

Ontario

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PLANINA SUSTAINABLE COMMUNITIES

SEPTEMBER / OCTOBER 2013 VOL. 28, NO. 5

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OPPI 2013 Annual General Meeting

The 2013 Annual General Meeting of the Ontario Professional Planners Institute will take place September 19th at 8:00 a.m. at the London Convention Centre. All members are welcome. It will be held in conjunction with the OPPI Conference being held September 18th–19th. Secure your spot at the conference and register now. Join us in celebrating our 25-year Full Members. Review the 2012 AGM minutes and report here.

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The Climate is Changing—Why Aren't We? By Michael Sullivan

uite the challenging weather we've been having this summer... Calgary, High River and Toronto have seen more than their share of water! Even Environment Canada isn't sure what to make of it, although I did witness Dave Phillips, the senior climatologist note on the news that it could be the result of changing climate. Mmm what should we make of this?

Severe thunderstorms, tornados, global warming, climate change, 100 year storms, expressway flooding. Have I got your attention yet? Labels aside, these terms all elicit genuine emotional reactions and they also represent change and potential hazards to Ontario communities. Do you still believe that climate change is a hoax or not important? The point of this article is not to debate the matter, as the cause is far less important than the effects and the importance cannot be overstated. So what we are really dealing with here is the impact of climate on our communities and the risks that entails. So what now? What can/should professional planners do about it? First, some context.

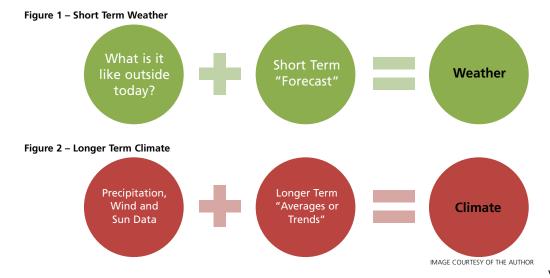
My immersion into the world of climate change began in 2009 as a volunteer with the Canadian Institute of Planners. I was very fortunate to be paired with Karen Nasmith, and later

Michelle Drylie, two very talented fellow planners, to develop an Adaptation Action Plan for a community in Nunavut. Following that, I returned to graduate school to study the socialization of climate change. Then I was appointed to lead the Climate Change Working Group for the Canadian Institute of Planners. This series of events has afforded me an amazing opportunity to work with several very talented and likeminded professionals to determine what a planner can do about climate change. The goal of this article is to provide some practical ideas to assist your professional practice.

To start, we need to define climate. According to the Intergovernmental Panel on Climate Change (IPCC - world authority), climate "...in a narrow sense is usually defined as the 'average weather'..." This leads us to defining weather: "... most often surface variables such as temperature, precipitation and wind. Climate in a wider sense is the state, including a statistical description, of the climate system." Figures 1 and 2 summarize the difference.

Normally, climate is based on a longer term (normally 30+ years) average of several variables. So we're looking at the climate system, not daily weather variations.

Focusing on the climate 'average', not the daily weather



report is the next step. Looking at recent weather patterns, southern Ontario has experienced more than its share of thunderstorms, some severe, which has resulted in significant localized flooding.

When that weather front leaves and we get back to sunny skies, will you remember the flooding? Perhaps yes, although likely not. To keep reminding us, the IPCC concluded: "It is very likely that hot extremes, heat waves and heavy precipitation events will continue to become more frequent." (IPCC "Summary for Policymakers," p. 15) So this suggests that the hotter weather mixed with intense thunderstorms of recent times is likely to remain with us for a while.

Finally, we get a little bit of science. Not enough to bore, but hopefully just enough to encourage further reading. No doubt some of you have read that scientists predict the earth's atmosphere is predicted to warm at a rate of X°C to Y°C over the next 100 or so years. The generally agreed upon rate of change is 4°C over that period. A great many talented minds agreed with this conclusion. So, scientists have done some very good work in predicting these changes. Their message has, unfortunately been lost and little action taken as a result. Blame the media, political will, the lack of a conclusive scientific statement, enormity of the topic, or _____ (you fill in the blank). Why you may ask, has nothing been done? If the climate is warming, isn't that a good thing, as I love warm weather?

Several reasons factor into Canada and Ontario's inaction on climate change. Chief amongst them is lack of political will. Let's start with the federal government's preference for large-scale resource development at the expense of the environment. While they certainly favour economics over environment in this case, there does not appear to be any middle ground available. Ontario has made some efforts on this front, however managing a minority government and a sluggish economy has taken much of the government's energy. At the municipal level, a history of provincial downloading plus crumbling infrastructure and an irate taxpayer base has all contributed to a relative lack of action.

There are some bright spots in this picture, however, among municipalities.

Climate Action Taken (selected examples)

Each of these communities understand that climate change is or will affect them, and given the lack of mandated response, they are doing it themselves. Whether it be reduction of greenhouse gases (mitigation) and/or corporate/community standards to adjust business (adaptation), one common factor is a CAO and/or council that recognizes the need and is prepared to commit the organization to acting in the public interest. It is just a matter of identifying the benefits of action. While each of these organizations followed the same principles (i.e., sustainability, healthy communities, etc.), they have chosen their own paths as they apply to their specific locale. This is perhaps the biggest challenge of climate adaptation...figuring out what is needed and what works for your community then implementing it.

So what can/should we professional planners do about this? Bury our heads in the sand and hope it goes away, continue to seek band-aid solutions, or get actively involved in finding and implementing long-term solutions? The answer is obvious to me. How about you? Project work through the Canadian Institute of Planners has developed some fabulous adaptation plans for local implementation that are both practical and achievable. Check out these and other resources. CIP is working towards updating these resources with new national and international best practices.

There is also hope that the soon-to-be-released *Provincial Policy Statement* will speak to climate change. Given the need for local/regional solutions, I am not expecting anything too detailed. It will likely remain up to each municipality as to why they respond, what they respond to and how their response is implemented.

As Registered Professional Planners, we can make a difference. The key is going beyond the minimum required by the Provincial Policy Statement and taking a slight risk in developing policies and other standards that address local

Jurisdiction	Official Plan Policy	Partners for Climate Protection (Phase)		Separate Department?	Other
		Corporate	Community		
City of Guelph	Yes	3	4		Climate Change Protection Program Clean Air Festival Green Plan Steering Committee Water Conservation
City of Hamilton		5	2		Climate Change Charter Corporate Air Quality Plan Upwind/Downwind Conference
City of Toronto		3	3		Toronto Green Standard Green Development Standards Green Roof By-law
Town of Ajax	Yes	0	0		Sustainability Plan
Town of Huntsville	Yes	0	0	Yes	Sustainability Plan Corporate initiatives
Town of Oakville		3	3	Yes	Sustainability Plan
Region of Durham		0	3	Yes	Corporate initiatives Sustainability Department
Region of Peel	Yes	0	0		Sustainability Plan Climate Change Strategy Urban Forestry Study

issues, such as extreme thunderstorms. Some examples of practical applications are provided below.

Extreme Thunderstorms

- Updated stormwater management standards
- Grassed swales, constructed wetlands
- Upgraded drainage in depressions

Extreme Temperatures

- Covered / enclosed bus stops
- 'Water park' stormwater facilities (multi-use)
- Ecologically focused development standards

Drought

- · Covered or buried water storage
- · Limit impervious surfaces in development
- Encourage natural, non-grass landscapes

Practical Climate Adaptation Solutions

Hopefully this article has inspired you to take some action towards change in your professional practice. If you're still not sure about what to do, or how to do it, you may want to consider these questions:

- 1. What weather events affect your area: tornados, hurricanes, severe thunderstorms, drought?
- 2. How can you help vulnerable groups (i.e., young, elderly, disabled) within our communities?
- 3. Does your community already have programs/facilities in place to support change? If so, what are they and what needs to be done to improve their use (e.g., improved communications)?

If this article has inspired you to seek more information, below are some suggested resources:

- 1. Join LinkedIn groups (adaptability, etc.) to see what other communities and professionals are doing.
- 2. Ontario Climate Change Impacts and Adaptation Resources
- 3. Canadian Institute of Planners
- 4. Natural Resources Canada.

Finally, here are some very simple, no-to-low cost actions you can take to help to address climate change:

- 1. Develop your own best practices for consideration during a 5-year official plan review
- 2. Find a way to tailor existing programs like LEED and Low Impact Development to your community's climate needs
- 3. Check your policy and zoning and recommend changes to management and/or council
- 4. Talk to your colleagues to gain their feedback on possible solutions
- 5. Attend Continuous Professional Learning sessions to educate yourself on climate change
- 6. Volunteer for local environmental groups to understand the issues first hand.

In the end, planning for climate change is about working to make our communities more resilient and ... better. Isn't that partly why you became a planner? Change like this requires champions. Is it your time to step up to the plate? Think about it.

Michael Sullivan, MCIP, RPP, EP, is a senior project manager with Cambium Planning, located in Barrie. He believes in building strong communities based on adaptive infrastructure, strong natural heritage planning and effective public engagement. He can be reached at 1-866-217-7900 x 403 or by email at plannerman@rogers.com.







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Community Health

Planning for shade

By George Thomas Kapelos and Mitchell Rolland Sutherland Patterson

lanners are taking up the call to return to first principles, which link land use and planning to health. Similarly, health promoters are rethinking approaches, turning to the environment to expand their mandate. Evidence abounds connecting well-being with the built environment. Seeing advantage in joining forces, planners and health promoters are discovering how overlapping interests provide mutual benefit and public good. British Columbia's Health 201 exemplifies new-found synergies. ²

Health, planning and skin cancer prevention

Except for by-laws restricting smoking or tanning salon use, preventing cancer is absent from the planner's agenda. Skin cancer, caused by ultraviolet radiation (UV) is one chronic disease where planners can play a key role in its prevention.³

The World Health Organization (WHO) recently concluded that a holistic approach to public health is needed, and that health promotion be coupled with facilities and public infrastructure to complement health goals. ^{4,5} WHO advocated that planning and urban design be integral to health promotion in creating spaces and places for healthy living. ⁶

Cancer reduction can be linked to behaviour modification (e.g., smoking cessation to prevent lung cancer). However, skin cancer is unique: its reduction is directly linked to limiting exposure to environmental UV.⁷ Of all new cancer cases in Canada, skin cancer is the most common malignancy.⁸ A 2004 report predicts that a cumulative total of 2,500 deaths related to skin cancer could be avoided in Canada by a comprehensive 25 year skin cancer campaign. Researchers predict that a prevention campaign would cost one-eighth of the estimated \$2.1 billion future burden of skin cancer on the health care system if no action is taken.⁹

The prime source of UV is the sun and children are at the greatest risk. Exposure and sunburn in childhood set the stage for high melanoma rates later in life. Exposure is frequently related to outdoor play. The 2006 National Sun Safety Survey revealed that over 50 per cent of children get their worst sunburn during outdoor recreation. The Canadian Cancer Society recommends Canadians take precautions from 11 a.m. to 4 p.m. in summer including wearing protective clothing, using sunscreen and seeking shade. While there are many ways to protect people from sunburn, shade is cost-effective and the best means of reducing sun exposure and skin cancer risk. But is protective shade easy to find?

