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Journal



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Bill 139 livestream recap

Thank you to everyone who attended in-person or viewed online our livestream event with WeirFoulds LLP about the *Building Better Communities and Conserving Watersheds Act*. Panelists provided an overview of the changes, the transition between the OMB and the new Local Planning Appeal Tribunals and how to address the new standard of review in planning reports. Members can view this livestream on OPPI's Digital Learning webpage. Thank you to our partners at WeirFoulds and Webcast Guru for their assistance.

New year, new voice

Over the next year OPPI is working on updating all of its communications to align with our new communications strategy. If you have any suggestions, let us know at communications@ontarioplanners.ca.

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Planning for an Uncertain Future

By Maureen Atkinson

Retail is a fast-changing industry and always has been, but the pace of change has become supercharged. The biggest change in retail in the past 20 years is the introduction of a whole new way of buying—the online shopping world.

While the world changes and evolves each year, there are some things we know. J.S. Williams Group has been tracking the use of online shopping in Canada since 2013 and we see some clear themes:

The penetration of online shopping is very different depending on the category of merchandise. For example, branded, consistent products such as books and music have high rates of penetration. They are easy to buy and dependable since there are no real size/colour choices. Products that people want immediately, such as food and building products, are less likely to be purchased online.

Shopping online in Canada has become ubiquitous. There is no such thing as an online or offline shopper. Only about 7 per cent of Canadians say they do not shop online.

Many services such as “click and collect” and Penguin Pickup have emerged. These are intended to help shoppers who buy online solve some of the downsides with the activity, such as not being home for delivery of purchases.

The store still remains the main location for making a purchase. However, it too is changing rapidly as technology and shoppers’ expectations, shaped by technology, continue to force changes that make the in-store buying experience “frictionless”—faster with fewer delays in gratification.

Food shopping has been relatively unaffected by internet shopping with low online penetration. However, this is about to change as Amazon starts to roll out grocery shopping in Canada, forcing grocery chains and independents to compete in this space. This is especially true in larger urban areas.

All of this has had significant impact on the retailers and shopping areas in Ontario cities and towns. In the case of chain stores, retailers have rationalized their store base, closing underperforming stores and leaving smaller secondary locations. This has created vacancies in those

secondary retail spaces. In the case of independents, they are challenged to compete with online retailers by matching prices offered online and/or selling online themselves. This can mean coping with lower margins, reduced profitability, and learning skills that are all new to them.

Retail areas and shopping malls are challenged to maintain their vibrancy as vacancies rise and independent stores struggle to survive. While Ontario shoppers may shop online, they still judge their communities and their local malls by the strength of the retailing that is there.

In the midst of all this change, land use planning still attempts to set the framework for the next 20 years. Since we are in the middle of this new world of retail, predicting what will happen in the next 20 years seems an impossible challenge. That does not mean that communities are giving up.

This edition of the *Ontario Planning Journal* is dedicated to exploring the various approaches that are being taken by large and small Ontario communities to adjust to these challenges. While no community seems to have the complete answer, these communities are testing out new tactics. In some cases, the communities are developing programs for independent retailers to help them stay in business and change their businesses models to meet these challenges. In other cases, communities are looking at how to keep retail real estate in their communities strong while recognizing that what worked in the past will be different in the future.

Everyone recognizes that the solutions that worked in the past must change and the need for flexibility and testing solutions has never been greater.

Maureen Atkinson is a senior partner at J.C. Williams Group and heads up the research department. She manages ongoing research products including the National Retail Bulletin and the Canadian E-tail Report. Maureen is also a founding member of the Canadian Research Group of the International Council of Shopping Centers as well as one of 12 global recipients of the Career Service Award as part of the 2016 ICSC Researcher Awards.



Revitalization of an Iconic Tourism Destination

By Andrew McNeill



As the Town of Wasaga Beach implements its downtown master plan, the creation of a traditional retail district along the new main street is critical to revitalization efforts. Tourism is the core industry of Wasaga Beach and the quality of place that is created along the new main street will have a direct impact on how many people will choose to spend time and money in the new downtown. Quality retail is key, no retail = no downtown. This article is about the importance of retail to repositioning Wasaga Beach.

Context

Wasaga Beach, home to the world's longest freshwater beach, has a long and rich history. For almost 80 years, much of that exciting history was focussed around Main Street at Beach Area One. The seasonal downtown was a popular holiday spot for soldiers from Base Borden and tourists from across Ontario and the northern United States. However, as the town transitioned to more of a year-round community, Main Street's relevance to day-to-day life declined. A lack of reinvestment combined with an explosion of suburban development—low-density homes, strip plazas and big box stores throughout the town—meant that the rapidly growing population (21,000 as of 2016) would satisfy the majority of their daily needs in places other than the historic core.

In 2007, a fire resulted in the majority of the buildings along Main Street being lost. After years of decline, council decided to strategically intervene, and in 2015 purchased majority control of the beachfront at Beach Areas One and Two, including 29 retail units and three bars.

Council moved swiftly to shore-up declining tourist visitation numbers. Exteriors of Town-owned beachfront buildings were painted, retail units were leased out, the Town engaged in community activation with a focus on special events and a temporary Main Street (known as the Main Street Market) was built. The result was a dramatic rebound in tourist visitation numbers. From a low of 1.2M in 2014, tourist visitation numbers jumped to 1.8M in 2016 - a rebound of approximately 600,000 tourists.

In March 2017, council approved a downtown master plan that lays the framework for the development of a new downtown with a traditional main street as well as the redevelopment of the beachfront at Beach Areas One and Two. The plan provides a more sustainable path for the future and will deliver a compact, mixed-use downtown that will once again become the social, cultural and economic heart of Wasaga Beach.

The Wasaga Beach Brand

There is a need to rebuild the Wasaga Beach brand. Shaking its party-town image is important; however,

Wasaga Beach should always be a place that people can come to have fun and most importantly, a place that will be welcoming and inclusive to all.

The town is currently working on a destination management plan that will layer onto the master plan and help the town to understand its target market, and the market segment it should be attracting. This will inform the type of retail that is sought, as well as focus product development efforts. A new brand image, downtown vision and physical redevelopment will reposition Wasaga Beach to be more economically competitive.

Revitalizing downtown retail

Sunshine in the summer equals crowds at the beach. The challenge for Wasaga Beach is sustaining business during inclement weather or in the shoulder seasons so there are plenty of unique and authentic things to do beyond the beach.

Successful downtowns require people living downtown so the master plan calls for vertically integrated mixed-use buildings with ground-floor retail and residential above. This will deliver a local population base that will create pedestrian foot traffic along Main Street and generate shopping to help support small businesses.

Successful tourist destinations focus on experiential retail. Given the oversupply of powerful mass middle-market retailers in Wasaga Beach, independent retailers must find the gaps in the current offering.

Building a high-quality tourism destination requires moving to a non-big-box experience. Currently the Town of Wasaga Beach has ample suburban-type retail developments. Basic shopping needs are well served by national chains such as Real Canadian Superstore, Mark's, Canadian Tire, Walmart, Castle, and various strip malls.

Small scalable spaces will allow retailers to respond to the unique market conditions of Wasaga Beach. Small spaces mean lower total rent making it easier to carry in the slower shoulder seasons. The ability to expand and contract outdoor cafes and display areas allow businesses to capitalize on seasonal demand. Additionally, niche opportunities in an intimate setting create the kind of environment where people want to spend time—a unique and authentic shopping experience.

Wasaga Beach—the world's longest freshwater beach—along with Wasaga's other natural assets attracts about 1.8-million tourists annually. The new downtown is being planned to leverage this traffic and offer a place where both locals and tourists can co-exist.

Andrew McNeill is the director of Economic Development and Tourism for the Town of Wasaga Beach. Andrew has worked in numerous cities and towns in Ontario and the United States helping them develop into more vibrant and economically successful places.



Wasaga
Beach,
artist's
impression



Main
Street,
artist's
impression

Mississauga Reimagines the Mall

By Andrew Davidge, RPP & Jordan Lee, RPP



Andrew Davidge



Jordan Lee

The retail market in Canada is evolving. Technological improvements and changing consumer preferences are altering the nature of the retail market such that the future viability of traditional, suburban-style shopping malls is unknown. In this context, Mississauga is taking a proactive approach to planning for the future of shopping mall areas.

