providers have been given along with their mandate to create social equity for all citizens.

Many cross-sectoral, community-based initiatives focus on social justice, citizen engagement and collaborative leadership. These efforts, called comprehensive community initiatives, are increasingly gaining credibility and a body of knowledge to support their development.

As the planning profession regains its leadership role in planning livable communities that support, not only environmentally sustainable built form and land development, but also sustainability in terms of quality of life and economic prosperity it will find the need for new skill sets and new partners.

OPPI is a key player. The Institute can prepare for leadership in this new role in several ways:

Commit to understand and promote sustainable communities in a meaningful way

- Continue to publish articles on community sustainability in the Ontario Planning Journal.
- Add a regular column updating efforts and best practices.
- Increase knowledge about the human services side of sustainable communities.

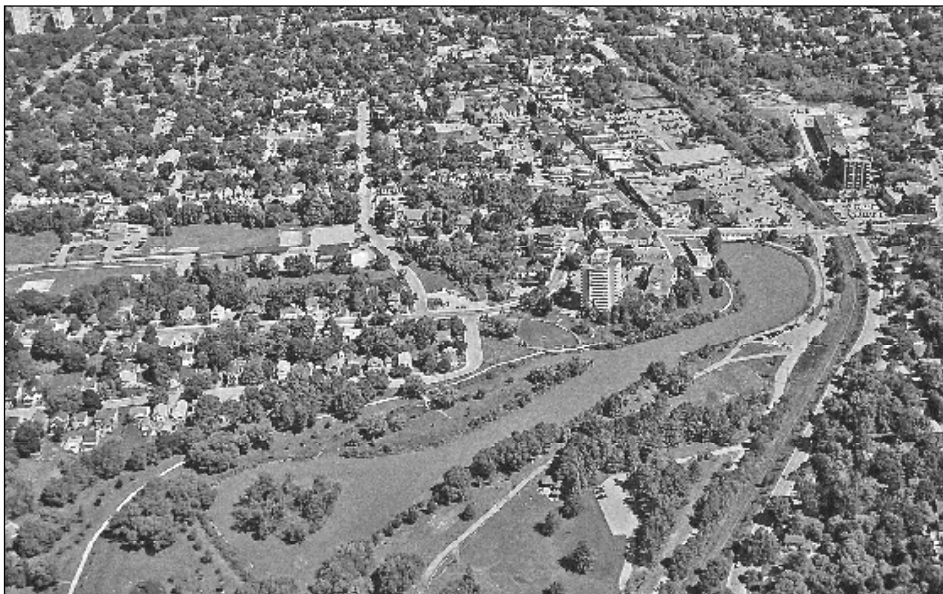


Photo: M. Manett

Planners need to connect dots between physical and social issues

Create a deliberate movement for change

- Build a vision for sustainable communities.
- Articulate OPPI's values for the human services in the elements of sustainability (that is, economic, environmental and social).
- Engage OPPI membership and partners in a dialogue of shared learning.
- Build credibility (OPPI gains expertise), capacity (OPPI shares and transfers knowledge) and capital (funds or secures funds to advance the work).

Support professional activities and policy development agenda

- Continue to identify and increase linkages between the elements of sustainability.
- Partner with other professions and institutions also working on sustainability.
- Link with existing body of knowledge that supports comprehensive community initiatives (CCIs), collaboration and practices of citizen engagement.

This is a lot to ask, but then the challenges ahead are complex. Is the profession up to the task?

Susan Taylor, MCIP, RPP is Executive Director at the Tamarack Institute. Before that, she was director of human services planning in the Planning Department in York Region. She previously contributed an article co-written with Bryan Tuckey on the short fall between human services and physical planning in the region.

This article was prepared in cooperation with Andrea Bourrie in connection with "The Shape of Things to Come," OPPI's symposium to be held this fall.

Susan can be reached at susant@tamarackcommunity.ca.

Sustainable Design: Framing a Definition

Definitions are only the beginning

Pamela Robinson

With the province's introduction of the new Bill C51 comes a tremendous opportunity for planners to reconsider and re-scope the nature of our practice. One of the common questions arising from review of the Bill is: what is sustainable design? This article speculates on the impact of the framing the definition on the success of implementation in Ontario, highlights some sustainable design prerequisites and offers food for thought with regard to our next steps.

What is Sustainable Design?

Although the notion of "sustainable design" may be a relatively new concept, municipalities worldwide have been wrestling with the broader concept of urban sustainability for over 20 years.

A review of successes and failures from practice suggest that the success of an urban sustainability strategy is dependent in part upon how sustainability is defined. At its most basic and common, sustainable development is defined as: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (WCED, 1987:43). In practice, the use of this definition has led to sustainability being interpreted as the simple sum of considering environmental, social and economic impacts upon a proposed development. Further, a review of "best practices" literature and practice related to sustainability reveals that "sustainable" is oftentimes used interchangeably with "green" or "environ-

mental" when applied to built form and design.

However, richer conceptualizations exist. Ten years ago in a "State of the Environment" report, Environment Canada offered the following commentary on the challenge of implementing urban sustainability:

"Urban sustainability is not a clearly defined, concrete objective to be reached by a certain deadline. It is an idea, a vision, to be used as a guide for sustained, multifaceted efforts over an indefinite period. It demands a long-term, comprehensive, and integrated perspective. For many people, including some politicians and public officials, these are new and difficult ideas, and they constitute an approach to urban management that does not fit well with traditional political and administrative systems. An issue of long-term, fundamental importance can easily be obscured by the apparently urgent immediate problem." (Environment Canada, 1996)

The complex, interdependent, opaque nature of efforts to address urban sustainability are punctuated here and serve as a reminder that we need to be careful how we define our terms.

Moving beyond the simplistic summative interpretation of urban sustainability, Ann Dale (2000) emphasizes the significance of the process of reconciliation of social, eco-

nomical and environmental imperatives of sustainability. Her work, among others, reminds us that sustainability is more than the simple addition of its elements, and more than good environmental performance. The process of achieving sustainability is as important as the outcomes. This process-oriented approach to urban sustain-

ability reminds us that new forms of state-society relationships, planning and design processes that take a holistic approach to sustainability are required. With the recognition that our current institutional responses and governing processes have produced our current state of "unsustainability" comes the realization that these same institutions cannot solely be relied upon to design and implement the processes needed to deliver more sustainable futures. This process-oriented

approach has significant implications for planning and designing our communities in Ontario and the opportunities created by Bill C51 are important first steps.

Still waiting for a definition?

The OPPI comments on Bill C51 offer the following insight into sustainable design in the context of Bill C51 in Ontario: "Sustainable design involves the holistic design of communities and buildings for long-term economic prosperity, social harmony and stability, minimized environmen-



Pamela Robinson



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tal impact, and strengthened cultural identity” (OPPI, p. 8, 2006).

This insight is a good starting point, but for those municipalities starting from scratch, another example from practice provides more specific insight into the specific characteristics of what a sustainable community might look like. The Toronto Waterfront Revitalization Corporation has invested significant time and energy into the development of a rich, comprehensive sustainability strategy (TWRC, 2005). This excerpt from the strategy is useful in terms of framing a bigger picture view of sustainable design:

Building a sustainable community means paying attention to several important aspects of revitalization at the same time. It is widely agreed that development is not moving in the direction of sustainability unless it is characterized by:

- Achieving exemplar standards of functional and beautiful urban design.
- Minimizing resource consumption and waste production.
- Ensuring that participation in governance is as broad as possible.
- Encouraging innovation that addresses conservation and building technologies.
- Increasing economic opportunity and self-sufficiency.
- Focusing on development that supports diversity of all types along with a strong sense of community.

The TWRC’s approach to framing sustainability is instructive because it links the basic elements of sustainability with design excellence and the processes needed to achieve sustainability such as new governance structures and inclusion in decision-making. When this list of characteristics is compared to the first definition of sustainable development, it becomes apparent that the more precise the definition, the greater the potential to achieve success and the lower the potential to achieve minimal possible standards.