Here's where planners can act.

Environmental measures to prevent skin cancer

On a typical summer's day, with forecasts of high UV readings, Canadian playgrounds are full of children. While built to meet rigorous safety standards, these sites are typically not sun safe. Frequently, facilities are designed without protective cover or, when trees exist, they do not provide needed shade where and when required. Parks surrounding these play areas, let alone public spaces in general, are not much better.

'Health-promotive environments' have recently entered the planner's vocabulary. Defined as "any planned combination of educational, political, regulatory and organizational supports for actions and conditions of living conducive to the health of individuals, groups or communities," they "provide environmental resources and interventions that promote wellbeing among occupants of an area." Conceptually, through designed interventions, these environments allow people to interact with their surroundings to benefit their mental and physical health. This holistic approach relies on public health education, key physical features and land-use policies, which enable society to achieve a prescribed health goal.

Playgrounds and outdoor gathering places have the potential to become environments for health promotion, particularly sun safety. In 2009, the Canadian Partnership Against Cancer undertook a comprehensive scan in five settings of skin cancer prevention policy and legislation across Canada at all levels of government. Two settings-environmental design and sports and recreation facilities-are relevant. The scan found "little use of environmental design to prevent skin cancer prevention, with provincial legislative activity almost non-existent." For the most part, the scan noted that shade for recreational facilities was part of "unwritten best practices." Dishearteningly, the authors concluded that government efforts are "thin in coverage," decentralized and bottom-up, where "individual workplaces or schools must take the initiative in adopting policies that promote skin cancer prevention."14 Thus shade, which is cheap, abundant, universally accessible and easy to produce and maintain, and is key to preventing skin cancer, remains under-utilized as a consistent and universal health promotion strategy.

Across Canada, shade has been on the mind of many public officials. In 2008, London's public health unit brought planners and municipal leaders together to develop a shade strategy. ¹⁵ A 2009 study of Ontario's public health units found that sun safety was a vital component in each public health unit surveyed. ¹⁶ In 2009, Alberta Health called for multi-component interventions, including policy change and shade creation to combat skin cancer. ¹⁷ In 2010, SunSafe Nova Scotia, a coalition of agencies and individuals concerned about skin cancer, called for action to develop shade in municipalities.

The Canadian Partnership Against Cancer study did single out one initiative: Toronto's Shade Committee, <u>Shade Policy</u>, and the exemplary collaborative work among departments of Public Health, Parks and City Planning. The partnership noted that the results of Toronto's policy would be "worth monitoring and sharing with other municipalities." ¹⁸ In the face of growing national interest in preventing skin cancer and planners' concerns about strengthening connections to health, there are lessons to be learned from Toronto's experience with planning, policy development and environmental design for shade.



Nathan Phillips Square Competition, Winning Entry, PLANT Architects, 2008. Design included an increase in tree coverage for shade, 30 per cent overall and 60 per cent around the site's perimeter

Toronto shade policy

In Toronto, moving the idea of shade for skin cancer prevention from concept to reality required a 10-year collaboration of a disparate group of professionals: planners, architects, landscape architects, park managers, dermatologists, skin cancer specialists, meteorologists, arborists, health practitioners, urban designers, citizen advocates and environmentalists.

Working under the umbrella of the Toronto Cancer Prevention Coalition, Toronto's UV Working Group advanced the cause of skin cancer prevention. Inspired by Australian initiatives, the coalition used advocacy as a key strategy, followed by demonstration projects, interventions and, most recently, creating shade policies, guidelines and protocols for municipal adoption. The working group was successful. The city's shade policy was enacted in 2007; protocols and guidelines followed in 2010 and implementation is now underway.¹⁹

Advancing environmental planning and skin cancer prevention

Toronto may lead in creating municipal strategies and policies in shade, linking it to environmental design, health promotion and cancer prevention, but it is not alone. Elsewhere similar interests

are growing, but the impetus remains vested in public health authorities, not planners. For skin cancer prevention, the gap between the interests of planning and health promotion appears to be narrowing as planners venture forth to explore intersections of health, planning and the environment, and as health promoters turn to planners and urban designers to forge alliances and broaden support.

The pace of change remains a function of priorities, jurisdiction, resources and mindset. Health promotion groups continue to be called upon for prevention as a first priority and sometimes immediately, as was the urgency with SARS or H1N1 immunization. Except for large municipalities, health promotion units tend to have jurisdictional boundaries at variance with those of municipal or planning jurisdictions. Health promotion units being defined at regional scales, while planning decisions are frequently vested in local authorities, further challenging peer-to-peer communication and inter-governmental coordination.

Health promotion in skin cancer prevention is further complicated by the role played by the institutional framework where mandates are defined by settings (e.g., schools, day cares), specific populations (e.g., children), or targeted outdoor activities (e.g., recreation, water sports). Thus, while skin cancer prevention advocates may wish to provide venues for advancing preventative

environmental measures to a broad population through shade structures or policies, these often impact, overlap and sometimes even conflict with the priorities of parks and recreation planners, day care facility operators or school boards.

In many cases, shade is bundled with collateral issues, including community greening and environmental sustainability. The priority given skin cancer prevention depends on local priorities and resources.

Given these ongoing challenges, Toronto's movement toward achieving sun safety through shade is remarkable. The incidence of skin cancer appears to be growing faster than other cancers, and prevention remains a challenge. Planners and urban designers have the opportunity to contribute positively to cancer prevention and in the process reclaim health as a vital part of their profession.

George Thomas Kapelos, MCIP, RPP, OAA, FRAIC, is an associate professor in the Department of Architectural Science at Ryerson University. He also teaches in the Master of Planning program at Ryerson's School of Urban and Regional Planning. He is a member of the Ontario Sun Safety Working Group and the Toronto Cancer Prevention Coalition, Ultraviolet Radiation Working Group. Mitchell Patterson is a 2011 Master of Planning graduate of the Ryerson School of Urban and Regional Planning. He is currently a doctoral student in the Department of Geography at Queen's University. Research assistance support was received from the Dean's Fund, Faculty of Engineering, Architecture and Science, Ryerson University. Thanks to Safoura Moazami of the Toronto Cancer Prevention Coalition for assistance.

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The Denhez Decision

Zoning regulations define character

By Joe Nethery

he Ontario Municipal Board recently issued an interesting and important decision dealing with design-based standards in a municipal zoning by-law. It is a must-read for the policy minded and anyone working in implementation.

The decision deals with appeals of Ottawa's infill zoning by-law amendment (2012-147) by a consortium of residential construction firms. The by-law introduced a number of building and design regulations that would apply to infill development in older residential areas. The appellants challenged the municipal zoning jurisdiction in 12 specific areas. These can be summarized as follows: administrative or interpretive matters (regulations for new homebuilding versus existing structures or additions, the use of averaging clauses to produce zone standards based on conditions of surrounding properties); design-driven matters (the location and orientation of parking spaces, permissions and locations for architectural elements, driveway regulations, private garage regulations, hard surfaces and walkways, zoning for landscaping); and whether or not "aesthetics" is a permissible consideration as a justification for a zoning regulation.

The board's decision dealt with the essential question: does section 34 of the Planning Act allow municipalities to approve zoning regulations based on "character" issues?

In the decision, member Marc Denhez outlines the history of "design" and "character" in planning legislation in Ontario. He reviews the meaning of the word "character," which was offered as the planning basis for Ottawa's approval of the

Denhez summarizes the concept as "a collection or pattern of characteristics" and goes on to refine it as "a pattern in the immediate streetscape," with a streetscape being "a relatively modest geographic area, focusing primarily on properties within sight," unless otherwise specified in an official plan. He notes that the size of the reference area is "secondary" to the pattern being reviewed; that is, the discussion should be less about the area being considered and more about the characteristic being discussed.

Denhez then turns to the elements of "character" that can appropriately be addressed using a zoning framework, and what elements should be addressed through site plan control. Issue by issue, Denhez reviews the arguments of the city and the appellants through his prism of character.

Denhez integrates the planning evidence, jurisprudence and his own experience at the board to parse out the various questions raised by the appellants. Leaving the detail to his decision. Denhez creates three classes of decisions:

1. Areas of the infill by-law within municipal jurisdiction—the location and orientation of parking spaces, driveway regulations, hard surfaces and walkways, zoning for landscaping, the use of averaging clauses.

2. Areas of the infill by-law referred back to the City of Ottawa for reconsideration—applicability of regulations to new additions on existing buildings, garage door and carport orientation, garage door and carport width, garage and carport setbacks relating to the "main façade," and access doorway limitations on narrow lots.

3. One area of the infill by-law where the decision was reserved pending a future hearing—ground floor glazing

There are three main ways the Denhez decision is relevant to many urban municipalities. First, it provides some confidence that design-driven standards are appropriately regulated through zoning. Many by-laws, including those of Brampton, Kitchener and Mississauga, now include many similar regulations to the Ottawa infill by-law, albeit in different geographic locations, such as mixed use areas.

Second, the decision focusses on the division between the zoning and site plan approval processes. Following legal convention, the inclusion of a power or issue at one stage of the process means that same power or issue cannot be regulated at another stage of the process. Many zoning interpretations follow the same logic. Quoting Denhez's conclusion: "Planning is, by definition, intended to operate as a continuum. The three stages of Ontario's standard process—the OP, zoning and site plan control—are not silos isolated from each other."

Third, the decision says that, provided there is a character-based justification (pursuant to section 34(1)(4) of the *Planning Act*), zoning by-laws potentially have broad authority to codify "patterns in the immediate streetscape" using design-based zoning regulations.

However, at the time of writing, the Denhez decision had been appealed to Divisional Court so the discussion continues. If the decision stands at the end of the Divisional Court process, it will no doubt be tested again and again as other "character-based" clauses and zoning decisions make their way back to the OMB for consideration.

Together with other recent decisions, Ottawa's infill by-law offers considerable insight to Ontario planners. It provides clear logic and rationale for what the board may be likely to consider appropriate justification for a largely "grey" area in zoning in Ontario. Whether or not such regulations are the optimal strategic approach, of course, depends on local context.

Joe Nethery, MCIP, RPP, is project manager for the Town of Oakville's zoning by-law review (the inZone project). He can be reached at joenethery@oakville.ca.

