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## Downtown Welland revitalization



By Paddy Kennedy & Luciano Piccioni

The City of Welland, like many other historically industrial-based municipalities in Ontario, has felt the impact of shifting patterns in global investment, resulting in a drawn-out three-decade decline in the city's manufacturing base. Its downtown has also been negatively impacted by shifting trends in retailing which has resulted in a slow but steady decline, evidenced by increasing business vacancy rates, deteriorating commercial and mixed-use buildings and a dearth of new business and building investment.

The Welland Downtown and Health & Wellness Cluster CIP and Urban Design Guidelines are an example of what can happen when cities think big, conduct meaningful engagement and follow through on the commitments in their plans.

In 2013, on the heels of a new official plan as well as several targeted improvements to the city's market square, court house and recreational waterway trail network, the City of Welland launched an ambitious community improvement plan to comprehensively regenerate and revitalize its downtown core and adjacent health and wellness district, which includes the Welland Hospital. The Welland Downtown and Health & Wellness Cluster CIP was adopted by Welland Council in August of 2014. This CIP covers a large and diverse project area—120 ha., 840 properties and 287 businesses—and contains four distinct sub-areas, each with its own set of unique challenges and opportunities.

The intent of the CIP is to re-invigorate the city's core area through a combination of initiatives, including:

**Promote intensification**—The CIP increases opportunities for people to live and work in the downtown through a combination of financial incentives which promote development and

redevelopment, as well as recommendations for land use and zoning by-law changes.

**Improve the public realm**—The public realm improvement program identifies strategic locations for streetscape improvements, gateway enhancements and green connections that are intended to improve pedestrian connectivity to the Welland

Recreational Waterway and associated trail network. It also focuses on restoration of the city's famous public murals and other public space improvements.

**Guidance for private realm improvement**—The CIP includes urban design guidelines to ensure that new development is attractive, pedestrian friendly and transit supportive. The guidelines also provide direction for heritage restoration and enhancement.

The preparation of the CIP included extensive stakeholder and community consultation. A steering committee comprising senior staff, business and resident representatives was formed and met regularly with the consultants to help guide preparation of the CIP. Two well-attended workshops were held to develop a vision for the area, generate ideas for revitalization and obtain input into the recommended land use concept, public realm improvements, financial incentive programs and urban design guidelines.

The public realm improvement plan and CIP incentive programs are designed to work in tandem. Collectively the incentive programs (which are also financially supported by Niagara Region) are intended to promote intensification, mixed-use development and private sector re-investment throughout the area. Through the public realm improvement plan, the city can ensure that financial incentives are supported by high-profile public sector investments in physical improvements.



Patrick Kennedy



Luciano Piccioni



IMAGE COURTESY OF THE AUTHOR

Looking north on Niagara Street in Downtown Welland, circa 2013



RENDERING BY KIRAN CHHIBA, URBAN DESIGNER, DILLON CONSULTING

A mixture of public and private realm improvements

City staff and the consultants were faced with some skepticism during the first public workshop. A few workshop participants expressed concern that the city would not implement the CIP or that the CIP may not be effective. However, as preparation of the CIP progressed, the focus on stakeholder and community consultation resulted in a plan with considerable stakeholder, public and council support.

Quickly after its adoption, the City of Welland began implementation of the CIP and proactively marketed the incentive programs. The CIP has been well received, and in less than a year, eight incentive program applications have been approved.

Popularity of the CIP programs and interest from applicants has

been greater than anticipated and the city has had to reallocate budget funding to accommodate the approved incentive program applications to date.

*Luciano P. Piccioni, MCIP, RPP, Ec.D, is the president of RCI Consulting. Luciano has prepared over 30 community improvement plans for numerous Ontario municipalities, including several plans that have garnered provincial and national planning and economic development awards. Paddy Kennedy, MCIP, RPP, is an associate and leads Dillon Consulting's community planning service. Paddy is also the chair of OPPI's Municipal Affairs and Housing Working Group and a member of the Planning Issues Strategy Group.*

## Community Planning & Development Studies/Reports

# The Living City

By Carolyn Woodland, Laurie Nelson & Mary-Ann Burns



In overseeing the watershed-based environmental management responsibilities of a growing city-region, the Toronto and Region Conservation Authority reviews complex development and infrastructure proposals. TRCA planners understand the pressures being placed on the natural heritage and the natural hazard vulnerabilities of rapidly developing greenfield communities and intensifying urban centres. Within this context and the plethora of environmental statutes, provincial plans and municipal initiatives that began to emerge in the 2000s, it became clear that a new form of policy document was needed to support municipal partners in building sustainable communities. A document that would frame TRCA's legislative responsibilities and articulate the value that conservation brings to the planning and environmental assessment processes.



Carolyn Woodland



Laurie Nelson



Mary-Ann Burns

### Collaboration for innovation

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority is the first policy document of its kind in the province, setting

technical and design standards for watershed planning. It is a foundational document, applicable to many conservation authorities and natural resource managers in highly urbanized jurisdictions. The document is substantiated by current research in watershed science and best management practices from TRCA's extensive work with

municipalities, developers, consultants and homeowners over the last 15 years.

The policies advocate innovation not just for environmental planners but also for land use planners and site design professionals working in resiliency planning, sustainable

community planning and ecological design. They offer a new perspective on nature in the city and the value of green.

Unique to Ontario, conservation authorities are governed by the *Conservation Authorities Act* as local watershed management agencies that protect and manage water and other natural resources in partnership with government, landowners and interest groups. As well as focusing on natural hazard management, the document covers a broad range of policy topics, applying an integrated watershed management approach. This approach strives for balanced environmental and development outcomes in collaboration with many watershed stakeholders.

The document addresses current issues relevant to community building and redevelopment, such as urban flooding and climate change, urban forests and green infrastructure, stormwater management and low-impact development, near-urban agriculture and recreation, and cultural heritage and aboriginal engagement. Other pertinent planning issues include natural hazard risk and emergency management, source protection, cumulative impact assessment, natural heritage restoration and compensation, and adaptive management. The document's iterative and integrated approach is unique in planning processes that can be linear and siloed. Encouraging creative change and innovative community design, the document promotes collaboration among reviewers and applicants, be they planners, developers, engineers, ecologists or landscape architects.

### Understanding implementation

Often fraught with misconceptions that environmental requirements are costly and technically complex, stakeholder buy-in can be a challenge with environmentalists saying policies

don't go far enough and the development community arguing the policies are too prohibitive. The document strives to balance these competing views.

In addition to TRCA planners, the document is intended for use by municipalities and the development industry, to help them understand TRCA interests and the positioning and weight of TRCA comments. Thus the policy chapters are organized by TRCA roles and responsibilities throughout the various stages of the planning and development process.

The document also describes the history of TRCA, telling the story of the organization since its inception. It articulates how TRCA has responded to changes in public policy, environmental conditions and stakeholder demands, and how it has adapted itself to new opportunities, new science, competing interests and fiscal realities. The Living City Policies are intended to set the stage for more sustainable development in Ontario.

*Carolyn Woodland, OALA, FCSLA, MCIP, RPP, is a TRCA senior director, planning, greenspace and communications. Since 2002, Carolyn has overseen the Planning and Development division of TRCA collaborating in environmental planning, development review, policy and environmental assessment functions for the conservation authority within the 18 municipalities of the Toronto region. Laurie Nelson, MCIP, RPP, is a TRCA associate director, planning and policy. In addition to municipal planning experience, Laurie has 25 years of conservation authority experience. Mary-Ann Burns, MCIP, RPP, is a TRCA policy planner who has worked in development review and policy and guideline development since 2001.*



# The Living City<sup>®</sup> Policies

for Planning and Development in the  
Watersheds of the Toronto and Region  
Conservation Authority

November 28, 2014

# Employment Campus Out to Pasture

By Vance Bedore, Bryan Jones & Jordan Lambie

**T**unney's Pasture Master Plan is a significant milestone in the Canadian federal government's real estate and planning portfolio. It is one of the largest federal employment campus redevelopments, and is the first federally-driven, transit-oriented, mixed-use project in Canada. Moreover, it sets an important precedent in the redevelopment of government-owned urban lands and the evolution of federal employment nodes more broadly. The master plan represents a shift in thinking around the design of federal employment districts, questioning their singular use by creating a more dynamic place to live and work.

Like many cities across Canada, Ottawa has experienced an increase in competition to attract and retain top-level talent across all sectors, including its sizable public sector. To create desirable live-work-play environments, all levels of government are rethinking conventional top-down planning methods and turning to communities for help in creating a new vision.

## Tunney's Pasture Master Plan

The planned Confederation Light Rail Transit Line, will provide key physical and economic connections throughout

the city. Its proposed western terminus station is Tunney's Pasture, a 49-hectare federal employment centre, originally envisioned by Jacques Gréber in the 1950s as an "employment campus in a park-like setting." While built around a large boulevard park, the site is mostly defined by its 19 aging buildings containing 10,000 federal employees, underutilized open spaces, a disconnected grid of oversized streets and blocks and large expanses of surface parking lots.

The proposed LRT station at Tunney's Pasture creates an opportunity for improved connectivity and access to the site, both for employees and local residents, while leveraging the increasing land values to incentivize a critical mass of urban development. Significant intensification is already underway in the area surrounding the station and adjacent to the site. As custodian of the site, Public Services and Procurement Canada observed these contextual changes and saw an opportunity to create a bold new 25-year vision for Tunney's Pasture that creates a 21<sup>st</sup> century employment-focused community. The vision would ensure the efficient use and distribution of federal lands, improved regional connectivity and integration with surrounding communities.



IMAGES COURTESY OF THE AUTHORS

Tunney's Pasture Master Plan: one of the largest federal employment campus redevelopments, and the first federally-driven, transit-oriented, mixed-use project in Canada, overview. . .

Key to both data collection and the development of the Tunney's Pasture Master Plan, was the department's first ever public and stakeholder participation events. The number of agencies, stakeholders and communities involved meant that communication was critical to the overall success of the project. The engagement process therefore relied on an intensive and consistent strategy to solicit feedback from members of the public and stakeholders at regular intervals.

In the first of two bilingual public and government open houses, two concept options were presented. Through the collaborative efforts of all participants, a preferred master plan developed into the eventual approved plan.

The resulting master plan creates a healthy and complete community. One that is intensified, human-scale, active, transit-oriented and mixed-use. It effectively responds to an existing urban fabric and adapts to long-term market conditions by providing development flexibility.

As a complete community, the plan incorporates a wide range and mix of uses. Office space is provided for about 24,500 public and private sector employees. These employment uses are concentrated around the transit station and the corridor to create greater proximity between the public and private sector and spur collaboration, communication and innovation. Planned to become home to a population of about 9,000, the plan includes 3,500 to 3,700 residential units as well as neighbourhood retail and amenities to create a vibrant live/

work community. Residential uses extend from the transit station to the northern and western edges of the site and transition into the surrounding established neighbourhoods. All public open spaces—from urban plazas to large neighbourhood parks—are intended to encourage employees, residents and visitors to move through the site and access its wide variety of amenities.