However, having a good definition is only a starting point. A review of some early entrants into efforts at linking the principles of sustainability with built-form shows there are some prerequisites for success.¹

Prerequisites for Sustainable Design Success

First, it is important to note that sustainability principles must be an integral part of the planning, design and building processes—we can’t wait and add them on at the



Sustainable design solutions will reflect community character

end. The cases of the Lewis Centre, Commerzbank, Toyota's campus, and Humberwood remind us that in order to reap the benefits of investing in sustainability, sustainability principles must be an integral part of the planning, design and building processes. These projects were successful in part because sustainability was a clearly articulated goal at the beginning of the process. Efforts to integrate sustainability into the planning and design process remained constant from beginning through middle and are ongoing during the user-phase of the projects.

Also significant, one value that emerges from incorporating sustainability principles into built form is that of community engagement. The Coyote Valley visioning process, the Oberlin College planning process, the planning and design phase of the Commerzbank, and the Humberwood collaborative effort all clearly demonstrate the significance of meaningful stakeholder engagement throughout all phases of project conceptualization, planning, design, building and operation.

The value of leadership emerges when early sustainability success stories are examined. Private sector leadership through corporate sustainability strategies resulted in Commerzbank and Toyota building internationally recognized examples of sustainability principles applied to built form. Community leadership in the cases of Coyote Valley produced innovative results. Educational leadership linking curriculum with built-form was a cornerstone of the Lewis Centre, Humberwood and the University of Nottingham projects. Finally, professional leadership in the form of architects, engineers and planners pushing the boundaries of their professional knowledge

played a role by informing all of these projects.

As this article is being written, communities across Ontario are making tremendous progress on specific projects that have the potential to contribute to urban sustainability and thus making stronger communities. But it is important to remember that a series of buildings with good environmental performance (strong energy efficiency, low to zero wastewater discharge) do not collectively add up to a "sustainable community." Strong environmental performance is also no guarantee that these buildings will make an important contribution to the public realm. While we must continue to make advances on the environmental performance fronts, we must remember that sustainable communities are more than the sum of environmentally sound parts. And that good environmental performance is not necessarily linked to good design.

With the opportunities presented by Bill C51, inevitably the calls for highlighting "best management practices" will come. But we as a profession need to tread carefully here. We must balance the benefits of learning from other communities' experiences with the reminder that there is no effective cookie-cutter approach to sustainability. Sustainability projects from other jurisdictions cannot be simply parachuted into our own communities. The process of reconciliation of sustainability imperatives will need to be rooted in the ecological, cultural and economic conditions of each community. While lessons can be learned from other experiences, the leaders of each community must take it upon themselves to frame a sustainability vision that is specific to their own community.

But what does it look like?

Discussions about sustainable communities often lead to the question: what do they look like? Design aesthetes cringe at the thought of moss-covered hobbit homes adorned with the latest and greatest green-do-dads. Bill C51 now allows for design review panels, yet how these panels wrestle with the aesthetics of sustainability will be an important indicator of their ability to merge their new design-related mandates with the broader sustainability agenda. The TWRC's articulation of its sustainability principles links design excellence with sustainability principles. Their early leadership here will shed light on next steps for us all to follow.

Environmental studies Professor David Orr, when discussing his intimate involvement with the Oberlin College Lewis Centre project, stated: "We intended a [project] that caused no ugliness, human or ecological, somewhere else or at some later date." This quote eloquently reminds us of the nature of the design challenge that lies ahead.

Conclusion for a brighter future

With the introduction of Bill C51, the province has opened the door to planning



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now is: how will we respond? Will we take the most literal interpretation of the new reforms and do only what's necessary? Or will we push the boundaries of sustainability and redefine planning and design in Ontario? And, how will we begin the process of integrating the principles of sustainability into the DNA of our planning and design processes? The articulation of the principles is only the starting point. The larger challenge will come when planners are tasked with bringing the planning and design decision-making processes into line with the sustainability principles. The decision-makers themselves will have to engage a process of learning that trickles down to front-line staff.

OPPI clearly has a role to play here. Future committee and conference work will no doubt begin to draw attention to our efforts to respond to planning reform in Ontario. Recognizing that we cannot rely on our old ways of doing to meaningfully respond to the sustainability opportunities presented by Bill C51, OPPI could embrace this challenge and try to model good sustainability practice by experimenting with new decision-making and engagement processes with its members. Our individual and collective creative and intellectual capital is needed and I eagerly await our profession's response.

1 The list of prerequisites in the section that follow were developed as part of a research initiative completed for the Toronto Waterfront Revitalization Corporation in 2003. This research involved a review of the following projects which are widely recognized as being early leaders in efforts to link sustainability with built-form: Commerzbank (Frankfurt Germany), Oberlin College's Lewis Centre for Environmental Studies, the Humberwood Centre (multiuse centre, Etobicoke ON), Jubilee Campus, University of Nottingham, Toyota Motor Sales' South Campus (Torrance, California), and Getting it Right: Preventing Sprawl in Coyote Valley, San Jose California, Greenbelt Alliance.

Pamela Robinson teaches in the Ryerson School of Urban and Regional Planning. She is an award-winning educator who has also consulted on sustainability with the TRWC and other organizations. This article is based on a presentation made at a recent Urban Leadership seminar on Bill 51 convened by the Canadian Urban Institute. References can be found in the on-line version of this article (www.ontario-planners.on.ca). Follow the links to Ontario Planning Journal.



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Standards of Practice Revisited “Conflicts of Interest”

David Shantz

This article is the first in a series about the four individual Standards of Practice adopted by OPPI Council and posted on OPPI's website.

Throughout my experiences as a planner I have rarely had a day where the competing priorities of private and public interest do not intersect. Planners have the unique and often challenging duty of not compromising their ethical and professional obligations to the public interest while providing professional services to clients. If we step back from what might seem like mutually exclusive and sometimes contradictory goals, and look at public and private sector planning goals through the Independent Professional Judgement lens, we may begin as planners to see that a strong relationship exists between providing a service to a client and in meeting the responsibilities of the public's interest.

As planners who are members of OPPI, our first memories of the applicability of conflict of interest considerations in planning may well have been through our understanding of the Code of Conduct acquired in preparation for completing OPPI Exams “A” and “B.” However, we need to see this as more than just an academic exercise in order to gain professional designation and membership in OPPI.

The OPPI Standard of Practice respecting the principles underpinning Independent Professional Judgement states:

- While the primary responsibility is to provide a service to a client or employer, there is also a responsibility to the larger society (public interest) that may at times supersede a planner's responsibility to a client or employer . . .
- A planner shall not perform work if there is an actual apparent or foreseeable conflict of interest, direct or indirect, or an appearance of impropriety, without full written disclosure including related work for current or past clients and subsequent written consent by the current client or employer . . .
- [A planner must] zealously guard against conflict of interest or its appearance.

Simply put, the collective purpose of OPPI's Standards of Practice is to ensure the highest

standards of conduct and ethics are followed. The threat of discipline for not abiding by the rules of conduct is a good and necessary procedure for any professional organization. A refusal to acknowledge a conflict of interest not only undermines our personal credibility as planning professionals, it also reflects poorly on the profession in the eyes of the public and can lead to bad planning decisions and mistrust. More importantly, the Standards of Practice emphasize certain practices that should solidify a level of integrity at the core of our daily professional approach. What is critical to the profession as it applies to an understanding of conflict of interest is that an emphasis on maintaining good judgement and providing informed decisions at all times is imperative.

**Judgement on the matters
at hand should be the rule
when being asked for a
professional opinion by a family
member or friend.**

Each possibility for conflict should recognize the set of circumstances involved and force the planner to use judgement to identify perceived or real personal advantage and force planners to ask themselves: what is the role that I

am playing in this particular process?

