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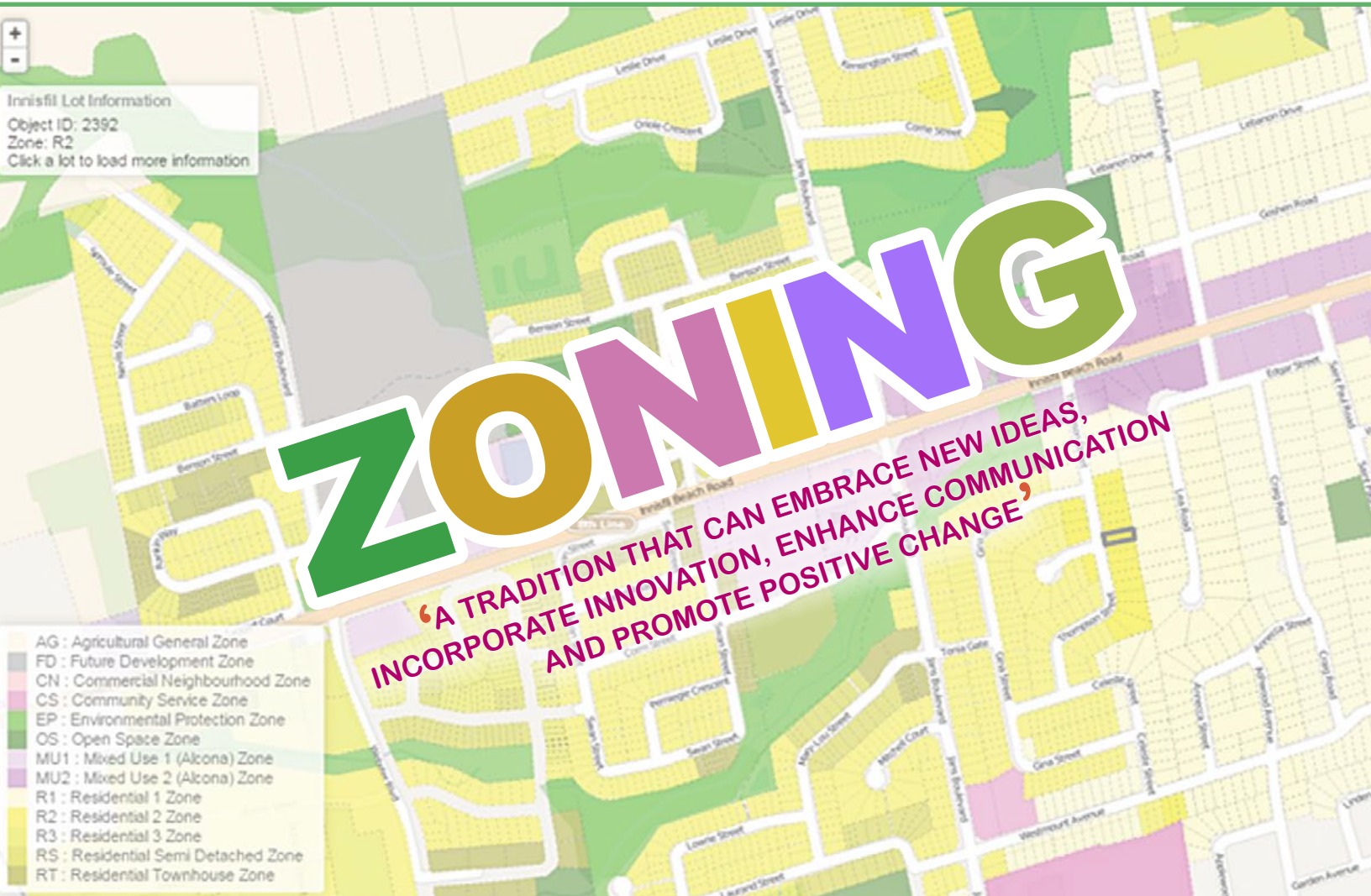
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# PLANNING

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[OPPI's Annual General Meeting](#) will be held October 7 from 4:45-6:00 p.m. during the [OPPI Conference](#) in Ballroom D at the [Allstream Centre](#), Exhibition Place, Toronto. All members are welcome! Review the 2014 AGM minutes and report [here](#).

Prior to the AGM, we will recognize outgoing Council members, Member Service Award winners, OPPI's Gerald Carrothers, Ronald M. Keeble and Ian J. Lord 2015 scholarship winners and Full Members who have been with OPPI for 25 years.



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The Zoning Tradition

# Embracing change



By Rory Baksh

**A**s a profession, we are very proud that the scope and influence of our practice has grown over the decades. Yet while professional planners reflect a great breadth and diversity, there remains a deep connection to our roots in traditional land use planning. Zoning is one of the foundational elements of our scope of practice and body of professional knowledge.

Zoning, however, tends to be the slowest of all aspects of planning to change. This is not surprising when you consider how new a trend becomes institutionalized: it's a long time between the emergence of a new planning paradigm and the enabling policy before we set our minds on the sometimes the most challenging question of all, "How am I going to put that in zoning?"

Although zoning can be at the end of the line for innovation in the planning profession—many of us still work with withering dog-eared documents printed on legal size paper—its purpose, to control land

use and regulate built form, density and nuisance, remains steadfast. Zoning tends to crystallize in the minds of those who use it regularly—whether from desperately hoping to make sense of it, trying to make it mean something it doesn't, or running afoul of it—and the conversation in all cases begins, "Well, the zoning says . . ."

This issue of *OPJ* puts zoning at the forefront. It reminds us that something as traditional to our profession as zoning can embrace new ideas, incorporate innovation, enhance communication and promote positive change. And for those of you working with that withering dog-eared zoning document, perhaps you will find some inspiration in this edition of the *Journal* that will spur you to rejuvenate your own zoning by-law. The next paradigm shift in planning is likely just a few years away, so now would be a good time to get your zoning by-law refreshed and ready.



Rory Baksh

Above: A confluence of land uses in Toronto, where the Humber River meets Lake Ontario (Image: Michael S. Manett Planning Services Ltd.)

[Rory Baksh](#), MCIP, RPP, is an associate and senior planner at Dillon Consulting in Ottawa.

# A missing link?

By Elizabeth Howson & Alan Drozd

**D**espite having considerable promise to provide municipalities with a simple tool to implement provincial and municipal policies, the province has never enacted the regulations required to allow the use of conditional zoning. While conditional zoning could benefit municipalities, it remains a curious appendage to the scope of zoning authority in Ontario. A blank slate yet to be defined by regulations, it may be the missing link in the evolution of the Ontario Planning System.

Amendments to the *Planning Act* in 2006 clarified the scope and authority of municipal zoning powers including a variety of process and authority changes which are now well established (e.g., complete application requirements). These amendments also included provision for conditional zoning. The *City of Toronto Act, 2006* also contains provision for conditional zoning.

Conditional zoning, as set out in section 34(16) of the *Planning Act*, allows the imposition of “one or more prescribed conditions on the use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location.” Such conditions may be enforced through an agreement with the owner of the land which may be registered on title.

A draft regulation for the *Planning Act* was posted on the Environmental Bill of Rights Registry in 2006 which indicated “that the intent of the Ministry of Municipal Affairs and Housing was to permit a scoped form of conditional zoning” (John Mascarin, Canada: Conditional Zoning, [www.mondaq.com](http://www.mondaq.com), February 9, 2009). The draft regulation identified that conditions would need to be fulfilled and / or contained in a registered agreement on title of the land prior to the issuance of a building permit.

The EBR posting revealed a wide and divergent set of views on how this provision could be used and some positive expectations. However, nine years later, no decision has been made by the ministry on the regulations.

The ministry has instead focused on encouraging the use of development permit by-laws and a number of municipalities have considered this option and established the appropriate policies in their official plans, including most recently the City of Toronto. However, this is a much more complex and expensive regulatory tool to implement. As a result there have been only three new development permit by-laws approved since the regulations were amended to allow their use by all municipalities—Main Street North Brampton, Gananoque,

Carlton Place. This is in addition to the Township of Lake of Bays by-law which was approved under the previous regulations.

Conditional zoning offers a number of benefits, as follows.