Religious Heritage Resources

A sustainable balance

By Bob Lehman



hurches were once the anchor of every community in Ontario. Before they built schools or town halls, and long before arenas became the hub of community life, people gathered together to erect houses of worship. Over the decades, new churches were built to accommodate growing towns and cities. Today, Ontario's Anglican, United and Catholic churches own some 3,000 buildings, ranging from quaint to magnificent, including some of the most spectacular and historic buildings in Ontario. About 350 of those churches are designated under the Ontario Heritage Act, which means the local council has listed them for their value or interest to Ontario's cultural heritage. The Christian churches in Ontario are responsible for more heritage properties than any other organization.

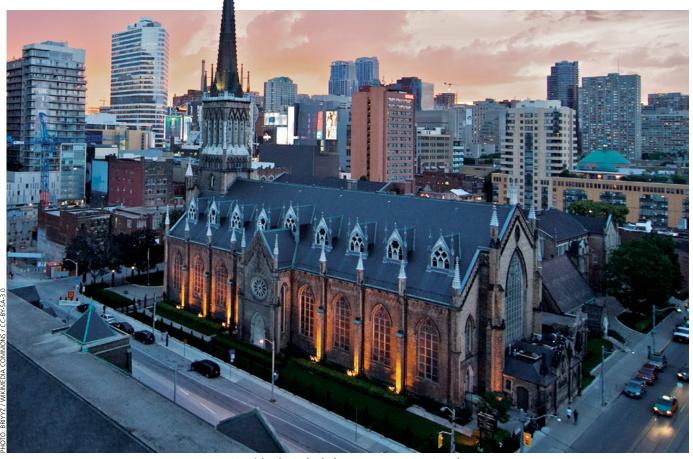
The act is meant to protect sites— & buildings to landscapes—that represent some important Ontario's heritage. The act has been 1975, but was bolstered in 2005, with

aspect of around since regulations that

mean that municipal councils can prevent changes to, or demolition of, historic buildings. There are good reasons for the legislation, but it is limiting the work Ontario's churches were created to do.

Every year, the Anglican, Catholic and United Churches in Ontario spend over \$30-million operating properties that have been designated under the Ontario Heritage Act, and a similar amount fixing and improving them. In many cases, designated churches are lively places, where worship services are well attended. Many churches still act as community hubs, offering a range of activities, from clubs to shelters for the homeless.

There has been a decline in family households in inner city areas; new suburban areas are where many new churches have been built. In many churches the size of their congregations has shrunk dramatically. As a result, the religions that built churches in the 1800s having considerably smaller congregations today in some parishes,



St. Michael's Cathedral at sunset. Toronto, Canada

while in other areas new parishes continue to form and new churches are being built.

Religious heritage resource management

In 2008 three faith groups—Roman Catholic, Anglican and United Church—in the Toronto area met with me to discuss their concerns about the Ontario Heritage Act, which very broadly centred on two things: the lack of recognition of their issues and the placement of the authority to regulate the design and use of a place of worship in the hands of a municipal council. I recommended that they conduct research on the extent of the issue, review the experience in other jurisdictions and then prepare a discussion paper. The paper would be broadly circulated, used to invite informed discussion and be the basis for convincing provincial authorities that religious heritage properties had unique circumstances. With no formal statutory criteria to help municipal councils make decisions on heritage issues impacting places of worship, a well-reasoned and researched report could fill that need.

Over the next two years the extent of the impact on religious heritage properties was researched. During this period the Baptist, Presbyterian and Lutheran faiths joined the informal committee overseeing the project. Discussions were also undertaken with the Ontario Jewish Congress and the Evangelical Fellowship of Canada.

Two reports—Religious Heritage Resource Management Discussion Paper and Religious Heritage Resource Management Guidelines – Alteration and Demolition Criteria—were completed in December of 2009. The reports were accepted by

the faith groups following a series of meetings in early 2010 and then distributed to the Ontario Heritage Trust, the Architectural Conservancy of Ontario, the then Ministry of Culture, and all heritage planners working for municipalities in

Ontario that could be contacted, as well as a variety of other interest groups. Interest in the reports was also received from some individual congregations, usually due to a planned demolition or issues arising from proposed alterations.

The discussion paper provided the results of the research and framed the issues. The guidelines provided recommended criteria to be used by the responsible authority, a municipal council in most cases, in considering



Bob Lehman

applications to demolish or to alter designated places of worship. The suggested criteria generally broadened the requirement to consider the context of an application, required justification of need related to the operation of a place of worship and/or the tenets of the religion, and in the case of demolition, proof that no alternative use could be found.

Findings and challenges

No matter how the operational and maintenance costs of churches are funded there are limited monies and many competing programs. While using church funds to maintain church buildings that are no longer needed may benefit the general public by providing a building of historic interest, other





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32 Agincourt Drive, Toronto, Ontario, M1S 1M3 Phone: 289 803 0883 Email: allan@bluestoneresearch.ca Website: www.bluestoneresearch.ca church programs will not receive funding as a consequence.

Without the ability to demolish or alter church buildings, church groups can find themselves with too many churches, and/or churches in the wrong location to efficiently serve their congregations. To date few churches have been sold or demolished in this province. Continued changes in demographics and the needs of various church groups mean that some rationalization of church properties must occur if faith groups are to continue to serve their members.

On this issue, two independently beneficial goals are in direct conflict. First, the preservation of our religious heritage resources restricts the ability of churches and congregations to maintain their places of worship and as a consequence limits the funding available for charitable works and programs that provide broad public benefits. These include out of the cold programs, visits to the home-bound elderly and breakfast programs in schools.

Second, a conflict arises concerning civil control of liturgical or sacred objects. For example, the moving or replacing of an altar is regulated by canon law, not by a provincial statute or authority placed with a municipal council. The *Charter of Rights* and Freedoms guarantees the fundamental freedom of religion. Legal opinions on this issue concluded that the placement of the authority to regulate the use of a place of worship in the hands of a municipal council is contrary to the charter. Legislation in the United Kingdom and in the United States implicitly recognizes the different legal treatment, both procedural and regulatory, required for religious heritage resources.

The discussion paper concludes with a case for structural change in how religious heritage properties are dealt with under

the Ontario Heritage Act. In 2011 the culture minister directed the Ontario Heritage Trust to work with me to prepare a draft guideline addressing the issues. A working committee was formed with heritage professionals, municipal staff and representatives of various religious groups. The work resulted in the minister issuing a new publication—Ontario Places of Worship—as part of the Ontario Heritage Toolkit.

Implications for planners

This project dealt with the sustainability of the places of worship built by the Christian settlers of Ontario, although the implications extend to all faiths. To be sustainable they must be buildings that can meet religious needs, function within limited budgets and be adapted to changing technologies. These needs almost inevitably conflict with those of heritage preservation, which has as an ideal the conservation of a structure with limited perceptible change.

Achieving sustainability in this context means striking a balance between heritage preservation and religious needs. It is the hope of faith groups that future decisions on heritage resources consider sustainability from both a heritage and religious perspective.

Bob Lehman, MES, RPP, FCIP, was one of the original staff of IBI and a founding partner of Lehman & Associates, the Planning Partnership, Meridian Planning Consultants and Metropolitan Knowledge international. He currently serves as Chair of the College of Fellows of CIP.





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Vertical Growth in the GTA

Rise of the 1-bedroom unit

By Nick Kazilis

he Greater Toronto Area housing market is going through a significant structural change. Increasing constraints associated with accommodating growth in an outward, lateral development pattern have given rise to more intensified, vertical development and led to a shift from predominantly low- to high-rise built form in the GTA.

Collectively the following findings help to illustrate the shift in the way that new residential built form is being consumed in the GTA. New high-rise home sales outperform new low-rise home sales. The average high-rise home is becoming more expensive on a price per-square-foot (psf) basis, and is decreasing in size. The greatest proportion of unit types offered for sale is 1-bedroom units in high rises, and fewer remain unsold once built. The greatest proportion of unit types that remain unsold are 2-bedrooms, and 3-bedroom and larger high-rise units make up only a small portion of all new residential built form in the GTA.

From 2000 through 2012, the GTA housing market absorbed, on average, about 40,000 new homes per year. Although the total number of new homes absorbed over the period was relatively stable and generally fluctuated with economic conditions, the shift in the proportion of new high-rise home sales was considerable. As a percentage of total new home sales, these increased substantially from approximately 25 per cent in 2000 to 57 per cent in 2012. During this period, the number of annual new high-rise home sales nearly doubled (+88 per cent) while annual new low-rise home sales declined to less than half of what they once were (-53 per cent). In 2012, new high-rise home sales (18,755) outpaced new low-rise sales (14,069) for the third consecutive year and the fifth such instance in the latest six years.

For the latest six-year period from 2007 through 2012, when new high-rise home sales contributed the greater proportion of new home sales, the average high-rise price in the GTA increased 51 per cent to approximately \$545 psf. Compounded annually over the period, this would yield an average price increase of about 7 per cent per year. While the average price psf of new high-rise homes in the GTA increased, the average high-rise unit size decreased. From 2007 through 2012, the average new high-rise home size reduced 9 per cent to approximately 795 square feet. Compounded annually over the period, this would yield an average high-rise unit size decrease of approximately 2 per cent per year.

During the period 2007 through 2012, the unit type composition of new high-rise homes has been considerably disproportionate. New high-rise openings, which are the new high-rise units offered for sale, have been dominated by 1-bedroom units. In 2012, the proportion of 1-bedroom units that opened to the market increased to approximately 69 per cent of all new high-rise unit openings. The remainder of new

high-rise openings were, for the most part, 2-bedroom units which decreased proportionate to the total high-rise unit openings over the period (-10 per cent). New high-rise 3-bedroom and larger unit openings remained below 3 per cent of the total openings in each of the last six years.

Similarly, during the period 2007 through 2012, the new high-rise home standing inventory by unit type composition was noticeably disproportionate. High-rise developments are required to sell between 60 to 80+ per cent of their total units prior to construction. Once this financing threshold is

achieved, construction of all units begins, which can result in some highrise units being built that have not yet sold. Highrise homes that are built but remain unsold are referred to as the standing inventory. In 2012, the proportion of 1-bedroom units that were completed but unsold decreased to approximately 25 per cent of the total high-rise standing inventory. At the same time, the proportion of 2-bedroom high-rise units increased to approximately 70 per cent of the total standing inventory.

Although the shift from predominantly lowto high-rise built form may be a foregone conclusion, the

The greatest proportion of unit types offered for sale is 1-bedroom units in high rises, and fewer remain unsold once built. The greatest proportion of unit types that remain unsold are 2-bedrooms, and 3-bedroom and larger high-rise units make up only a small portion of all new residential built form in the GTA

disproportionate shift to predominantly low occupancy, highrise homes in the GTA may be far less understood. Built form decisions have long lasting implications, and in some respects, determine what the future will be like for many people. Policy makers need to consider what the implications of building so many low occupancy high-rise homes will be and whether it will be sustainable to continue to accommodate growth in this manner.