The **Reimagining the Mall** study is a City of Mississauga project, in partnership with Peel Region, with the purpose of developing new land use planning policies for five of the city's shopping malls and their surrounding areas. Each shopping mall included in the study anchors a community node or major node—areas designated for intensification in the Mississauga Official Plan.

Mississauga's mall-based nodes present a tremendous opportunity for the city to realize multiple objectives in its long-term evolution: directing intensification to appropriate areas of the city (including affordable housing), improving the quality of the built environment, enhancing connections with surrounding neighbourhoods, promoting active lifestyles that promote health, and invigorating local businesses within a mixed-use environment.

The project is at the midway point. Phase 1 consisted of a review of the existing conditions of the study areas, retail analyses of the shopping malls, and a range of public and stakeholder engagement events. The next phase of the project includes engagement with the community in developing the vision for the shopping mall areas.

Through **Reimagining the Mall**, the city will develop a policy framework that guides future redevelopment within the nodes, including new official plan policies for land use, transportation and urban design. It is anticipated that the final report and recommendations will be presented to Mississauga council in late 2018/early 2019.

To date the study has revealed useful insights about the health of local retail uses, the role of malls in community life and the state of the built environment, which will inform the next phase of conversations on the future of these mall-based areas.

Health of local retail

The malls in the Mississauga project include four small and mid-size local malls, as well as one larger regional mall. Originally built over the 1970s and 1980s, they have continued to evolve over time and represent a cross-section of the shopping centre category.

Emerging retail trends, particularly those driven by

technology, represent a real challenge to the bricks-and-mortar retail represented by the malls under study. With the full impact of these retail trends yet to be felt, the current state of affairs at these malls is mixed. One mall has undergone substantial reinvestment and renovation which has resulted in increasing sales. Successfully catering to local everyday needs has allowed some malls to maintain their vitality. Others have struggled to fill the gaps left by the departure of large anchor tenants; a variety of solutions have been implemented with mixed results, including leasing out space for office uses. Some malls have been reconfigured overtime through the expansion of pad-style and outward-oriented retail. Mostly national and international brands have occupied these new spaces and experienced strong sales and revenue growth. The interior spaces are comprised of mostly independent local retailers whose sales are generally flat or in decline.

While the malls display a wide range of vitality, all owners are contemplating some form of redevelopment and the introduction of new uses, particularly residential, to ensure the long-term health of their retail offerings, as well as provide alternative revenue streams.

Role in community life

Discussions with the public and stakeholders clearly indicate these malls are much more than a cluster of stores to their users.

These malls act as natural focal points for the communities that surround them. They offer retail, but also informal gathering places in privately owned publicly accessible spaces. Community facilities, like libraries and recreational centres, are often clustered in the same areas, turning the mall-based nodes into real community hubs.

The suburban shopping mall fused the ideas of the mainstreet and town square and recreated them for car-oriented environments. Elements of the public realm that would have formerly been owned publicly were privatized and often moved indoors. A number of the malls under study still have an interior focus while others have evolved away from this configuration with many stores and restaurants in pad-style and outward-oriented retail.

State of the built environment

The mall-based nodes are the location of some of the greatest mixing of uses in the city, combining retail, services, small office uses, community facilities with a variety of housing types, including high-, mid-, and low-rise apartments.



A varied consultation approach has brought the discussion of the future of mall-based areas to the sites themselves through pop-ups, surveys and walkability audits



Pop-up at Meadowvale Community Node



The complete communities ideal is not a new concept. Many traditional suburbs were designed as new towns, which would be self-sufficient satellites of larger urban areas. However, the segregation of uses and low densities meant that the variety of uses were best accessed by car. The mall-based nodes fit this model and are the mixed-use hearts of larger catchments of low-density residential and employment areas.

While the mix of uses is a strong base upon which to guide further evolution and intensification, the existing built environment is largely dominated by the car. Its features include wide and fast arterials, limited fine grain connectivity, large surface parking lots, weak animating relationship between buildings and the public right-of-way, and poor or segregated environments for walking and cycling.

The opportunity

The evolution of the retail sector will generate new models for place-based retail. As these models are used to reinvent mall sites, they may spur broader redevelopment that has the potential to achieve multiple city-building objectives.

The challenge and the opportunity is to use this moment of change in mall-based nodes to preserve and enhance their best attributes—the mixing of uses, strong community presence, vital local retail—while making improvements that move the built environment toward a healthy complete community ideal, with



Intercept interview at Erin Mills Community Centre

particular attention to improving conditions for active transportation and the quality of the public realm.

Andrew Davidge, MCIP RPP, is a member of OPPI and a senior planner at Gladki Planning Associates. He is leading the consultant team, which also includes DTAH and urbanMetrics, on the Reimagining the Mall study. Jordan Lee, RPP is a member of OPPI and the City of Mississauga's project lead for Reimagining the Mall. He is a planner with the Planning and Building Department, primarily responsible for policy projects related to healthy initiatives.



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Challenges of Retail in Mixed-Use Buildings

By James Tate & Sameer Patel

The retail sector is dynamic and constantly changing in response to the marketplace. From a demand perspective, e-commerce, diversifying lifestyle patterns and evolving demographics are changing how and where consumers are shopping. From a supply perspective, legislative policies and the tightening of land supply is resulting in significant changes to retail built form.

Historically, new retail space has been supplied in low-density centres with vast fields of ground-level parking. The new reality, in many municipalities, is a limited number of commercial sites, high land values and smart growth legislation that is resulting in intensification and mixed-use developments.

The retail component of mixed-use developments, when designed thoughtfully and tenanted with an understanding of the surrounding neighbourhood, provides numerous benefits to the surrounding community. These positive effects include: activation of the street edge or neighbourhood, provision of retail goods and services in modern, efficient formats, and the opportunity to live and work in the same community.

However, success of ground-floor retail in mixed-use buildings is only possible if the development is viewed through the lens of 'retail units with residential above' as opposed to 'residential with ground-floor retail units'. The difference may appear as just a matter of phrasing. However, when taken literally, it becomes obvious why so many mixed-use developments struggle to effectively tenant their ground-floor commercial space. This article offers insight into the factors that contribute to the success of retailing in mixed-use developments.

Ground-floor retail units in mixed-use buildings require the same attributes as typical retail uses, whether it be on mainstreet, strip plazas, power centres or shopping centres. Pedestrian and/or vehicular traffic is critical. This traffic is generated by the surrounding residential density and the daytime population. It is our experience that the amount of retail space supported by the actual residents of a mixed-use development is typically overstated. Furthermore, demand generated solely by proximity to transit is also typically overstated. The market support for the commercial space must extend well beyond the immediately adjacent demand generators.

If market demand to support traditional types of retail is not present, which is the case in many non-mainstreet infill mixed-use developments, consideration should be given to interim uses that allow for transition to retail uses when demand materializes. These interim uses require creative thought from developers and could include uses such as live-work units.

There will be instances where demand may be present but appropriate tenants are not available. The sheer number of mixed-use developments in the planning

pipeline combined with the evolving nature of retail, is resulting in a decrease in the number of national chain retail tenants that are typically coveted by mixed-use developers. Simply put, there are not enough Shoppers Drug Marts, LCBOs and banks to tenant all of the proposed mixed-use developments. This means that the landlords of the ground-floor commercial components are going to have to start considering independent and smaller mom-and-pop tenants for their commercial spaces.

There are some universal factors that apply to the design of retail space:

- *Standardized store size*—Retailers prefer rectangles, typically with around with 20 feet of frontage. As store sizes decline, the depths of retail spaces have been reduced. Conversely, ceiling heights have increased.
- *Signage*—Many retailers have invested considerably in developing their branding, and are focussed on promoting their standardized images.
- *Transparent storefronts*—An open concept welcomes customers inside and discourages crime by promoting behaviours similar to what Jane Jacobs described as "eyes on the street." An open concept enhances the curb appeal, value of the store, and the entire neighborhood.
- *Appropriate doors*—In multiple store frontages, door spacing is critical in order to facilitate shopping flow. If there are larger tenants, strategies such as wrapping the larger units around smaller street-facing units would maintain appropriate door spacing.
- *Dedicated parking*—Mixed-use developments in suburban locations have to accommodate vehicular traffic and therefore parking is required. Many retailers, especially larger anchor retailers, will not consider locating in mixed-use developments unless dedicated parking is provided.
- *Reduced conflicts between the mix of uses, specifically residential*—Consideration must be given to factors such as odours, lighting and sound. The potential for conflicts will continue as food and beverage tenants increasingly become popular. These conflicts must be addressed in the preliminary design stages of a mixed-use development.