Enables simple solutions for simple issues—A conditional zoning approach provides an opportunity to reduce the need to place holding symbols on land to address relatively simple issues. For example, the applicant is building a swimming pool or a barn close to a natural heritage feature and the municipality needs surety that it will be set back a certain distance and built in a certain way so as to protect the

feature. Rather than resolving an issue through study and returning to council to lift a holding symbol, the authority to release conditions in a conditional zoning by-law could be delegated to staff in the same way site plan approval and other *Planning Act* functions are administered in many municipalities. Conditions could be enforced as a matter of zoning compliance.

Provides some certainty for landowners—Conditional zoning comes into full force and effect when it is approved, subject to the conditions being met, unlike a holding zone which still requires lifting of the holding provision. This provides surety for landowners and incidentally reduces the processing time and costs.

Allows for achievement of a broader range of municipal objectives—Provincial and municipal policies establish a range of goals related to

matters which go beyond land use planning, but which are important for the creation of complete and sustainable communities. These include the provision of affordable housing, remediation of brownfields sites and use of green building standards. Conditional zoning facilitates their achievement.

Allows pre-zoning in intensification areas—In conformity with the *Provincial Policy Statement* and the Growth Plan where applicable, official plans establish intensification targets and specific density ranges for intensification areas (i.e., urban growth centres, major transit centres and intensification corridors). Pre-zoning can assist in the achievement of these intensification targets. However, pre-zoning gives the lands to which it applies zoning rights that may not be appropriate based on the specific characteristics of the site and/or area. The high-level analysis on which the official plan is based makes it difficult to determine in advance if the density established in the official plan is appropriate for every site

*Conditional zoning allows the imposition of “one or more prescribed conditions on the use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location.”*

including potential impacts related to servicing, transportation, urban design and others. Pre-zoning eliminates the ability to require the necessary studies to address these detailed planning considerations. Conditional zoning would allow these issues to be addressed.

Aligns the zoning approval process with that for plans of subdivision, site plans and variances—Conditional Zoning is not unlike the authority that now exists under section 45(9) of the *Planning Act* for a committee of adjustment where any decision may be time limited and subject to such terms and conditions as the committee considers advisable and which are set out in the decision.

When a municipality grants draft plan approval or site plan approval, it is essentially giving conditional approval. The

range of matters authorized and included in site plan agreements constitutes conditional site plan approval and these are administered in an agreement. Allowing conditional zoning would permit the same approach for infill and redevelopment sites which require a rezoning.

While conditions can be addressed in agreements authorized by other processes (e.g., site plans, subdivisions, condominiums), the scope of the zoning authority is oddly lacking the ability to formally administer conditions.

*Elizabeth Howson, BES, MCIP, RPP, is a partner with the firm of Macaulay, Shiomi Howson Ltd. Alan Drozd, MCIP, RPP, is manager of planning services for the Town of Whitchurch-Stouffville.*

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# Tools and techniques for effective communication

By Randall Roth & Chris Tyrrell

**W**hen conducting a comprehensive zoning by-law review, it is often difficult to engage the public in a meaningful and participatory planning process. The highly detailed, technical nature of a zoning by-law makes it challenging to effectively communicate with different audiences, who have varying levels of understanding and interest in a zoning by-law review. And yet, zoning by-laws have direct implications for a wide range of stakeholders, including property owners, real estate professionals and the development industry.

In order to ensure truly meaningful participation and an understanding of the implications of a zoning by-law, innovative and creative communication and consultation tools are required. This article highlights recent experiences and best practices in utilizing contemporary and innovative consultation tools in the preparation of zoning by-laws.

There are a number of consultation tools that can be used to engage different stakeholder groups and public audiences. The tools range from in-person consultation to on-line information sources and activities. The tools that are used to inform complex planning assignments should be founded on principles to maximize the input generated.

The first step in designing an effective consultation program for a zoning by-law review is to acknowledge the consultation challenges. These could include: the highly technical nature of zoning by-laws, the need to reach out to many potentially

interested persons, the imperative to communicate relevant changes and help people to understand the details and the requirement to ensure the document is concise, accessibly formatted and well-organized with wayfinding features.

The table opposite summarizes the spectrum of consultation tools used in various zoning by-law related processes.



Randall Roth



Chris Tyrrell

## Spectrum of zoning consultation processes

Some of the less traditional consultation tools can significantly influence and improve the amount of public interest and input thus resulting in recommendations that reflect community priorities. The following is a

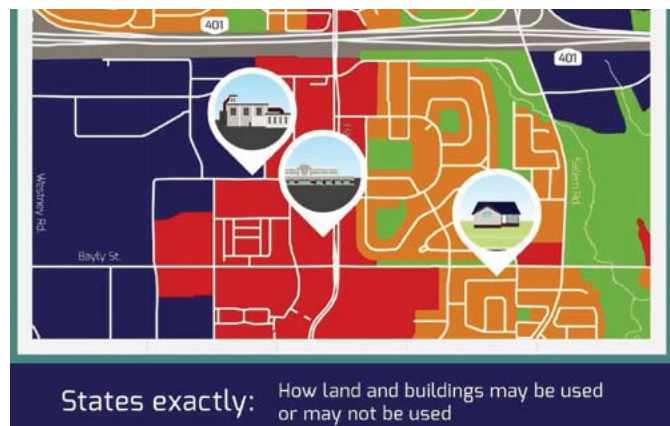
more detailed description of some of the more progressive tools being used to inform and gather input from the public over the course of a comprehensive zoning by-law study.

**Zoning By-law User Guide**—It is important to communicate how the changes to the zoning by-law are likely to impact most people. A user guide provides an effective consultation tool to assist readers in understanding what changes are being proposed, and help them to understand and interpret the zoning by-law. The City of Brockville's zoning by-law user guide, for example, was a companion to the draft by-law and provided as a hand-out at public events. It proved to be an extremely useful tool in facilitating consultation on the proposed new zoning by-law.

A user guide may include such information as frequently



Brockville mapping screenshot



Screenshot of the Town of Ajax's video describing what a Zoning By-law is: [www.ajax.ca/ZoningOurFuture](http://www.ajax.ca/ZoningOurFuture)

asked questions, how the zoning by-law has changed, how to use the new zoning by-law and how the public can provide input on the draft zoning by-law?

Online and interactive zoning by-laws—Enhancements in GIS and mapping tools have made the development of online, interactive web-based GIS zoning by-law mapping accessible to most municipalities. An online mapping tool can be easily deployed to enhance the public consultation process and improve user accessibility and interactivity.

While many municipalities have implemented online mapping applications to check zoning, there are substantial opportunities to integrate more interactive features and functionality, such as commenting forms, zoning excerpts: web-based zoning by-law text, social media and video

vignettes. Social media provides a opportunity to engage people that may not otherwise be informed of the project. Regular notices about project updates and links to the project webpage should be integrated into the social media postings.

The use of videos to convey information is becoming more prominent. Videos are an effective social medium through which to build public interest and excitement in the planning process. This is particularly the case when undertaking zoning by-law reviews since their technical nature and level of detail can often be difficult for the public to understand. Also, videos can be very effective in reaching a broad demographic and targeting audiences at various venues, thereby engaging individuals who may otherwise not be involved or aware of the study. The Town of Ajax recently embarked upon an ambitious zoning by-law review which includes the use of videos at key stages in its study.

Accessibility—With the implementation of the *Accessibility for Ontarians with Disabilities Act (2005)*, there is also a requirement to rethink how we consult and engage various audiences. Under provincial regulations, municipalities are now required to adhere to a number of processes and protocols related to public consultation and engagement which has an effect on both the venues that are selected, the tools and activities that are executed and the materials that are prepared.

Given the highly technical nature of zoning by-laws and the use of various tables and illustrations, creating a truly accessible zoning by-law, which may be viewed by a screen





reader, requires special consideration. However, there are a variety of techniques that may be used to meet the intent of the *Accessibility for Ontarians with Disabilities Act*, as well as make zoning by-laws more user-friendly: format and layout should be clear and concise, through the use of document wayfinding, including colour coded sections and descriptive headers and footers; accessible fonts, font sizes, and colour contrasts should be used, such as sans-serif fonts in 11 or 12 pt. font size; concise and plain language should be used, by avoiding overly legal or technical terms; illustrations and diagrams should be provided to help show complex definitions or provisions, including the use of Alt Tags for screen readers, which can be implemented in PDF-editing software using their built-in document accessibility tools; the User Guide may also be used

as a tool to orient users to the zoning by-law and to provide a more accessible document to engage people with accessibility needs; users should be able to navigate the project webpage or other document using the keyboard. For additional details about the AODA requirements for venues, materials and online content, the following page provides detailed guidance: <http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/index.aspx>.