Sometimes as planners we are asked to represent family members and friends in obtaining development approvals, often for their personal residences. In giving our informal advice to them as to the merits of the proposal from a planning perspective and any weaknesses, it is our duty to also advise them that in the event that they wish us to represent them in a public forum, whether in meetings with stakeholders or more formal hearing circumstances, we are obligated to fully disclose the nature of our relationship. Further, we must advise them that the integrity and impartiality of our advice could be questioned by decision makers and the public because of the perception of a bias brought about by a personal relationship and thus an appropriate proposal could be denied.

Judgement on the matters at hand should be the rule when being asked for a professional opinion by a family member or friend. A referral to a colleague for their opinion is the best course of action in such circumstances, but in instances where this would be problematic, the implications of the full disclosure of the relationship must be discussed beforehand so that an informed decision may be made by the person requesting our representation.

In summary, planners in carrying out their duties to clients, at all times must not lose sight of their duties to the larger society. At the very least, adopting an approach to planning that routinely identifies, discloses and averts potential conflict of interest requires planners to maintain an awareness of instances where there may be perceived to be a potential personal gain or benefit directly or indirectly from the planning process, or where personal relationships may be perceived to influence opinions given and subsequently may impact on the outcome of the planning process. More importantly, the integrity of the profession and the ability of planners to make a positive contribution to the communities in which they work demands a heightened awareness of always using the resources available to provide informed independent professional judgement.

David Shantz, MCIP, RPP, is an Ottawa-based planner. This article presents a summary of the Standard of Practice respecting conflicts of interest and does not purport to give specific advice. Reference should be made to the Standard itself with respect to the policies and procedures to be followed.

Introducing a new OPPI Student Delegate: Rachelle Ricotta

First of all, I would like to thank you for the opportunity to represent planning students of Ontario to OPPI. I hope to accomplish much during my term as OPPI Student Delegate by being a strong voice for Ontario planning students. I would like to take this occasion to tell you about myself and what I plan to do this upcoming year.



Rachelle Ricotta

Although I am a newcomer to Ontario, I feel I already have a good sense of the professional planning community here. I have recently finished my first year of the Master of Science in Planning Program at the University of Toronto, which

has exposed me to planning issues in Ontario. It is an exciting time to be involved in planning in Ontario.

So, if I am a newcomer to Ontario, you may be wondering where I lived before. I am originally from Dunkirk, New York. Having grown up on the shores of Lake Erie in a small city, surrounded by farmland, I appreciate both the urban and rural issues of planning. Dunkirk exposed me to planning on a local level, but my desire for more urban living led me to Buffalo, New York. I received a Bachelor's degree in Urban and Public Policy as well as one in Sociology from the University of New York at Buffalo.

Living in Buffalo made me realize that abundant opportunities exist for reinventing once-declining cities. I outgrew Buffalo, just as I had Dunkirk, so I moved to Toronto, which I won't outgrow anytime soon. Each place has provided me with essential life lessons and different planning perspectives that I will always keep with me. Who knows where the next stage in my life will take me. Maybe further north. Sioux Lookout?

The potential to make the student member component of OPPI more structured has come out of the hard work of the past student delegates, and I applaud them for their efforts, especially the completion of the OPPI Student Handbook. I hope to take my predecessors' work and fulfil their vision by implementing a lasting structure for the election of student representatives and for communications among them. The structure will promote interaction among students from each planning school. Opportunities for planning students to meet and discuss their educational paths as well as topical issues of the day are important for developing connections between individuals who may one day be working together. I hope to create some of these opportunities for my fellow planning students with the help of OPPI and the student representatives.

I will also promote OPPI activities that help planning students develop the skills they need to find solutions for the difficult hurdles that face communities in Ontario and throughout the world. Through this position, I hope to create more bridges between planning professionals and students, so that the transition from academic to professional life is easier. I am up for the challenge, and with your support, I intend to be a strong voice for the planning students of Ontario.



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Central

Dundas Square a “hot topic” for York University planning alumni and friends

Salina Abji and Danielle Anisef

The revitalization of Dundas Square promises to be a hot topic and venue for York University’s second annual planning alumni social on Wednesday, June 28, 2006.

Hosted by the MES-York Planning Alumni Committee (“MYPAC”), the social will build on the success of last year’s launch event by providing an opportunity for alumni, faculty and friends to re-connect in another newly revitalized area of the city. Dundas Square—one of Toronto’s most talked-about public spaces—will form the backdrop of the event, as attendees socialize atop the fifth floor patio at Olympic Spirit, a recently opened venue overlooking the square.


“We wanted a venue that would capture the energy and liveliness sparked by our first annual event,” explains Oren Tamir (City of Toronto), chair of MYPAC. “Each year’s event will be held in an area in transition—this is our way of both expressing and appealing to the innovative characteristic of our alumni community.”

Dundas Square grew out of a revitalization effort by the City of Toronto and the Downtown Yonge Business Improvement Area. Unlike other civic squares in the city, Dundas Square operates as a business venture, with a full Board of Management and opportunities for hosting private community celebrations, theatrical events, concerts, receptions and promotions in addition to acting as a public open space. Surrounded by large commercial billboards and bustling city activity, the square has garnered considerable interest as well as criticism from planners and citizens alike.

In addition to being supported by York’s faculty of environmental studies, York’s alumni association, OPPI and NRU, the event receives support from a number of industry organizations. “We are delighted to announce returning sponsors Bousfields Inc., Cassels Brock & Blackwell LLP, McCarthy Tétrault LLP, and Urban Strategies Inc.,” said sponsorship campaign co-chair Sabrina Colletti (CH2MHill). “We’re also thrilled to



Dundas Square



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welcome the City of Toronto Economic Development Corporation, Clayton Research Associates Ltd., R.E. Millward & Associates Ltd., and Weston Consulting Inc. as new sponsors of the event.”

Founded in 1968, York's faculty of environmental studies masters program features a diverse planning stream that is recognized by the Canadian Institute of Planners and the Ontario Professional Planners Institute. Graduates of the program hold a wide range of public and private sector positions in the planning and development field, and have made significant contributions to the revitalization of urban and regional areas both locally and internationally. You are invited to overlook Dundas Square, while networking with planning and development professionals, colleagues and friends on Wednesday, June 28, 2006.

Salina Abji and Danielle Anisef, Faculty of Environmental Studies, York University

Eastern

Eastern District Meets One on One with Minister Gerretsen

Don Morse

Since January, Eastern District Planners have been working on a number of program events including: a town and rural planning workshop, the summer social on the Market and special fund-raising events for OPPI House; and a Habitat for Humanity project, culminating in the construction of a residential home this summer.



John Gerretsen

The most recent event was the meeting in Ottawa with the Minister of Municipal Affairs and Housing, John Gerretsen, who wanted to hear our views on Bill 51. The views expressed were thoughtful, creative and helpful in exploring the strengths and weaknesses of the proposed legislation. The Minister was fully informed about the details of the legislation, spoke vigorously about a number of the provisions in the Bill and

expressed appreciation for the chance to have an open dialogue with planners. This was the first time a Minister has sat down with OPPI planners from the eastern district.

Also recently, members of the Eastern District Executive and the OPPI Membership Chair, Ron Keeble, have met with staff from the City of Ottawa to discuss various membership concerns that have arisen since amalgamation.

The Eastern District Executive Committee has expanded and now includes the following members: Stephen Alexander, Darryl Bird, Tim Chadder, Nadia De Santi, Natalie Hughes, Charles Lanktree, Don Maciver, Colleen Sauriol, David Shantz, Michelle Taggart, Kate Whitfield and Pam Whyte.

Don Morse, MCIP, RPP, is Eastern District Chair.