Many of these design elements can be implemented from the developer's perspective. However there is a critical role for local planning departments. Design guidelines are key to successful mixed-use developments. Market demand to support retail commercial uses cannot be legislated. Thus, if ground-floor commercial space is to be required, there should be recognition that the opportunity for retail uses will evolve over time and that appropriate zoning should be in place. As market growth



James Tate



Sameer Patel



Hobin Westboro Station in Ottawa

occurs, and densities increase, this flexibility will allow for the possibility of a transformation into a pure commercial use. Conversely, good retail space is becoming scarce, and therefore retail should be encouraged.

Municipalities should investigate possible financial incentives to encourage commercial development in mixed-use settings. These incentives could include property tax abatements for the commercial components of mixed-use developments for an initial period. This could allow for unique / independent tenants to establish themselves. A reduction in development charges, or density bonuses for ground-floor commercial uses may also be appropriate.

Overall, it must be recognized that commercial uses in mixed-use buildings are here to stay. In the future, they will play an increasingly important role in servicing consumer needs, particularly in major urban centres. However, it is important to recognize that retail space cannot, and will not, be successful in every situation. Flexibility is key, and proper design and planning will contribute to the success of retail in mixed-use developments.

James P. Tate is president and Sameer Patel is vice president of Tate Economic Research Inc. TER is a Toronto-based market analysis firm that specializes in commercial development. TER is at the forefront of many major mixed-use and transit-oriented developments, advising both the private sector and municipalities.



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Ottawa's Proactive Approach to Retail Disruption

By Brian Simpson & Alain Miguelez, RPP

New and emerging technologies have been the catalyst for numerous disruptions in the retail sector over the past century. The introduction and proliferation of trains, automobiles and the internet has affected the retail sector, both positively and negatively, and they may be the most significant causes of market disruptions.

When we examine the retail sector within the City of Ottawa, it is clearly experiencing pressure from the most recent disruption, the rise of online shopping and e-commerce. Recognizing these factors, the city looks for innovative solutions to counteract negative impacts and ensure a vibrant retail sector continues to thrive and animate our streets and public spaces now and into the future.

While the history of disruption in the retail sector has been widely studied, it is worth noting some of the more significant disruptions. From the advent of urbanized societies, local merchants have been central to city life beginning with the general store, or corner store as we now know them, retailing diverse but limited inventory. With the introduction of railroads, goods from across the country could be aggregated in a single location allowing for the evolution and emergence of department stores.¹ Electric streetcars made it possible for customers to move from their homes and local stores to large department stores that carried goods not available in their neighbourhood. With the move to mass automobile ownership and the development of neighbourhoods outside the urban core, the suburban shopping mall format emerged. Shopping malls offered a similar selection to department stores, closer to home and with unlimited free parking.

As the mobility of shoppers continued to grow, the introduction of value formats such as Costco, Walmart and Kmart marked the next retail disruption.² These stores were able to provide department store-type merchandise at a lower price because of lower operating costs, primarily due to lower real estate costs in the suburbs. Eventually, these stores began to cluster giving rise to the power-centre retail format. As consumers adapted to the proximity of shopping options closer to their suburban homes, the downstream effect was a destabilizing of smaller chains and mom-and-pop stores in downtown neighbourhoods. And finally, the most significant retail disruption of the past two decades has been online shopping and e-commerce.

E-commerce, online shopping and emerging technologies have seen steady and continued growth with internet-based sales rising 31 per cent over 2016, and online sales reaching \$15.7-billion in 2017, representing 2.6 per cent of national retail sales.³ The globalization of markets has created opportunities to access retailers and merchandise from around the world without ever leaving home. The opportunity to shop 24/7 from wherever it is convenient for the consumer has changed the way people interact with retailers.

Retailers are also being challenged by the rapid change in population demographics. As the baby boomer generation ages, their preferences, habits and needs evolve and retailers must adapt. At the opposite end of the spectrum, there is the emergence of Generation Z, which in Ottawa is just as influential as the baby boomers. This generation has grown up with



Brian Simpson



Alain Miguelez



Micro retail zoning, La Cocina (left), Meat Press (right)

social media and online shopping and is extremely tech-savvy. They have a developed social consciousness and expect their preferred retail brands to exemplify best practices in areas of sustainability, and responsible procurement, among others.

Beyond demographic changes and online shopping, retailers face other challenges including municipal business planning and permits, taxation changes (most recently in CPP), minimum wage and carbon pricing, and changes to by-laws and legislation. To mitigate these challenges, the City of Ottawa is continually working to identify opportunities to increase services and provide assistance to businesses in the retail sector.

In 2016, the City of Ottawa was home to more than 4,000 retail businesses, employing about 60,000 individuals. Recognizing this employment sector as vital to a vibrant city, the city has been proactive in its policies to enhance opportunities for small businesses to start-up and to flourish. Following a zoning study on local commercial uses, council passed an innovative new zoning by-law to preserve and promote small-scale neighbourhood businesses located in the heart of urban residential areas.⁴

In a separate city-initiated zoning amendment, Ottawa eliminated all parking requirements for urban neighbourhood retail businesses that have a typical neighbourhood-store size and footprint.⁵ The city also repealed its cash-in-lieu-of-parking by-law, which had become a significant barrier to new small retailers

looking to lease space in older buildings in successful areas or streets.

Ottawa Planning Services is currently undertaking a review of the site plan control process and fees. Staff has examined the current process with a view to making the review process quicker and easier for small-scale developments that implement the city's land use goals. In essence, smaller projects can proceed to building permits directly without site plan control.

Staff is also recommending modifications to the site plan review process and workflow. These improvements include setting more realistic timelines, clarifying roles and responsibilities for all parties at all steps, and encouraging communication and collaboration among staff, applicants, and stakeholders, including using necessary tools and technologies.

Complementing this work, economic development and long-range planning staff are identifying opportunities to mitigate challenges faced by retailers. The municipality is developing a strategy that will address changing dynamics affecting not only retailers, but also traditional mainstreets and small and medium enterprises. It is anticipated that this strategy will provide important guidance to developers to ensure a strong at-grade retail presence.

The new technologies and demographic shifts impacting the retail sector are as significant as the advent of the train and the automobile, and they also create opportunities for retailers, developers and municipalities to collaborate and innovate. Ottawa is committed to developing thoughtful solutions to issues and challenges facing the retail sector to ensure it flourishes in the years ahead. After all, trade, and retail trade in particular, is at the core of city life and a big component of what makes a city enjoyable.

Brian Simpson, MPA, PMP, works as an economic development officer in the City of Ottawa's Planning, Infrastructure and Economic Development Department specializing in BIA partnerships. Alain Miguez is a member of OPPI and is the program manager of community planning in Ottawa's Planning, Infrastructure and Economic Development Department. His team works on the city's official plan and on community design plans for neighbourhoods, rapid transit station areas and major hubs across the city.

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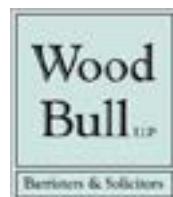
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Adapting to Change

By Salima Rawji

We are in a moment of extreme change. Technologies respond to gaps in people's daily lives and function. From Wayfair, to Shopify, to Ebay, each platform exists to enhance the lives and fill a need of the people they serve.

The disappearance of longstanding retailers due to competition from online forces is a fallacy. Consumer tastes change along with technologies, and the smart retailers evolve their concepts to suit. Staying close to customer desires and insights is an important ingredient for success.

Think about banking, for example. In the past location was the most important factor to success—as long as the bank was convenient to access, customers would come to it. Banking would be done through a teller who would know if a family was expecting a new child and thinking about opening a education savings account, or interested in a new home and needing a mortgage. From new cars to vacations customers would go into the bank to discuss their needs. The bank had to compete on price and service but not on staying close to its customers.

In today's technology driven world, customers don't need to go into the bank to process day-to-day transactions, customers do this themselves from the ease of their home or mobile device. Banks now have to get creative on how they stay close to their customers. How does the bank know if a customer requires an education savings plan or mortgage if they rarely interact with their customer in person? Evolve or die. Not because of online competition but because of innovation from the competition. Innovate or die. The bank still needs to exist, but its function has changed.