Planners have a professional responsibility to ensure meaningful consultation programs. When conducting a zoning by-law review, or any other technical planning study, specific tools should be developed to address the types of consultation challenges that will be expected. While this article has introduced some of the innovative approaches used by other municipalities, the

appropriate tools will ultimately depend on the specific goals of the consultation program.

*Randall Roth, MCIP, RPP, is a senior planner/project manager with MMM Group and works closely with municipalities in formulating planning policy and zoning related studies. Chris Tyrrell, MCIP, RPP is the vice president of Planning & Environmental Design at MMM Group and a partner of the firm. Chris has managed more than 70 municipal planning projects, principally in the areas of strategic policy development, community revitalization and infrastructure planning. Examples of resources include [www.ajax.ca/ZoningOurFuture](http://www.ajax.ca/ZoningOurFuture), <http://www.brockville.com/zoning-by-law> and <http://planning.mmm.ca/brockville-new-zbl/>.*

 Type of Process	 Tools	 Who this Best Engages	 Appropriate Applications
Minimal: The consultation process meets statutory notification and consultation requirements.	<ul style="list-style-type: none"> <li>Public meetings</li> <li>Notifications</li> </ul>	<ul style="list-style-type: none"> <li>Directly affected property owners</li> </ul>	<ul style="list-style-type: none"> <li>Site-specific zoning by-law amendments</li> </ul>
Informational: Additional effort is made to provide different avenues to access information and the zoning by-law.	<ul style="list-style-type: none"> <li>Project websites</li> <li>User guide for how to use the zoning by-law</li> </ul>	<ul style="list-style-type: none"> <li>Persons with some degree of understanding and interest in zoning by-laws</li> </ul>	<ul style="list-style-type: none"> <li>Housekeeping zoning by-law amendments</li> <li>More complex site-specific amendments</li> </ul>
Interactive Informational: Information is enhanced with interactive elements, such as an interactive zoning map.	<ul style="list-style-type: none"> <li>Interactive websites</li> <li>Interactive mapping</li> <li>Social media</li> <li>Study workshops and visioning sessions</li> </ul>	<ul style="list-style-type: none"> <li>A greater range of interested persons who wish to interact with the zoning by-law on their own time</li> </ul>	<ul style="list-style-type: none"> <li>Comprehensive zoning by-law reviews and new zoning by-laws</li> </ul>
Highly User-Focused: A variety of communication tools are engaged to ensure that all potentially affected persons are well informed and can engage in the process.	<ul style="list-style-type: none"> <li>Interactive zoning by-law and mapping</li> <li>User guide to the zoning by-law tailored for different audiences</li> <li>High accessibility standards</li> <li>Social media</li> <li>Video vignettes</li> </ul>	<ul style="list-style-type: none"> <li>All persons who may have an interest in the project or may be impacted by the project</li> </ul>	<ul style="list-style-type: none"> <li>Comprehensive zoning by-law reviews and new zoning by-laws</li> </ul>

The spectrum of consultation tools used in various zoning by-law related processes

# Recalibrating for intensification

By Rory Baksh, Christina Hovey & Cherie Mills

**K**ingston's Amenity Area Review illustrates the importance of recalibrating specific zoning standards when trying to promote broad objectives such as downtown and main street intensification.

## Genesis of the amenity area

In 1967, the former Central Mortgage and Housing Corporation issued its Site Planning Handbook that introduced the concept of “amenity area” as the basic open space requirement for multiple housing. When put forward in 1967, the term included private and communal spaces such as landscaped areas, indoor and outdoor recreation facilities, pools and balconies.

This was a time in Canada when Federal funding for social housing—many to take the form of large block apartment buildings—was readily available and when it was contemplated that most units would be occupied by families with children, so many units with up-to-four bedrooms would be needed. CMHC's standards for amenity areas became codified into zoning by-laws across Canada and these standards can still be found in zoning today. The intention of the original standards seems logical—more bedrooms mean more people and more children, which mean that more amenity space is needed.

## Amenity area versus intensification

In the drive towards intensification, every performance standard is now coming under scrutiny. This has been the case in the City of Kingston, and in particular in the downtown core and upper Princess Street corridor, where intensification is strongly supported by policy and numerous intensification projects are in various stages of development.

The zoning by-law requires that amenity areas be provided for multi-unit residential buildings. However, the city received feedback from developers saying that the required amount of amenity space is too much and the regulations are not flexible enough to allow for creativity in the design of amenity space. As a result the required space simply cannot be provided.

Furthermore, demographic shifts call into question the validity of standards from 1967, as the persons per unit ratio in Kingston is forecast to drop to about 2.2 by the year 2041. After approving various re-zonings to allow for reduced standards on a case-by-case basis, Kingston determined that the amenity area challenge merited resolution and sought to clarify and resolve these issues through its Amenity Area Review.

## Amenity areas: a public interest matter

Through the course of the Amenity Area Review, it became apparent that amenity areas are a matter of public interest from a social equity perspective. Residents of single-detached dwellings have the opportunity to relax on a front porch, play basketball in a driveway, or host a backyard BBQ with friends. The requirement for amenity space ensures that residents of multi-unit developments have similar on-site access to the outdoors, recreation and socialization. This underscores the importance of amenity areas and the influence they have on the quality of life of those living in multiple-unit housing.

## Amenity areas are not public parks

The Amenity Area Review also addressed the incorrect notion that an amenity area is not needed for developments with good access to public parks or green space. The study clarified that while amenity areas and public parks can complement each other and have some overlapping functions, they serve different purposes and should not be viewed as substitutes for one another. In Kingston, the additional population gained through intensification is already straining the carrying capacity of parks, placing an even greater onus on developments to have appropriate space for on-site recreation and leisure.

## The path to new amenity area standards

The specific goals of the Amenity Area Review were to clarify the definition of amenity area and set new performance standards for amenity areas. A decision was made to move away from the differentiation between private amenity space, communal amenity space and children's play area that were distinct in CMHC's 1967 Site Planning Handbook. While there may have been a need for CMHC to codify these spaces for social housing, it is understood that the development community in Kingston is sophisticated enough to properly program amenity areas to meet the needs of future residents of market-based housing. Going forward,

developers will determine the form and mix of amenity spaces: whether a particular site will have balconies, an indoor fitness area, an outdoor bocce ball court, a rooftop patio, or any other type of amenity spaces. The new definition is, “Amenity area means an area exterior to the residential building, or a common interior area within a residential building, which is designed and intended primarily for the leisure and recreation of the occupants of the building.”



Rory Baksh



Christina Hovey



Cherie Mills



Many municipalities in Ontario face challenges similar to Kingston in relation to housing near post-secondary institutions, housing in a downtown context, and effectively regulating amenity areas. Hamilton, Ottawa, Waterloo and Windsor were selected as four peer municipalities for comparison. It was determined that for bachelor and one bedroom units, Kingston had a fairly comparable level of amenity area requirements—10 to 18.5 square metres—to its peers. However, for units ranging from 2 to 5 bedrooms, Kingston consistently had one of the highest requirements for amenity space—35 to 123 square metres—among its peers. In one recent example, a development in Kingston’s Princess Street corridor received a reduction in amenity space for a 144 unit development from over 11,000 square metres to about 6,200 square metres; by way of comparison, a football field is approximately 6,000 square metres.

Again, a decision was made to move away from the approach that was originally recommended by CMHC in 1967—this time on scaling amenity space with the number of bedrooms. This was partly in response to a request to simplify the standards, partly reflective of the simplified approach taken by some other municipalities, and mostly in response to past experience that the standards had resulted in large amounts of underutilized amenity space.