The plan's design enhances connectivity to the Ottawa River Park and trail system while creating transitional building

heights and massing and respecting the long-term build out of adjacent transitioning neighbourhoods. It creates greater physical and visual connectivity among buildings, landmarks, other site features and the transit station.

The built form of the plan is intended to promote densification

immediately around the transit station, creating a strong gateway condition at the site's entrance. High-density tower and podium development is proposed around the transit station which gently steps down towards surrounding residential communities to the south and west of the site, transitioning into townhouses and low-rise building typologies. Buildings proportionally frame streets and public open spaces and towers are generously set back to minimize wind shear of the façade and not detract from the quality of the public realm.

Transforming Tunney's Pasture into a new, complete community over the next 25 years will enhance and contribute to the vibrancy and livability of Canada's Capital.

*Vance Bedore has over 30 years' experience as a professional urban planner with the last 14 years as a principal portfolio planner with the Real Property Branch of Public Services and Procurement Canada. Bryan Jones is vice president and practice leader of HOK's Planning Group in Canada where he oversees the group's international portfolio of urban planning, urban design and landscape architecture projects. Jordan Lambie is an associate with HOK, where he manages the award-winning Canadian portfolio of urban planning & design projects.*



Bryan Jones



Jordan Lambie



Vance Bedore



... detail



# inZone

By Joe Nethery

Zoning reviews are extremely technical processes. However, Oakville's inZone project to prepare a new comprehensive zoning by-law, inspired great participation across a broad demographic.

At the start of the inZone project—which ran from October 2011 until council's unanimous approval in February 2014—development in the established urban area of Oakville was guided by a 1984 zoning by-law. A number of special studies had been undertaken over the previous 28 years along with several hundred distinct amendments. While Oakville was among the first municipalities in the Greater Golden Horseshoe to adopt a new official plan consistent with the 2005 *Provincial Policy Statement* and conforming to the 2006 Growth Plan for the Greater Golden Horseshoe, it had never before undertaken a comprehensive zoning review.



Joe Nethery

Issues of usability and relevance were evident at the outset of the project. With a significant change in the local policy context for land use planning, it was clear that a full review of zoning resulting in a new document with new permissions would be necessary. Oakville council had identified zoning as a significant issue needing to be addressed in its strategic plan for its 2011-2014 term and the new zoning by-law was approved by council February 25, 2014, less than three years after the Ontario Municipal Board's approval of the Livable Oakville Official Plan.

The project was undertaken in four phases: Project launch (July to October 2011), research and analysis (10 technical papers were produced between October 2011 to February 2013), consultation (statutory and additional public outreach from March 2013 to February 2014) and implementation and appeals.

Town staff worked hard to create a project that transcended the stereotypically dry review and engaged citizens in development matters that impact daily lives. In addition to 21 open houses, six residential design open houses were held across Oakville in 2012 with a focus on character and

Part 2  
Establishment of Zones

d) As running substantially parallel to a lot line abutting any street and the distance from that street is not indicated, the boundary shall be parallel to the applicable lot line and the distance shall be determined according to the scale shown on the Zoning Maps.

e) As following a lot line abutting an unopened road allowance, the boundary shall be the centre-line of such road allowance;

f) As following a shoreline, the boundary shall follow such shoreline and in the event of a natural change in the shoreline, the boundary shall be construed as moving with the actual shoreline;

g) As following the limits of the Town, the boundary shall be the limits of the Town; and,

h) Where none of the above provisions apply, the zone boundary shall be sealed from the Zoning Maps.

2.3.2 Split Zoning

a) Where a lot falls into two or more zones, each portion of the lot shall be subject to the applicable use permissions and regulations for the applicable zone applying to that portion of the lot.

b) Notwithstanding subsection (a) above, parking spaces and stacking spaces required by this By-law may be provided anywhere on a lot that falls into two or more zones except that portion of a lot in any Environmental Zone.

c) A zone boundary dividing a lot into two or more zones is not a lot line for the purposes of this By-law.

2.4 Special Zone Symbols

Where the zone symbol zoning certain lands on the Zoning Maps is preceded or followed by any combination of a hyphen, number, or letter, provisions relating to one or more of the following special zone regulations apply to the lands so designated on the Zoning Maps. Lands so identified shall be subject to all of the provisions and restrictions of the applicable parent zone, except as otherwise provided by the special zone.

2.4.1 Special Provisions

Where a zone symbol is followed by a hyphen and superscript number, the symbol refers to a Special Provision that applies to the lands so zoned.

2.4.2 Holding Provisions

Where a zone symbol is preceded by an upper case letter "H", a number, and a hyphen, the symbol refers to a Holding Provision that applies to the lands so designated.

2.4.3 Temporary Use Permissions

Where a zone symbol is preceded by an upper case letter "T", a number, and a hyphen, the symbol refers to a Temporary Use Permission that applies to the lands so designated.

Zoning By-law 2014-014 is currently in the Ontario Municipal Board (OMB) appeal period. Building permit and development applications on lands subject to this By-law will need to comply with both the By-law and Zoning By-law 1994-03, as amended.

RL3-0<sup>15</sup> RL1-0

RL7-0 RM1 O1 RH RM1 CU RH RM1 RH-CBD CBD CEM RM1

Lots subject to a Special Provision have a superscript number following the parent zone symbol (see Part 1.5). Lands subject to a Suffix Zone have a normal-sized letter or number following the parent zone symbol (see the end of the same Part of the By-law as the parent zone).

Lots subject to a Holding Provision have a letter H and number before the parent zone symbol (see Part 1.6).

Town of Oakville | Zoning By-law 2014-014  
Consolidated to February 27, 2014  
Page 2-3

Where Lot Coverage is maximized...

NOTE: Floor Area refers to the gross floor area of the house.

Floor Area - 257.5 m<sup>2</sup>  
Lot Coverage - 35%

Floor Area - 515 m<sup>2</sup>  
Lot Coverage - 35%

Where Floor Area/Lot Ratio is maximized...

NOTE: Floor Area refers to the gross floor area of the house.

Floor Area - 288 m<sup>2</sup>  
Lot Coverage - 41.6%

Floor Area - 288 m<sup>2</sup>  
Lot Coverage - 23.6%

Figure 2. The dwellings forms produced by building to the lot coverage and floor area/lot ratio maximums on a conceptual lot in the Detached Dwellings R03 Zone. The two regulations work independent of each other and produce four different building styles.

"Two regulations work independent of each other and produce four different building styles"



regulatory preferences. Also, 30 staff-led workshops were held attracting 520 individuals over three years. An online version of the presentation was viewed 104 times. Staff also facilitated 38 one-on-one meetings with landowners and their representatives. The inZone project engaged over 1,300 individuals through over 50 engagement opportunities.

The inZone project was an iterative, evidence-based planning process. The first draft of the new by-law was supported by 10 technical papers, each informing a different component of the draft by-law and reviewed by a dedicated subcommittee of council. Subcommittees focused on providing feedback to staff on by-law content and areas for further research. An internal review group was also established, comprising staff from relevant departments who focused strictly on zoning matters. Members flagged numerous legal and site design issues early in the process.

At end, staff incorporated updated zoning compliance checklists and paper-based review processes into internal AMANDA database management software, automating and advancing staff review. InDesign software was used to create a template for the report, introducing a side column on every page for explanatory illustrations, amendment history and interpretive notes clarifying the intent or application of certain regulations. The by-law is fully integrated with the town's public GIS interface, with updated consolidations published online as amendments come into force.

*Joe Nethery, MCIP, RPP, is the project manager of Oakville's comprehensive zoning by-law review and a veteran of 11 comprehensive zoning by-law reviews. Together with Joe, the review team comprised Dana Anderson, MCIP, RPP; Ramona Boddington; Diane Childs, MCIP, RPP; Lesley Gill Woods, MCIP, RPP; Brad Sunderland, MCIP, RPP; Christina Tizzard, MCIP, RPP; Bob Lehman, FCIP, RPP; Alison Luoma, MCIP, RPP; Suzette Shiu, P.Eng; Andrew Biggart; Nadia Chandra; Joanna Wice; David Artymko; Linda Barrett; Jim Birch; Denis Daoust; Rukshan de Silva, MCIP, RPP; Kristina Didiano; Adam Duhatschek; Greg Froese; Ben Hannam; Peter Kozelj; Kelly Lanaus; Arjun Rattan; Matthew Rodrigues; Matt Rubic.*



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# Imagine Niagara

By Darryl Barnhart & Katelyn Vaughan

**E**ngagement is tough. In today's media-saturated and frenzied society, getting anyone to stop and provide feedback on something as seemingly dull as an official plan can be a herculean task.

The approach to engagement in the Imagine Niagara initiative is viewed by Niagara Region as a new standard for two-way communication. Here are five things we learned from our efforts engaging residents with Niagara's official plan that can be applied to most public consultation efforts.

## Be open to try new things

One of the most important elements of the engagement was that it wasn't exclusively bound to the traditional or legislated consultation requirements. Permission to embrace non-traditional forms of communication engendered creativity and flexibility. This is paramount to the success of the engagement process.



Darryl Barnhart



Katelyn Vaughan

Of course the region conducted the legislated public meeting as required by the *Planning Act*: it cost \$4,000 in advertising and had one attendee that wanted to talk about an unrelated issue.

Compare that to the over 4,000 residents that provided comments through non-traditional methods, and the value of new and creative forms of engagement becomes clear.

## Do lots of research and analysis before you communicate

Contrary to popular opinion, the most important part of any communications plan isn't the actual execution of the tactics. Instead, more time should be spent developing clear objectives and goals,

researching best practices and identifying key audiences and how they prefer to communicate.

Think of the research and analysis as akin to building your house on rock instead of sand. A solid foundation of measurable



'The approach to engagement in the Imagine Niagara initiative is viewed by Niagara Region as a new standard for two-way communication'

objectives, clearly defined audiences and best practices will help the rest of the plan write itself.

### Make concepts relatable to your audience

When dealing with any type of complex content your audience is unlikely to understand, it's important to communicate using terms to which they can relate.

As an example, consider the title: five-year review of the region's official plan. It seems designed to repel even the most interested of residents.

Aside from rebranding the entire project Imagine Niagara, the team spent a lot of time summarizing concepts so the average resident would be able to provide meaningful feedback.

The team found video to be a useful tool to help explain, not only the concepts of the plan, but also the importance of feedback. Online surveys were also designed to help explain elements of the plan to residents.

### Go where your audience already is

Niagara residents do not spend a lot of time attending public meetings, open houses, town hall meetings or public information centres. They do, however, spend a great deal of time online and on social media in particular.