Toys-R-Us' 1957 dream of a "supermarket for toys" remained wildly unchanged over the 60 years of its retail life. During that time it focused its energy on blocking Amazon from competing on specific items rather than on its own strategy, leaving them in a perpetual cycle of catch up. Meanwhile, traditional grocery-based supermarkets started to innovate with concepts like Longo's Grocery Gateway or Loblaws' Click and Collect. Many claim Toys-R-Us' closure was due to forces from online retail.

Strong brands in Canada and the United States have been re-investing in multi-pronged strategies, which include real estate. Amazon's 2017 purchase of Whole Foods reflects the continuing importance of bricks and mortar. Not only did Amazon make a commitment to the grocery business but also to the 473 physical locations or 18.5-million square feet of real estate held

by Whole Foods. Similar trends have occurred with other strong online brands such as Warby Parker and Frank and Oak. Warby Parker is an online eyewear store established in 2010, now with over 60 locations in the United States and Canada. Clothing retailer Frank and Oak boasts over three-million online members with 13 physical locations across Canada. And back in the toy space, Canadian retailer Mastermind Toys, established in 1984 has grown from 11 stores in 2007 to 60 stores today and plans for 80 stores by 2019.


Why are some brands growing their real estate portfolios while others are shuttering stores? How is it possible that Costco's membership growth overlaps so significantly with those who are also Amazon Prime customers? Quite simply, the marketplace is dynamic and people look for varied experiences. In one circumstance a consumer may need a household staple most easily delivered by Amazon through its Prime membership. In another circumstance that same customer may buy this same household staple from Costco, but took the physical trip to Costco to find those hidden gems and amazing buy-it-before-it's-gone deals that did not make it to Costco.ca. The fact that competition sits in the hand of every customer at every moment of the shopping experience, through their mobile device, means the store experience must be rewarding enough to draw the customer back time and time again.

So what does this retail evolution mean for municipalities? Just as retail concepts evolve, buildings and land use must evolve. Design is, and will continue to be, a competitive advantage for building owners. Adaptable, sensitive and sensory pleasing physical spaces will drive long-term retail success. Like the light industrial buildings of the 1920s in downtown Toronto, which now serve as creative office, adaptable design has allowed these buildings to add value and remain current for 100 years and more.


But this is a tough challenge—planners must strive for resilience. Planning policy must foster adaptability with the pace of technological change, while protecting and enhancing the social and physical infrastructure needed to ensure liveable communities.

Salima Rawji is vice-president of development at CreateTO (formerly Build Toronto). She is a member of the Urban Land Institute Toronto District Council management committee and the Ontario P3 public chair for the International Council of Shopping Centers Canadian divisional leadership. She is on the board of directors for CivicAction and the Homes First Foundation.





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TORONTO DISTRICT

Ontario Place Transformation

By Naila Bakridan

Toronto District organized a walking tour of the newly opened Trillium Park and William G. Davis Trail at Ontario Place. Infrastructure Ontario staff led



participants through the transformed park and trail and explained the revitalization efforts that have been

underway at Ontario Place since its partial closure in 2012.

The June 19, 2017 opening of the park was the first milestone in the province's plan to transform this iconic landmark into a vibrant, year-round destination for people of all ages. What is now the Trillium Park and William G. Davis Trail comprises 7.5 acres of public space that for years was a vacant parking lot.

This first stage of Ontario Place's transformation reinvented the parking lot as a scenic green space with panoramic city views, offering many different places for the public to gather. The park features an open-air pavilion inspired by evergreen forests and Ontario Place's unique design, as well as open spaces to host art fairs, film festivals, yoga classes, school groups and food vendors.

Inspired by Ontario Landscapes, LANDinc, a Toronto-based landscape architecture firm (supported by West 8, an international design firm), led the design of the park and trail, based on discussions with experts and

members of the public, including the Mississaugas of the New Credit First Nation. In 2015, construction of the park and trail began. Core elements include:

The trail—The William G. Davis Trail is named in honour of the Honourable Bill Davis, Premier of Ontario when Ontario Place opened in 1971. The trail runs through the park and along the waterfront

flanked by evergreen trees, and three marker trees, which were historically shaped into a specific form and used by Indigenous People for navigation or to mark significant Indigenous sites.

Ravine with Moccasin Identifier—The ravine provides access to the park with granite walls that celebrate First Nation peoples' heritage and culture, including the Moccasin Identifier that serves as a visual reminder to recognize and honour the past.

OBITUARY

DIANA SANTO, 1945-2017

Diana Santo was an exceptional leader who moved the land use planning profession forward in the Province of Ontario.

Early on in her career, Diana became one of the first female directors at the Ministry of Municipal Affairs and Housing. She was instrumental in initiating the Foodland Guidelines, the Toronto Centred Region Plan and revisions to the *Ontario Planning Act* that focused more decision-making at the regional and local municipal level.

Diana was the first professional planner appointed to the Ontario Municipal Board and the second woman appointed as vice-chair. During her 20 years at the OMB, 10 years as vice-chair, she was involved in decisions that shaped



and defined the province.

Subsequent to her time at the OMB, she was involved in private practice at PricewaterhouseCoopers LLP and MMM Group (now WSP). Diana was also involved as a volunteer with OPPI as a member of the Discipline

Committee. Recognizing her significant contribution to the profession, Diana was elected a Fellow of the Canadian Institute of Planners in 2011.

Diana was known for bringing her knowledge and her passion for the

profession to support clients and colleagues, and to mentor others within the profession.

~ WSP planning director Chad John-Baptiste, RPP, daughter and Waterfront Toronto director of development Amanda Santo, RPP, and Metropia VP Development Kristy Shortall, RPP.

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Pavilion—Inspired by evergreen forests and the iconic structures of Ontario Place, the open-air pavilion serves as a frame for the Romantic Garden, while also providing a scenic and sheltered place for gathering and other social activities.

Romantic Garden—Open space for rest or play, the concert lawn accommodates large gatherings and recreational activities, creating an inviting community gathering spot.

Fire Pit—Nestled along the water's edge, the fire pit invites visitors to hold bonfires and take in views of the city.

Bluff—Comprising stacked boulders and rocks, the bluff is designed for viewing the surrounding areas and spontaneous play, while providing seating from which one can look far across Lake Ontario.

Summit—As the name suggests, the summit is the highest elevation in the park, it is located at the southern tip and provides a panoramic view of the park and Lake Ontario.

The Trillium Park and William G. Davis Trail is the first step of Ontario Place's revitalization. The

Ontario Ministry of Tourism, Culture and Sport, together with the Ontario Place Corporation, is leading the transformation of the entire site into a vibrant, year-round waterfront destination. With breathtaking views and a beautiful summer day for our walking tour, it was an ideal excuse for a visit.

Naila Bakridan is a Pre-Candidate member and an OPPI Toronto District volunteer with urban planning experience in Canada and Australia.



Top left to right:
The Summit,
Ravine with
Moccasin Identifier,
Cinesphere,
Pavilion, William G.
Davis Trail

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Book review

Multicultural Cities

Reviewed by Dominik Matusik

In *Multicultural Cities*, Mohammad Qadeer charts the history, geography, and economy of immigration and multiculturalism in three North American cities: New York, Los Angeles, and Toronto.

Through his analysis, Qadeer finds striking similarities in the multicultural character of the cities, despite Toronto being the only one of the three cities existing in a context of official multiculturalism.



“America as a melting pot as contrasted with the Canadian mosaic,” he writes. “Yet this picture is not a true reflection of the historical as well as the current reality of the two societies. Ethnic identities and customs have flourished in the United States, and Canada has a sense of national solidarity.”

Throughout 11 chapters, Qadeer discusses in detail the similarities and differences in the ethnic economies, social institutions, and the (increasingly suburban) settlement patterns of immigrants and minorities in the three cities, often drawing on examples from international cities.

Central to his conception of the multicultural city is the “common ground,” which Qadeer defines as “those institutions, values, and norms that regulate the public space and underpin the interactions of diverse groups.”

Through this common ground, Qadeer shows how cultural diversity exists alongside shared institutions and, in fact, be enforced by them. For instance, he cites accommodations given to ethnic restaurants allowing them to prepare and display food in customary ways, while simultaneously being bound by the same public health codes as all eating establishments.