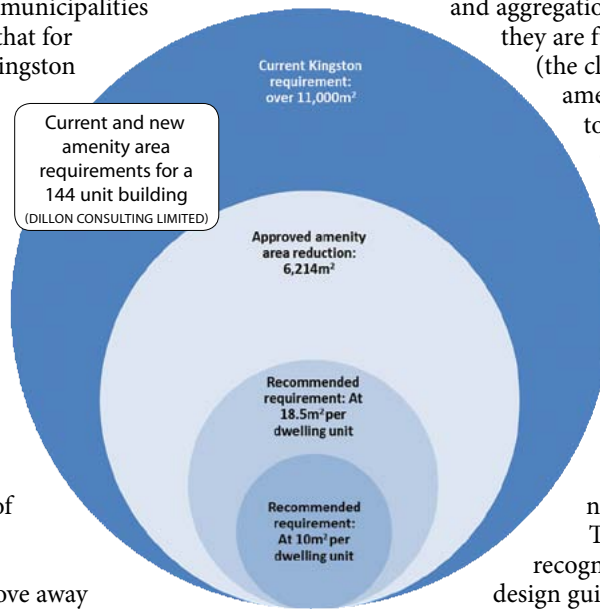
When the analysis was broadened to include six other municipalities—Sarnia, Burlington, Guelph, Vaughan, Barrie and Brockville—the comparison between Kingston and 10 other municipalities demonstrated that the proposed amenity space standard for Kingston for a one-bedroom unit fell within a normal range, and from the perspective of space efficiency and utilization, can be applied city-wide. Peer municipalities did have lower standards—presumably to facilitate development in contexts where providing amenity areas in a mixed-use development project may be difficult and/or costly. As a result of these observations, Kingston’s new amenity area requirements are 10 square metres per dwelling unit in mixed commercial/residential use zones in the downtown area and along the Princess Street corridor and 18.5 square metres per dwelling in the rest of the city.

### From quantity to quality

The new definition and standards are expected to address the majority of design constraints faced in Kingston; however,

there is still a need to ensure that amenity areas are well-designed and functional. This is a challenge since a zoning by-law can only prescribe standards (i.e., minimums or maximums). However, zoning can control the dimension and aggregation of amenity areas to ensure that they are functional in terms of size and shape (the classic example of a non-functional amenity area would be a balcony that is too narrow to accommodate a patio chair). The following are the new dimensional and aggregation requirements, drawn from existing precedents in Kingston and Ottawa: amenity areas, or any part thereof, shall be designed and located so that the length does not exceed four times the width and amenity areas, if provided as communal space, must be aggregated into one area or grouped into areas of not less than 54 square metres.

The Amenity Area Review also recognized the official plan and urban design guidelines as appropriate planning tools to provide direction and guidance. Official plan policy will articulate the purpose of amenity areas and principles of functional amenity space. This will provide long-term clarity for developers and City of Kingston staff as they design and assess amenity areas. In turn, urban design guidelines can provide detailed suggestions in terms of aesthetics, how to program amenity areas, and how amenity areas should interact with the public realm.



### Conclusion

Through the Amenity Area Review, Kingston is able to make the case to developers that it has lowered the amenity area requirement to a reasonable minimum standard, while it also protected the public interest in terms of size, design and functionality. Developers are offered a viable standard that can be achieved in their projects and residents will continue to enjoy a good quality of life. As an added benefit, the new standards are expected to eliminate new

applications for zoning by-law amendments to further reduce amenity areas.

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Example of good private amenity space: balcony at 539 Armstrong Road, Kingston

IMAGE COURTESY OF DILLON CONSULTING LIMITED

# Leveraging investments

By Dave Powers

In today's global economic environment, where cities are competing domestically and internationally for job prosperity and investment, planners have a critical role to play in creating and sustaining an attractive, vibrant, liveable and connected urban environment. More than ever before, planners and decision-makers must be aware of the impact of land use decisions on economic, civic, cultural and real estate priorities.

Despite the increasing importance of the relationship between land use planning and a city's economic and cultural objectives, opportunities can be lost. What is often lacking is an understanding of how to merge a city's cultural and soft amenities with its existing and planned hard infrastructure to create a competitive advantage.

Rapid transit systems are the primary hard infrastructure driving land use change and investment today. How planners zone lands around major transit nodes and how municipalities invest in new public and cultural facilities around these nodes will play a significant role in the future economic success of these municipalities. Planners will need to consider carefully how secondary planning and zoning implementation strategies for lands adjacent to major transit stations will impact real estate values and market volatility on a city-wide basis.

A misguided pursuit of intensification and up-zoning of lands at each node along the transportation network may only serve to create a surplus supply of land zoned for high-density development, driving down values and discouraging investment. This policy objective, common in many municipalities, can serve to negatively impact property values city-wide and negate the municipality's ability to negotiate *section 37 (of the Planning Act)* community benefits in return for increased density.

Instead, consideration should be given to the sequential and selective development and redevelopment of lands near transportation nodes based on development readiness, planned private sector investment in the area and planned public amenity and cultural facility investments. In this way, a municipality is able to capitalize on existing investment momentum and maximize

the economic impact of its investment in its transportation infrastructure and its cultural attractions.

For example, the City of Calgary is carefully planning one of its downtown light rail transportation nodes to coordinate its infrastructure investment with its approved civic and cultural priorities. A new central library is planned for completion late in 2018 and will be constructed to span its north-south transit line at the far east-end of its downtown to create a link with its financial centre to the west and the emerging mixed-use neighbourhood of East Village to the east. Construction of Macleod Trail in the early 1980s and construction of the massive Calgary Municipal Building effectively isolated this area and East Village from the rest of the downtown. Plans to reshape and revitalize the east end of downtown Calgary and the East Village were approved in 2005 in conjunction with a new landmark central library. The intent is for the central library to serve as a connector and a catalyst for new investment and



Dave Powers

amenities in this dilapidated area of the downtown and to assist East Village in becoming a cultural and recreational destination. In effect, this strategy is not only designed to support what exists today but to revitalize and support the direction and planned development for the future.

Similarly, the City of Ottawa is in the process of developing the first phase of a world class light rail network to be completed in 2018. Like Calgary, Ottawa will have opportunities to make future public cultural facility investments at key nodes of its \$2.1-billion transportation infrastructure investment to maximize economic benefit, provide connections and facilitate planned future neighbourhoods west of the downtown area. Ottawa is still in

the early stages of planning for development near its light rail stations but public debates concerning the location of future public facilities have already begun. Land use decisions such as these are critical to the future economic and social capital of cities across Canada and will influence their competitive advantages.



Rendering of central library and plaza

*Dave Powers, MCIP, RPP, is a planner with the City of Ottawa Real Estate Partnership and Development Office.*

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# Toronto's residential apartment commercial zone

By Alan Theobald & Jane Welsh

**T**oronto's Residential Apartment Commercial Zone was approved unanimously by council in June of 2014; and although it applied to nearly 500 properties covering roughly 600 hectares, there was only one appeal to the Ontario Municipal Board. This new land use category was created to remove the barriers found in old zoning restrictions and facilitate healthier apartment communities.

## Apartment communities

Toronto has over 1,200 apartment towers, many built in the 1960s as single-use, car-dependent places separated from the street. These buildings are often referred to as 'towers in the park'. They were built at a time when urban development was thought of differently: residential, commercial and institutional uses were planned to be a convenient drive from one another, but very separate.

Today's suburban tower residents often are not car owners; they rely on walking and transit to get around. Car destinations are not within reasonable reach of those residents, and many find themselves isolated, lacking the local shops, services, job opportunities and other ingredients of healthy neighborhoods.

A number of recent reports identified the need to provide a variety of goods and services within an apartment building or cluster of buildings to support healthier communities and contribute toward positive change. However, Toronto's zoning by-laws reinforced the tower-in-a-park design through single-use zoning—apartments in one area, shopping in another, and so on, with little or no room for change.

With the Residential Apartment zone restricting community

and commercial uses, a site-specific by-law amendment was needed to open almost any non-residential use. This can be an arduous process, and few owners of 50-year-old apartment buildings would trouble themselves with the red tape. So the Planning Division created the Residential Apartment Commercial zone in Toronto's city-wide harmonized zoning by-law. It was a collaborative effort with Toronto Public Health, the Tower Renewal Office, the United Way and the Centre for Urban Growth and Renewal—and with the full support of council's Planning and Growth Management Committee.

## The RAC zone

The RAC zone permits small-scale commercial and community uses on 499 apartment building properties, providing opportunities for new ventures which will contribute to the vibrancy and diversity of the apartment neighbourhoods. The new uses may include, for example, small shops, food markets, cafes, learning centres, barbershops, doctor's offices, community centres, places of worship and many more.