Other than the expensive print advertising we were legislatively required to do, staff spent much of its budget on targeted social media advertising. This allowed us to only pay for what we used and resulted in a significant number of returned surveys from the target demographic and geographic areas we required.

And, instead of planning a meeting on a Thursday night at the

local elementary school library, the Imagine Niagara team went to a busy coffee shop on Saturday afternoon and set up a table at well-trafficked farmer's market at 7 a.m. on a weekend.

### Did we hear you correctly?

The first phase of Imagine Niagara produced a lot results. With over 2,000 completed surveys and more than 100,000 words of feedback, it was a demanding task to distill the results down to a usable level.

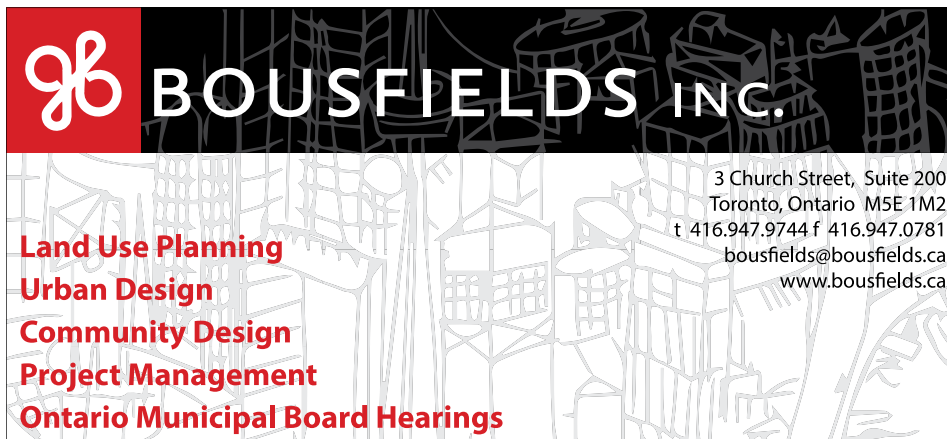
A second round of engagement was designed to ensure we heard residents correctly. A video was created that reported back what the team heard and asked for some further clarification on priorities.

Overall, the Imagine Niagara engagement process produced over 170,000 words of feedback from more than 4,000 residents. In terms of word count, that is nearly double the length of *The Hobbit*.

### Legacy of Imagine Niagara

While the engagement efforts of Imagine Niagara ran from August 2013 to spring 2014, it has continued to send ripples through the organization. The results, which went well beyond the scope of a planning document, have been referenced numerous times by several different departments, and were used in the development of council's strategic plan.

*Daryl Barnhart, APR, is an award-winning, accredited communications specialist with Niagara Region. Katelyn Vaughan is a senior planner with Niagara Region's Planning and Development Services department.*



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# The Active City

By Andrew Davidge, Ronald Macfarlane & Brent Raymond

**D**esigning active cities can increase rates of physically activity, address root causes of chronic diseases, foster a more equitable community, contribute to placemaking and lead to a more complete transportation system.

To help foster an urban environment that makes it easier for people to incorporate physical activity in their daily lives, in 2014 Toronto Public Health published *Active City: Designing for Health* as a practical resource for city-building professionals, decision-makers and the general public. The report clearly establishes the links between characteristics of built environments, levels of physical activity and health outcomes. It details strategies for realizing healthy environments and features case studies. Most importantly, it highlights 10 active city principles, which describe built environments that make it possible, convenient and safe to be physically active every day.

An active city shapes the built environment to promote opportunities for active living. An overarching principle it emphasises the need for an intentional approach to creating a healthier city.

## An active city...

...has a diverse mix of land uses at the local scale. Increasing the land-use mix brings services and destinations closer to each other, makes it easier to walk or cycle to places and improves accessibility to recreational spaces like parks and community facilities.

...has densities that support a good provision of local services, retail, facilities and transit. Areas with higher densities of people, residential units and employment can support more local services, retail, facilities and higher levels of public transit, making it easier for people to access these venues by foot, bicycle or transit. These areas have destinations in close proximity compared to suburban forms that are characterized by low densities and single or segregated land uses which makes it harder to use active transportation.

...uses public transit to extend the range of active modes of transportation. Public transit can help get people to more and farther destinations. Research shows that the use of public transit contributes to increased levels of physical activity by promoting walking. Public transit can also increase the range of recreational amenities like parks

and community facilities that can be accessed by people without relying on private automobiles.

...has safe routes and facilities for pedestrians and cyclists.

Real or perceived concerns about personal safety related to crime or violence, or traffic safety when sharing road space with fast-moving vehicles, can prevent people from using active transportation. As well as addressing safety concerns to encourage walking and cycling, providing facilities along routes, like benches or

bicycle parking, can create environments that are inviting for pedestrians and cyclists.

...has networks which connect neighbourhood to city-wide and region-wide routes. An effective network allows people to



Andrew Davidge



Brent Raymond



Ronald Macfarlane



IMAGES COURTESY OF THE AUTHORS

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DESIGNING FOR HEALTH

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travel from one place to many others. People should find it easy to combine different modes of transport (transit, walking and cycling) and have access to a variety of routes (commuter and recreational).

...has high quality urban and suburban spaces that invite and celebrate active living. Urban and suburban spaces—both routes and destinations—should not just be functional; they can also be attractive. Regardless of whether an individual seeks a calming, quiet city oasis, or a vibrant, exciting city scene or the awe-inspiring grandeur of art or urban structures, an Active City should provide and maintain many different inviting spaces and vibrant streets where people want to spend time.

...offers opportunities for recreational activities and parks that are designed to provide for a range of physical activities. Living closer to parks and recreation centres makes it easier to go and use these spaces for sports and physical recreation. Access to parks and open green spaces has been linked to positive mental health outcomes like decrease in stress.

...has buildings and spaces that promote and enable physical activity. Building design can promote physical activity. Encouraging stair climbing has been a primary focus for increasing physical activity levels indoors; making stairways more appealing and visible can encourage their use.

...recognizes that all residents should have opportunities to be active in their daily lives. While social inequalities and discrimination are at the root of health inequalities, changes to built environments can address some issues of unequal access to healthy environments. Addressing health inequities by design means that the most health-disadvantaged populations and the areas with fewest resources to promote

active living are given priority when improvements are being planned and built.

Toronto Public Health continues to collaborate with other divisions at the City of Toronto and a range of other stakeholders to advance and realize active city principles. More information on these initiatives and other reports in the Healthy Toronto by Design series can be accessed on Toronto Public Health's web site.

*Andrew Davidge, MCIP, RPP, is a senior planner at Gladki Planning Associates. Ronald Macfarlane is the manager of healthy public policy with Toronto Public Health, a co-author of Healthy Toronto by Design and leads Toronto's Active City initiative. Brent Raymond, OALA, CSLA, ASLA, MCIP, RPP, is a partner at DTAH, with a focus on the essential connections between people, their physical environment and well-being.*

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## INTRODUCTION

**What is an Active City? The World Health Organization (WHO) defines a healthy, active city as a city that continually creates and improves opportunities in the built and social environments and expands community resources to enable all its citizens to be physically active in day-to-day life.<sup>1</sup>**

"Active City: Designing for Health" elaborates on the built environment component of the WHO's comprehensive approach for promoting active living (Figure 1).

**What is the Built Environment?**  
The built environment is part of our physical surroundings and includes the buildings, parks, schools, road (and transit) systems, and other infrastructure that we encounter in our daily lives.

**What is Active Living?**  
Active living is a way to integrate physical activity into daily routines. Active living includes all types of activities like playing or doing tai chi in the park, gardening, taking the stairs or walking to or from public transit.

Active transportation, which refers to all forms of human-powered travel like walking, bicycling or skateboarding, is an integral part of active living.

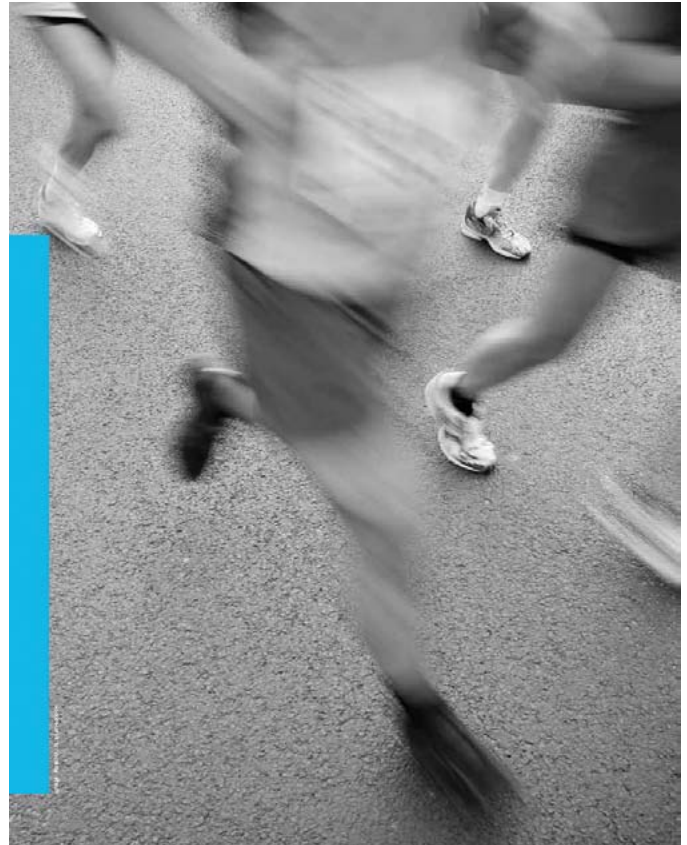
**An Active City Encourages Active Living**  
Regular physical activity whether it is for travel or pleasure is good for everyone. Even moderate intensity activities that make you sweat or breathe just a bit harder can play an important role in maintaining or improving good health.

A considerable number of people are not meeting recommended physical activity levels—in Toronto, about 60 per cent of people aged 12 and older were below recommended levels for physical activity during their leisure time in 2008. Creating an Active City with built environments that support active living can help people get more exercise.

**Fig. 1. A framework for creating a healthy, active city.**

**Why does Toronto need an Active City Now?**  
Public health units have always promoted active lifestyles for healthy living. More recently, health advocates and local governments have begun to realize that the design of built environments can influence people's everyday choices for active living. There is now enough health evidence showing that changes in neighbourhood, street and building design that encourage regular physical activity as a normal part of people's daily lives can be a part of the solution to reduce risk factors and incidence of chronic disease and illness.<sup>2-4</sup>

ACTIVE CITY: DESIGNING FOR HEALTH 1



# Exploring ethnoburbs

By Dr. Zhixi Cecilia Zhuang, Philip Liu & Leah Cooke

The following offer a brief synopsis of selected conference presentations.