Nick Kazilis is a Candidate Member of OPPI and a development financial analyst at Waterfront Toronto and can be reached at NKazilis@waterfrontoronto.ca. Detailed figures, based on RealNet Canada Inc.'s blog, may be obtained by contacting Nick.

Prioritizing Brownfields in Toronto and the GTA

Getting our hands dirty

Henry McQueen and Dr. Chris De Sousa

he redevelopment of brownfields has tremendous potential to improve urban areas in transition throughout Canada. As the heavy industries that helped shape many of our major cities evolve into offices, markets, parks and vibrant living spaces, brownfields are increasingly seen as places of opportunity as opposed to hazard and liability. This article offers some insights into why brownfield redevelopment matters, but continues to be a challenge, and offers some leading industry opinions on what is working and what is not.

Unlike the United States and the U.K., Canada's federal government has left the burden of managing remediation and of unlocking these opportunities to provincial and municipal governments who have generally taken a much more laissez faire approach. It is no wonder that Canada's financial capital, Toronto, a city with unprecedented market activity, still has such a marring industrial footprint present throughout its landscape. In March of 2012, this issue came to light in the Wall Street Journal, where the author asked if it was truly possible that Toronto's industrial shoreline had enough economic and political capital behind it to realize the dream of bringing it to the 21st century. The city has seen some success due to its strong property market in lands such as the Distillery and Railway districts east and west of the CN Tower, but these instances are not the norm.

Brownfield challenges and opportunities in the smaller, secondary markets of the Greater Toronto Area may be even more relevant where the effects of decentralization and industrial transition are amplified and markets cannot compensate for added costs and risks. The Ministry of Finances estimates that this area will be the fastest growing part of Ontario, and will capture two thirds of Ontario's population growth in the long-term. This means growing by 2.3-million people between 2009 and 2030, a population increase of 38 per cent (Ministry of Finance, 2010). If the intensification goals of the Provincial Policy Statement are to be achieved, surely brownfield reinvestment will be critical.

Benefits and trends

Interviews with government officials on both sides of the border reveal the most important goals associated with brownfields redevelopment continue to be neighborhood revitalization, increasing the city's tax base, job creation and environmental cleanup, with liability reduction, social justice, business retention, and enhancing property values following closely behind. Greater public involvement in the U.S. has led to extensive benefits. The most recent analysis of outcomes of the Environmental Protection Agency's brownfields program for instance finds that as of June 2013 it has made almost 40,000

acres of land ready for reuse and leveraged over \$20-billion in redevelopment and over 90,000 jobs (U.S. Environmental Protection Agency, 2013). Research has also found that in addition to raising surrounding property values by 2 per cent to 12 per cent, brownfield projects have greater locational efficiency than alternative development approaches thereby reducing vehicle travel, pollution and storm water runoff (U.S. EPA, 2013; Haninger, Ma, and Timmins, 2012; De Sousa, Wu and Westphal, 2009).

The limited amount of government support for brownfield redevelopment in Ontario has thrown its fate mainly into the hands of pure market forces and the private development industry since the 1990s. Given that the greatest demand for real estate in Toronto since then has been for residential projects, Toronto's willingness to rezone land from employment to residential use has been a key strategy for raising project value enough to cover brownfield costs. As such, many condo projects have taken place in old industrial districts located in or near the downtown core, such as the King-Spadina district in the southwest, and the King-Parliament/West Donlands area in the southeast.

It is the peripheral cities with industrial legacies, weaker real estate markets, limited resources and competing greenfield lands that are faced with the toughest challenge in this market driven approach. Unfortunately, the plight of such cities has tended to be overshadowed by the relative successes that developers have had in picking the "low hanging fruit" in Toronto, encouraging upper levels of government to continue to take a more laissez-faire approach in adopting the cost and risk sharing measures that have proven successful in the U.S. and other jurisdictions.

Talking to developers

Discussions with experienced development practitioners and thinkers working on brownfield projects in the Toronto and the Greater Toronto Area allowed us to gain some industry insight. The following insights reflect those interviews, which were informal, and centred around what was working, what wasn't, and what could improve the process.

Government leadership—An area of concern often cited by project managers working on brownfields throughout the GTA was that there should be greater internal co-operation between municipal divisions, and with the province. This would reduce contradiction and duplication when submitting documents for approval. As most developers pointed out, the process of obtaining all the necessary approvals and permits, including a record of site condition (RSC), can be strenuous. An RSC certifies that the property meets environmental standards for the more sensitive land use, and is needed

before redevelopment can occur and an occupancy permit be issued.

The Ministry of Environment has recognized that its process could be more efficient, especially when obtaining an RSC for sites where meeting generic remediation standards was not feasible. It has since made proactive changes. Specifically, changes were made to Ontario Regulation 153/04, clarifying many of the objectives and standards needed to obtain an RSC, and creating a streamlined process for risk assessments-style remediation, called the "modified generic risk assessment" approach.

Smaller municipalities, such as Guelph, have also taken an entrepreneurial approach to brownfields. In some instances they have created multidisciplinary brownfield teams to guide developers on problem sites, which in turn allows them to meet

the objectives of their own community improvement plans (CIPs) and revitalize derelict lands. The advantage of this team is that it offers developers one point of contact, reducing inefficient communication in a complex managerial process.

Meanwhile, larger municipalities like Toronto have been slower to catch on. This is not to fault a corporation of this size with a much larger and complex mandate. Often times it is felt that this intervention is unnecessary, since contaminated sites will receive 5 attention when the market dictates. There have also been some successes, as seen with the promising progress of

Waterfront Toronto, where the federal and provincial governments have partnered with the city to realize the value of the aging shoreline. However, where these larger partnerships do not exist, problem sites will continue to require greater cooperation between divisions and developers to achieve the objectives as set out in CIP areas, and to achieve the broader intensification goals of the *Provincial Policy Statement*.

Municipal initiatives in the U.S., like Chicago's which was established in 1993, have been extremely effective at coordinating the activities of different departments and agencies, providing public incentives to test and remediate parcels, and supporting private development activity. In addition to these functions, New York City's new Brownfield Cleanup Program has even brought state regulatory functions in-house by reviewing remediation plans and issuing a Notice of Completion to release developers from local, state and federal liability once they have remediated a site. This innovative program has also introduced a Sustainability Statement to the Remedial Action Work Plan that acknowledges sustainability efforts implemented by a developer, such as green building, energy efficiency or storm water management. So, how can cities in the GTA draw developers to problem sites? This brings us to incentives.

Incentives—Section 28 of the Planning Act allows

municipalities to designate CIPs in order to revitalize communities and create programs that help developers remediate sites. In addition to leadership incentives mentioned earlier, municipalities offer financial incentives that help off-set remediation costs such as study grants, loans, tax assistance, tax increment equivalent grants, waving municipal fees and development charges. Of the 44 Ontario municipalities with CIPs, 93 per cent are using tax increment equivalent grants and 77 per cent are using tax assistance measures (Ministry of Municipal Affairs and Housing, 2010). This is an encouraging sign, but professionals in the field do not always take advantage of these programs due to the difficult process of obtaining such grants. For example, in order to have the municipal and/or school section of the property tax cancelled, a

developer must first apply to the municipality, and then the municipality must apply to the Minister of Finance to have the deduction matched.

Furthermore, a municipal by-law is required before a tax can be cancelled. This seems a daunting task when considering all the other necessary approvals required of the developer. While this is just one example, the development community has in many cases stated that these incentives need to be more accessible and tangible to attract investment to these areas.



Brownfields are increasingly seen as places of opportunity as opposed to hazard and liability

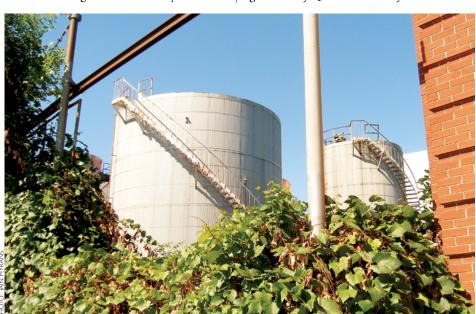
They need to be able to incorporate these incentives in their financial models, to demonstrate how the programs will improve the viability of the project and to deter builders from looking to more simple greenfield style developments. Though incentives help pay for the additional clean-up costs, developers of brownfields are always concerned about liability.

Liability—One reason that liability is an area of significant concern for developers is because they inherit not only the current contaminants of their site, but its history too. In addition to on-site liability, contaminants can easily travel to neighbouring sites and leave developers and landowners with unacceptable liability. If a developer purchases a site, for which they have not yet received an RSC, they are liable for any off-site contamination that occurs during the time between the closing date and the issuance of the RSC. Surrounding property owners may choose to sue the source land owners responsible for the migration of contaminants, and any other historical owners before the RSC was issued. Not many developers have an appetite for this risk, and neither do the lenders they rely upon to finance projects. Discussions with those tracking project budgets have said that it is not uncommon to see cost contingencies double for remediation when new

contaminants are found on-site, and that is before considering off-site migration. While various new geotechnical and hydrological technologies are improving forecasting and remediation, short- and long-term liability is still a major issue.

A lawyer with experience on prominent brownfield projects in Toronto believes that it would be beneficial if the MOE made changes to the Environmental Protection Act to protect those making reasonable efforts to remediate sites without RSCs. The thought is that land owners should granted immunity for a

period of roughly 12 to 24 months prior to obtaining the RSC, but after they have taken ownership of the site. This would take the risk out of buying a site from land owners who had not intended to clean up their contaminated land, and protect developers from the risk of third party litigation. Legislation needs to be changed to clearly define who is liable and for how long, before brownfield risk can



Developers can inherit the current contaminants of their site, and its history

be treated more like any other typical project risk by developers and land owners.

Conclusion

Governments in the GTA have been able to put less effort into facilitating brownfields redevelopment over the past two decades largely due to the area's relatively strong real estate market. That said the blighting effect and risks posed by these sites and the province's expressed desire to grow in a way that "supports economic prosperity, protects the environment and helps communities achieve a high quality of life" through the places to grow program, compels us to make a more concerted effort to address this problem. To change approaches from that of a regulator to that of a facilitator, government has to become more cognizant of the costs and risks that brownfield projects put on the developer's bottom line.

Financially indirect measures such as technical assistance, process facilitation and project support, offered through a onestop shop that allows representatives from multiple agencies to work in a coordinated manner, is popular among developers because it reduces procedural headaches and costly time delays. It also tends to be more palatable to governments because it does not require the transfer of funds.