Southwest

Southwest Planners Take Manhattan

Jim Yanchula

On April 20, 2006 Lasalle, Ontario, Planning Director Larry Silani and Jim Yanchula, the City of Windsor's Manager of Urban Design & Community Development, addressed an enthusiastic group of about 50 land use and transportation planners from the New York City area at the New York University Robert F. Wagner Graduate School of Public Service Rudin Center for Transportation Policy & Management.

Speaking on the topic "Smart Growth, Smart Transportation" their remarks focused on Lasalle's recently approved Bouffard sec-

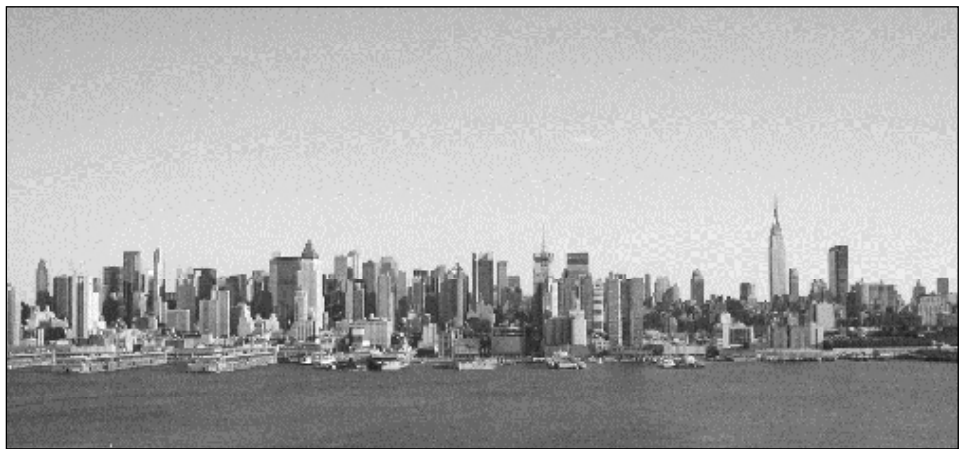
ondary plan and form-based zoning code intended to develop a "new urbanist" community, and Windsor's performance-based development incentives in the final approval stages for the City Centre West Community Improvement Planning Area. Former New York City Traffic Commissioner and event moderator Sam Schwartz [credited with inventing the term "gridlock"] noted both the symbolism and challenge of pursuing these two planning initiatives, based on pedestrian- and transit-friendly development principles, in Canada's Automotive Capital. A half-hour Q & A period followed their remarks, where questions from audience participants tended to gravitate around the idea that, while Manhattan might be one of North America's most pedestrian-friendly urban areas, the sprawling tri-state greater New York area is as challenged by vehicle-dominated development patterns as much as anywhere else.

Jim Yanchula, MCIP, RPP, is Manager, Urban Design & Community Development, Planning Department, City of Windsor.

People

Northern District Planner Takes Award

Sue Heffernan recently received the Ministry of Municipal Affairs and Housing Reach for Excellence Award for Outstanding Achievement by an Individual for her 12 years of advisory service to the Town of Moosonee. As part of her work with the Town, Sue travelled to Moosonee over 40 times and assisted the Town with a



New York Appeal

wide range of infrastructure issues. Sue also recently taught a third-year Northern Development Issues course in the Geography Department of Laurentian University. The course focused on development issues common to both the SubArctic and Arctic. Sue chaired the 1996 OPPI Provincial Conference in Sudbury. Early on in the development of the Ontario Planning Journal, Sue was the Northern Ontario Council rep for several years and played a key role in a crucial business planning meeting held to map out the future of the magazine. She is currently the Senior Municipal Financial Advisor for MMAH's Northeastern Ontario office.



Sue Heffernan, MCIP, RPP



Tija Dirks

iTrans Consulting has been named as one of the top ten small and medium sized employers in Canada by the *Globe and Mail*.

Partners in the *Globe* project are Queen's School of Business and Hewitt Associates, a global human resources outsourcing and consulting firm. The study was coordinated through the Queen's Centre for Business Venturing, whose mission is to improve the odds of success for new ventures. **David Kriger**, the Ontario Planning Journal's contributing editor on transportation, is a part-

ner with iTrans. The firm has 58 employees, and a client list that spans the country and beyond. According to the survey, iTrans scored highly for "employees' conviction that the company's senior managers provide effective leadership." Each new employee is matched with a mentor to "provide advice and to help develop the individual's career." Those who've been there five years are rewarded with a weekend getaway for two at a local resort. Employees at iTRANS also choose one of their colleagues to receive an award of excellence. The winner gets a free trip to a professional conference anywhere in North America. The company emphasizes training and development through its "lunch and learn" program and has a corporate Toastmasters club to help employees get comfortable with talking to a crowd.

Tija Dirks has been named a director with the Ontario Growth Secretariat in the Ministry of Public Infrastructure Renewal. Among her previous roles, Tija worked at the Waterfront Regeneration Trust.

Karen Nasmith, a graduate of McGill's School of Urban Planning, has joined the Planning Alliance as a Senior Planner. She previously worked as an environmental planner at Dillon Consulting.

Kim Warburton has joined GE Canada as director of communications and government relations. Before that she held a similar position at Bell Canada. Kim will be working with the former head of the Toronto Board of Trade, Elyse Allan, who is now president of GE Canada. Kim remains active with the Board as a member of their policy committees.

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Editorial

Here Comes That Word Again

Glenn Miller

Although the Ontario Planning Journal does not identify specific themes for individual issues, occasionally circumstances conspire to make it seem as if we do: this is one such issue. Over the past 12 months, there has been a growing interest evident among our contributors in how to think about sustainability. We even have a dedicated column on the subject.

Perhaps it has to do with gearing up for the World Planners Congress and the World Urban Forum; or possibly the influence stems from the burgeoning stock of new legislation issuing forth from the province which is stretching (snapping?) our synapses in new and challenging ways. Whatever the reason, we hope that the contributions in this issue on matters related to sustainability from a variety of perspectives help get you thinking about your own practice and the way you go about your business. You have your choice of thinking in the context of new legislation, in the abstract, as a stimulus to collaboration with other disciplines, or learning from a third world country.

For planners in the employ of government—municipal, regional, provincial, federal or agency—the directional signposts that guide what passes for leadership have been generally pointing in the same direction for some time. The excuses not to push for change are get-

ting steadily fewer. As hinted at in this space previously, not all efforts are as thorough or sincere as they might be. As we adjust to the wealth of new legislation and match this with practice—it will not happen overnight—nor should it—planners in private practice or those working for developers have the opportunity to take on a still-to-be-defined responsibility to persuade, educate their clients and their employers that business can be done differently. Something to think about.

Glenn R. Miller, FCIP, RPP, is editor of the Ontario Planning Journal and Director, Education and Research with the Canadian Urban Institute based in Toronto. He can be reached at editor@ontarioplanning.com.


LETTERS TO THE EDITOR


Send letters to editor@ontarioplanning.com

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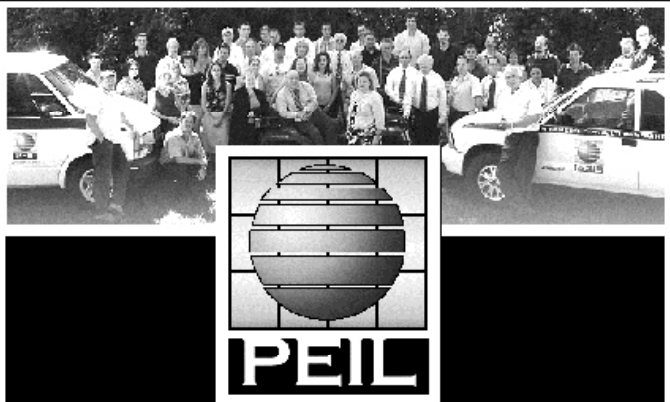




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The Trouble with Taxation

I am not an expert on taxation. However, as an ordinary citizen, I am convinced that property taxation, as it is practiced in Toronto, is fundamentally wrong and immoral. As a professional, I know that taxation policies in general profoundly affect human consumption and human behaviour. I also know that the government is perfectly capable of forging policies that support community planning, sustainability, energy conservation and adherence to the Kyoto Protocol, but, at the same time, through its taxation policies, forces people to do the opposite of (what public policy seeks to achieve). The human propensity to complicate issues is amazing.