**W**ith increasing suburbanization of immigrant settlement, ethnic shopping destinations have emerged as a noticeable phenomenon in the Greater Toronto Area, which attracts the largest share of immigrant populations in Ontario.

Within the GTA, Chinese and South Asian shopping centres are the most prominent and rapidly growing examples of ethnic retailing.

The presenters explored this phenomenon through various case studies. Dr. Zhixi Cecilia Zhuang’s research of over 100 suburban Chinese and South Asian retail clusters across the

GTA revealed that although located in the stereotypically uniform suburbs, many ethnic retail places provide a sense of community—not only for immigrants, but for the larger community. They also create innovative and unprecedented shopping environments, establishing unique suburban landscapes. Philip Liu’s study on First Markham Place, a Chinese mall in the City of Markham, revealed that the mall not only satisfies both practical and innate desires for cultural goods and services, but also encourages a public life not seen in conventional suburban malls due in part to co-ethnic interactions. Leah Cooke applied traditional observational



IMAGE COURTESY OF ZHIXI CECILIA ZHUANG

The Great Punjab Business Centre located in Mississauga



IMAGE COURTESY OF PHILIP LIU

‘Lion Dancers’ ritual brings luck for storeowners during Chinese New Year



IMAGE COURTESY OF ZHIXI CECILIA ZHUANG

Unique built forms include a Sikh Heritage Museum



IMAGE COURTESY OF ZHIXI CECILIA ZHUANG

Food court in Pacific Mall

planning methods to study Pacific Mall, another Chinese mall in Markham. Her findings revealed that while these methods were generally useful with respect to the physical landscape, certain pieces of cultural information could not be established through observation alone.

Planners need to consider a place's ethnocultural context in order to understand the intended users of the space and their spatial needs, legibility for these users and culturally specific information. Furthermore, municipalities need to identify effective strategies to facilitate place-making practices within these ethnoburbs—suburbs with considerable concentrations of ethnic minority population and businesses—and their retail establishments so as to not only revitalize local economies but create new spaces for community life.



Dr. Zhixi Cecilia Zhuang

Philip Liu

Leah Cooke

*Dr. Zhixi Cecilia Zhuang, MCIP, RPP, is an associate professor at the School of Urban and Regional Planning, Ryerson University. Philip Liu, B.E.S., M.Pl., is a recent graduate of Ryerson's Master of Planning program and a planner on the City of Markham's urban design team. Leah Cooke, M.Pl., is a recent graduate of Ryerson's Master of Planning program and a planner at Urban Strategies in Toronto.*

## Ottawa's mature neighbourhood zoning by-law

By Elizabeth Hemens-Desmarais

Ottawa's Mature Neighbourhoods Zoning By-law represents a ground-breaking approach that ties zoning rules to streetscape character in the city's older, mostly pre-car residential neighbourhoods. Using the principle "Your street gives you your rules," the developer must complete a Streetscape Character Analysis documenting the surrounding 21 lots. The analysis must be confirmed by planning staff prior to any application review.

The by-law goes beyond traditional residential subzone development standards (e.g., actual lot width, height) to regulate those land use attributes that most affect the streetscape. These include the use of the lands abutting the street(s) for amenity space and vehicular access, the driveway to lot width ratio, on-site parking pattern and the location of the front door. The most prevalent character for each of the attributes is deemed to be the dominant character and provides the basis for the zoning regulations and permissions for the property. Compatible development patterns are permitted depending on the expected land use impact. For example, proposals to pave much of the front yard for a double-wide driveway or parking pad will have a high impact on streets

with rear lane access, no driveways and landscaped front yards, but will have little impact on streets with similar driveways and lot width ratios.

To ease implementation the city developed centralized intake and confirmation processes and a central depository for staff to access approved documents across municipal branches and departments. Some 70 streetscape character analyses were confirmed in the first three months of the approved by-law, with development plans submitted in compliance with the new rules.

*Elizabeth Hemens-Desmarais, MCIP, RPP, has 29 years of experience in both the public and private sectors, addressing both urban and rural issues. She has a passion for innovative zoning, where policy becomes strategy and ideas become law. She may be reached at Elizabeth.Desmarais@ottawa.ca or on Twitter @beth\_desmarais.*

## Evolution of Zoning

By Joe Nethery

The evolution of zoning across North America over the past 20 years has resulted in significant changes in the design, implementation and communication of municipal zoning by-laws. Understanding these changes is critical when drafting new by-laws.

### Historic context

Zoning controls were initially based on the landmark U.S. Supreme Court case of *Euclid v. Ambler Realty*, and were informally called Euclidean zoning. These controls were premised on the assumption that most negative land use impacts occur when the wrong uses are located next to one another, and if those uses were separated the problem would be solved. Very little attention was given to the form of the buildings that were permitted, other than to set maximum heights and minimum setbacks from streets and surrounding properties.

In the beginning there were only three zoning districts—residential, commercial and industrial. As municipal officials became aware of the complexities of cities, however, those categories were divided into more and more districts, and the permitted land uses in each were divided into narrower and narrower categories. As a result, the system became rigid.

Over the past almost 100 years, three different responses to the rigidity in Euclidean zoning have emerged.

Site-specific zoning by-laws—Starting in the 1950s, municipalities began to approve site-specific zoning by-laws, which allowed property owners to negotiate the specific types of uses and buildings they wanted and municipalities to approve specific package of uses and conditions. Site specific zoning by-laws are widely used, but have proven to be difficult to administer over time.

Performance zoning—As a means of measuring the impact of a proposed development on its neighbors, performance zoning never caught on. It requires substantial effort, trained staff and sometimes specialized equipment to predict the anticipated noise, traffic, odour, vibration and lighting impacts of a proposed development. Furthermore it proves problematic

when the impacts turn out to be greater than anticipated but it is too late to address them. Some neighborhoods, particularly residential ones, value the predictability of what will be built nearby more than the flexibility that performance zoning offers.

**Form-based zoning**—Imposing detailed controls on the form, shape and features of a building, form-based zoning offers greater flexibility in the uses that can occupy a particular building. Such controls have become increasingly prevalent, particularly with the increase in mixed-use zones. This approach holds that the long-term health of an area is much more dependent on how the buildings fits into its surroundings and less on the particular uses that occupy a building. Experience in older urban areas has shown that uses can coexist and often change over time anyway. Houses along busy streets may be converted into offices, and older warehouses may be converted into housing, for example.

In theory form-based zoning controls can address building shapes and forms, location and relationship of parking and building on the lot (e.g., in front or set back), building frontages, entryway locations and ground-floor windows, façade articulation and design.

Most current zoning by-laws combine some or all of these approaches into a Euclidean hybrid mix. There are generally many areas of more-or-less-pure Euclidean zoning (often low-rise residential areas), some industrial areas with more performance-oriented zoning, increasingly downtown or transit-oriented areas with form-based controls, and often a long list of negotiated site-specific by-laws approved throughout the city.

### Recent trends

In Ontario, the use of hybrid approaches to zoning is reflected in the experiences of most municipalities that have recently updated or passed new zoning by-laws. Trends include:

**Simpler and more understandable zoning by-laws**—Municipalities across the province have been working towards simplifying and making their zoning by-laws easier to understand.

**More emphasis on form-based zoning**—Many zoning by-laws that are currently in effect in Ontario have evolved from their original versions, dating back over several decades. While the Euclidean approach remains at their foundation, most of these by-laws have been modified over time to incorporate form-based zoning in situations where a greater emphasis on built form rather than control of uses is required. To comply with the *Provincial Policy Statement*, Ontario municipalities have had to

update their by-laws to include new land use designations and form-based zoning controls that regulate mixed-use development, particularly in intensification and growth areas.

**Common approach to organization of zoning by-laws**—By-laws in Ontario are organized according to a fairly traditional structure, with slight variations. In general, this consists of the administration, definitions and general provisions applying to all zones sections at the start of the by-law, sections focusing on each main zone category in the body, followed by sections addressing unique conditions (e.g., drive throughs, places of worship and automobile uses). Appendices, schedules, maps and site specific by-laws are found at the end.

**Web access**—The advantage of accessing complex zoning documents electronically has motivated most municipalities in Ontario to transition into a web-based system. In general, this transition is still a work in progress for most municipalities and the technology itself is still evolving.

**Use of illustrations**—A number of municipalities in Ontario have started to incorporate illustrations and photographs into their by-laws to assist users in interpreting the regulations. In all cases the images are considered to be strictly for explanatory purposes.

**Sustainability provisions**—One of the strongest trends in zoning by-law reform is the incorporation of tools that will promote more sustainable development. These by-laws have been particularly effective at addressing standards relating to parking, green roofs, recycling facilities and opportunities for urban gardening.

*Presenters included: Denise Baker, a partner with WeirFoulds in Oakville whose practice is focused on municipal and land use planning law. Denise is the past chair of the Municipal Law Section of the Ontario Bar Association. John Gladki, FCIP, RPP, president of Gladki Planning Associates, whose professional planning career began 40 years ago with the City of Toronto. Ian Graham, MCIP, RPP, a director for R.E. Millward & Associates and a professional planner with 28 years of experience, was acting project manager for the City of Toronto's new harmonized zoning by-law. Joe Nethery, MCIP, RPP, project manager of the Town of Oakville's zoning by-law review and a veteran of 11 previous by-law review projects. Alan Theobald, MCIP, RPP, a 35-year veteran of the planning profession who was responsible for all residential, open space, utility and transportation zones in the City of Toronto's zoning by-law review.*



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# Looking inwards and upwards

By Vrinda Vaidyanathan

**V**ertical mixed-use developments, where multiple uses exist within the same land parcel/building, offer an opportunity to use land efficiently while also providing much needed social infrastructure in increasingly dense areas and in already built-up single-use areas. The following highlights two innovative combinations of uses proposed within the same structure, and offers their associated benefits and challenges.

## Mixed-use buildings with schools

In June 2015, the Toronto District School Board considered options for integrating school space into mixed-use buildings. The staff report notes that this form of development may be a viable option in areas where residential and enrolment pressures are high and land value is too expensive to be able to secure large land parcels for traditional schools. In addition, it presents an opportunity to realize cost savings and efficiencies associated with the sharing of building resources, as well as creating complete and walkable communities as part of infill developments where people can live, learn, work and play (TDSB, 2015).

The integration of schools into residential or commercial buildings is certainly not a new concept. For example, the Downtown Alternative School in Toronto is located in a building jointly owned by Toronto Community Housing, the TDSB, and the Toronto Catholic District School Board. It was established in 1980 by parents who wanted to be actively involved in their children's education. Another example is the Grace Living Centre in Oklahoma. The Centre is home to 170 senior citizen residents, as well as two classrooms of about 60 kindergarten and pre-kindergarten students. The residents and children share space and activities resulting in benefits for both groups. Medication levels dropped among elder residents who were happier and more optimistic through their regular interactions with children. Reading skills among the children improved to a third grade level or higher (Robinson, 2009). In both examples, integration of a school within a residential building served to enable positive social outcomes for the parties concerned.