Better legal protection from the government for those developers who help our communities remove these blights and risks from the neighborhood is also a must. Direct financing of brownfields-related costs through grants, loans and other means is also important, but access to this needs to be provided in a way that is efficient and dependable, where savings in cost and time can be clearly tallied in the developer's pro forma. That said there needs to be a shift from seeing these sites as problems to opportunities, from regulating them to facilitating their redevelopment, and from working separately to working together.

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> Once an emplovee of the City of Toronto's development & portfolio planning group, McQueen now works with Concert Properties and is engaged in active projects in Toronto. Christopher De Sousa, MCIP, RPP, is an associate professor and director of the School of Urban and Regional Planning at Ryerson University. De

Sousa's research activities focus on various aspects of brownfield redevelopment, urban environmental management, parks planning and sustainability reporting in Canada and the United States. He is currently involved in a collaborative research project examining best management practices in sustainable brownfields redevelopment funded by the U.S. Environmental Protection Agency.

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Healthy Communities

Embracing third places for older adults

By Nechama Hirchberg, Edward LaRusic and Patrick Coates

n March 2011, Toronto Council instructed the Social Development, Finance and Administration Division to develop a strategy that responds to the city's changing demographics and aging population. A team of Ryerson University graduate urban planning students focused their studio project on one aspect of this potential strategy: social isolation. With aging comes an increased risk of social isolation, which threatens the health and safety of older populations. The students explored the informal ways older adults use neighbourhood spaces to avoid social isolation, with an emphasis on the concept of "third places." This article outlines two neighbourhood case studies—Weston and Malvern—and highlights some of the unique findings of the Ryerson students' report "Successful Third Places for Low Income Seniors" (Fall 2011).

Third places

Sociologist Ray Oldenburg first coined the term third places (1989) to describe spaces that are primarily used for

socialization, such as coffee shops or parks, providing an alternative to the structure of the home (first place) and workplace (second place). Few seniors work, their homes may not be suitable due to size or condition to hosting guests and decreased mobility forces many seniors to seek alternative places for social interaction. Third places therefore may be critical to combating social isolation for many older adults.

To examine how older adults use these places, the research project looked at two neighbourhoods. The Malvern

and Weston neighbourhoods, located at opposite ends of Toronto, were chosen because of their aging populations, their differences in built form, and their lower than average family incomes. Both have been identified as priority neighbourhoods by the City of Toronto.¹

Observations and interviews informed the findings and helped to identify opportunities for creating better spaces for older adults.

Two underlying conclusions were reached: First, the importance of taking a neighbourhood approach when evaluating the services and programs communities require. Second, the imperative to understand how space is actually used, appropriated and woven into the everyday lives of residents, particularly the most vulnerable looking for a place to make connections.

Weston

The west-end neighbourhood of Weston is searching for new ways to revitalize its struggling businesses and provide new employment opportunities for its residents. It is characterized by compact built form with a mix of houses, residential towers, a main business street.

Lobbies as gathering places and not simply transitional places were found to be essential social spaces in high-density living. They provide comfortable and easily accessible spaces for social interaction, particularly when there is a lack of other communal neighbourhood spaces in proximity to where people live. Not only do they allow older adults to build and maintain friendships and community bonds through regular contact with neighbours and visitors, they

> offer an informal surveillance system of people entering and exiting the building.

Local merchants were found to offer vital community connections. There are a number of local businesses that served as landmarks in Weston. These businesses are familiar destinations, offering casual and judgment-free space where residents can gather, chat, or get the latest news. The proprietors of these landmark businesses are strong local personalities



Third spaces for older adults at West Road and Lawrence Avenue

with excellent local knowledge regarding the neighbourhood's social landscape. Often they offer less obvious but important services such as free access to computers and the internet.

Malvern

Malvern is a planned suburban community, built for private automobiles and featuring a segregation of land uses. The neighbourhood is composed mostly of low-density singlefamily residential dwellings. However, the neighbourhood deviates from a traditional inner suburb profile around its

geographical centre, where a cluster of mid- and high-rise buildings composed mainly of public housing units surround Malvern Town Centre, the central shopping mall of the community.

Accessibility and walkability for older adults includes resting spots. A lack of street furniture, even benches at transit shelters,

along popular walking and bus routes, inhibited the ability of older adults to walk to social spaces since there is no opportunity for resting.

A shortage of third places was found to cause conflicts between groups in the neighbourhood. In the Malvern mall—an important local third place—it was observed that the influx of youth from neighbouring schools pushed older adults to the periphery of the restaurant and food court. The concentration of youth was



Third spaces for older adults in the Malvern Mall

also noted as creating a barrier for older adults wishing to use the local library. The concentration of youth was also cited as a reason given for the removal of seating outside the local community centre to prevent youth loitering. Also the mall was noted to be largely used by adults from outside the neighbourhood, who would come into Malvern to take advantage of the relatively low-cost programs available.

Conclusion

The research indicated a number of unique findings for planners to consider. They suggest that municipalities should investigate their neighbourhoods to develop unique strategies that can respond to the community's changing demographics and its aging population.

This research illustrates that small changes matter, such as putting more benches along routes between gathering places and near bus stops. Gathering spots for older adults often have multiple purposes, and places such as malls and coffee shops

should be given consideration in the city's assessment of community facilities and spaces. Most importantly, older adults gather in places that are comfortable, inviting, safe and easily accessible and not necessarily those that are designed specifically for older adults.

The findings of this research emphasize the value of third

places for older adults, and highlight the importance of protecting and creating third places to enhance healthy communities for our aging population. This may be done by fostering partnerships among local organizations, improving the ease of mobility to third places, and creating new communal places in areas where aging populations are particularly prone to isolation. In conclusion, what is needed most is a mental shift in how we

view older adults and their needs, and recognition of the many no- or low-cost solutions that are available to combat the isolation of older adults.

Master of Planning graduates from Ryerson University: <u>Patrick</u> <u>Coates</u> is working for the Province of British Columbia in Vancouver and is a Candidate Member of CIP and the PIBC; Nechama Hirchberg has a specialization in socioeconomic research, land use planning, and educational facility planning; Edward LaRusic runs an urban planning blog in his free time. Dena Warman, MCIP, supervised the students work in social policy for the City of Toronto.

Endnote

1 The Toronto Strong Neighbourhoods Strategy (2005) was developed in response to an unequal distribution of services and facilities that left some neighbourhoods less well-equipped to deal with the social challenges they face. The Priority Neighbourhood designation emerged as areas to be strengthened through targeted investment.



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WESTERN LAKE ONTARIO

Creative engagement in the planning process

By Kay Grant

The most enduring role of the professional planner is to help to create a broad vision of the community in the form of an official plan. This is developed by analyzing

data and other background information and identifying goals and objectives that will help to achieve the stated vision. Planners are also at the forefront of the development



Kay Grant

process where they are expected to lead the public process and facilitate discussions with varied and sometimes unreceptive community groups. What are the skills that are necessary to engage all the stakeholders on a particular issue? How do planners ensure that they not only report on and interpret the results of the public consultation process, but also engage with those members of the community that are not usually heard? To help answer some of these questions, the Western Lake Ontario District invited Pamela Hubbard (Pamela Hubbard and Associates CEO), Matt Leighninger (Deliberative Democracy Consortium and Every Day Democracy), Catherine Talbot (C. Talbot and Associates CEO) and Michael Ellison (Golden Gate University associate professor) to offer their insights at

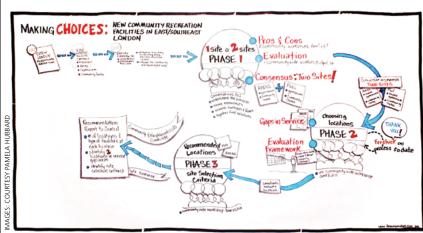
the annual spring lunch and learn session.

Speaking on the topic "Dialogue, Deliberation, Visual Practice (Graphic Recording)", Hubbard noted that dialogue is a process to share perspectives and experiences, and that people need to listen so that they can understand. She also said that dialogue not only builds understanding and learning but also dispels stereotypes, builds trust and enables people to be open to perspectives that are very different from their own. Hubbard set out the following principles for dialogue: set the context, create hospitable space, explore questions that matter, encourage everyone's contributions, connect diverse perspectives, listen

together for insights and share collective discoveries.

She said that deliberation is used to propose options and trade-offs so that better decisions can be made. Here, values are acknowledged and are used to inform the public consultation process. The deliberative process is also used to reach agreement or recommendations about policy decisions and to build civic capacity and the ability of communities to solve their own problems. To do this, Hubbard explained, the planner is required to name the issue and frame the options, as well as to ensure that proposed options are completed with appropriate value trade-offs. The objectives of





Examples of graphic presentations

the process are to resolve conflicts and bridge divides, to build understanding and knowledge about complex issues, to generate innovative solutions to problems, and to inspire collective and individual actions. She described four streams of practice in the deliberative process: exploration, decision-making, collaborative actions and conflict transformation.

Hubbard said that flip charts do not allow people to see the results of the public consultation process incrementally, or even to visualize the conversation. This is where visual practice is invaluable. Visual practice is used to make the conversation transparent and bring people to a common understanding. She described four ways of doing visualizing: graphic facilitation, graphic recording, chart work and graphic animation. Graphic facilitation draws feedback as people relate their ideas and records what people want the municipality to know. Graphic recording aids in listening to hear the essence of what speakers are saying and documenting the highlights. Chart work should be completed before the event and graphic animation is used during the event as someone is talking. It helps to convey complex ideas in a simple feedback.

The central question at the end of a public consultation session is: what does the community want the municipality to know? In summarizing the information, the planner/facilitator is encouraged to use charts and other visuals to capture the information summary in a manner that is visual to the group.

Hubbard said that by making processes visual, we help people to know where they are.

Leighninger provided insight into successful tactics for public consultation saying that small group sessions are a very effective way to engage the public on an issue. He noted that groups should consist of no more than 12 persons, and should start with people describing their experiences rather than the planner/facilitator describing the "project" and laying out the options. The planner/ facilitator should be an impartial facilitator, should give people the information that they need in ways that they can use it, should layout several options or views—including ones he or she may not agree with—and should trust people to make good decisions.

For the event to be successful, the planner/facilitator must undertake extensive pre-preparatory work such as trying to determine those persons or groups that are least likely to participate, mapping community networks and involving the leaders of those networks. In order to achieve a successful conclusion, the planner/facilitator is encouraged to use online as well as face to face connections and follow-up after the consultations to ensure that feedback received is appropriately captured.

Leighninger emphasized that appropriately used, online tools can be employed very effectively in the public consultation process as they are an excellent method for providing background information, data gathering, generating and ranking ideas—crowd sourcing for new ideas—and helping people to visualize ideas. In addition, online tools are great for maintaining connections over time and for keeping the civic momentum going.

Talbot challenged the audience to think about ways in which they or their organizations use dialogue/ deliberation and visual practice to enrich the public consultation process, and the resources that will be required to do this.