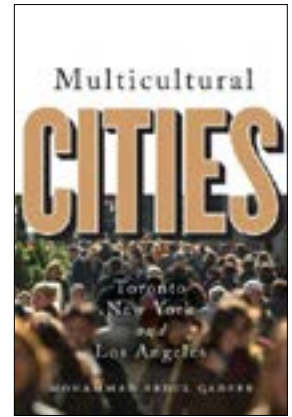
Author: Mohammad Qadeer; Publisher: University of Toronto Press; Year: 2016; 356 pages

This provides hints as to how planners can plan for a city that accommodates multicultural residents, businesses, and institutions. He points out that none of the three cities surveyed have comprehensive policies in place to govern fundamental aspects of the multicultural city, such as ethnic enclaves, economies, and architecture.

Qadeer suggests an 18-point policy index that planners can utilize to nurture and regulate multiculturalism. It includes promoting ethnic entrepreneurship, providing translations for public consultations, producing design guidelines for ethnic neighbourhoods, and incorporating culture as an acceptable reason for site-specific accommodations and minor variances.

Multicultural Cities is a comprehensive discussion of the theories, policies, and realities of multiculturalism in three cities where diversity is a part of everyday life. Planners in Ontario will undoubtedly find valuable lessons in this book, and would do well to consider multiculturalism as a regular part of the planning process and when developing policy, particularly in the Greater Toronto Area, where immigrants and visible minorities continue to represent an ever-increasing proportion of residents.

Dominik Matusik is a planner with WND Associates, working in the GTA. He is a graduate of the School of Urban and Regional Planning at Queen’s University.



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PRESIDENT'S MESSAGE

Leadership on all levels

Professional planners are seen and known as leaders. We lead people, conversations and places to inform choice and create inspiring communities. Like us, OPPI continues to lead several strategic projects that will advance the profession and deliver member value.

We are promoting and safeguarding professionalism by advancing Bill 122, the Registered Professional Planners Act. As you may know, Bill 122 died on the order paper as a result of the prorogation and the opening of a new session of the Ontario Legislature in March. With this re-setting of the legislature, all bills need to be re-introduced. The government has pledged to do this so debate on government bills can continue. We are hopeful that Bill 122 is part of this plan and are doing everything we can do to get the bill passed. We continue to work with our sponsor and Parliamentary Assistant to the Premier MPP Ted McMeekin to achieve this goal and hope to have a resolution to share with you before the legislature adjourns for the election.



re-introduced. The government has pledged to do this so debate on government bills can continue. We are hopeful that Bill 122 is part of this plan and are doing everything we can do to get the bill passed. We continue to work with our sponsor and Parliamentary Assistant to the Premier MPP Ted

McMeekin to achieve this goal and hope to have a resolution to share with you before the legislature adjourns for the election.

We continue to facilitate the exchange of knowledge and expertise and empower member ownership through the annual spring District Forum. Districts play a vital role within our organization. For many, they are the face of OPPI. In March, the chairs and vice-chairs of OPPI's seven District Leadership Teams met with the leaders of OPPI's strategy groups and staff to share successful practices, provide input into strategic projects and set the stage for district events that will serve as a lead into our 2019 Conference in Toronto, where we will celebrate the 25th anniversary of the RPP designation. It was inspiring to be among so many planning leaders. I look forward to learning more about the excited events that will be held across the districts in 2019.

OPPI Council also met in March, when we explored Indigenous perspectives in planning and the Truth and Reconciliation Commission's Calls to Action. Our goal was to begin to explore OPPI's role in response to the calls. The results of the member survey sent prior to the meeting indicate that the majority of respondents are looking to grow their professional capacity in this area. Our conversation was enriched by the participation of Dr. Duke Redbird, Dr. Sheri Longboat, Calvin Brook, RPP and Emily Bowerman. Council agreed to create an Indigenous Planning Task Force to further explore this opportunity and report back to Council with recommended actions in June. We also discussed the major themes and emerging process for the new public affairs

strategy. We expect to finalize the strategy at our June meeting.

Our June Council meeting promises to be exciting! We will also discuss technology and its impact on planning and the profession, and we will meet with the leaders of Ontario's six accredited planning programs. Our goal will be to share information, strengthen collaboration and improve member value.

These are just some of the examples of the good work that is underway at OPPI. None of this work would be possible without the leadership of our volunteers and staff. Together, they continually propel our organization forward. I am proud to be a member of such a great team of people that are biased towards action.

We are RPP!

Jason Ferrigan, RPP

Jason Ferrigan, RPP is the President of OPPI and director of planning for the City of Greater Sudbury.

PROVINCIAL NEWS

Growth Plan guidance

Detailing review process

By Kevin Eby, RPP, contributing editor

On March 21, the Ministry of Municipal Affairs posted two important draft guidance documents on the Environmental Bill of Rights Registry for comment by May 7. These two documents address completion of the municipal comprehensive review process and establishment of targets under the provisions of the *Growth Plan for the Greater Golden Horseshoe* (2017 Growth Plan). Their release follows the release of the Proposed Methodology for Land Needs Assessment late last year. Together these three documents provide much of the information required for municipalities to bring their official plans into conformity with the 2017 Growth Plan.

These documents are extensive and the guidance provided in them is detailed enough to ensure that the confusion that reigned concerning implementation of the 2006 Growth Plan,



particularly with respect to the land needs assessment process, does not reoccur. As noted in these documents, the province intends to take a very active role in the consultation process leading up to the adoption of municipal official plans. Many will find it a welcome change from the implementation process associated with the 2006 Growth Plan.

As noted in the Municipal Comprehensive Review guidance document, the upfront work required to support preparation of an official plan this time around is extensive. Even if a settlement area expansion is not required, municipalities will have to prepare extensive documentation to support the policy requirements in the 2017 Growth Plan:

- Analysis to support the established urban structure
- Land needs assessment completed in accordance with provincial methodology
- Intensification strategy
- Employment strategy
- Housing strategy (beyond official plan policies, any other tools/approaches that will be utilized)
- Analysis to justify any employment area conversions
- Analysis to justify any refinements to the natural heritage system and/or agricultural system
- Infrastructure/public service facilities plans, including master plans as required
- For excess lands in outer ring municipalities, evidence to demonstrate how these lands are being managed (including official plan policies, as well as any other tools/approaches that will be utilized such as those set out in policy 5.2.8.4)
- Transportation demand management approaches (beyond official plan policies, any other tools/approaches that will be utilized)
- If extension of water and wastewater services from a Great Lakes source is required for settlement areas that are serviced by rivers, inland lakes or groundwater, evidence that complies with the criteria in policy 3.2.6.3.

As municipalities grapple with the resource and timing issues related to completion of the Municipal Comprehensive Review process, an important consideration needs to be how the public and affected stakeholders are kept properly informed and provided opportunities for input. It is not unreasonable to assume that the background work necessary to fulfill the requirements of the review process will take many municipalities three or maybe four years to complete, with decisions being made sequentially throughout the process that will inform subsequent actions. Effective participation in an official plan review will now potentially involve a multi-year commitment from members of the public.

A person having objections to a potential settlement area boundary expansion cannot simply come to the meeting where the mapping is presented, provide comments and have any realistic hope of influencing the process. Most of the key decisions will have been made long before that point in time. The justification for that settlement expansion will have been determined through the land needs assessment process—It's location will have been influenced by any refinements made to the agricultural and natural heritage systems. The ability to service the area will have been determined through the completion of infrastructure master plans and the nature of any expansion could be influenced by an employment conversion process affecting land well removed from the area of potential expansion.

Not only will these decisions have been made a long time in advance of the consultation meeting, they will also already have been deemed to be acceptable by the province through the ongoing municipal/provincial consultation process if municipalities are going to move through the review process both efficiently and effectively. Attempting at the last minute to undo decisions made months or even years earlier, would mean the potential loss of years' worth of process.

So where does that leave the public? Early on in the review process municipalities need to create a road map for the public to allow them to clearly understand both the sequence in which decisions will be made, and which preliminary decisions are effectively inputs into later processes. Given the complexity of the processes required to complete the Municipal Comprehensive Review, creation and presentation to the public of such a roadmap early in the process will be critical if the public is going to have any reasonable opportunity to participate effectively.

Kevin Eby, B.Sc, MA, RPP is a member of OPPI, the OPJ provincial news contributing editor and the former director of community planning with the Region of Waterloo. He previously worked on secondment to the province to help with the formulation of the original Places to Grow: Growth Plan for the Greater Golden Horseshoe.