Vrinda Vaidyanathan

## Buildings with public rooftop green spaces

Green spaces provide a variety of benefits to a city, including health benefits by filtering pollutants and providing cooling effects during extreme heat. With urban areas becoming increasingly dense and land values continuing to increase, quality green spaces are becoming rare. A way of addressing this issue is through the creation of green spaces on rooftops of buildings. Between February 2010 and March 2015, 260 green roofs were created in Toronto, comprising 196,000 m<sup>2</sup> of area (City of Toronto, 2015). Some of these green roofs are publicly accessible thus making the building mixed-use.

Going one step beyond a publicly-accessible green roof is the establishment of park spaces with public programming on private building rooftops. An example is Namba Park in Tokyo, a shopping and commercial complex with a 2.8-acre rooftop park space that starts at ground level but gradually ascends to eight storeys, above the retail space. Programming includes an amphitheater for live shows, as well as space for small personal gardens and wagon shops (Jerde, 2015). An example closer to home is the Oakridge Development in the City of Vancouver. Currently in the process of obtaining planning approvals, Oakridge Commons is proposed to be a nine-acre rooftop park above a shopping centre (City of Vancouver, 2014). Proposed programming includes community gardens, a children's play area and an open-air performance space.

## Considerations & Challenges

As with any form of development, the success of vertical mixed-use developments requires thoughtful planning and design to ensure that integration of uses occurs in a manner that benefits all users of the building, while also providing for accessibility and separation at appropriate locations.

According to a recent paper by Professor Matti Siemiatycki published in the *Journal of Urban Design*, other challenges and barriers to the more widespread application of large-scale buildings that mix public and private uses are the complex and lengthy planning and construction period for such projects, as well as the difficulty finding ideal sites and partners with shared interests (Siemiatycki, 2015).

*Vrinda Vaidyanathan, MCIP, RPP, is involved in a range of policy issues including sustainable transportation, growth management and reducing greenhouse gas emissions.*

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## STUDENT LIAISON COMMITTEE

### Fresh ideas

By Kelly Graham

On November 7, in honour of World Town Planning Day, the OPPI Student Liaison Committee organized a case competition for students to apply their skills and knowledge to an actual planning challenge.

The site was Hamilton's Queenston traffic circle, the eastern terminus of the Metrolinx-funded LRT, which is to be built along one of the busiest thoroughfares in the city. Hamilton has enacted an interim control by-law to restrict development, while it determines the policies it needs to maximize the potential of the corridor.

The day began with an informative presentation about the site from Hamilton community planners Christine Newbold and Catherine Parsons. Then six groups of planning students spent the day conducting analyses and formulating recommendations. At the end of the day students gathered to present their recommendations to an audience of students and professionals. Four professional planners acted as judges—Jason Thorne, Christine Newbold, Justine Giancola and Brandon Sloan.

Common themes in the six proposals included:

- A vision for the area as not just a transit station, but a local and regional node



Kelly Graham

- Creation of new public space community activities and public art
- Allocation of space for users to transfer between the LRT and other modes, including active transportation
- Connection and animation of adjacent green space.

All of the teams produced high-quality work in a short amount of time. The proposals will be featured in the 2016 Planning School edition of *OPJ*. First prize—free admission to the OPPI 2016 symposium—was awarded to the team of graduate students from Ryerson University. Congratulations to Chris Erl, Nathan Bunio, Yvonne Verlinden, Keira Webster and Vincent Racine.

Thank you to all of the students and professionals who participated in the event, to Ryerson University for providing the venue and to all those who attended the presentations.

*Kelly Graham is in the final year of a Master's in urban planning at Ryerson University. She is the 2015-2016 student delegate to OPPI.*

## LAKELAND DISTRICT

### Duty to Consult

By David J. Stinson

Several years ago, Mark Douglas, an Elder from Rama First Nation, offered a prayer of welcome at a planning event. He praised the long registration period that morning for the chance it gave everyone to greet and mingle, indicating that it represented the true spirit of consultation.



David Stinson

Many Canadians remember phrases like the “Oka Crisis” or the “Ipperwash Crisis” or the “Caledonian Stand-off” as sad, even tragic

incidents in our ongoing suppression of the Indigenous inhabitants of this land. What many do not realize is that these are not examples of parties estranged by a lack of genuine friendship, but of those who have forgotten the actual relationship they already have. For two and half centuries Aboriginal peoples were military allies, trading partners, fellow parishioners, even family members with the Europeans colonizing the continent. These rich relationships were often formalized by treaties. This began to change however, as the political foundations of Canada were being formed. The native relationship to the land was seen as a constraint on development and their independence was slowly subverted to that of wards of the state. In the late 20<sup>th</sup> century the courts began to recognise the error of this approach, stating that it is an abrogation of the “Honour of the Crown” to deal arbitrarily with land issues affecting Aboriginal peoples. In short, there is a Duty to Consult.

### Dialogue in Lakeland District

Over the past decade, the Lakeland District has initiated a dialogue on this topic. In 2006, it held a preliminary workshop at Beausoleil First Nation on community priorities. It has invited the Métis Nation of Ontario to make presentations to local planners. An introductory event was held in June 2012, when local Aboriginal representatives and planners were brought together in a half-day panel discussion. Recently, a workshop, Duty to Consult & Planning, was facilitated by the Aboriginal Consultation Initiative and the Lakeland District of OPPI.

The resulting discussion led to some fruitful questions. How do you go about creating a genuine relationship? What about the potential avalanche of information that a municipality can unleash on an unsuspecting community? Where can the forbearance be found with slow responses from Aboriginal communities when the province is encouraging faster application turnarounds? There are no standard answers, but the mayor of a

municipality and the Chief of a First Nation might consider playing a round of golf, just to get acquainted. A planner might attend the local pow-wow simply for cultural awareness. A municipal counsellor and the planner might make a deputation to a neighbouring chief and council essentially to introduce themselves, to express a willingness to collaborate on issues of mutual concern, and provide contact information. These are simple tasks, but if one has never done them before they can seem daunting. And planners may question whether the efforts are worthwhile.

An encouraging answer comes from the Mississaugas of the New Credit. They used to live along the “old” Credit River, but were forced to move so settlement could occur where the City of Mississauga was eventually built. This may not seem like the basis for a working relationship, but every five years the city makes a deputation to New Credit to formally thank them for the use of their name. It does not solve all disputes, but it does provide the basis for peacefully discussing them.

One of the participants asked a salient question, as to whether First Nation communities have a “Duty to Consult” with municipalities. Technically, no; ideally, yes. They should be talking about issues of mutual concern all the time, but the current power differential is often too great. However, there have been at least two attempts at this, both involving communities represented in the proceedings, New Credit and Moose Deer Point. Each has a notification protocol with neighbouring communities and agencies that might serve as examples of Aboriginal/municipal co-operation in Ontario. One direct outcome from the workshop was the networking between the Township of Georgian Bay and Moose Deer Point First Nation. At the time of publication, a commitment has been made by the Township to submit future zoning applications to the protocol.

### Future endeavours

The Aboriginal Consultation Initiative is hoping to run further workshops like this one in other parts of Ontario. If so, the initiative will be seeking

other OPPI Districts to help facilitate. It is also planning a workshop for Aboriginal consultation workers and First Nation officials who need to understand how the world of municipal planning functions. An exciting prospect on the horizon is a round-table organized by the initiative involving key players from both the Indigenous and non-Indigenous community: Aboriginal consultation staff, academics, developers, municipal, regional and private planning practitioners and practitioners in associated professions, to begin addressing underlying issues such as:

- Exercising and respecting Aboriginal and treaty rights—how municipalities can become genuine partners with Aboriginal communities, based on friendship and trust
- Government policy—and how documents such as the *Provincial Policy Statement* or the *Planning Act* can proactively articulate and support such engagement
- Capacity building—how Aboriginal communities can build the necessary response mechanism that matches the resources and professional skills at the disposal of developers and municipalities, and how the latter parties can develop the appropriate knowledge base to engage in this dialogue and collaboration
- Institutional memory—how to ensure that the growth of this knowledge becomes an ingrained part of the field of planning.

Another aspect that needs more research is the development of an analytical tool that could accurately map the extent of traditional territories, overlapping jurisdictions, the specific planning concerns of both Aboriginal communities and municipalities, areas of special concern, provincial priorities, etc. Some efforts are underway, but the results are preliminary thus far.

The organizers take inspiration from the great interest of the participants. While most thought the workshop provided a good learning experience, they also felt that there was still so much more to know. The

history of this country is one of an ongoing relationship between its Indigenous and non-Indigenous peoples. It has become frayed over the years, often around issues of land use. However, our profession has the basis for an improved relationship; we both care deeply about land. It is our hope that planners can play a proactive role, perhaps even provide leadership, in an earnest and engaged shift towards reconciliation.

*David J. Stinson, MCIP, RPP, P.Ag. is a partner of Incite Planning and has worked with First Nation communities on their internal and external planning issues. He has recently been appointed to the Indigenous Peoples Planning Sub-committee of CIP. He can be reached at [dave@inciteplanning.com](mailto:dave@inciteplanning.com).*

### OPPI 2015 MEMBER SERVICE AWARD WINNERS

#### Christine Thompson, MCIP, RPP (posthumously) - Lakeland District

Christine's longstanding and extraordinary contributions to OPPI and the Ontario planning profession began in 2000 when she became a provisional member of OPPI. She became a member in 2007 and served for 10

years as treasurer of the Lakeland District Program Committee. An advocate for education, continuous professional learning and

volunteerism, Chris represented the institute and the planning profession throughout her varied career.

At the end of her career Chris served as a planning supervisor with the Niagara District School Board and was well known for her extensive volunteer commitments.



Christine Thompson

#### David Aston, MCIP, RPP— Southwest District

David has been actively engaged in OPPI for many years and has significantly contributed to the institute's programs and services.

He has been a member of several OPPI committees, including acting as a jury member for the Excellence in Planning Awards, has facilitated and presented at OPPI conferences, is a contributing editor to the *Ontario Planning Journal* and serves as a mentor and a membership examiner.

Routinely using his expertise as a professional planner to serve in volunteer roles within the community, David always reflects the fundamental values of the planning profession.



Dave Aston

**Steve Jefferson, MCIP, RPP—  
Southwest District**

Steve has been a member of OPPI for nearly 30 years, beginning as a student member at the University of Waterloo in 1986. He has been actively involved with the Southwest District for many years, starting as secretary-treasurer and then serving as the Southwest District representative on council from 2007 to 2011.