Ellison spoke about levels of awareness and how that awareness affects conversation. The question is: how can we engage with each other, learn from each other and add to the conversation? Noting that we all have the capacity to be agents of change, he challenged the audience to move out of their comfort zone and be willing to commit to engagement.

Kay Grant, MCIP, RRP, is a development planner II with the Town of Niagara-on-the-Lake. She can be reached at 905-468-3266 ext. 297.

PEOPLE

Bill Lautenbach, MCIP, RPP, retired this past August from the City of Greater Sudbury after working for 35 years in a variety of planning roles and most recently as the Growth & Development general manager. The transformation of Greater Sudbury's landscape will be Bill's lasting legacy to the community.

Bill was the recipient of this years'



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Federation of Canadian Municipalities Green Champion Award for demonstrating outstanding leadership and a commitment to

implementing sustainable development initiatives. He was instrumental in developing and launching the extensive regreening program in Sudbury, which has won



Bill Lautenbach

numerous awards, including a United Nations Local Government Honours Award. The program has reclaimed 3,439 ha. of land and planted over 9-million trees.

MUNICIPAL URBAN DESIGNERS' ROUNDTABLE

Development, design and the bottom line

By Joanne Leung

elebrating its six year anniversary, the Municipal Urban Designers' Roundtable (MUDR) has been bringing together public sector urban designers from across the province twice a year to facilitate knowledge exchange. It is gaining broader recognition as an inter-municipal forum and this is a testament to the growing awareness of the importance of urban design within the province.

A key outcome of last year's meeting hosted by the City of Oshawa was that participants were keen on having more educational opportunities and roundtable sessions dedicated to special themes and current urban design topics explored in greater depth. Featuring guest speakers, generating ideas and solutions through design charrettes, introducing social media, and providing additional networking opportunities for municipalities were among the other recommendations.

The relationship between development economics and good planning and design was identified as a highly important topic to be explored at future roundtable sessions. The following provides a synopsis of those roundtable sessions.

Financing the vision: the cost of urban design

The 11th session, held at Vaughan's new city hall, featured keynote speaker Pamela Blais, author of "Perverse Subsidies and Urban Form." Blais delivered a thoughtprovoking presentation on the influence and impact of development charges on urban form. She cautioned participants about the need to re-examine and re-calibrate DC's to achieve desired municipal objectives, new urban design visions and sustainable communities. Presentations were also made on the Metropolitan Centre Plan and How to Finance the Public Realm. Both covered the city's policy framework, approach to implementation, and the kind of public/private partnerships needed to deliver on quality public realm improvements.

Development, design, and the bottom line

The 12th session of the roundtable offered a unique opportunity to look at land economics and development from the private sector's perspective. The session concentrated on the anatomy of development proformas, marketing considerations, project financing issues and the municipal planning process.

The session kicked off with a panel

of experts representing the development, banking and finance industries. Featured speakers included Mark Guslits, principle of Mark Guslits & Associates, Marvin Green of the River Oaks Group, Alex Speigel of the Windmill Development Group, and Adam Sparks of Rescon Financial Corp.

Participants were given insight about financial risks, timing issues, zoning, market influences, and infrastructure considerations and much more. A key message was the need for a greater exchange of information between public regulatory bodies and the development industry to better identify and align shared objectives.

The afternoon was structured around a tour of Brampton's showcase project - Mount Pleasant Village. A partnership between the City of Brampton and Mattamy Homes, Mount Pleasant Village is a fine example of a new community integrating new urbanist principles such as transit, mixed use buildings, community facilities, heritage conservation and well-designed public spaces and amenities.

The session concluded with an open floor discussion. Wide ranging topics included tall building design, urban design guidelines and implementation, downtowns and university campus design challenges, partnerships with the private sector in implementing downtown streetscapes and breaking down municipal departmental silos, to name a few.

The next meeting of the



Municipal Urban Designers' Roundtable

Municipal Urban Designers' Roundtable will take place in the fall of 2013. Further information can be obtained by contacting Jana Kelemen at (905) 845-6601 ext. 3026, or email IKelemen@Oakville.ca.

Joanne Leung, M. Arch., RIBA, RAIC, MCIP, RPP, is the manager of urban design with the Town of Richmond Hill. The MUDR Executive Coordinating Team comprises Steven Bell (City of Mississauga, MUDR Lead Coordinator), Sean Galloway (City of London, Alternate Lead) and Jana Kelemen (Town of Oakville).

IN MEMORIAM

Michael Hough, 1928-2013

"Michael built a career of great stature as Canada's most prominent landscape architect, and [was] a leader for sustainability around the world. . . . On behalf of ... environmental planners throughout this country . . . Michael, our healthy, green path for the future is much clearer now, because of you."

—Carolyn Woodland, MCIP, RPP, memorial service, February 2, 2013

he grimness and alienation of wartime and postwar Britain drove to Canada a remarkable group of planners and designers. One of the most intense and imaginative was

landscape architect (and RPP from 1992 to 2000) Michael Hough. Arriving in Toronto in 1959, over the next half century Michael pioneered the path of reconciliation between urban development and the natural environment.

Michael was a dynamic, productive, leading-edge professional, who started one of Ontario's most creative planning and design firms in 1963. Philosopher's Walk, the original Scarborough College, Ontario Place, and the Brick Works in Toronto, and Confederation Boulevard in Ottawa-Gatineau, are among the Ontario

icons that bear his stamp. He also helped shape landmark planning studies such as the Report of the Royal Commission on the Future of the Toronto Waterfront and



Michael Hough

Bringing Back the Don.

Michael was a passionate teacher of and propagandist for holistic planning and design that integrates ecological systems and human settlements. He founded the University of Toronto's landscape architecture program in 1965 and long taught in York University's Faculty of Environmental Studies. He wrote Cities and Natural Process: A Basis for Sustainability and Out of Place: Restoring Identity to the Regional Landscape, both still in print.

Michael was a green missionary,

never backed off a challenge, and sometimes infuriated but usually inspired those he worked with.

Allan Neil Windrem, 1955-2013

llan Windrem, MCIP, RPP, PLE, C.L.P., F.R.I., was among the founding members of OPPI, becoming a member in 1986 and proudly displayed his profession with the personalized license plate "PLNNR."

With over 25 years of real estate



Allan Neil Windrem

development, municipal land use planning, and project management experience in both commercial and residential real estate. Allan most

recently served as vice-president of Development at Villarboit Development Corporation. Prior to that he held management positions at Dillon Consulting, Bramalea, Monarch Constructing and Marathon Reality. He was past president of the Association of Ontario Land Economists. He had a BA (Hons.) in Urban Geography from Trent University.





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Construction Administration

Commentary

In Print

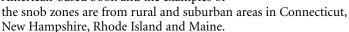
Not in my back yard

Reviewed by David Aston, contributing editor

Snob Zones Lisa Prevost 2013, Beacon Press 182 Pages

nob Zones is a book about the extreme 'not in my back yard' or NIMBY symptom. The book describes snob zoning as "zoning that blocks or sharply limits development of multi-family housing—subsidized

housing, market-rate apartments, duplexes—and, in some cases, any residence that does not claim an acre of land." In other words, the use of zoning controls to keep certain uses out of a community and keep the community a certain way for certain people that bought there and live there. In these situations the zoning code is used by the community as a tool to maintain the current character and, in most cases, their self-interest. You have likely figured out by know that this is an American-based book and the examples of



I agree with the author that zoning and zoning regulations are important tools for good land use planning. Zoning has been used effectively over decades to address issues of compatibility between uses, such as industrial and residential, and to prohibit certain uses within hazard areas. Zoning is also useful in controlling types of uses and regulating parcels to provide for parking and amenity space. This book includes examples where the use of zoning controls and zoning ordinances has been taken out of context in an attempt to maintain the status quo and not allow for change. Examples include blocking multi-family housing from locating in a particular community, prohibiting workforce housing and private ownership of beach and shoreline areas. The book suggests that economic diversity in communities has been impacted because of this approach.

An interesting storyline in the book is reference to a 1991 Supreme Court decision (Britton vs. Chester) on zoning regulations in the Town of Chester, New Hampshire. The case was argued on the language of the zoning regulation: zoning is "to serve the purpose of promoting the health, safety, or the general welfare of the community." The town thus interpreted that the zoning intent was to maintain the rural nature of the town. The proponent of a multi-family project took a much broader view: that zoning prohibiting multi-family housing was only promoting the welfare of a certain portion of the community. In the end, the Supreme Court sided with the concept of an all-inclusive community and concluded that "community" means the broader community, of which a single town is but a part. While this was a significant decision, it did not result in the project being developed, given the lack of market demand and other implementation requirements.

However, the decision did serve as the basis for a future decision enabling a multi-family project to be developed in 2006.

A key observation in the book is that the zoning ordinances put in place following the decision continue to use the "provide opportunity" language and do not specifically identify a percentage or number of units that need to be developed, as it was recognized that the intent was not to require multi-family or workforce development everywhere. It was recognized that opportunity needs to consider the marketplace and if there was not demand through growth and price pressure the units would not be built.

The book puts forward a conclusion that this type of exclusionary zoning, while being on the radar in controlling sprawl is also becoming a social issue related to housing choice and affordability. The catalyst for change in towns that maintain a strong prohibition against certain housing types, may be the shift in market demand due to demographics, climate change and increasing costs of single-family homes. Local authorities will need to determine how their communities should look and decisions will need to be made on what is the best mix of housing type to suit the community over the long term.

David Aston, MSc, MCIP, RPP, is a partner at MHBC Planning in the Kitchener office. He can be reached at <u>daston@mhbcplan.com</u>.

CAPS-ACEAU 30th anniversary

By Matt M. Boscariol

In 2014, the 30th anniversary conference of the Canadian Association of Planning Students/L'Association Canadienne des Étudiants en Aménagement et Urbanisme will be held in Toronto. It will highlight the strength gained through student, scholar and professional relationships.

The planning schools at York University, Ryerson University and the University of Toronto will be jointly hosting this commemorative event, themed Transformations. The focus of the conference will be on the transforming social and built landscapes, the role of planning in society, and the transforming RPP designation. By fostering a sense of community in the profession with students from across Canada, we hope that delegates leave with a renewed sense of responsibility to our communities and the profession.

We look forward to seeing you February 6-8, 2014. Stay tuned for details regarding speakers, venues, and calls for student presentations. Please follow CAPS-ACEAU on Twitter @CAPSACEAU, on Facebook at CAPS-ACEAU, or on LinkedIn.

Matt M. Boscariol is CAPS-ACEAU president and a Student Member and can be contacted at <u>Matthew.boscariol@caps-aceau.org</u>. He is currently a M.E.S.Pl. candidate at York University.