In order to have these uses the RAC zone requires the apartment site to have at least 100 units, and each shop is limited in size. As well, the total amount of floor area devoted to non-residential uses is restricted to ensure these uses remain oriented to the local area. The new regulations allow the flexibility for neighbourhood conveniences to establish as warranted by market demand or service needs, while ensuring they remain compatible with the primary residential uses.

The response was overwhelmingly positive over the course



Alan Theobald



Jane Welsh



Towers in a Park: Retail and service uses now in the forecourt, easy to walk to and from. The RAC zone also permits the new uses in the ground floor



Walking to and from commercial and community services was not a key planning objective when this model was developed

of a half-dozen public consultation meetings and in responses to an online survey. There were a few concerns regarding potential impacts of noise, odour and traffic. These were addressed through size restrictions and a requirement for some types of uses (perceived to have the most potential for impacts) to be located in a separate building on the same lot as the apartment buildings.

The adoption of a zoning by-law does not create the actual uses and much remains to be done to make more complete communities a reality. By establishing the RAC zone, the city is enabling private parties to more easily tap into those opportunities.

Jane Welsh, OALA, and Alan Theobald, MCIP, RPP, are both project managers in the Strategic Initiatives, Policy and Analysis section in Toronto's city planning division. Alan is responsible for the residential and open space zones in the new city-wide harmonized zoning by-law for Toronto. Jane is responsible for several environmental planning policies such as Toronto's green roof by-law and green development standards.

This is a follow-up to a more in-depth article published in the *Journal*, vol. 28, no. 1, 2013, "Toronto's Post-war Towers: Enabling Positive Change" by Elise Hug, Graeme Stewart and Jason Thorne. This article previews a panel discussion at the OPPI Conference October 7, 2015.

## Writing Zoning

# Principles and approaches



By Bobby Gauthier

**B**y their nature zoning by-laws are prescriptive, precise and discrete land use regulation tools, often implementing policies that help conserve a neighbourhood's character, such as building heights, building location and density. To be effective, zoning by-laws need to be clearly and consistently interpreted by all of its users, meaning that the provisions should be as black-and-white as possible. Where this is achieved, zoning works as intended. The following is a discussion of some of the best practices, principles and approaches for writing a comprehensive zoning by-law.



Bobby Gauthier

### Avoid policy language

Zoning should translate broad policy statements and goals into precise, clearly defined requirements. It should be clear whether a proposed use or a structure is permitted or not. Otherwise, the provision can yield a variety of different interpretations. In some cases, it may not be possible for the chief building official to enforce the provision. For example—

Policy language		
Undesirable	Analysis	Desirable
The accessory structure shall not adversely impact the character of the street.	The statement functions more as a goal and does not indicate specific requirements for permitted uses or lot and building requirements, as provided under Section 34(1) of the <i>Planning Act</i> .	The accessory structure shall: Only be permitted within the rear yard of the lot; have a maximum floor area of 25 m <sup>2</sup> ; have a maximum height of 4.5 m, measured from the established grade.

### Carefully use of qualifying statements

In a zoning by-law, qualifying statements such as "may" and "shall" will be carefully scrutinized. Just as the terms "be consistent with" and "conform to" are carefully used in provincial policy and

legislation, wording choices should be carefully considered in a zoning by-law. It is also helpful to define qualifying terms to ensure clarity. Generally speaking, the use of "may" can create confusion in a zoning by-law. It implies that even if the provisions are met, there could be some undefined discretion about whether a use or structure is permitted. For example—

Qualifying statements	
Undesirable	Desirable
A home occupation <i>may be permitted</i> , subject to the following provisions:...	A home occupation <i>shall be subject</i> to the following provisions:...

### Break down lengthy or complex provisions

Run-on, complex provisions with a mix of "if," "and" and "or" statements can create difficulty in reading the by-law, and create room for different interpretations. A zoning by-law review is an ideal opportunity to break down complex statements into multiple provisions or clauses to improve readability and ensure consistent interpretation. For example—

Lengthy or complex provisions	
Undesirable	Desirable
No detached garage shall be located within any front yard or any side yard and any closer than 3.0 m to the principal dwelling on the lot, and in no cases shall detached garages exceed 20 m <sup>2</sup> and a height of 3.5 m as measured from established grade to the highest point of the structure, except where the structure has a sloped roof, then the maximum height shall be 4.5 m.	Detached garages shall: <ol style="list-style-type: none"> <li>Only be permitted in the rear yard of the lot.</li> <li>Be located no closer than 3.0 m to the principal dwelling.</li> <li>Have a maximum floor area of 20 m<sup>2</sup>.</li> <li>Have a maximum height of 3.5 m measured from established grade to the highest point of the structure.</li> <li>Notwithstanding clause d), where the structure has a sloped roof, the maximum height shall be 4.5 m, as measured from established grade to the highest point of the structure.</li> </ol>

## Define all uses

Definitions are central to the zoning by-law's interpretation. A good rule of thumb is to provide a definition for every use that is referenced in the by-law. Although this may seem unnecessary for common terms, such as a bank or a restaurant, having definitions for each use can help ensure consistent referencing and wording of terms throughout the by-law, and in the future as the by-law is amended. Over time, undefined terms can be inconsistently referenced and complicate the by-law's interpretation. For example, what may be initially referenced as an "accessory dwelling" may later evolve into a "secondary suite" or a "second suite dwelling."

In any legal document, the use of a different term could imply a different meaning, so consistency in the use of terminology is a necessity.

## Consider the implications of integrating definitions from other documents

Although it may seem useful to integrate definitions from the official plan, the *Provincial Policy Statement* or other documents, there may not be a reason to incorporate these terms if they are not being used in the by-law. Recognizing that the definitions used in policy documents are written to assist in the interpretation of policy, they are not necessarily transferable. Definitions in a zoning by-law should usually have more precision and specificity than their policy counterparts.

## Consolidate similar uses into one definition

There should be a reason for defining a use individually. Why is it being treated differently from other uses? Does the use have different parking needs? Is the use being permitted in different zones?

If multiple uses are being treated the same, a single definition can be provided to simplify the zoning by-law. This principle is particularly important as we strive to write more inclusive zoning by-laws that broaden use permissions and focus on achieving a desired built form, rather than creating a stark separation of land use. For example—

Consolidate similar uses		
Similar Uses	Analysis	Solution
<ul style="list-style-type: none"> <li>• Antique store</li> <li>• Convenience retail store</li> <li>• Flower shop</li> <li>• Gift shop</li> </ul>	<p>All of these uses are small-scale retail uses. The same parking requirement is applied. The uses are all permitted in the same zones. There are no specific provisions that apply to any of these uses.</p>	<p>Since the uses are being treated the same, consider a consolidated definition, e.g., Small Scale Retail.</p>

## Identify the purpose for the zone categories

Like definitions, there should be a reason behind a zone or district category. The zones could be based on the land use designations in the official plan, or upon a distinctive character in a neighbourhood. It is also expected that there will be overlap between zone categories, but it should not be extensive.

It is normal for highly permissible uses to be allowed across a variety of zones, such as a convenience store or a conservation use. Consider consolidating zone categories where there is substantial overlap in permitted uses and lot and building requirements.

## Complete a final quality and consistency check

Quality checks are always a good idea, and there are specific tools to ensure consistency and remove conflicts from a zoning by-law. Consider completing a matrix to compare terminology in the names of uses referenced within the definitions, permitted uses across the zones, and the parking requirements. This can help to identify inconsistencies in wording or gaps in the comprehensiveness of the zoning by-law, as well as opportunities to consolidate definitions.

There is no simple solution to writing a good, consistently interpreted zoning by-law. The best zoning by-laws result from ongoing refinement, detailed quality control and consistent, black-and-white language that leaves no room for varied interpretation.

*Bobby Gauthier, MCIP, RPP, is a senior planner at MMM Group Limited's Kitchener office, who specializes in policy planning, zoning and community revitalization, along with volunteering with the City of Waterloo's Committee of Adjustment. He may be reached at (519) 743-8777 ext. 2250 or [gauthierb@mmm.ca](mailto:gauthierb@mmm.ca).*

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# Documenting the zoning by-law

By Joe Nethery

Zoning by-law reviews are much more than nuts and bolts implementation practices. They are opportunities to consider how a municipality communicates zoning information. The demand for information may be greater than most planners realize. With proper and early consideration of these issues, good document management and design and layout can add tremendous value to a zoning by-law review. The return on investment in these matters is certainly worth the extra effort.