Steve has served on the Southwest District Educational Trust Fund since 1998 as a director and president. Through his leadership, the trust fund has grown to accommodate two student scholarships annually. Steve is always ready to offer assistance and encouragement to the Southwest District Leadership Team.



Steve Jefferson

**PLANNING ISSUES STRATEGY GROUP**

**Influencing the public policy agenda**

By Paddy Kennedy & Loretta Ryan

It has been a banner year for OPPI's Planning Issues Strategy Group and its working groups—Municipal Affairs and Housing, Community Design, Agriculture and Rural Affairs, Environment and Natural Resources, Health and Planning, and Transportation. Members assisted staff in scanning the planning environment, recommending planning priorities and preparing submissions for consideration by OPPI Council.



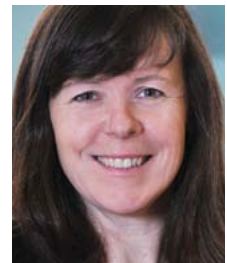
Patrick Kennedy

Throughout 2015, members prepared 12 submissions on a variety of planning topics. OPPI's submissions, commenting on the following provincial planning initiatives, are available online:

- Blueprint for Change: Proposal to Modernize and Strengthen the *Aggregate Resources Act* Policy Framework (December 19)
- Review of the *Municipal Act*, *City of Toronto Act* and the *Municipal*

- *Conflict of Interest Act* (October 30)
- *Conservation Authorities Act* Review Discussion Paper (October 19)
- *Wetland Conservation in Ontario* Discussion Paper (October 28)
- *Community Hubs in Ontario* (August 27)
- *Provincial Long-Term Affordable Housing Strategy Update* (June 30)
- *Proposed Bill 73 Smart Growth for our Communities Act, 2015* (June 3)
- *Co-Ordinated Provincial Plan Reviews* (May 28)
- *Draft Minimum Distance Separation Formulae* (May 20)
- *Draft Guidelines on Permitted Uses in Prime Agricultural Areas* (May 13)
- *Climate Change Discussion Paper* (March 27)
- *Environment and Land Tribunals Ontario Co-Location* (February 2).

In addition, OPPI President Andrea Bourrie made a deputation on Bill 73 to the Standing Committee of the Ontario Legislature November 2.



Loretta Ryan

On behalf of the Planning Issues Strategy Group, thank you to all the committed volunteers across the province who generated ideas and contributed comments to help shape OPPI's public policy positions. Special thanks to Rob Voigt (chair), Steven Rowe, Allan Rothwell, Darryl Young, Lesley Pavan and Eldon Theodore. To join one of the working groups

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and contribute to OPPI's policy agenda, please ensure your member profile is current and reflects your interest in volunteering.

*Paddy Kennedy, MCIP, RPP, is an associate with Dillon Consulting. He is the chair of the Municipal Affairs and Housing Working Group and a member of the Planning Issues Strategy Group. Loretta Ryan, MCIP, RPP, is OPPI's director of Public Affairs.*

## COMMUNITY DESIGN WORKING GROUP

# A Test Drive Along Main Street

By Nathan Westendorp

If you were born before 1995 and grew up in suburbia, it is likely that you remember your first car or truck, especially the first one you bought with your own money. It usually required test driving a few options to make sure your purchase was the right one and would last for the long term.

In recent years, this same concept of “try before you buy” has been gaining traction in the realm of community



Nathan Westendorp

planning or streetscape design. Known as tactical urbanism, previously unorthodox interventions involving low-cost, temporary changes to the built environment to explore potential improvements to local neighbourhoods and gathering places have become commonplace. Even small towns, such as Penetanguishene, Ontario are approaching infrastructure decision-making this way.

### Test driving in Penetanguishene

In recent years, the town has identified the need to replace the aging servicing infrastructure underneath its main street. Replacing the underground pipes meant the main street was going to be ripped up so council began to ponder how it wanted to put the main street back

after the new infrastructure was installed. While the choice to put the asphalt, curbs and line paintings back the way they were was always an option, council knew Main Street needed a polish. The town employed a consulting team to generate options and cost estimates to improve the functionality and aesthetic appeal of the gateway road leading into town.

After months of consultation, several reports, and discussions, a final design was recommended to council. It was intended to accomplish the following objectives:

- Create a gateway streetscape
- Transition drivers to appropriate travel speeds entering the commercial downtown
- Improve the pedestrian environment through shade tree planting, increased separation from the roadway, and the addition of defined sidewalks on both sides of the street
- Provide dedicated turf zones for service/ utility corridors and snow loading
- Enhance street attractiveness
- Reduce road footprint, costs and maintenance
- Provide dedicated boulevard space for future hydro burying.

These changes seemed to meet the town's needs in a new, refreshed package. However, despite an estimated cost of at least \$4.6-million (jumping to \$10.2-million with buried hydro lines), extensive public consultation efforts regarding the proposed design encountered either hesitation or complacency. What did the public really think? What if the new design needed adjustments? With a 50-year lifespan on the new infrastructure, the next chance to undo the decision may not come for several decades, particularly in a town still rebounding from the economic downturn a few years ago. With questions such as these lingering, the town's committee overseeing the project requested staff to develop trial options for a few of the high impact streetscape design concepts to help encourage public comments and feedback. The trials were also intended to allow staff to analyze impacts on traffic flow and navigation, pedestrian movement and overall streetscape arrangements prior

to extensive capital costs being incurred. So, Penetanguishene went on a test drive along Main Street.

The Main Street Test Drive project comprised three smaller pilot projects occurring at the same time. Each addressed new concepts captured within the larger recommended Main Street design—parking, patios and road diet.

**Parking**—Main Street is mostly a hill descending towards the waterfront and dock. The portion in the historic downtown is steepest and yet most dependent on on-street parking. For many years, drivers wishing to park their vehicles to visit the shops, restaurants and cafes had to park on an angle. However, the objective of creating more space between the curb and the storefronts for pedestrians, patios and public space meant narrowing the available parking space in this area of the downtown. Specifically, the test drive planned to paint new parking spaces parallel to the curb to assess whether the reoriented parking could work from a function and safety perspective.

**Patios**—Gaining extra space beyond the curb in front of downtown buildings not only expands the pedestrian realm, but also creates opportunities for economic use of public space. This is most often seen in the form of shops selling wares on the street or restaurants and cafes operating patios. The cost of providing this space was the elimination of several parking spaces on one side of the street. Through public consultation, various local residents and businesses had expressed concern with a reduction in parking, particularly in the downtown. How could the benefits of patio space outweigh the cost of giving up parking? Taking cues from other downtowns in Ontario, the test drive planned to use parking spaces to establish level areas of wood decking with railings to create a walkway and storefront patio space.

**Road Diet**—Road diets are nothing new, but in a historic municipality that also has a unique blend of considerations such as high snow storage requirements, large boat transport needs, heavy seasonal traffic volumes, and steep topography, a road diet could hurt more than it could help. The recommended design proposed a road diet along the southern, more level segment of the Main Street

corridor, reducing the number of lanes from four lanes (two in each direction) to three (one in each direction with a common turning lane). If implemented, the road diet would mean less asphalt in favour of wider boulevard space for plantings and pedestrian amenities.

The test drive put a section of Main Street on a crash diet by instituting three lanes (one in each direction and a common turning lane) and defining the edges of the roadway with 22 eight-foot boxes filled with trees and plantings. To be true to safety and regulation norms, the edge could have been outlined by the orange and black cones that drivers often associate with construction, delay and frustration. However, it was imperative that the edge be defined by objects that reflected the aesthetic appeal that could be gained from the new design. If drivers and the public only experienced some perceived negative aspects associated with the change without seeing the positive elements, the design concept would surely be rejected—first by the public and then by council members. This part of the test drive was the largest, potentially most impactful, and most contentious of all three components. It took boldness to try this design, but council knew it had to find out how the new design would function before investing millions of dollars and living with the results for decades to come.

At a cost of \$35,000, just 0.7 per cent of the estimated cost of the recommended design concept for Main Street, the test drive project began on the Friday of the Canada Day long weekend, and lasted until after the Labour Day long weekend. In a town that experiences heavy seasonal traffic in the summer months, the timing and duration of the project took a lot of courage but was critical to determining if the new design elements would function under peak pressure.

## Outcomes

Test drives result in discoveries and impressions that assist with making a decision. Sometimes they confirm assumptions. Other times they reveal surprises. In Penetanguishene's case, there were a variety of results and lessons learned.

At the end of the parking pilot project, the result was fairly simple: The implementation of the parallel parking on the east side of Main Street between Water and Robert streets had minor impacts on the road function, however, it offered significant benefits to the adjacent civic, pedestrian and retail spaces. Overall, the change was worth it.

Following some initial hesitation by

some downtown businesses, the patio portion of the test drive turned out to be more popular than anticipated. The relatively flat grade of this section of road (in comparison with blocks further north) coupled with the high proportion of adjacent restaurant and cafe businesses provided outdoor sitting areas with views of the harbour. The addition of these spaces provided economic benefits to some of the adjacent businesses by adding a unique feature to the downtown core, helping to attract tourists to the town. In fact, the patios were so popular, they were back as an independent program in 2015, with some new locations being considered as well.

The road diet received mixed reviews, but not for the reasons expected. The project stumbled at the outset primarily due to traffic confusion at the signalized intersection before the road diet began. After adjusting the traffic management plan and adding advance signage ahead of the intersection, traffic seemed to move more smoothly onto Main Street than during the initial days. The segment of Main Street that was actually on a road diet appeared to function adequately once drivers became accustomed to the presence of a common turning lane. It was the intersection that had proved to be the problem.

Looking back, perhaps each of these trials should have been explored separately. Too much change is sometimes hard to digest, particularly when navigating streets that have been the same for many years. A dry-run during an off-peak period or more thorough traffic modelling of the road diet portion of the project may have revealed the intersection issue before the actual test drive launched. Finally, while the town undertook a variety of approaches to communicate the test drive information, a

more comprehensive strategy beginning much earlier in the weeks (if not months) before the actual test drive would have allowed more residents and drivers to understand when the changes were to occur and what the project was about.

## Conclusion

The test drive was considered a success. There were issues, mixed reviews and some traffic snarls with the road diet portion of the project, but the test drive did what it was supposed to do. In a cost effective manner it allowed the town to try a design concept before buying it. With the parking and patios pilots, the recommended design seemed to both function and offer benefits that the public accepted. As the most contentious portion of the project, the road diet was arguably the most effective simply because it revealed the need to address some intersection design issues that needed to be addressed if a three-lane configuration was chosen for the long-term. Most of all, it showed the people of the town that its decision makers had the courage and boldness to do something that had never been done in the town, just to make sure it made the right investment with the tax dollars from the citizens of Penetanguishene. After all, we don't always buy the first car we test drive, and sometimes we're glad we didn't.