ELTO

What planners should know about LPAT

By Ian Flett, contributing editor

As of April 3, 2018 the Ontario Municipal Board is no more. Its business is continued as the Local Planning Appeal Tribunal. The province has been explicit about its intention in respect of this change, the responsibility for planning decisions is now firmly at the feet of municipalities. With this in mind, the LPAT, whose member roster remains the same as the former OMB, has proposed new Rules of Practice and Procedure.



Reviewing these proposed rules gives us a glimpse of how the tribunal is interpreting the new regime. The following is by no means exhaustive, but it will hopefully assist land use planning professionals to better understand some aspects of what has changed.

The record is everything

The Municipal Record is intended to be the well from which all evidence on an appeal will spring. In addition to including all the prescribed information, municipalities must also forward "...all written submissions either received or considered..." a summary of the oral submissions as prepared and certified by the municipal clerk, and an audio-video recording of the council's consideration of the matter when such recordings are available.

This rule takes on its meaning when we consider what is required of appellants (whether they are proponents or third

parties). Appellants are required to prepare an Appeal Record that includes, among other things, affidavit evidence setting out the material facts of the matter and "...where the person can be qualified to offer opinion evidence on a matter, that person's opinion with respect to the matters in issue..."¹ The Appeal Record must also contain the relevant documents or reference to documents from the Municipal Record.

There are three proposed exceptions that would allow documents not included in the Municipal Record:

1. Any document the municipality left out of the municipal record (so get paper or email receipts for EVERYTHING)
2. A document that, in the opinion of the appellant, should have been before council and was in the municipality's possession (this would likely be other council resolutions, reports, etc., that might bear on the matter)
3. When appealing a non-decision, any documents or reports which "updates the application" (presumably, these would be further iterations from working groups, response to staff comments, and whatever flights of fancy might bolster your client's appeal).

Applicants should find this process similar to and marginally more onerous than what existed before April 3.

It's a different story for planners representing adjacent landowners, residents' groups, industry groups, environmental groups or any other third-party with an interest in a matter. They will now need to frontload their work to ensure the council has all relevant evidence in front of it when considering an application. So, a party alleging a defect in an underlying report would be wise to do the work that corrects the defect on which a skeptical opinion might rest, lest they have nothing to rely on in an appeal.

Do not underestimate the Case Management Conference

Unlike the OMB's pre-hearing conferences, the rules concerning Case Management Conferences are written with the intention of making them very important mini-hearings during which the LPAT is requiring itself to take measures that would narrow issues and make decisions so that the hearing is as efficient as possible. This would be achieved by taking the following steps, among others:

- Identify who else may participate in the appeal based on their written submissions
- Identify facts or evidence the parties may agree on or the tribunal may make a binding decision on
- Narrow issues raised on the appeal
- Obtain admissions which may simplify the matter, and the tribunal may achieve this by examining witnesses on the spot
- Direct witnesses, including experts, for further examination by the tribunal.

Therefore, planners should be prepared to take the stand at a Case Management Conference and answer the tribunal's questions about documents and opinions in the Municipal Record or the Appeal Record.

An active adjudicator might press planners to narrow in on the specific policies in dispute or ask them to adopt and or admit in some way the underlying information or conclusions of each other's reports.

A planner would be wise to be able to answer this tribunal question: What parts of the other side's report do you agree

Local Planning Appeal Support Centre

Anna Pace, RPP is LPASC's chair, she is a registered professional planner and a member of OPPI. She has previously served in senior roles in public sector transportation and land use planning, intergovernmental and inter-agency relations, and transit governance including working with Metrolinx and the TTC.

Mary Lee is the LPASC's executive director, she oversaw the province-wide operation of eight boards and tribunals while serving as the director of operations for Social Justice Tribunals Ontario. Lee is a graduate of York University's Osgoode Law School, with a Masters of Law degree specializing in alternate dispute resolution.

Mark Christie, RPP is the LPASC's manager. He is also a registered professional planner and a member of the OPPI. He was the director of policy planning at the City of Vaughan, and helped develop the *Growth Plan for the Greater Golden Horseshoe*, the *Greenbelt Plan* and the *Oak Ridges Moraine Conservation Plan* while at the Ministry of Municipal Affairs.

Mark Leach was appointed a member of the board of the LPASC. Leach has more than 30 years' experience in law, policy and program development, and public sector leadership, including a long career at the Ministry of the Attorney General.

The LPASC is in the process of hiring planners, lawyers and support staff to fulfill its mandate. The province has budgeted over \$1.5-million to pay for LPASC.

with? Which do you disagree with and why? To the extent parties will be allowed to make submissions at a Case Management Conference, planners would do well to equip their clients with some precision in respect of what defects they see in an opposing party's material.

Cross-examinations are not over

The Case Management Conference is also intended to lead to orders permitting "interrogatory procedures," which will provide a party's opportunity to demand another party to provide certain information or answer questions in writing. Since the *Local Planning Appeal Tribunal Act* specifically prohibits cross-examination, one should not expect to be cross-examined at the tribunal. But, interrogatories may very well be permitted with leading questions demanding yes or no answers.

Those who don't like being cross-examined are not out of the woods either. It appears the long-held notion that a party opposite should generally have the opportunity to cross-examine affiants (those who swear affidavits) has survived Bill 139. The LPAT's proposed rules contemplate allowing (or not prohibiting) cross-examinations on an affidavit. Such cross-examinations are traditionally done at private offices in the presence of a court reporter who later provides a certified

transcript of the examination (usually the party asking to cross-examine pays for the court reporter). Which is like a high school principal saying to two bullies, “no fighting on school property.” And it flows that the transcripts of cross-examinations on affidavits would form a part of the record.

There are many reasons to be skeptical about where these changes will take land use planning in Ontario. Approaching the changes with generosity and hope behooves land use planning professionals to believe in the ability of municipal councils, when presented with the accurate facts and thoughtful opinions, to separate politics from good planning in the pursuit of the public interest. The consequences of land use planning decisions will rest more firmly at the feet of municipal councillors and their constituents, but the responsibility of assisting them in making the most informed decision is still in the hands of land use planners.

Ian Flett practices municipal and administrative law at Eric K. Gillespie Professional Corporation. Ian dedicates his pro bono hours to better cycling infrastructure in Toronto.

Endnote

¹ The astute reader might now ask: Was council aware of this opinion when it made its decision?

SOCIAL MEDIA

Data, ethics & building communities

By Robert Voigt, RPP, contributing editor

To support their planning initiatives, municipalities across the province are increasingly tapping into a wealth of data about their citizens that new technologies are making available. This includes access to large data sets generated by public sector and private enterprises, geospatial information that maps specific relationships, and social media networks that citizens use for communication. Municipalities are using this information to gain a better understanding of their own citizens, infrastructure, and social systems, as well as for guiding new community building initiatives.



There are many benefits realized from the insights and analysis these newly available data provide. However, along with the benefits come some major challenges that are at the core of their use. These are potential flaws and ethical concerns that can negatively influence our planning decisions, but unfortunately they tend to be unnoticed or discounted.

The following is a cursory overview of some key data-related issues of which all planners should be aware. With better understanding of how data are generated and their inherent limitations we can improve how we use them in our professional practices.

Tapping into social media networks to enhance community engagement is a common practice for planners. However, our superficial understanding of some key aspects of these tools is

potentially resulting in less than optimal results. To leverage our communication/engagement efforts when selecting social media platforms, planners should be more informed about the demographics and preferences of the users of the platform, and not rely on unverified assumptions, biases and motivations expressed in coded algorithms. These algorithms direct and influence user traffic and coordinate exposure to content for the chosen platform's users.

When municipalities import data sets from other public or private sources they need to consider questions of ownership. This goes beyond simply ensuring that there are no breaches of personal and/or private information. Ethically, planners should be determining whether they are using information generated from individuals who have self-selected to be part of specific communities of interest, and whose data is now being used for other purposes, and whether the data set was generated in a transparent way, specifically identifying if people were aware that their data or metadata would be collected and accessed in this manner.

When planners use data sets generated for another use, not specifically connected to the purpose at hand, they need to understand the parameters that shaped the original set. This is because the information that is in the data is a direct result of many assumptions and decisions, meaning that the data are not free of bias. When these biases are unknown or not accounted for, they can taint the resulting planning decisions. These biases can often result in misattributing causality in relationships or allocating value to inappropriate characteristics, for example.