A number of insights have been gained over the past four years of working through zoning issues in Oakville. The most important non-planning insight is that consideration needs to be given to the layout, structure and format of the document. In Oakville, this was accomplished through a

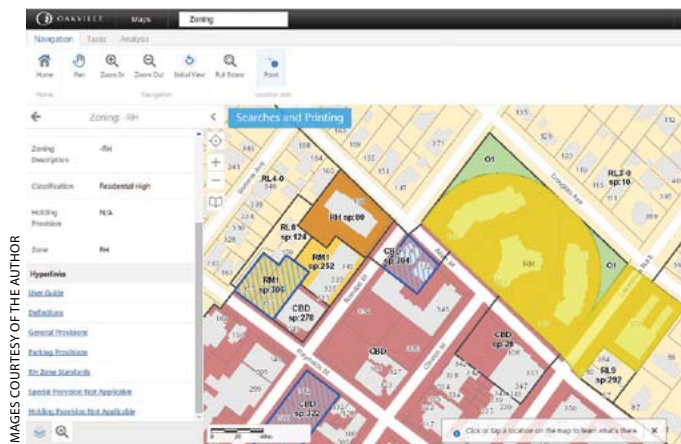


Joe Nethery

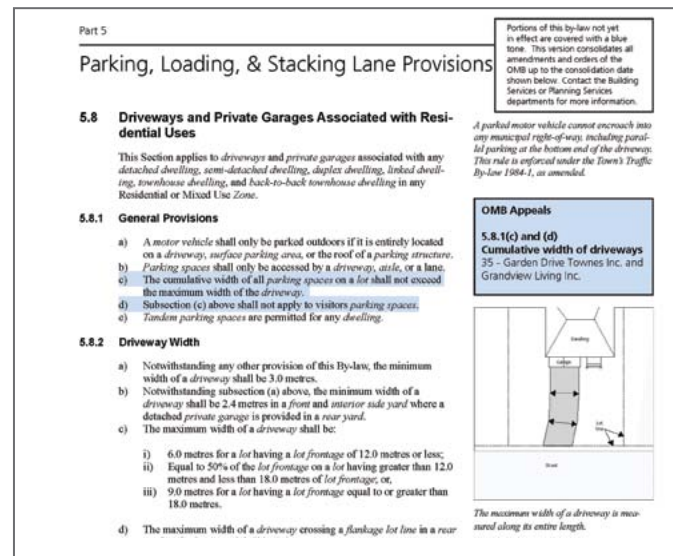
technical paper—one of 10—on the preferred layout for the document.

At the outset of a review, the project team should identify design concerns the text and mapping should address. This will help avoid spending time later on restructuring the document. Project managers need to answer five basic structural questions. The building of the by-law generally takes care of itself from there.

*What information should be in the by-law?*—A text-only version, such as used in Guelph (1994) and Toronto (2013), is easier to build and maintain than versions with graphics. A separate companion section or document containing illustrations or diagrams, such as used in Mississauga (2007) and Meaford (2010), provides the context many planners and politicians are now seeking.



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Part 5, parking excerpt

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*How should like zones be grouped?*—Virtually every zoning by-law groups zones of similar intent together for ease of use. Do the current groups work together? Are there new policy areas, such as an urban growth centre or secondary plan area, where new regulations or different issues warrant additional detail or special treatment?

*Where are general or broad regulations to be housed in the document?*—Most municipalities consolidate duplicate regulations applying to similar uses or buildings in one location. Some by-laws, such as Halton Hills (2010) and London (1993) generally put all such regulations in one section, while Barrie (2009) consolidates shared regulations within one group or class of zones within that section.

*Where are special provisions to be housed in the document?*—Try as you might, any new zoning by-law will contain at least one special provision with new ones soon to come. These regulations inevitably end up growing to become the largest component of the document. Do they go into a separate section with each numbered one through infinity, or are they housed within the applicable zone category?

*What online display options are available?*—The majority of municipalities currently post their by-law as a static .pdf file on a dedicated webpage. Some municipalities, such as Burlington (2004) and Brampton (2004), post by-law text as actual webpages with clickable links to navigate the document. If the municipality has a public GIS portal, there may be opportunities to provide links to information from a live map.

In Oakville it became clear that an image-rich document was desired. The maps would benefit from increased clarity, with additional detail needed in the main intensification areas identified in the town's official plan. Regulations shared between uses or zones were to remain as close to the relevant zones or uses as possible. Special provisions were to remain in a dedicated part of the by-law. The opportunities for improved use of the town's public website and internal intranet were also to be explored.

Add in some public meetings, a large number of staff reports, corporate publishing guidelines, and the cumulative lessons learned over 16 months of use, and the end result is the by-law that is available on the town's [website](#) today.

Since its completion in February 2014, Oakville staff have received a number of questions related to the zoning documents. In considering how to best answer the five big questions above, there are some specific details a project manager should keep in mind.

*What software is available for publishing text?*—Any word processing software will ably hold text, but can grind to a halt once the length of the document increases or graphics and photographs are added. Oakville used InDesign, part of the Adobe Creative Cloud suite of products, to lay out the text and graphics. Text was written using Microsoft Word and imported into InDesign, with finishing touches applied in the document. Staff training was required for a dedicated content manager and InDesign is increasingly being used to lay out other major reports and documents in the department.

*How can the GIS platform be explored?*—GIS is industry standard for mapping and is incredibly powerful for data integration into other projects. Oakville is using ArcGIS, including Geocortex. The public interface allows for selected attributes to be displayed—including hyperlinks to zoning information. Consideration should be given to providing

single-click functionality from a live updating map. Zoning information is also a good candidate for inclusion in any open data initiative in a municipality. Modern GIS platforms allow for virtually any map customization, so detail can be provided in non-statutory documents. That said, a by-law still requires an official paper copy to be lodged with the clerk of the municipality. This version is the one that usually gets printed and distributed to users. The first priority for the project manager should be the paper copy. Any electronic version is a secondary and separate item.

*How much detail goes onto the maps?*—There are a spectrum of possibilities—regulations incorporated into symbols, overlays and detail maps—but in Oakville the decision was made to keep the maps as clean as possible: fewer and smaller symbols where possible, consolidate zone boundaries and link symbols to text as directly as possible. This includes numbering Holding provisions. If regulations are included within a zone symbol on a map, ensure that appropriate enabling and referential clauses are included in the main by-law text.

*When should a by-law be consolidated?*—Fundamentally, consolidation timing is dictated by resource availability. However, most by-law amendments are site-specific in nature. Oakville is now updating the online consolidation of both applicable zoning by-laws each time an amendment comes into effect. With the most up-to-date zoning information always available online, demand for paper copies of by-laws is reduced. The use of smaller main parts or sections also allows for selective reprinting to occur, which Oakville typically does after the passage of a housekeeping by-law amendment.

*Can the by-law include interpretive notes or other commentary?*—Any text within a by-law is applicable law unless some exemption is provided. Oakville developed an expanded clarifications and convenience clause allowing for the addition of “side notes” throughout the document that do not form part of the by-law. (This is the same treatment historically applied to graphics and illustrations.) As interpretations are developed and important cross-references to other regulations identified, these side notes can be updated as part of the frequent online consolidation updates. These can help to explain complicated clauses or regulations.

*Are there corporate or legislative production requirements to consider?*—Oakville has corporate communications guidelines that specify required fonts and sizes. The *Accessibility for Ontarians with Disabilities Act* also discourages the use of .pdf files in favour of accessibility-friendly webpage text. The use of graphics and interpretive side notes elevated .pdf files to the preferred option in Oakville, although it does require staff to prepare information in alternate formats.

*How should the website be structured or promoted?*—Oakville has three main webpages related to zoning information, each two clicks away from the main landing page. Each of those pages was in the top 25 of the town's total webpages. Zoning information is usually in high demand and should be given a prominent place on a municipal webpage.

*Joe Nethery*, MCIP, RPP, is the project manager of Oakville's comprehensive zoning by-law review (the “inZone project”) and a veteran of 11 comprehensive zoning by-law reviews.



# Ottawa's neighbourhood commercial permissions

By Andrew McCreight

**W**e all have memories of walking or cycling to our favourite corner store, cafe, local butcher, baker, florist or barber. Has zoning contributed to the loss of these neighbourhood gems?