*Nathan Westendorp, MCIP RPP, is currently the manager of development for the County of Simcoe and previously was the planning consultant for the Town of Penetanguishene. A member of OPPI's Community Design Working Group and the Institute of Transportation Engineers, Nathan is passionate about the interface between transportation and development design.*

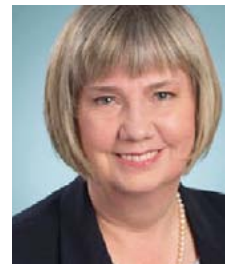
## NEW HONORARY MEMBER

### Dr. Arlene King

OPPI's newest honorary member, Dr. Arlene King, led Ontario's public health sector as the province's Chief Medical Officer of Health from June 2009 to 2014. She is an internationally recognized expert in public health, immunization, infectious diseases and pandemic/emergency preparedness.

A passionate advocate for public health at international, national, sub-national and community levels, King strongly believes that public health is everyone's business. In her 2009 Annual Report to Ontario's

Legislative Assembly she called on all levels of government to join in a renewed focus on prevention as the next evolution of health care. In her 2010 Annual Report, King's advice to government to improve health was to focus on developing healthy public policies. In 2013, she released Make No Little Plans—Ontario's first public health sector strategic plan.



Arlene King

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## Aboriginal-Municipal Planning

# Update on the Duty to Consult

By David J. Stinson & P. Leigh Whyte

**T**he relationship between Aboriginal communities and Canadian society continues to evolve in 2015. On June 2<sup>nd</sup>, the Truth and Reconciliation Commission released its Call to Action, and, among its many recommendations, advocated accepting Aboriginal claims over land and shifting of the burden of proving any limitations onto those asserting such limitations. More recently, on August 24<sup>th</sup>, the Chiefs of Ontario and the province signed a bilateral accord recognizing the inherent right to self-government. The accord promises to meet bi-annually to address issues, specifically “the treaty relationship, resources benefits and revenues sharing and jurisdictional matters.”

However, institutional amnesia is not easily overcome and the challenge of reconciliation will have many bumps along the way. Several weeks before the wild-rice season opened on the Kawartha Lakes, plants were being mechanically pulled without any discussion with the affected Indigenous communities.

It was in this context that a Round Table on the “Duty to Consult & Planning in Ontario: examining today, for a just tomorrow” took place. It was hosted by the Aboriginal Consultation Initiative and the Negotiating Justice Research Group of the University of Ontario Institute of Technology. In attendance were representatives from several Aboriginal communities, academics, archaeologists, heritage planners and planning consultants. The discussions focussed on the role of understanding Aboriginal and Treaty rights in Aboriginal-

municipal planning, the capacities both communities need to develop in order to build respectful relationships and how colonial and indigenous histories can become part of institutional memory in the field of planning.

The practical implications were wide-ranging, as clarity on who-does-what is needed.

Education of the public, planning students and municipalities would be essential, but who ought to provide this type of education and how can such knowledge be sustained long-term? How do we build a relationship that transcends legal obligations? Capacity issues were seen as pivotal. Municipal liaisons must go beyond info-dumping and Aboriginal communities must be able to respond with the same level of expertise that planning studies represent. What planning

actions should trigger a consultation—every fence line, the Ring-of-Fire, the Places to Grow, or at the point of an official plan review? One participant noted that the conflict at Caledonia might not have happened if there had been better language in the *Planning Act*. When a municipality contacts an Indigenous community for the purposes of consultation, lack of a response does not mean consent—it means there is a need for consultation.

The opportunity that the revised provisions of the 2014

*Provincial Policy Statement* present was also discussed. Aboriginal communities can no longer be treated as consultees or stakeholders being asked to respond to legislative policies that they did not write, contribute to, or comment on. The possibility of a mutual commitment to a sustained, reciprocal relationship now exists. Its success will depend on it being framed in justice and implemented with kindness. It will be based on recognition that land carries meaning and that we are

interdependent. Bumps in the road will be smoother if we talk early and go over them together. The Round Table concurred that, in this sense, the realm of urban and regional planning must join the commission in its most important task, that of reconciliation.

A hint of what this might look like comes from the recent initiative of Cando and the Federation of Canadian Municipalities. FCM and Cando have launched guides to strengthen economic relations and co-operation on infrastructure projects between First Nation and municipalities (*First Nation – Municipal Community Economic Development Initiative, First Nation – Municipal Community Infrastructure Partnership Program*). It is important that such collaborative initiatives are encouraged on a national level.

However, within the context of planning in Ontario and the *Provincial Policy Statement* policies toward Aboriginal consultation, there’s a distinct void in guidance as to how to implement such consultations. The Round Table will further consider recommended best practices that develop a relationship between the First Nation & Métis of Ontario and its non-native communities, and which implement effective consultations regarding municipal land use actions.

*P. Leigh Whyte, MCIP, RPP, is the president of PLW Planning and Environmental Consulting providing services to the energy sector, private land development clients, the public sector and Aboriginal groups. David J. Stinson, MCIP, RPP, is a partner with Incite Planning. They work with First Nation communities, municipalities and the public sector.*



P. Leigh Whyte



David Stinson

*The conflict at Caledonia might not have happened if there had been better language in the Planning Act*



# Headwinds in Green Energy

By Duncan Martin

**W**ind turbine developments in Ontario are polarizing rural communities. Unable to engage in the development process, residents have been placated, becoming spectators to the industrial and aesthetic remodelling of their landscape.

There is no avenue for rural residents to meaningfully engage in the development of wind farms except to rally against them. As a result anti-wind groups have formed to protest industrial wind turbine development. Residents who are open to wind development are disengaged from the planning process because current community consultations are intended to inform the public, not engage them. Landowners who agree to build turbines on their properties are the only local recipients of compensation, though communities and properties that are in close proximity are impacted by their presence. These conditions have fostered neighborly ostracization and a formidable anti-wind movement in rural Ontario.



Duncan Martin

To change this paradigm we must implement more inclusive and participatory community engagement processes to enable rural residents to regain their voice. Cooperative development models implemented in Europe have been shown to help bind communities together, as they require stakeholders to be inter-reliant. They also align compensation with proximity to the turbines, thus tailoring the benefits to those who are most impacted by their presence. Such initiatives would serve to empower rural residents to influence the siting and development of wind turbines.

If we choose to continue wind turbine development we must amend the process, to enhance stakeholder engagement and foster inter-reliance between those developing wind energy and those who live around them.

*Duncan Martin is a planning consultant, facilitator and researcher.*

*There is no avenue for rural residents to meaningfully engage in the development of wind farms except to rally against them*

## Cargo bikes gain traction

By Kate Whitfield

**T**he number of cargo bikes spotted in my Ottawa neighbourhood is on the rise. While cargo bikes might not be appropriate as minimum or aspirational targets for sustainability metrics, they may find a place as indicators

of successful sustainable communities in the future. Bikes carrying a cargo, be it groceries or a child, indicate that people are finding ways to shop locally and to fit active commuting modes into their daily routine.

Cargo bikes are human powered vehicles designed and constructed specifically for transporting loads. The cargo area can consist of a flat platform or an open or enclosed box and may be situated between the front wheel and the driver or mounted above the rear wheel. As a regular bakfiets rider, I hope to provide some insight into cargo bikes through this article.

The most common cargo bike is the long tail variety. A



Kate Whitfield

product can be attached to the back of an existing bike or found as a rigid frame. The board offers a seat for young travellers with bags attached for hauling any type of load. For the younger passengers, a handle bar or a hooptie (think flattened hula hoop) provides additional security. The goal here is to keep the load lower to the ground. Only time will tell if the increase in long tail cargo bikes will result in a corresponding decrease in the hauling of trailers, or chariots, behind a bike.

The more traditional option, trailers have the benefit of protection from the elements and relative affordability considering the resale market. However, physics is a factor as one works to haul a low load behind a bike up a big hill. Also, interaction between rider and passengers is limited and logistics can be daunting.

Newer cargo bikes offer the advantage of having the carrying device built in rather than attached. Thus less pre-planning is required to determine if a bike trailer is needed that day or where it can be locked safely (from theft or the elements) while the work commute is completed. A bike

designed to carry a load reduces the need to preplan each trip. A neighbour describes picking her older child up at night from a friend's house and giving her a lift home on the cargo bike instead of in the minivan.

My family made the decision to enjoy this type of bike while our children are young. In the future, the bucket will continue to carry groceries but for now it is for two little boys to travel to and from daycare/school. I acknowledge the higher cost of this type of bike, but with nice gears and brakes I feel comfortable on the road and able to cycle up a large hill each day with my boys. I am often questioned whether the three-wheel variety would be less tippy but for me the two wheel is simply more fun and needed for my own commute to work after the boys are dropped off. A fun bike that also meets your daily commute needs can make a difference in your decision to ride each day.

As someone who works for a consulting firm in the functional and detailed design of cycling facilities, I get asked the inevitable question each day: did I cycle today? As a multi-modal commuter, I am able to answer yes.

My colleagues, neighbours and friends who cycle year-round have offered advice for extending the cargo bike season. Whether it is the rain/snow cover attachment for the bakfiet, ski goggles to make a kid smile on a long tail or extra mitts

attached to the handle bars, these bikes are being used year round. Of course, cargo bikes are not only handy for child transport. A metrofiet can carry up to 200 lbs (yet to be tested by my legs alone). Groceries or other purchases can be loaded into the bags or bucket. Couriers are also using cargo bikes around Ottawa's downtown streets.

As Ottawa's network of segregated bike lanes increases, design challenges associated with an increasing number of cargo bikes may become apparent. Besides a few tricky bollard placement issues at the entrance to a local multi-use pathway, I have not experienced too narrow bike lane widths on roadways or tight turns. Where I have to travel in mixed traffic the size of my bike and the associated visibility may actually contribute to an overall sense of safety for me and my passengers. I have high hopes for improved bike parking with the introduction of light-rail in Ottawa in 2018. Sheltered and secure bike parking increases options for extended and more frequent trips.

*Kate Whitfield, MCIP, RPP, P.Eng., is a senior project manager in the transportation division of Parsons (Ottawa). As both an engineer and planner, Kate brings a unique perspective to the conversations about active transportation and complete streets.*



Xrtracycle Test Ride



Bakfiet spotting in Wellington West



Bakfiet by Metrofiet



School bike parking and weather protection

IN CONVERSATION WITH ANDREA BOURRIE

## Speaking out about professional regulation

*This is the first in a series of conversations with OPPI President Andrea Bourrie, MCIP, RPP. Interviewed by OPPI Director Bob Forhan, MCIP, RPP, Andrea talks about one of the most important topics for planners today: professional regulation. The following text has been condensed and edited; the full interview is available online.*

**Bob: OPPI is pursuing professional regulation. Why is this important to the profession and what does this achieve in the public interest?**

Andrea: It is really a natural evolution of the profession here in Ontario. Public legislation will raise the level of professional practice. The public does rely on planners for advice and so does government. It relies on us for advice with respect to many aspects of our communities, our resources and our environment. And, I think that it is appropriate for the government to have some level of oversight, particularly of the credentials that govern our profession, just like any of the other professions that are involved in community building like engineers and architects.