Using social network analysis and mapping to make unseen relationships visible is a powerful technique that can be used to better understand how our communities function and the interplay of people, built environment and services. It can also be filled with ethical challenges. Take relationship mapping, for example. Users of municipal services in the public realm, such as transit and social support services, may not be aware that they are being mapped. This could make their unknowing participation in generating the mapped data one of deception. Or for others in this scenario whose choices are framed by specific socio-economic factors, their involuntary participation in providing the mapped data about their activity networks, may essentially amount to coercion.

We have the professional obligation to understand the ethics in our use of data and technology. As the planning and community building landscape changes to include public-private partnerships with data-focused businesses, and the built environment becomes increasingly interlaced with the 'internet of things' these ethical concerns will become exacerbated. To illustrate this, I ask that you take a few moments to consider how the ethical considerations noted in this article, and perhaps others, relate to the following two real-world examples: 1. The partnership between Innisfil and Uber to provide a technology-based alternative to a traditional public transit system. 2. The City of Toronto's partnership with Google's parent company to develop a new redeveloped waterfront district.

Robert Voigt MCIP, RPP is a professional planner, artist and writer, recognized as an innovator in community engagement and healthy community design. He is the Director of Planning for Parkbridge Lifestyle Communities Inc., board member for EcoHealth Ontario, and publishes Civicblogger.com. Contact: @robvoigt, rob@robvoigt.com.

Dear Dilemma,

I filed a complaint against an OPPI member in 2017. The Discipline Committee quickly reviewed my information and decided to refer the matter to a formal hearing. But then the planner in question resigned his membership, and the proceedings suddenly halted. Is it really that easy for him to avoid the consequences of his conduct?

Signed,

~ *Outfoxed*

Dear Outfoxed,

Keep in mind that OPPI is governed by the *Ontario Professional Planners Institute Act, 1994*. This is a private bill, and those apply to individuals, groups of individuals or corporations. Public bills, on the other hand, apply to everyone. So OPPI has jurisdiction over its members, for instance, regarding complaints and discipline matters.

However, as soon as an individual ceases to be a member, OPPI ceases to have any jurisdiction over them. This generally makes sense: OPPI can't charge membership fees to former members for example. But this ability for members to escape responsibility in

discipline matters does seem to be a bit of a loophole.

More fully self-regulated professions have public bills and public legislation, which can and does grant broader jurisdiction. Bill 122, OPPI's attempt to obtain such legislation, follows their example and includes a section that states:

An individual who resigns as a member of the Institute or whose membership is revoked or otherwise terminated remains subject to the continuing jurisdiction of the Institute in respect of an investigation or disciplinary proceeding arising from his or her conduct while a member.

OPPI can improve many things about itself by amending its own by-law, but this is an example of something it cannot change, because it is determined by the extent of the jurisdiction granted to OPPI by its governing legislation. So, yes, under the current legislation it really is that easy.

Signed,

~ *Dilemma*

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Advancing walkable urbanism in winter cities

By Harold Madi, RPP, contributing editor

Winter 2017–18 and even into spring has subjected much of the northern hemisphere to an unusually severe arctic weather pattern. A typical week of this year’s winter in Ontario could consist of unrelenting frigid temperatures, snow and ice storms, and wind chills cold enough to bring about frostbite with skin exposure. Perhaps this should come as no surprise, as it is now well established that climate change is leading to more severe and frequent weather events, and the winter months are no exception.



It is in this shivering spirit that it would seem highly appropriate to discuss how urban design must delve into more meaningful and effective outcomes for tolerable outdoor conditions in Canadian cities—the vast majority being tried and true ‘winter cities’. More specifically, I want to draw on a presentation I made at the 2017 Winter Cities conference in Edmonton, which focused on the primacy of generating comfortable micro-climate conditions for nurturing the walkable urbanism that planners and urban designers are aspiring to in this 21st century.

Ironic challenge to active & healthy winter cities

It’s no coincidence that with the momentum towards more intensified and compact urban growth, there has been a corresponding rise in interest and concern for the urban design of winter cities. This shift to intensified growth and compact form and its sustained success hinges on creating and reinforcing walkable places that are transit supportive and where cycling is a viable mode of commuting.

Clearly there is little capacity in any transportation system to sustain a large segment of the population moving between active transportation modes and the private automobile on a seasonal basis. Simply put, for winter cities in the 21st century to be truly walkable, they must be as supportive and inviting to pedestrians in the dead of winter as at the height of summer. Therein lies the challenge, because, as I discovered in my research on the impact of winter conditions on the pedestrian experience, to effectively improve that experience, we need to rethink conventional approaches to the physical form and design of urban places, public spaces and buildings in winter cities.

Rise of the Winter Cities Movement

Without doubt, the Winter Cities Movement, which began nearly 35 years ago, has successfully grown its global network



Typical winter morning in Toronto



Walkability is one of the five aspirations of 21st century urbanism, which can be measured by the quality of the pedestrian experience



Poster for the Winter Cycling Congress held in Montreal in 2017

of cities, raised awareness to the unique challenges faced by cities in colder climates, and directly helped to advance solutions to common issues. In more recent years, even cycling in the winter has garnered significant attention and consideration, buoyed by a growing awareness, through a Winter Cycling Federation and an annual Winter Cycling Congress.

Some attribute the early Winter Cities Movement to the proliferation of indoor and elevated pedestrian networks that took hold in some cities, often as a means of bolstering commerce and investment in the downtown areas, many of which were struggling with decline in an era of suburban expansion. Calgary, is an example of a winter city that was a pioneer in linking buildings together to create an interior walkway system that today totals over 16km and includes 57 enclosed pedestrian bridges known as plus 15s—their elevation above street level. Both Montreal and Toronto are well known for their below-grade network, often linking subway stations to the downtown major office complexes with walkways lined with shops and eateries—having a look and feel akin to any typical enclosed suburban mall with very little interface with the outside.

What might have begun as a number of discrete links and connections, has now evolved into an extensive, continuous downtown network enabling pedestrians to move about without having to suffer the cold of winter, or even needing to wear outdoor attire if one happens to live and work on the network and/or the subway system. These systems are generally well liked by users, and buildings that link to the network are sought after by a market willing to pay the premium required. Now well coordinated, with expansion plans and design guidelines, there is no doubt that the below and above-grade networks have succeeded in providing pedestrians with indoor comforts in the dead of winter, but at what cost?

Given that these networks serve the downtown areas, that are often already walkable and well animate places, some people question their value given the risk they pose to street life and urban vibrancy. The primary criticism is that in redirecting the foot traffic, they adversely impact the viability of street-level shops and reduce street-level activation that is so critical to the health and success of downtown.

The impacts are obvious, whether on Calgary's downtown streets that are visibly dominated by the often bulky overhead bridges, or at peak hours in the heart of Toronto's Financial District where street level can be eerily quiet while thousands of commuters march to and from work one level below grade. In both cases, the hustle and bustle of activity and the sense of vibrancy one encounters in the cores of world's great cities is simply not evident. With street-level retail essentially nonexistent, street life is minimal even through the warmer months of the year.

Pedestrians are the elephant in the room

Considerable efforts has been devoted to improving infrastructure, transportation facilities, the environment, and programming or attractions geared to nurturing a winter active culture. However, the Winter Cities Movement has made very little progress with respect to meaningfully improving the pedestrian experience within the public realm—as defined by the network of streets, open space and



Calgary's enclosed pedestrian bridges visually dominate the streetscape



Toronto's extensive below-grade PATH network



Waiting at a bus stop during a snowstorm



Slippery conditions after a fresh snow fall



Snow-covered sidewalks force pedestrians to walk on roadway



Measuring the duration of sunlight on Queen Street over three months

paths that typically serve and link together urban environments.

Winter conditions greatly impede walkability in cities in two interrelated ways: as physical barriers that limit or constrain pedestrian mobility and as psychological impacts on the pedestrian's desire or motivation to walk. Impacts include:

- Cold temperatures that require heavy and protective clothing
- Wind and lack of sun penetration in dense urban environments can make tolerable cold temperatures far more uncomfortable if not dangerous.
- Snow falling and/or freshly on the ground can impede visibility and also be a source of discomfort, if slippery, lumpy or it reaches 4cm on the ground before being cleared
- If the snow is old or has thawed, and the surface is icy, then walking becomes difficult and dangerous, especially when combined with a sloped surface.
- Sidewalks for pedestrians and curb lanes for cyclists are narrowed due to snow build-up
- Short days mean most active commuters are cycling or walking to and from work in darkness, making them more susceptible to auto collisions
- Diminished light impedes pedestrian visibility with respect to ice or obstacles
- All these physical barriers pose a particular challenge for those with physical mobility issues.