The City of Ottawa recently completed a zoning study on local commercial uses. As a result council passed a by-law with an innovative approach to zoning aimed at preserving and promoting small-scale neighbourhood businesses located in the heart of urban residential areas.

The idea of small-scale businesses existing in residential areas is not new to Ottawa, only the idea having the zoning by-law accommodate the concept. Recent employment surveys have identified that nearly 20 per cent of Ottawa businesses are located in a residential zone, and those businesses account for approximately 5 per cent of all employment, with an average of 5 employees per business.

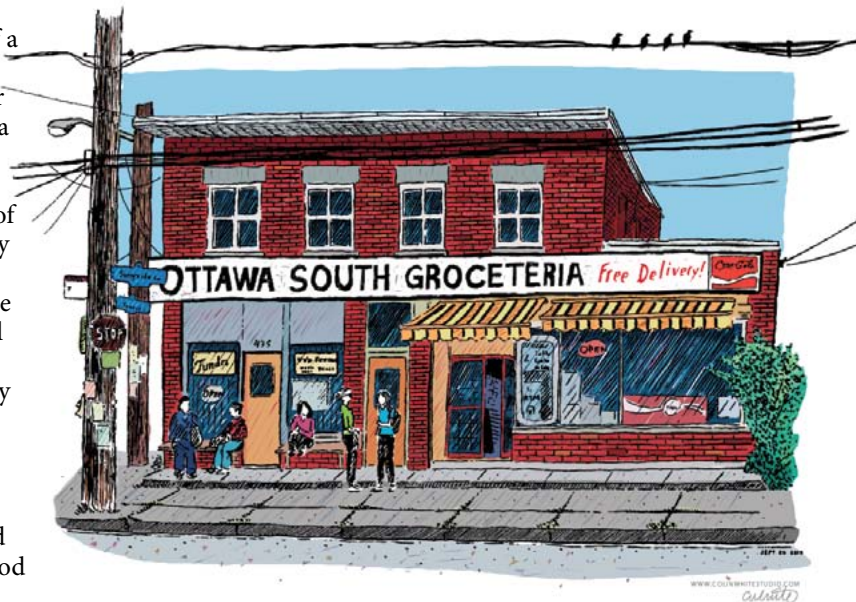
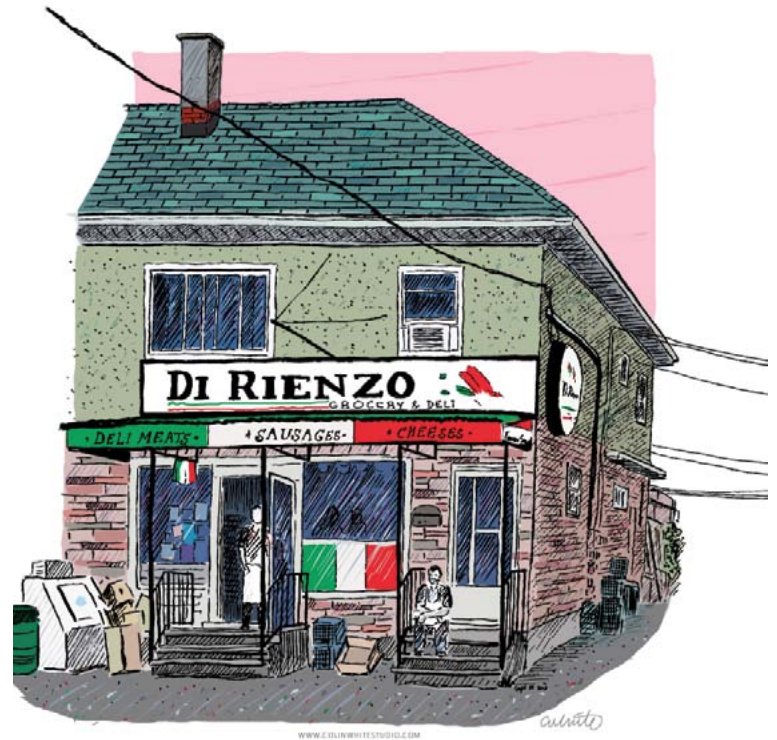
Many such businesses, in the Ottawa context, pre-date the zoning by-law and exist only as a means of being grandfathered (legal non-conforming) due to their location in a residential neighbourhood with residential zoning. The challenge with such properties is that the residential zoning encourages these small businesses to disappear over time and makes the existing

commercial space extremely difficult to use. For instance, if a convenience store located in a low-density residential zone were to close, only another convenience store could open or the unit would be required to convert to residential, unless a zoning by-law amendment or committee of adjustment approval was granted to continue the commercial use.

Cities are constantly evolving and adapting to the needs of current and future residents. Given the changing philosophy of complete communities with a built form environment of appropriately mixed uses, the City of Ottawa understood the merit in recognizing existing commercial uses in residential areas, as well as permitting new local commercial uses in strategic locations within mature neighbourhoods, primarily along key pedestrian and cyclist routes.

## Residential zones with commercial permissions

The residential neighbourhood commercial zoning is aimed at maintaining the residential character of the neighbourhood while also encouraging a variety of small, locally-oriented

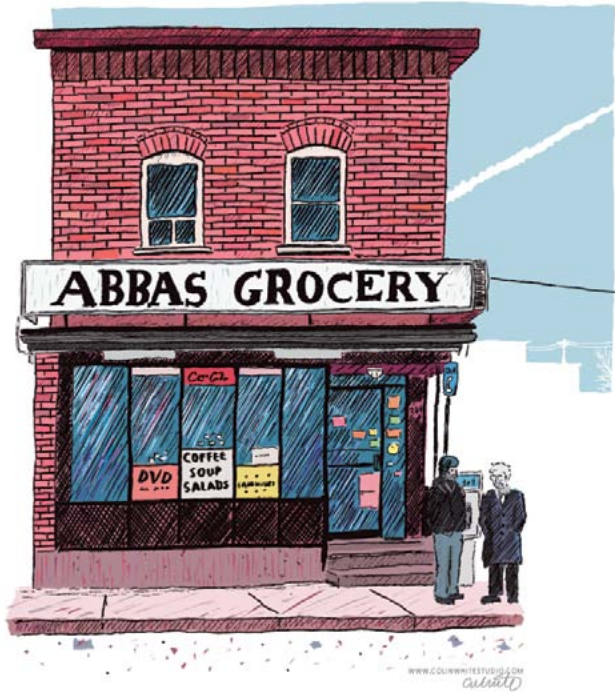


ILLUSTRATIONS PROVIDED BY COLIN WHITE OF WWW.COLINWHITE.CA

convenience and service uses through zoning that complements adjacent residential land uses and are of a size and scale consistent with the needs of nearby residential areas.

From a city-wide perspective the zoning offers an opportunity to diversify land uses in urban neighbourhoods to increase walkability and community vibrancy, and consequently the potential to improve the health and well-being of residents.

The use of a suffix (i.e., -c) applied to the parent residential zone, permitting small-scale commercial businesses in a residential zone, reflects an effort to provide a modern-day



framework for a very traditional form of city building; one based on the convenience of pedestrian proximity and providing for complete communities. The City of Ottawa's official plan defines complete communities as those that "have a variety of housing choices, employment, parks and a wide range of services and facilities accessible by walking, cycling and transit."

Ottawa council passed a zoning by-law amendment which rezoned about 70 existing businesses (previously legal non-conforming) and over 300 residential properties. The residential properties are situated in a small cluster or on an important pedestrian/cyclist corridor where micro commercial uses are appropriate and have the ability to contribute to the public realm while maintaining the residential presence.

The commercial uses permitted include convenience stores, retail food stores, personal services (barber shop, hair salon, tanning, etc.), retail, medical office (dentist, optometrist, etc.), instructional (yoga, piano lessons, etc.), and artist studio. Further restrictions apply for vertically-attached dwellings, such as townhomes and semi-detached houses.

The zoning is designed such that the buildable envelope and number of dwelling units are dictated by the residential zone and built form of the development. For example, for a building with two residential dwelling units divided horizontally with a commercial space at grade, the as-of-right zoning is based on what is permitted for a duplex with respect to setbacks, lot width, lot area, height, landscaping, etc. This ensures that the planned function for massing and residential density on a given property remains the same.