On a number of occasions, I have suggested that the so-called “market value” tax should be imposed only on the buyer and not automatically on the innocent owners of the surrounding houses. It was explained to me that this would result in a situation where two identical houses would be taxed differently. That thought is apparently unbearable to the existing bureaucracy as well as to most politicians. It is strange how a noble notion of equality can be perverted into a blatantly antisocial policy. I wonder if a taskforce could be set up to explore this subject. Somebody has to explain to the politicians the existing contradictions. It is quite possible that they may not even be aware of them.

(As a result of the perversity of market value taxation), I will soon be leaving my house in the near future. After 36 years in Cabbagetown, I will have to move to a “cage in the sky” if I wish to stay in downtown Toronto.

Vladimir Matus, Toronto

(The preceding note was received from Vladimir Matus following a Canadian Urban Institute seminar on market value taxation.)

Jane Jacobs—Make No Mistakes Twice

Robert Millward

Jane Jacobs enriched all of us with her powerful articulation of principles about how cities can grow. The principles are still valid, and the challenge to the planning profession is to learn to apply those principles to all newer forms of development, including small towns and rural areas, the rapidly growing suburbs,

and higher density/high-rise urban centres. She clearly wanted us to learn from history, in order to avoid repeating the mistakes of the past. In her memory, we should go forward and embrace Jane Jacobs’ passion for urban areas in dealing with the many planning and development issues confronting the profession today.

Robert Millward, MCIP, RPP, is the principal of R.E. Millward & Associates. He was Commissioner of Planning for the former City of Toronto from 1987 to 1996.



Jane Jacobs and June Callwood

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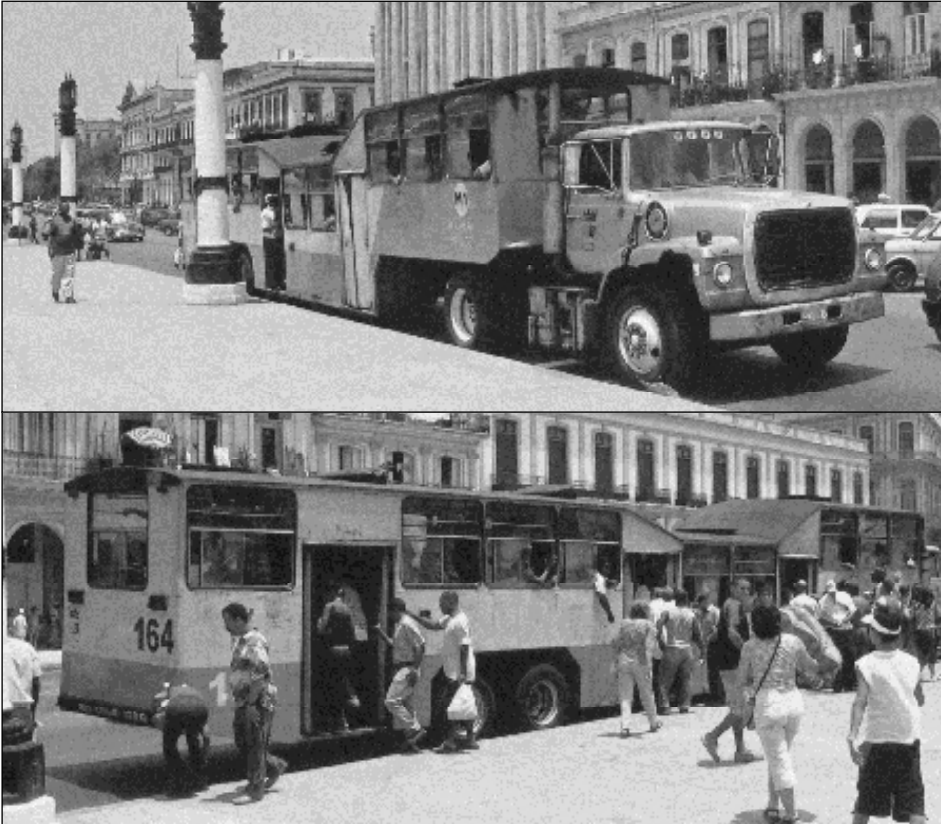
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Sustainability By Necessity

Paul Bedford



The Camel buses do a remarkable job of moving people

For many planners, the World Planning Congress and the World Urban Forum will be like going to planner heaven. All eyes will be on Vancouver and all minds will bear down on the theme of sustainable cities—turning ideas into action. In Canada, sustainability has been in vogue for some time. While most of our municipalities have sustainability policies embedded into their official plans, sustainability is still an option. It has not yet become part of our collective DNA.

The irony is that we can learn a lot from countries where sustainability is a necessity for daily survival. Cuba is such a place. Despite a trade embargo of almost 50 years, oil shortages and a crisis in housing and transportation, the Cuban people have continually found new ways to cope with these challenges. In my work with the Canadian Urban Institute, I recently returned from a unique opportunity to meet planners from across

Cuba over a ten-day period and learn how Havana and Cienfuegos have managed to turn ideas into action with extremely limited resources. While this was my fourth trip to Cuba, I came away with a fresh appreciation of the power of ingenuity, creativity and adaptability.

Facts of Life

Two overriding themes that identify Cuba to the world are the 1959 revolution and heritage. All the rest are accidental, except the inventiveness and pride of the people to overcome impossible obstacles.

To paint a clear picture of the current state of affairs, it is essential to understand how different Cuban life really is. The top two priorities are public transportation and housing. Since the collapse of the Soviet Union in 1992, Cuba has experienced extremely hard times. Oil shortages changed daily life overnight and necessitated a drastic reduction in

the Havana bus fleet from 2,000 to 400 buses. Only 18 garbage trucks were in service at the peak of the crisis to serve the city. The lack of oil also resulted in power blackouts of up to 18 hours a day. Given the magnitude of these events it is revealing to learn how Cuban society coped and how planners perceive their role in shaping the future now that things are starting to improve.

Since I spent most of my time in Havana and given its population similarity to Toronto, it is a useful reference point. Havana is a city of 2.2 million. Later this year it will celebrate its 485th anniversary. It is the largest city in the Caribbean with a very dense urban fabric throughout most of the city.

Public Transportation

Havana does not have a subway, but used to have a very extensive streetcar system comprising almost 500 streetcars that served the city from 1858 to 1952, when buses replaced the streetcar fleet. The oil crisis of the 1990s saw the introduction of “the Camel,” a unique Cuban creation. The Camel can best be described as a mobile home-like extended trailer with three sets of doors and windows that is towed around by a truck. Its two humps account for the name. These vehicles are the backbone of today’s public transit system and carry huge volumes of people. However, service is sporadic. It is a stopgap measure that was designed to move people with minimum of cost and fuel usage. The Camels are always packed with riders despite their total lack of amenity.

During the depth of the oil crisis, much of the population depended on bicycles with the horse and buggy returning as basic transportation. Generally speaking, car ownership is quite low with classic 1940-1960 vehicles still in common everyday use through the amazing mechanical skills of their owners. I was told that the most coveted car was a 1951-1953 Chevy, given its simplicity and long-term dependability. These cars can still command a high price on the private used car market.

To help cope with the unmet demand for transit, the Cuban government has made it mandatory for all government vehicles to pick up riders where possible. It is therefore common to see cars and trucks with blue gov-

ernment license plates stop to pick up passengers throughout Havana. The theory is simple. Move as many people as possible by maximizing available fuel.