Professional regulation will serve to enhance public confidence in professional planners and the role that professional planners play in protecting the public interest.

**Bob: Why do we need legislation? Is something broken? What is it that we are trying to fix?**

Andrea: No, there isn't anything that is broken. We are really not proposing to change the way the profession is regulated. But the time has come for additional oversight, additional respect and credibility for the profession and the important role that planners have to play in building communities in Ontario.

It really reinforces the government's commitment to ensuring that the planning of our communities, our resources and the environment is done in a way that protects the public interest. It also brings recognition and increased respect for the information and recommendations that planners make, for the high standards and level of reliability, consistency and quality that the public can expect from planners. Public legislation will help us to achieve that.



Andrea Bourrie

**Bob: How will this impact individual planners? What difference is it to them?**

Andrea: Individual planners are going to benefit from professional regulation and this public legislation by having that additional level of recognition and credibility. I also think that there is additional accountability and oversight that we will bring upon ourselves.

Planners may not see a difference in their day-to-day activities but public legislation does reinforce that commitment to ensuring that we have the education, the ongoing professional development, the ethics and code of practice that is at the forefront of the work that planners do. It contributes to our credibility and offers oversight to the process so that members of the public know that when they are engaging with a professional planner they can be assured that they are getting good quality advice and that the work that is being done can be held in high regard.

Will you see a difference day to day? Well, maybe not. But certainly the government commitment to public legislation is a recognition of its commitment to the important role that planners play in Ontario communities.

**Bob: How will OPPI achieve professional regulation? What do we need to do? What are the next steps? Where do we go from here?**

Andrea: I would like to start answering that question by giving a huge thank-you to Ann Joyner who is the chair of committee which has been shepherding this initiative through many, many years and to past president Paul Stagl who has been at the forefront of this work.

Members may not be fully aware of how much time that this has taken. It has been many years, exploring the topic with members, key stakeholders and with government. Staff and volunteers together have been working to ensuring the legislation is well crafted and meaningful, and can stand the test of time for planners in Ontario.

Now we have a commitment from MPP Peter Milczyn to sponsor the bill and Municipal Affairs and Housing minister Ted McMeekin has indicated his support in principle for the legislation.

The process is that people behind the scenes—staff, volunteers and consultants—have been working with government lawyers to actually finalize the material that will form the draft legislation. This draft legislation will then be introduced in the house for discussion, and we expect this to happen sometime in 2016. It is going to need to go through a series of discussions about content and there may be some potential revisions to the original draft. Ultimately it will need to have second and third reading before it can be given royal assent.

The immediate next step is to finalize the draft of the legislation. After it has been introduced in the house it will be posted on the OPPI website. I encourage members to watch for notices that it has been posted as I am sure they will be interested to read that draft material when it is ready.

**Bob: What do members need to do to support OPPI in this initiative?**

Andrea: It is a very important topic for the membership. People will be interested in what it has to say and what it means to them. Members will need to keep themselves informed, and listening to

this recording is one way. And when the draft legislation is available then I am sure members will be interested in reading it. But I also think that it is important to share thoughts, to continue to raise questions. To make sure that stakeholders with whom members engage—whether it be municipal councils or organizations they work with—are aware of what this potential legislation means and that it is a positive step forward.

And, make sure that members of the Ontario legislation know the importance of this to the planning profession and the importance that then has for communities around the province. I think by doing so that members will be able to ensure that this legislation will be passed and that we will, sometime in 2016, have the benefit of public legislation related to the planning profession.

There are dangers of poor planning that are expense and that will be the legacy that affects generations to come. Professional regulation will help to further empower planners to speak out in the public interest. It will let members of the public and members of government know that the advice and the information that planners are providing is solid, credible and adheres to the ethical and code of practice standards that we hold so highly in our profession. So I think that making sure that members speak out and let their government representatives know how important this is to the future of Ontario communities is a good thing.

*Andrea Bourrie, MCIP, RPP, is President of OPPI and senior planning director and associate partner with MMM Group. A member of OPPI since 1991, Andrea has spent her 23-year planning career tackling all kinds of planning and community development issues.*

## PROVINCIAL NEWS

# Big Move review underway

By Leah Birnbaum

**T**he legislated review of the Growth Plan and the three greenbelt plans is underway and policy-watchers are awaiting the release of draft amendments to the plans. In the meantime, the review of the regional transportation plan, the Big Move, is warming up.

Because the Big Move must conform to the Growth Plan, its review is timed to take place a little bit later than the Growth Plan to ensure that any changes to the transportation plan will conform to updates that are implemented in the other plans.

The Big Move update is moving ahead in two stages. Stage one, the review of the plan, is now underway and will culminate in a discussion paper, set to be released by mid-2016. The review will look at what has been achieved since 2008 and the expected



Leah Birnbaum

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impact of the transit investments so far. It will identify emerging issues and outline what needs to be updated in the plan. Following the release of the discussion paper, which will meet the legislative requirement to review the plan by August 2016, Metrolinx will propose updates to the regional transportation plan to meet future needs and support implementation of the Growth Plan.

The review and update are driven by legislative review requirements and the need to align the transportation plan with the Growth Plan. Beyond this, Metrolinx wants to ensure that the non-infrastructure components of the plan, such as creating environments where more children walk or bike to school, are given adequate attention, perhaps through education programs or

other initiatives designed to support more active transportation options.

Metrolinx is meeting with municipalities to discuss issues or concerns with the transportation plan and options for improving it. Following the release of a draft updated plan, input from the broader public will be sought.

Metrolinx has also been working closely with the Ministry of Municipal Affairs and Housing as it works to update the Growth Plan and the Greenbelt Plans. In addition to regular meetings with Ontario Growth Secretariat staff, Metrolinx has provided input to the provincial advisory panel that will inform proposed amendments to the Growth Plan and the three greenbelt plans which are due to be released in early 2016.



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The Big Move is the province's first regional transportation plan and in the few years it has been in place priority projects have been identified, new infrastructure built and plenty of political wrangling has occurred over what does or doesn't get built next. Over the next year or so stakeholders will have the opportunity to reflect on the regional plans to help build a seamless regional transportation system that is aligned with where we want to grow.

*Leah Birnbaum, MCIP, RPP, is a freelance urban planning consultant in Toronto. Leah's work often involves Ontario's regional growth management plans. She has consulted on growth management policy and conducted research for clients such as the Ryerson City Building Institute, the Neptis Foundation, Metrolinx and the Ontario Growth Secretariat. Leah is the OPJ provincial news contributing editor. She can be reached via [www.leahbirnbaum.ca](http://www.leahbirnbaum.ca).*

## Submit an article to OPJ

Do you have something to say about provincial policy? Are you working to develop or influence updated provincial plans? Tell Ontario's planners about it. Contact [Leah Birnbaum](#), contributing editor, provincial news, with your article ideas.

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## PROFESSIONAL PRACTICE

# Lobbyist Registries revisited

By Brian Brophey

**Y**ou will recall that municipalities are authorized to create lobbyist registries under the *Municipal Act* and the *City of Toronto Act*. An article in the March/April 2012 *Ontario Planning Journal* addressed the implications and impact of those registries on OPPI members.

Early in 2015 the province launched a five-year review of a number of planning-related legislation, including these two acts. Subsequently, the City of Toronto launched an internal review to determine whether it wanted to propose any amendments to the *City of Toronto Act*. At the same time, the city considered whether it wanted to amend its lobbyist registry by-law. (By the time you read this article, some minor amendments may have been made.)

This recent activity has reawakened OPPI member concerns in general about the effect of the lobbyist registry on them. OPPI continues to take the position that the effect is minor. This is reinforced by a recent decision of the Ontario Municipal Board (Case No. PL131341), written by Chris Conti and issued on July 20, 2015.

In that case, opposing counsel suggested that because an OPPI member had registered as a lobbyist the independence and objectivity of his testimony was called into question and he should not be qualified as an expert witness. On page 31 of the decision, the board expresses reasoning very similar to that in OPPI's 2012 article. Ultimately, the board qualified

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the OPPI member as an expert witness and assigned his evidence full weight.

Interestingly enough, the decision also noted that the witness had signed the Acknowledgement of Experts Duty form, further justifying the view that he would put his obligations under the OPPI Professional Code of Practice above his status as, technically, a lobbyist. A previous article about this form, published in the November/December 2013 *Ontario Planning Journal*, noted that some OPPI members had feared that the introduction of this form reflected a decrease in the board's trust in their expertise. Clearly this is not the case.

*Brian Brophrey is OPPI's Registrar and Director, Member Relations.*

## PROFESSIONAL PRACTICE

# OMB takes notice

By Brian Brophrey

**P**ast articles have noted that the Ontario Municipal Board takes notice of and respects the fact that OPPI members are bound by a Professional Code of Practice. (See Vol. 28, No. 6, November/December 2013, page 20.) And a recent decision shows why OMB panels rightly take this so seriously: The case demonstrated that an RPP can be expected to do her duty and abide by the code, regardless of the personal consequences. (See paragraphs 34-36 and 76-79 in OMB PL 140240, PL140317, issued August 5, 2015.)

The municipal planner in this case gave a professional opinion that her council subsequently over-ruled in rejecting an application. When the applicant appealed to the OMB, the planner was summoned as an expert witness against her own employer. Despite "vigorous cross-examination...by... counsel for the town" the planner gave "fair, impartial, objective and unfettered" evidence.

The text of the decision seems to suggest that town's treatment of the planner/witness overlooked the principle that in order for the board to "make decisions which reflect the public interest" the board must rely on the evidence of a municipal planner "who may



Brian Brophrey

have an opinion... contrary to the view or position of her employer."

The importance of reliably independent expert evidence was again emphasized in assisting the OMB to make its decisions and to implement predictable land use control policy in Ontario:

[79] Once again, the Board would like to point out that... a professional planner... has a duty to this Board, to her profession, and to the broader community to give her honest and impartial professional opinion when prompted rather than a view or opinion preferred by her employer. In this Panel's opinion, she lived up to this duty and obligation in these proceedings. The Board simply could not function if expert witnesses were to disregard their professional obligations.

*Brian Brophrey is OPPI's Registrar and Director, Member Relations.*

**LETTERS TO THE EDITOR** Members are encouraged to send letters about content in the *Ontario Planning Journal* to the [editor](#). Please direct comments or questions about Institute activities to the OPPI president at the OPPI office or by email to the [executive director](#). Keep letters under 150 words. Letters may be edited for length and clarity.

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