Commentary

Reconsidering section 37

By David L. Brutto

he premise of this article is not to advocate for an amendment of section 37 of the Planning Act. It is an excellent development tool in places where there is a low demand for high density development. However in the City of Toronto, where a substantial number of similar developments (defined as +- 10 per cent of units and/or +- 10 per cent of GFA) continue to show significant difference in section 37 contributions, it is my opinion that further regulations are warranted.

The City of Toronto should consider public realm contribution policies from other cities both in Canada and abroad. For example, the City of Calgary employs a process of base zoning and maximum zoning where a developer can access statistics to determine a density point where a development can earn a maximum rate of return and provide fixed contributions to the public realm. Alternatively, the City of Vancouver employs a land lift policy—Community

Amenity Contribution—which allows a varied degree of flexibility in assessing density bonus payments. This approach takes into account the value of the land before rezoning, and the value of land after rezoning. The city's goal is to receive approximately 75 per cent of the land lift in cash or in-kind amenities. The negotiation allows an opportunity for stakeholders to engage in a transparent approvals process as similar sets of rules are applied throughout the downtown area. Additionally, development contributions can be dispersed city-wide and may not always be ward-specific.

The City of Seattle, Washington in the U.S. employs a method that relies on a cost per square foot calculation applied to density and height exceeding permissions on a given site. Additionally, new developments exceeding density and height in Seattle's downtown core are required to attain LEED-silver classification.

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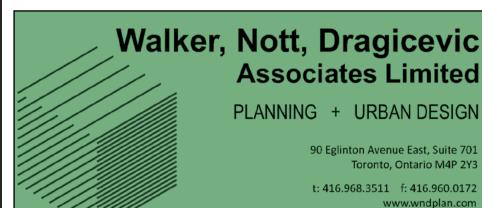
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The City of Glasgow, Scotland presents a multi-faceted approach to public realm management. Specific breakdowns for the exact type and quantity of public realm elements are prescribed by city policy, with an option for cash in-lieu contributions should physical space provisions prove impractical (i.e., small site size). The rate is also calculated on a per bedroom rather than per unit basis. Additionally, the city has the option to ask developers to use portions of other lands of which they hold title in fulfilling requirements. Payment reductions are possible should the developer present clear financial difficulties resulting from the required park space provision. Interestingly, Glasgow retains the right to recoup the fees should a development be more profitable than previously envisioned.

David L. Brutto is a Candidate Member of OPPI and an environmental planner with AECOM Canada. As a graduate of Ryerson University's Urban Planning Post Baccalaureate Program and recipient of the BILD award for outstanding achievement in private development, he continues to pursue independent research on Ontario's Planning Act section 37 policy.





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President's Message

Quality Professionals. Quality Practice.

By Mary Lou Tanner

hat an amazing and fast four years this has been. This is my final article for the Journal as OPPI President. It has been my honour to serve these past two years. OPPI is a strong organization and we are a strong profession. Together, with our Council, our volunteers, and our staff, in two short years we have positioned both the Institute and the profession for an even stronger future.

We have built an incredible foundation for the planning

profession with the new National Standards. This past year we established the Professional Standards Committee, which is the shared national partnership to maintain and review the standards for the planning profession in Canada. We jointly launched the Professional Standards Board with our national and affiliate partners to ensure consistent administration of the professional standards certification process for members and accreditation process for university planning programs. I particularly wish to acknowledge Ron Keeble and Dana Anderson who worked



Mary Lou Tanner

tirelessly for years to bring Planning for the Future to the point where the transformation we all envisioned has become a reality.

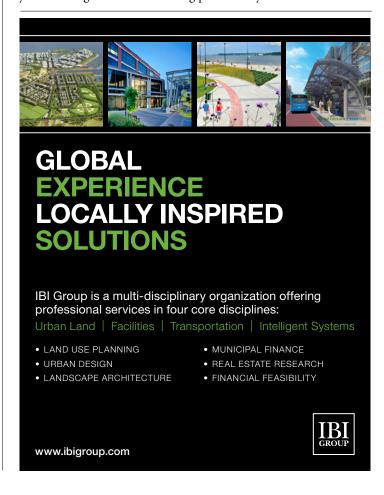
The transition to the new partnerships provided the opportunity for OPPI to examine its organization at the Council and volunteer level. Council spent several sessions in 2012 talking about structure. You may remember that OPPI's structure was essentially the same since the creation of the Millennium Strategic Plan in 1999. However, our operations are changing, the profession is changing, the practice of planning is changing and our leadership on public policy is changing. The Council structure needed to catch up to these changes. I am very proud of this work; we have restructured OPPI Council to focus on governance and leadership of the profession and the Institute; we empowered our member volunteers and talented staff to do the hundreds of important tasks that advance our profession; and we supported our Districts in new ways to provide enhanced learning and networking opportunities in each of our home communities.

Continuous Professional Learning is a shared commitment we made. It is the hallmark of a profession, accepting this responsibility in our individual and collective interest. We are seeing new and creative learning sessions provincially and across our Districts. We are seeing members connecting in ways that advance our profession and our networks of planning practice. This singular achievement speaks volumes about the advancement of our profession.

Yet there is more to be done. Two years ago, former OPPI President Sue Cumming challenged us to take the profession forward to become a self-regulated profession in Ontario. I personally believe very strongly in self-regulation as the right next

step for our profession. We have done much good work in this area; there is more to be done. We have an incredible leadership team working on our efforts. I ask each member to get engaged, ask questions, and bring your commitment to this next step to our leadership team. All of the efforts in Planning for the Future, our new partnerships, the restructuring of OPPI Council—which now includes a public member—and Continuous Professional Learning put us on the strongest path possible to achieve self-regulation. It is time to take this next step.

I owe many thanks to the team that helped me serve these past two years. My incredible colleagues at Niagara Region have supported me in this role. All took on extra responsibilities while I worked on OPPI matters, supporting me and our profession in these past two years. My colleagues on Council and OPPI staff have supported all of this amazing work. My thanks to each of you—no leader can do this alone. To you, the members of our Institute: we have asked a great deal of you in these past two years with significant issues being put before you for a vote. I am



thrilled to see our voter response rate increase and so thankful for your support.

I am incredibly proud of our accomplishments. I leave the position of OPPI President with a sense of a job well done, pride in our collective work for our profession, and a strong and invigorated OPPI organization. I am humbled and grateful for the opportunity to be your OPPI President these past two years.

Mary Lou Tanner, MCIP, RPP, is the outgoing President of OPPI. She can be reached at <u>marylou.tanner@niagararegion.ca</u>.

Environmental Planning

The Ontario Great Lakes Strategy and Bill 6

By George McKibbon

ontaining nearly 20 per cent of the earth's fresh surface water, the Great Lakes are a global treasure. The coastlines of the Great Lakes and St. Lawrence River stretch from beyond Thunder Bay in the west to the Atlantic Ocean in the east. These waters underpin Ontario's high quality of life."

These statistics demonstrate our reliance on the Great Lakes: 80 per cent of Ontarians, or 40 per cent of Canadians, obtain their drinking water from the Great Lakes and St. Lawrence River; over 95 per cent of Ontario's farmland is within the Great Lakes watershed; Ontario has the longest fresh water coastline in the world; the Great Lakes and St. Lawrence help generate over 80 per cent of Ontario's electricity; and this watershed supports 56-million jobs and a GDP of \$5.1-million.²

In the 1970s, '80s and '90s, concern over the deterioration of the Great Lakes ecological health resulted in action that helped restore the Great Lakes. These actions included cleaning up of polluted sites and reducing toxic chemical releases to the lakes. This helped rebuild Bald Eagle and Lake Trout populations and the populations of other species at risk. For Lake Erie, reducing phosphate emissions through sewage treatment plant improvements and enhanced agricultural practices reduced algal blooms.

Today, the Great Lakes ecosystem health is deteriorating again. More people, more land use activities and higher expectations threaten shoreline wetlands and natural features. Non-point pollution stormwater and agricultural drainage sources are causing water quality decline. Invasive species and climate change are radically changing the Great Lakes ecosystem flora and fauna. Chemicals such as flame-retardants and pharmaceuticals enter the lakes through livestock and humans in ways that bypass sewage treatment and nutrient management processes. Water level fluctuation, especially in the upper lakes, the growth of dangerous algae and deteriorating beach water, especially in Lake Erie, and scenic quality add complexity to mitigating the deterioration. All of these drivers inter-relate in ways that defy simple solutions.

The "nearshore shunt" (where nutrients needed for lake species are held near the shore by invasive species) illustrates this complexity. Zebra and Quagga mussels, invasive species, cover the

Great Lakes floor. They filter water for food making the water clearer thereby allowing more sunlight to reach the lakebed and consequently enabling algae growth. This process of more sunlight in the transparent water traps nutrients on the lakebed and fertilizes algae that wash ashore leaving less nutrients available to offshore fisheries. Consequently these fisheries are becoming nutrient starved and native fish populations are declining.

Provincial responses to these multiple challenges include the recent approval of the *Ontario Great Lakes Strategy* and the introduction of Bill 6, An Act to Protect and Restore the Great Lakes-St. Lawrence River Basin in the legislature. The strategy includes reporting and review commitments through a progress report every three years and review every six years as well as recommendations on local initiatives to improve Great Lakes ecosystems health. Bill 6 provides a legal implementation framework to implement these local improvements.

What will this mean for planners? The *Planning Act* and *Provincial Policy Statement 2005* don't specifically address special landscapes except in a generic manner as natural features or resources of provincial interest. The Great Lakes challenges must be addressed with evidence and methods that are unique to the lakes.

The ongoing five-year review of the *Provincial Policy Statement* responds to these unique challenges by referencing new Great Lakes policies; focusing attention on, and requiring greater use of, green infrastructure; providing additional protection for coastal wetlands and shorelines; and requiring municipal decisions to take Great Lakes agreements into account.

In the longer term, Bill 6, if approved, will provide the legal framework for local geographic initiatives. These initiatives will



borrow from experience gained in implementing the Lake Simcoe Protection Act and plan and use technical information gathered by the 18 watershed planning committees organized under the *Clean*

Examples of the kinds of actions planners may be asked to address include:

- New public green infrastructure
- Designated policies in approved local initiatives with which Bill 6 will require municipal conformity
- Other policies which Bill 6 will require municipal planning authorities to have regard to
- Regulations that may include prohibitions on certain prescribed activities.

The emergence of parallel planning frameworks that use *Planning Act* instruments complicates the balance between provincial and municipal policy so central to everyday professional practice. We will be challenged as a profession to significantly expand our horizons. Are we up to it?

George McKibbon MCIP, RPP, AICP CEP drafted this paper while contributing editor Steven Rowe, MCIP, RPP, provided an insightful review. George is an environmental planner with McKibbon Wakefield Inc., and an adjunct professor in the University of Guelph's School of Environmental Design and Rural Development. We thank Ministry of the Environment staff who answered our questions about the strategy and Bill 6.