Clearly, Havana is in dire need of a full-scale bus fleet. They are in the process of trying to obtain used buses from cities around the world, including Toronto, to get them through the next five years. By then it is contemplated that new buses will be brought into service. Ultimately, a return to streetcar service represents a long-term dream.

Housing

The enormous need to renovate the housing stock in much of Havana without the participation of a private sector economy presents very special challenges. Given the age of the buildings, their heritage value and the lack of maintenance over the past 50 years, it is difficult to know where to start. In Cuba there are three types of residents to house: squatters who have simply occupied buildings, long-term tenants who typically have lived in the same building for most of their lives and residents who had title of ownership to their residence before the revolution.

Heritage buildings in old Havana are being renovated on a priority basis with funding from the government, the \$25 airport exit fee paid by all tourists and from various international sources. Since there is never enough renovated housing to accommodate the demand, incentives are offered by the government to squatters and long-term tenants in the form of an ownership title to newer apartments built mainly by the Russians, located in the suburban fringe around Havana. As many of these apartments have remained empty given the distance from the centre of the city, this policy has generally worked quite well to allow residents who had title before the revolution and long-term tenants to re-occupy renovated units in heritage buildings. A mix of schools, community facilities, hotels, commercial and social housing for all age groups are included in the program for renovated buildings to maintain the social mix of residents that existed prior to renovation.

An innovative form of transitional or interim housing for families and isolated seniors has been built with assistance from Canada on vacant lots located within the same area being renovated. This allows the long-term connections to the neighbourhood to remain intact during the renovation process, which generally takes about two years. It is obviously very well received. The interim housing will continue to provide a temporary home for other local residents as their buildings go through the renovation cycle.

Waterfront

Havana has its own equivalent of a port authority that is responsible for traditional port activities, including a cruise ship terminal. However, the Havana Port Authority is also charged with reclaiming the water's edge for public use and for cleaning up the pollution in Havana Bay. As such, it is a combination of the Toronto Waterfront Revitalization Corporation and the Toronto Port Authority.

It is currently in the process of turning an abandoned warehouse into public space complete with a waterfront promenade. Needless to say they were most interested in learning about Toronto's success and failures and particularly liked the principles enunciated in Toronto's *Making Waves* Waterfront Plan. A major focus of their work over the coming years is the improvement in water quality of the Bay through remediation measures.

Metropolitan Park

Development of the Metropolitan Park bordering the principal river in an area of Havana is a life-long project. It encompasses 700 hectares that has been continually evolving since the revolution. It is a huge river valley similar to Toronto's Humber and Rouge Rivers, comprising open space, environmentally sensitive areas, neighbourhoods, industry and active recreation. Children's programs, reforestation, safety enhancements and water quality improvements are all transforming this major asset into a prime amenity for the public. What is perhaps most special is that the Metropolitan Park has captured the love of the people who value the park more and more as it continues to evolve. This was the project that launched CUI's involvement more than ten years ago.

City Model

One of the most fascinating experiences for a planner is to see the full scale model of Havana. It fills the space of a typical school gymnasium and took many years to complete. The model clearly traces the founding of Havana in the 1500s, and documents its growth and evolution into the 15 municipalities that make up Havana province. It is a marvellous tool to study the urban structure of the city for planners, but is also an attraction for local residents, students and tourists. I spent almost two hours listening to the story of the city, but could have easily stayed all day. It is something that any major city should have as an education tool. Toronto should be so lucky.

However, perhaps the most astonishing feature of the model is the materials used to make it. Given the cost and unavailability of

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wood, thousands of re-cycled cigar boxes were painstakingly cut into the thousands of shapes to make the model. It is a marvel to behold and is a testament to the determination of Cuban planners and architects to find other ways to achieve their objectives. It is a small but practical adaptation of sustainability in action.

Reflections

City planning is going through a transformation in Cuba from a traditional physical approach to a more holistic and sustainable approach that places equal weight on social and community objectives. Cubans know a lot about plan preparation, but have realized this can't be done effectively without embracing a city's values. They emphasize the importance of listening to the city and share a strong belief in a "speaking city" that people care about. They are fully aware that any real change must begin with the public. This may sound strange, given the communist system of government, but despite all the problems, the people still share a deep sense of pride that the city belongs to them.

After years of hard times, the GDP of Cuba is growing by 9 percent a year. A massive energy revolution is under way that involves replacing every light bulb and all fridges with new low-energy-consuming devices. The oil crisis clearly forced the government to re-think how it would meet its energy needs in a more sustainable way. Transportation planning policies encompass the value of moving less.

The government has to make changes to succeed. It must break out of the past and create opportunities for people to move forward. Much speculation is devoted to the future after Castro. There is a fear that the

U.S. may try to invade and overthrow the system to install democracy. There is also a sense that the U.S. isn't very successful at engaging people around the world. I believe the Cuban people will be cautious towards the future. Most of the population was born since the revolution and has not engaged with the outside world. They are most appreciative of an approach from foreigners that is sensitive to their goals and embraces change with communities.

Western democracies often view civilization through one prism of economics without the additional lenses of social perspective. Canada likes to see itself through multiple prisms that are broader than economics alone. However, as our track record with Kyoto clearly demonstrates, Canada needs to do a lot more than just mouth the words of climate change and sustainability. It needs to seriously embrace a sustainable revolution before we lose the luxury of choice and we are forced to make drastic changes. This takes public education, political will and strong leadership. Planners can play an important role in leading this process by making sustainability a way of life rather than just a nice thing to do. Just ask the Cubans.

Paul Bedford, FCIP, RPP, is contributing editor for Planning Futures. Paul acts as an urban mentor, providing advice on planning issues. He is a frequent speaker, and teaches at the University of Toronto. He also serves on the National Capital Commission Planning Advisory Committee. Paul's role in Cuba as a Senior Associate of the Canadian Urban Institute is made possible through programs funded by the Canadian International Development Agency.



The model materials have been recycled

Congestion and Its Impacts

David Kriger

Traffic congestion is commonly cited by residents and businesses as one of the most serious problems that plague our urban areas. The relief of congestion is similarly identified as a key objective of many official plans and transportation master plans. However, until recently, there has been little consensus in Canada on what we mean by congestion, let alone how to quantify it. Without this understanding, it is impossible to identify ways to actually do something about congestion, to get public and political acceptance for the necessary actions and to measure the effectiveness of these actions.

The Hon. Lawrence Cannon, Minister of Transport, Infrastructure and Communities recently released a study which estimated that congestion costs up to \$3.7 billion each year in the country's largest urban areas. The Cost of Urban Congestion in Canada worked out ways to systematically quantify congestion, its impacts and its costs. The nine urban areas examined by the study included the GTA, Ottawa (with Gatineau) and Hamilton.

The study looked at the costs of three impacts of congestion: delay, fuel and greenhouse gas emissions. Delay refers to the time lost to travellers due to congestion. This required, in turn, the determination of the point at which congestion actually is considered to start. This "threshold" was found to

be a function of posted or free-flow (i.e., unencumbered) speed. For example, a 50 per cent threshold on an expressway that has a posted speed of 100 km/h means that vehicles moving at less than 50 km/h are considered to be experiencing congestion. Thus, congestion is not so much a function of volume as it is of speed: this is important, because our transportation plans typically refer to volume-to-capacity (level of service) ratios as the basis for determining when new infrastructure is required—but the volume-to-capacity ratio does not measure congestion.

The choice of threshold also depends on local conditions and perspectives, which means that an average speed of 60 km/h might leave Queensway drivers in Ottawa fuming, but would represent near-ideal conditions on the Don Valley Parkway. Accordingly, the study estimated congestion at different thresholds of 50 percent, 60 percent and 70 percent (thus, the higher the threshold, the more trips are made at congested speeds). The time lost due to congestion has an associated monetary value, which varies as a function of each urban area's average wage and according to the purpose of the trip (meaning that time is valued higher when a traveller must reach his/her destination at a particular time—such as a work meeting).