Science behind the cold hard facts

To better understand the nature and extent of the solutions necessary to improve the pedestrian experience in the winter months, it is helpful to know how climate conditions interface within the urban context. Are there ways the built environment through urban design can warm temperature, minimize retention of snow, increase levels of light and minimize wind and shadow impacts?

For this purpose, I revisited the research of Peter Bosselmann and Edward Arens – authors of the 1990 study that has been the basis of much of Toronto's urban design polices and guidelines to-date (e.g., Sun, Wind, and Pedestrian Comfort: A Study of Toronto's Central Area). I also reviewed a more recent European study (2005) by Kimmo Kuismanen (i.e., Influence of Climate on the Design of Houses) that also delves into ways to improve micro-climate for pedestrians and cyclists during winter months. While the studies took different approaches, they had similar objectives, and reached complementary conclusions summarized as follows:

- Combination of wind and sun conditions most impact pedestrian comfort—the ideal being sun penetration with sheltering of any wind; however, the least ideal is the presence of wind regardless of sun condition
- Mature trees serve as effective wind breaks, making them vital elements in the public realm to protect, grow and retain

- Dense, low and small-scaled buildings tightly framing narrow streets facilitate the best microclimates
- Tall buildings direct wind flow to the ground, with sheer tall buildings result in up to 150 per cent increase in wind velocity at the sidewalk—adequate tower stepbacks on a podium base and/or awnings/colonnade are always necessary
- Tower placement at the centre of blocks is preferred given that 20 m tower stepbacks are the ideal to result in significant wind speed reduction and maximum sun penetration at the sidewalk
- Densities greater than 10 times the area of the lot are greatly challenged in their flexibility to respond to microclimate conditions
- Cumulative impacts of wind and shadow matter more than that of individual sites

Lessons from walkable Nordic winter cities

Nordic cities such as Copenhagen, Oslo, Stockholm or Helsinki are winter cities with climate conditions comparable to those in Canada, yet these places maintain a vibrant street life including cyclist in high numbers year round. What they share aligns with the above study conclusions on micro-climates. These cities provide lessons with respect cultural values and priorities. A literature review revealed the following common themes:

Human-scaled compact form

Consistent with the micro-climate studies, historically these places tend to be of an urban form that results in the most favourable conditions to shelter public areas from wind impacts, such as:

- Narrow streets with pockets of modest well-framed and animated parks and squares
- Fine-grained interconnected network of pedestrian routes comprising sidewalks, paths and public spaces
- Animated grade levels that are well lit at night
- Utilization of colonnades or arcades as well as awnings
- Low to mid-rise building types are placed closely together to permit sun penetration on key spaces and street

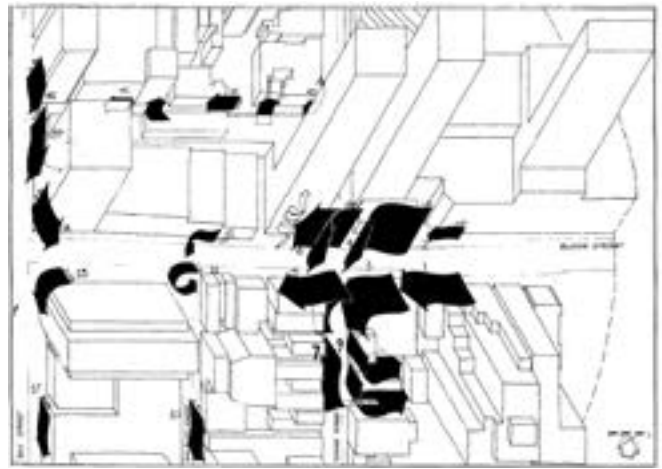
Pedestrians prioritized

Clear examples in the public realm infrastructure, operation and maintenance that bias in favor of the pedestrian over all other modes, followed by cyclists.

Traffic calming

Traffic calming techniques are employed generously throughout the networks of streets as a clear means of enhancing pedestrian safety, comfort and convenience, such as:

- Raised crosswalks at street intersections to slow down vehicles and provide a dry walking surface for the pedestrian to cross
- Often the main shopping areas or streets are entirely free of cars



Measuring wind direction and velocity at key downtown intersection



The compact urban form of Riga, Latvia



Cyclists carry on despite snowy conditions in Copenhagen



A narrow sheltered street in Stockholm



Continuous weather protective awning in Berlin

- Introducing one-way systems for the narrow rights-of-way of historic centres to replace vehicular lanes with more space to pedestrians and cyclists, resulting in reduced car traffic and emissions

Consistent good walking surfaces

Significant care and effort is given to provide the pedestrians with good consistent walking surfaces, including:

- Fine gravel is used to improve traction in place of salt or de-icers
- Walkways are scraped clear of loose snow, leaving a packed snow surface that is favourable for walking

Shift priorities to be winter-friendly for pedestrians

A key discovery made in my exploration of walkability and winter cities is that, in large part, the design strategies and interventions that would support and foster a pedestrian culture through the cold months are entirely consistent with those that urban designers around the world advocate in any season. However, the key differentiator for winter cities is the environmental objectives that take priority and the degree of flexibility that can be considered.

Design objectives that have emerged as priorities that may differentiate winter cities, include:

- Weather protection—The importance of providing pedestrians with continuous weather protection, sheltered areas and streetscape elements such as robust trees for mitigating or breaking wind flow.
- Dedicated & cleared paths—Pedestrian and cycling clear ways of appropriate scale that are prioritized for snow removal and not impeded by snow storage.
- Sunny streets—The tremendous value of sun penetration for improving the pedestrian experience during the cooler autumn and spring seasons.
- Safe & clear crossings—Importance of traffic calming and provisions for articulated pedestrian crosswalks, bump-out and refuge areas such as centre medians.
- Adequate lighting—The important role of lighting and illumination in enhancing the pedestrian experience and sense of security.
- Taming & mitigating towers—The extent of massing, siting controls and/or mitigating elements necessary to enable tall buildings that do not adversely impact the pedestrian experience in the winter months appear to be largely unaddressed.

Given the importance of these considerations, it is abundantly clear that what may be failing winter cities has less to do with a lack of guidance, than the lack of recognition of their critical importance to walkability in the winter months. In my experience, for example, aspect such continuous weather protection or lighting are often objectives that are overlooked in proposals, not enforced or negotiated out. Many municipalities are also reluctant to introduce physical or operational alterations to streets that would impede vehicular flow, increase capital costs and/or require further maintenance.

Edmonton's Winter City Strategy

Originating in an idea at a 2010 public forum, Edmonton set

out to become the world-leading winter city. To do so, the city rolled out an unprecedented, comprehensive and multipronged strategy. Inspired by a clear vision, the Winter City Strategy was created, organized around four broad themes and 10 goals.

Of particular relevance to addressing the pedestrian experience in the winter are Edmonton's Winter Design Guidelines (Stantec 2016) and its implementing policy, which was adopted by council in October 2016. The purpose of the guidelines and policy are to "provide a robust winter lens that can be applied to future development decisions throughout Edmonton."

The Winter Design Guidelines are a strategic tool for assisting developers, architects, engineers and planners to design their projects to be consistent with the five winter design principles across neighbourhoods, streets, sites and open spaces:

1. Incorporate design strategies to block prevailing winds and downdrafts
2. Maximize exposure to sunshine through orientation and design
3. Use colour to enliven the winterscape
4. Create visual interest with lighting, while being mindful of density, spread and colour
5. Design and provide infrastructure that supports desired winter life and improves comfort in cold weather.

Inherent in these guidelines and policy is the acknowledgment that changing the urban environment will occur incrementally over many years. Given their recent release, it's far too early to make an assessment on how well the guidelines are working. However, they are unprecedented in winter city design, so it will be important to keep a close eye on their effectiveness and the lessons they offer as other winter cities embark on similar initiatives.

Harold Madi, RPP, is a member of OPPI and Urban Places Canada lead at Stantec. He has two decades of planning and urban design experience leading numerous large-scale, multi-faceted and visionary projects across Canada and internationally.

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LED lit crosswalks proposed for Amsterdam



Lights from numerous sources ensure adequate illumination on Fraser Avenue in Edmonton



Edmonton's Winter Design Guidelines



Principles of Edmonton's Winter Design Guidelines



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