Endnotes

- 1 Province of Ontario, Ontario's Great Lakes Strategy, December 2012,
- 2 Ibid, Province of Ontario, 2012, page 8.
- 3 Ibid, Province of Ontario, 2012, page 6.

ELTO

Environmental Review Tribunal Landmark

Renewable energy approval revoked

By Natalie Smith and Eric K. Gillespie

n July 3, 2013, the Environmental Review Tribunal (the "Tribunal") rendered a milestone decision to revoke the decision of the Ministry of the Environment to grant a renewable energy approval (REA) to Ostrander Point GP Inc. to construct and operate nine wind turbines at Ostrander Point Crown Land Block. This is the first time an appeal has been allowed under the REA appeal provisions of the *Environmental Protection Act*. The tribunal



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found that appellant Prince Edward County Field Naturalists had demonstrated, on a balance of probabilities, that the project will cause serious and irreversible harm to Blanding's turtles, a threatened species in Ontario. It therefore held that the project should not be allowed to proceed as proposed.

Appellants

Prince Edward County Field Naturalists, one of two appellants, challenged the project on environmental grounds, drawing the tribunal's attention to the fact that the project site is located within a globally significant Important Bird Area; acts as a migratory corridor for birds, bats, and butterflies; and offers suitable habitat to threatened species such as the Blanding's turtles and Whip-poorwill. The tribunal also heard evidence regarding the site being an alva—a rare and globally imperiled ecosystem that supports a rich diversity of flora and fauna. The naturalists' appeal therefore concerned the second branch of the test under section 145.2.1(1) of the EPA. Thus the onus was on the organization to prove that engaging in the renewable energy project in accordance with the REA will cause serious and irreversible harm to plant life, animal life or the natural environment.

Alliance to Protect Prince Edward County appealed the ministry's decision based on human health grounds, taking the position that engaging in the project in accordance with the REA will cause serious harm to human health—the first branch of the test. The tribunal found, however, that the alliance had failed to draw a causal link between the proposed project and the health concerns raised. It therefore dismissed the alliance's appeal.

Serious and irreversible harm to Blanding's turtles

Prince Edward County Field Naturalists' successful appeal was based on the tribunal's finding that the project will cause serious and irreversible harm to Blanding's turtles. This was a high legal threshold to meet, the scope of which had not been clearly defined by the tribunal in earlier cases. In this appeal, the tribunal accepted the opinion evidence advanced by the naturalists' experts that the creation of 5.4 km of access roads at the project site will bring about increased road mortality, the greatest anthropogenic threat to Blanding's turtles, as well as increased poaching and predation.

In coming to its decision, the tribunal took into consideration and weighed the following factors: the conservation status of the species; the species habitat on the site and in the area; vulnerability of the population; the type and extent of harm caused by the project; vulnerability of the species to this type and extent of harm due to its life history traits; the mitigation measures included in the REA; and the demonstrated effectiveness of the mitigation measures (para. 362).

The tribunal made the explicit finding that when it is dealing with a species at risk, "a decline in the population or habitat of the species, or the alteration or destruction of such feature, will generally be factors with considerable weight when considering 'serious and irreversible harm' and applying the test" (para. 208).

Of note is that prior to the issuance of the REA by the ministry, proponent Ostrander Point GP Inc. had been granted an "overall benefit permit" under the Endangered Species Act which allows a permit holder to kill, harm, harass or capture a species otherwise protected under the act, such as the Blanding's turtle. The tribunal held that the ESA process is "completely separate from the [REA] process" (para. 265) due to the "difference in scale." Under the ESA scheme, a permit is granted if it has been determined by the

Ministry of Natural Resources that the species 'as a whole in Ontario' will have an overall benefit; in contrast, the tribunal determined that it was required to consider the status of the Blanding's turtle population that occupies the project site and the surrounding landscape (para. 343).

Both the Ministry of the Environment and Ostrander Point GP Inc. have filed appeals to the Divisional Court.

Renewable energy projects

The tribunal's decision has broad implications for proponents of all renewable energy projects, not just wind projects. It is now clear that the tribunal will give significant weight to the presence of species at risk and their habitat when hearing an REA appeal and it will explore proposed mitigation measures for their effectiveness. The tribunal also made clear that it will consider all appeals on a case-by-case basis.

Eric Gillespie and the other lawyers at his Toronto-based firm practice primarily in the environmental and land use planning area. Natalie Smith is a second-year associate lawyer. The firm represented Prince Edward County Field Naturalists in this matter. Readers with suggestions for future articles or who wish to contribute their comments are encouraged to contact Eric at any time. He can be reached at egillespie@gillespielaw.ca.

Social Media

Design workshop tools

DIY technology

By Robert Voigt, contributing editor

his column uses a broad definition of technology: choosing to use tools to make or modify knowledge and techniques to achieve goals. In this way, I am able to highlight two simple technologies that fit within existing planning practices neither of which requires investment in new computer software or hardware. Their use for community/urban design work is described as this has been my experience: it addresses common barriers to effective communication such as assumptions as to what constitutes design; fluency with reading various types of drawings; and the ability to envision physical changes in the built environment.

Puzzling Site

When working with the public on site design in a workshop or charrette format, for example, there are a few key challenges to overcome to encourage dialog and creativity. These including developing an understanding of the site context, built form and surroundings; moving beyond individual points of view, toward a collective vision (while not dismissing or superseding one for the other); creating a sense of collaboration and problem solving; and heightening awareness of site characteristics.

To help facilitate I developed a process called the Puzzling Site that adapts the use of aerial photos. Instead of a traditional approach that only provides a static image of a study area, a very large scale aerial photo is printed as a series of panels; perhaps a 3m X 6m image divided into 20 to 40 smaller sheets. Each participant is then given a single sheet of the large photo and instructed to work with the other participants to put the puzzle together and post it on the workshop room wall.

To construct the larger image people begin collaborating. They get up from their seats, talk among each other, some taking leadership roles, and all generally have fun doing this unexpected task. The process can take between 10 to 15 minutes and the resulting composite photo is then used as a reference throughout the workshop. The large scale of the image removes the need to crowd around tables to see each others' work and facilitates discussions and helps to document findings during the workshop.

Shifting perspective

When asking people to come together to work on a design challenge, one of the most difficult things is to get them to put aside their predetermined solutions and explore the study area together. Because each person is only given a single part of the overall image in Puzzling Site, the area becomes unfamiliar. Participants have to notice nuances that they have become accustomed to overlooking. Locals have to see the subject area with new eyes as they try to make sense of the disjointed parts. This is the real magic of this technology. It sweeps away the familiar and highlights the forgotten while people are working together.

In a design workshop people have plenty of time to discuss their viewpoints, but if you can get them to take a moment to really look around first, then you have done something special. The Puzzling



Site technology can help planners facilitate knowledge acquisition and creativity, and all they need is a larger than normal aerial photo and gentle guidance to the participants as they have fun working together.

Site Seeking

The second technology makes use of the GPS features found in smart phones. I call it Site Seeking. The inspiration for this came from colleague Mandy Long who is with the Town of Collingwood's Parks, Recreation and Culture Department. It is an adaptation of the sport of geocaching—a treasure hunting game where people use GPS to hide and seek containers throughout an unknown course—to facilitate design discussions.

Caches are set up as a route throughout a project site and participants use smart phone apps and a site plan to navigate and find them. Locations for the caches are selected based on their importance in the design. At each location the geocacher finds a short description and/or image of the planned elements and is asked to look around, and use their own senses and imagination to see how the proposal would fit within the existing landscape around them.

Using your senses

The benefits of visual simulations and social media is that they allow people to access information at times that are convenient to them. However, the information is limited to what can be shown on a screen. Through Site Seeking people can still participate at convenient times, but they have the added benefit of being surrounded by the site and using all their senses to understand it. No amount of computer simulation can match the experience of exploring an area in person. Issues of understanding scale, reading plan view drawings, spatial relationships between proposed features and existing structures can be largely eliminated through this immersive process.

Customizations are also possible with Site Seeking. Examples include enabling parents and children to participate together; updating of information and routes as project parameters change; using course trackers to help guide participants and facilitating tours to lead stakeholder groups.

DIY

The Puzzling Site and Site Seeking are two technologies I have used to better inform and engage citizens. They heighten awareness, create interest, facilitate creativity and communicate information in meaningful ways. As planners, rather than relying solely on advances coming from new tools, we should also look to adaptations of familiar ones. Get inspired by tools being used outside of the planning profession and amend existing approaches in meaningful ways. Be accepting of evolving processes and techniques. Let me know about how you too have developed your own technologies.

Robert Voigt, MCIP, RPP, is a planner, artist and writer, specializing in healthy community design, active transportation, community engagement, and organizational development. He authors CivicBlogger, a website focused on planning issues. Robert is a member of OPPI's Planning Issues Strategy Group and Chair of the Community Design Working Group. He can be reached at <u>rob@robvoigt.com</u>, on Twitter @robvoigt, or Google+ and LinkedIn.

Professional Practice

Spelling matters

Dear Dilemma.

am an RPP and I recently received a letter from another RPP colleague that I thought was poorly written, in terms of spelling and grammar. I felt a little embarrassed for my colleague, at least professionally. The letter, which is likely to become evidence at an OMB hearing, was copied to numerous parties, including elected officials, municipal staff, the applicant and other stakeholders. In one sentence alone there were four glaring spelling errors.

It is hard to even read this letter because the errors distract from the content. I realize that OPPI does not police spelling or grammar, but I am concerned that someone has hired this RPP and received less than professional work.

Regards,

—Spelling B

Dear Spelling B,

Ph: (647) 931-4021

The fundamental problem with the lack of attention to spelling and grammar in a professional environment is not so much the distraction you describe but that it leads to misunderstandings. One of the fundamental skills a planner requires is to

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communicate effectively, both verbally and in written form. It is essential to sharing information, formulating and articulating opinions, and presenting oneself as a professional. If you misspell words or do not use proper grammar then your message is likely to be misconstrued—taken out of context, misinterpreted or misunderstood— and can lead to a significant, and unnecessary, amount of time and expense to correct it.

First, ensure your own correspondence and reports are consistently error-free. Keep a Canadian dictionary, style guide and English usage guide handy and use them frequently. Then if you notice a professional colleague has written something that contains spelling and grammatical errors, contact them immediately. Errors sometimes happen and most professionals would be appreciative of the heads up. Second, professional planners should make it normal practice to have their correspondence/reports reviewed by a colleague before sharing them with a client, other parties and stakeholders. This practice strengthens us all as professionals.

Professionally yours,

—Dilemma

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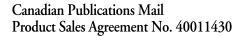




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