Similarly, the amount of additional fuel



Photo: Go Transit

Now we know the price of congestion is too high

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“wasted” under congestion and the resultant additional greenhouse gases could be calculated, with monetary values assigned to both.

The study found that the annual cost of congestion in the GTA was as much as \$1.6 billion in 2002, representing almost half the total cost of congestion in Canada. All told, these costs are considered to be conservative, because they represent only auto drivers (only partial data were available for truck traffic, so the costs of truck congestion could not be included) and only peak period conditions (congestion is growing rapidly in the daytime off-peak hours, but, again, data were insufficient to analyze this). These additional costs are not trivial: a oft-quoted 1987 study found that congestion cost truckers in [former] Metro Toronto and Peel Region approximately \$2 billion a year. Still, the impacts that were included mean that congestion costs each commuter something of the order of an extra cup of coffee or newspaper every day (to speak nothing of additional air pollution, noise, extra health costs, vehicle operating costs or the costs of lost productivity). For all urban areas, delay represented upwards of 90 percent of the total costs, with wasted fuel comprising another

7-8 percent and GHG emissions a further 2-3 percent.

Through an extensive, nation-wide consultation among urban and provincial transportation authorities, the study also identified the need for further analyses, of which two figured prominently. First is the need to measure congestion's impact on transit. The study developed a preliminary congestion indicator for transit—that is, for buses and streetcars operating in mixed traffic. Second is the need to account for variable congestion (that is, the random congestion that occurs from traffic accidents, stalled or spilled vehicles, street cleaning and other seasonal road maintenance activities, construction or inclement weather). Both needs are planner-friendly: the first states, quite clearly, that the solution to congestion must include much more than simply building new or widened roads; while the need to minimize variability in trip time (that is, to increase reliability) is cited as a key factor by travellers in their decision to use transit.

Why else should this study matter to planners? Three key reasons: First, the study provides the first comprehensive, nation-wide means of quantifying congestion—which, as

noted, is the first step to finding solutions and, also as noted, these solutions are not just about putting more cars on the road. Second, the monetization of the issue means that the problem and potential solutions (including doing nothing) can be expressed to the public and to decision-makers in tangible terms that hit home. Third, the study provides more comprehensive means of evaluating transportation plans, since it looks beyond the single peak hour (which is the focus of these plans), and also provides a basis for examining the broader economic impacts of congestion such as, how firms—aka jobs—and households make locational decisions.

David Kriger, P.Eng., MCIP, RPP, is Vice President of iTRANS Consulting. He was the primary author of The Cost of Urban Congestion in Canada study. More information can be found at www.tc.gc.ca/programs/Environment/EconomicAnalysis/menu.htm, or contact David at dkriger@itransconsulting.com. David, the Ontario Planning Journal's Contributing Editor for Transportation, welcomes submissions for the Transportation Column.



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DELSCAN

Planning for Youth Skateboard parks: A great tool to enhance creativity, focus, and fitness

Adriana Gomez

Since skateboarding became popular in the 1960s, many people have associated skateboarding with crime. Governments tried hard to discourage the activity and planners and architects struggled to design public spaces that aimed to discourage skateboarders. In spite of all this, skateboarding continued to grow, becoming the third largest participant sport in North America for the 10 to 18 age group. Today, the world is starting to acknowledge the value of skateboarding to boost creativity, develop self-discipline and concentration capacity, and keep youth active and focused. Most North American cities have inadequate facilities to practise the sport; it is crucial that municipalities address this underserved, yet sizable, group of the population.

The numbers, the trends

Did you know that in the last years, more people were skateboarding than playing baseball in America? “The feeling of weightlessness, of fading into pure motion can’t be beat. There is nothing like it. That’s why skateboarding is so popular,” writes a skateboarder in an e-magazine. Statistics from Canadian and U.S. cities show that 4 to 7 percent of the total population are skateboarders. This means that in a city like Toronto, there could be up to 170,000 practitioners! Moreover, industry manufacturers expect the sport to continue growing.

A survey conducted by the City of Toronto indicated that 83 percent of skateboarders were between the ages of 10 and 18. Nevertheless, in skateboard parks it is common to find 40+ year old practitioners and 6-year-old beginners.

Addressing Community Concerns

Today it is still common to face some degree of resistance from neighbours in the communities where skateboard parks are proposed. Here are some answers to the most common concerns:

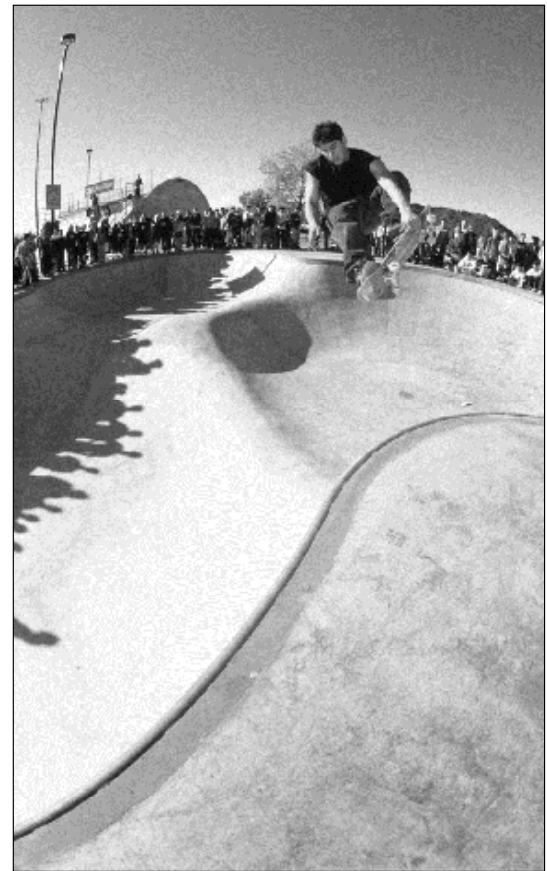
Crime

A study conducted by graduate students from Portland State University, in conjunction

with the City of Portland, found that there is no correlation between skateboard parks and serious crime. At Pier Park, in North Portland, the neighbours actually reported that the skateboard facility improved park problems by bringing more “eyes” on the park. If you build a park that appeals to small kids as well as older skaters and that has adequate “hang out” areas for the parents, you will have the older crowd monitoring the younger ones.

Noise

Measurements conducted by the Cities of Vancouver, Oregon and Portland, show that skateboard parks generate noise levels of around 65-70 decibels (at a distance of 50



Skateboarding attracts daredevils—and crowds

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Flexible design is the bottom line

feet away from the facility). These noise levels are comparable to basketball courts and children playing on playground equipment. As with some other recreational facilities, neighbours sometimes complain about the type of noise, which involves yelling and music. To prevent this, it is necessary to leave adequate buffers from residential areas.

Accidents

U.S. statistics show that less than 0.5 percent of people who practise skateboarding suffered injuries. These results rank the sport as safer than volleyball, soccer, ice hockey, football basketball and baseball (National Safety Council and Consumer Safety Association, 1996). Irregular riding surfaces, typical of informal locations such as plazas, accounted for over 50 percent of the injuries.

Male-dominated activity

While it is true that skateboarding is currently a male-dominated activity, more and more females are starting to practise it. Parks designed and operated for all skill levels encourage women to get hooked on the sport.

Planning Criteria for Site Selection

The success of a skateboard park is mainly related to the location and design of the facility. By observing existing facilities, talking with skateboarders, and examining previous studies, parks planning staff at the City of Toronto developed a list of planning criteria for selecting the best location for skateboard facilities:


- First and most important, both the neighbours and skateboard community should be consulted and included in the selection of the site, and throughout the design process.
- Facilities should not be segregated; they should be integrated into the community as positive elements.
- The site should be accessible by public transit and through-trail systems. It should also allow for parking and drop-off zones.
- The site should be visible from roads, buildings, and/or other facilities, not only for safety, but also for promotion of the facility.
- There should be complementary recre-

ation facilities for parents and small children adjacent to the skateboard park.

- Support amenities, such as washrooms, water fountains, payphones, are a must. Sharing them with other recreation facilities can reduce costs significantly.
- The facility should be separated by at least 200 metres from residential areas that could be impacted by noise, unless there are buffer elements.
- Impacts to adjacent natural areas, such as reduction in stormwater infiltration, should be evaluated and mitigated.

Skateboard Parks: Total design flexibility

Unlike baseball diamonds and tennis courts, skateboard parks can be designed in a variety of shapes and styles and at different scales to respond to diverse needs on different sites. As a general guide, a 1,300-square-metre facility can accommodate approximately 50 skateboarders at any given time. Permanent facilities are typically in concrete. Skateboarders generally prefer this kind of park. However, portable elements of wood, metal and plastic are easy to install




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Skateboard parks offer youth diverse opportunities for expression

on any flat, paved surface, such as underused arenas and tennis courts.

Planning for skateboard facility provision in the City of Toronto

The City of Toronto is actively planning for skateboard facility provision. In 2001, after receiving a considerable number of requests from the public, the City decided to construct the first municipally operated skateboard park.

Strategic Plan, titled *Our Common Grounds*.

A subsequent citywide strategy to meet skateboard park demand was drafted by the Parks, Forestry and Recreation division, and sufficient funds have been allocated in the capital budget for this purpose. Three additional portable facilities have been installed and one citywide and three district-level facilities are planned to be constructed within the next two years.

The facility was a success and the demand continued to grow. The City developed seven additional facilities in response to specific community requests.

In 2004 the City recognised that skateboard parks offered opportunities to promote and enhance social and physical development of children and youth. This was one of the key goals of the city's Parks, Forestry and Recreation

Our responsibility as park planners: To provide the facilities that youth need

Skateboard parks, when appropriately designed through an inclusive, community-based planning process, are an excellent tool to motivate children older than 10 years of age to stay active and focused, socialize, and express themselves. Many in this age group are beyond the phase of participating in organized sports and find fewer opportunities to pursue their preferred recreational activities. While the value of play equipment in child development is generally acknowledged, it is uncommon to find equipment suitable for children over 10 years old in public parks. Skateboarding is highly popular and skate parks can be seen as "senior playgrounds." As with other recreational pursuits, whether it is soccer, hockey or hiking on trails, there is an obligation on the part of municipalities to provide appropriate facilities when the public demonstrates significant interest.

Adriana Gomez, MES, is a parks planner with the City of Toronto. This is her first article for the Ontario Planning Journal.

Ontario Municipal Board

Interim Control has its Roots in a Non-Decision

Peter Nikolakakos

First Pro Shopping Centres, George Murray Buzza, Chaparral Developments Limited and Landsdown Development Inc. v. Burlington (City)

On June 13, 2005, Burlington City Council enacted Interim Control By-law 61-2005 ("ICBL") which restricted the development of lands within the vicinity of the City's three GO Stations for the purpose of completing a study that would review "appropriate alternative land uses." The ICBL was appealed by land owners in all three areas, with one party withdrawing its appeal prior to the hearing itself.

The rationale for the ICBL was founded in a resolution enacted by the Burlington Community Development Committee and

approved by City Council after a statutory public meeting that considered an application by First Pro Shopping Centres for the development of a Wal-Mart store in Burlington. The resolution directed that "no decision on the applications be made in conjunction with this public meeting until such time as the Planning Department's Official Plan Review Team has reviewed appropriate alternative land uses for the site in concert with land uses in the vicinity of all Burlington GO Stations."

This resolution came after a long and detailed planning process that resulted in a supportive staff report. First Pro Shopping Centres appealed the applications to the Board upon the approval of the resolution. The hearing for the applications is scheduled for the fall.

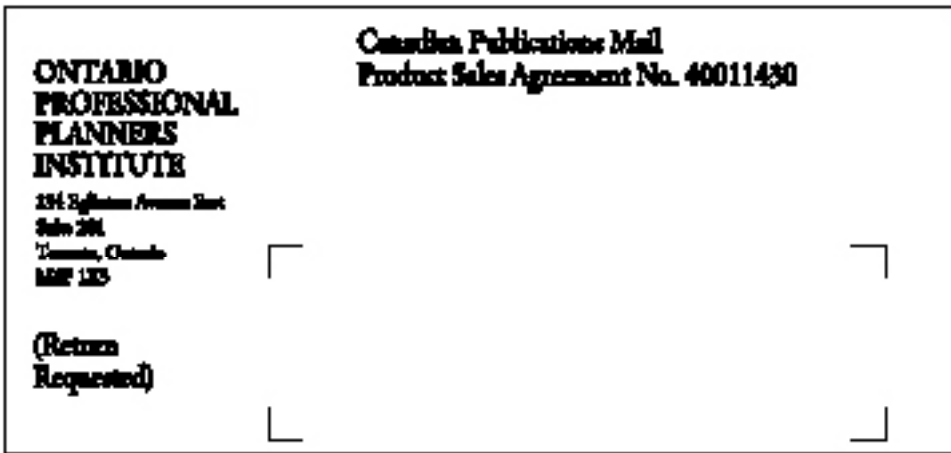
At the ICBL hearing, counsel for First Pro with the support of the other parties, argued that the ICBL was an inappropriate use of powers because the ICBL was used as

a "tactical action by the City intended to solve the problem of how to effectively oppose the Wal-Mart applications and appeals of those applications." Evidence from First Pro's chief witness was that "the

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enactment of the ICBL under the circumstances was unfair and inappropriate and an abuse of process.”

Counsel for the City argued that the ICBL is an appropriate use of powers and that the enactment of the ICBL was not done in bad faith. Evidence from the City suggested that the Wal-Mart applications were the trigger for the resolution, but as a result of recent provincial planning initiatives dealing with growth management, the City considered it appropriate to study alternative land uses for lands in the vicinity of the three GO Stations so that the future development of these lands is consistent with these new planning initiatives. The evidence further determined that the ICBL was an appropriate tool to “ensure that the results of the study are not prejudiced before it can be completed and acted upon.”

The Board in considering the appeals referenced the following four criteria first

used in the Board’s 1987 decision of Nolan et al v. Township of McKillop (Township), 36 M.P.L.R. 82:



Photo: Brent Gilmour

The brand they love to attack

1. That s.38 must be interpreted strictly in view of the fact that it permits a municipality to negate development rights;

2. That the municipality must substantiate the planning rationale behind the authorizing resolution and the interim control by-law;
3. That the by-law must conform with the official plan; and
4. That the authorized review must be carried out fairly and expeditiously.

The Board in considering the ICBL, agreed that that the ICBL met all of these criteria except for the second where “the Board concluded that the City has identified a valid planning rationale for the study, but not for the enactment of either the resolution to suspend the consideration of the Wal-Mart applications until the study is complete, or the ICBL.”

The Board in its decision also questioned if there were “effective and less

drastic instruments that might have been used by the municipality to achieve the desired end.” The Board found that there was not sufficient urgency to warrant the ICBL and that there were less drastic options available to the City such as refusing the Wal-Mart application.

The Board’s decision was to allow the appeals and to repeal the ICBL.

Counsel for the City of Burlington has filed with the Divisional Court a Motion for Leave to Appeal. The court date has tentatively been set for June 30, 2006. At the request of counsel for the City, the Board decision is stayed until the pending Court disposition.

Source: Ontario Municipal Board Decision/Order No. 0962, Issued March 20, 2006.

OMB Case No.: PL050855
 OMB File No.: R050209
 OMB Member: E. Pendergrast

Peter Nikolakakos is a land use planner with Wood Bull LLP in Toronto. He is the new contributing editor for the OMB and can be reached at pnikolakakos@WoodBull.ca.

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