### The challenges

Passing a zoning by-law amendment of this nature came with its challenges and creativity. Public consultation yielded a lot of valuable feedback concerning the types of uses to permit, the location, size of businesses. etc., but there were also challenges beyond zoning.

What kind of signage will a business have? Will a restaurant be open late into the night? Will allowing commercial uses affect property taxes?

By keeping the zoning residential, but using the suffix (-c) to add commercial permissions (e.g., R3P-c), signs were limited to those permitted in a residential zone. This means no illumination is permitted and signage is generally limited to a wall-mounted sign on a building wall facing the public street.

Patios associated with a local restaurant were a sensitive discussion as well. On one hand people enjoy the idea of a small local place to gather and sit outside, but on the other hand questions as to the type of establishment and whether or not liquor is served were on people's mind. In the end, a few key components came out of the zoning. A patio was restricted to corner lots only and located in a yard abutting the public street. The maximum size is 10 square metres, which is room for approximately 8 people. Restaurants are conditionally permitted subject to being ancillary in function to another permitted commercial

use and the inside seating area is restricted to a maximum of 15 square metres. An example of this could be a bakery (retail food store) that has a seating area for the consumption of food and drink purchased (restaurant).

It was confirmed by discussions with the Municipal Property Assessment Corporation that mixed-use zoning allowing for residential and commercial uses does not affect values or taxes unless the actual use of a specific property changes. Occupied properties are valued by land use and may have more than one tax class.

### Conclusion

While the zoning strategy is new to Ottawa it will be exciting to see if new developments take advantage of the neighbourhood commercial permissions. Perhaps the few scattered local gems will become more prevalent as active living plays a larger role in our neighbourhoods.

Zoning may not be the ultimate answer to this vision for complete communities at the micro level, but it opens the door for the opportunity and creates the flexibility necessary for appropriate businesses to operate among our homes.

*Andrew McCreight, MCIP, RPP, works as a planner in the Planning and Growth Management Department at the City of Ottawa with expertise in zoning and land use development.*

## Zoning for neighbourhood commercial permissions

- Maintain the residential zoning that currently exists
  - Any residential development or addition is subject to the same rules that are currently in place. For example, if a property is located in a residential zone, for instance R3P, a new residential development remains subject to the rules of R3P
- In addition to the residential provisions, the “-c” adds the permission for a variety of small-scale commercial uses subject to specific provisions (zoning example: R3P-c)
- Commercial uses are restricted to the ground floor and basement
- Commercial uses can only be established in a building with a residential use
- Commercial uses are limited to a “micro” size (maximum 100 square metres) to maintain the residential character of an area
- Parking is prohibited for a commercial use
- In certain locations, a very small outdoor commercial patio (10 square metres) may be permitted on a corner lot.

SOURCE: CITY OF OTTAWA ZONING BY-LAW

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# Zoning Aboriginal archaeological sites

By Joe Muto

**W**hat do the Haldimand Tract, Six Nations, rezoning and draft plans of subdivision have in common? They all influence how to deal with land claims and archaeological resources.

The 2008 Six Nations Grand River land claim demonstration in Caledonia was only 20 kilometres southwest of Hamilton and made headlines that touched Hamiltonians, Ontarians, Canadians and most of the world. Today, the disputed land in Caledonia is under Six Nations ownership and predominately open space with one single-detached home on the former Douglas Creek Estates.



Joe Muto

During that same time, the City of Hamilton, and in particular the community of Stoney Creek, was continuing to undergo greenfield growth and development. In 2008, the city received applications for rezoning and draft plan of subdivision for 23 hectares of land comprising 400 residential units, a stormwater management facility and open space on the brow of the Niagara Escarpment. The applications were accompanied by an Archeological Assessment that found a significant number of pre-contact “findspots” and campsites, including three potentially significant sites that were subject to further Stage 3 review. As a result, two significant Aboriginal sites were identified for preservation in-situ and the draft plan of subdivision and zoning by-law amendment were modified to provide for their long-term protection.

The conditions of draft plan of subdivision required the conveyance of the two sites to the city, which would remain as undisturbed passive open space, funding for the perpetual care and maintenance of the lands, and the preparation of an Archeological Site Management Plan. The site management plan provides a program for the ongoing monitoring, maintenance and protection of these significant archaeological sites including their intended long-term use, means of long-term physical definition and protection of the sites, specifics on the proposed surface treatment, confirmation of neighbourhood and councillor engagement, and First Nations engagement. Following consultation with Six Nations, the sites will be naturalized and planted in native species.

The implementing zoning was written to protect the lands containing the sites from future development by specifically including a clause that maintains the preservation of an archaeological resource or resources in place. The lands were zoned as conservation/hazard with the following special provisions: “(a) No person shall erect, or use any land, building, or structure, in whole or in part, within a Conservation/Hazard Land (P5) Zone for any purpose other than that listed in Section (b) below;

(b) Permitted Use - Archaeological Conservation which, for the purpose of this By-law, shall mean the preservation of an archaeological resource or resources in place.”

The final protection and preservation strategy for these significant Aboriginal archaeological sites resulted from collaboration among the consulting archaeologists, Six Nations representatives, the developer, city staff and Ministry of Tourism, Culture and Sport staff.

Even though the subject lands were in no way associated with a land dispute or handled any differently than they would be prior to the demonstration, everyone that was involved proceeded with extra care and attention in light of recent events which occurred 20 kilometres down the road.

*Giuseppe (Joe) Muto, BAA, MCIP, RPP, is a senior planner with the City of Hamilton. He working in urban renewal, which includes the development and review of community improvement plans and the project management of implementation strategies for the revitalization of neighbourhoods.*



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# Shifting landscape

By Erik Karvinen

**T**he Greater Toronto Area boasts Canada's largest concentration of office space and is among the five largest in North America. Currently, one-third of all jobs within the GTA are accommodated within an office environment. As the Ontario and GTA economies continue to expand with a greater emphasis on the "creative class" economy, office-based employment is expected to grow and diversify over the next 30 years.

Accommodating new office space is of growing interest to municipalities from both a planning and economic perspective. Office development and the employment it accommodates help to create more balanced, complete, compact and fiscally sustainable communities. Furthermore, the office sector typically offers high quality jobs and spin-off employment opportunities which, in turn, support local population growth and economic development.



Erik Karvinen

## Shifting office development patterns

While downtown Toronto has maintained its position as the largest office node in the GTA, up until the mid-2000s it had for many decades been losing ground to suburban employment areas. Over the last 10 years, however, there has been a notable shift in office development activity from suburban employment areas back to downtown Toronto. The recent renaissance in the downtown Toronto office market has been driven by evolving needs and preferences of office tenants. This shift is being observed not only in the GTA but in major city/regions across North America.

A broad range of major companies have established a strong corporate presence in Toronto's downtown core in recent years. Growth in the downtown Toronto office market has been driven by the finance sector, which ranks second in North America in terms of employment, as well as in a number of other knowledge-based industries, including professional, scientific and technical services, information and culture, as well as real estate and insurance. With significant growth in office-based business activity, vacancy rates in downtown Toronto have declined over the past decade to relatively low levels. In comparison, suburban area office vacancy rates are relatively high, nearly double that of downtown Toronto.

## Factors driving the shift in the office market

Changing demands of office tenants and demographic trends are driving the observed shift in the office market. GTA office

tenants are increasingly looking for office space which has access/proximity to high-order transit and a broad range of services and amenities located in mixed-use environments that offer live/work opportunities. The location of new office space is considered an important means for organizations to attract and retain talent.

This shift in preferences has been partly driven by increasing traffic congestion and commuting times across the GTA, which is becoming a significant threat to corporate competitiveness and economic viability. Companies are increasingly considering road congestion in their location decision-making.

Downtown Toronto offers a unique urban environment within the GTA context characterized by a dynamic, pedestrian-friendly, transit-oriented, mixed-use environment. The suburban office market, in contrast, was developed with a vastly different built form and character, characterized by an auto-oriented design clustered within a prestige but uniform land use environment.

Proximity to a growing labour force pool comprising the Millennial generation in downtown Toronto has also been a notable contributor to increased demand for office space in this area. The downtown Toronto population has grown significantly in the past number of years with nearly two-thirds of population growth coming from Millennials. This cohort has shown a strong preference to both live and work in downtown Toronto.

## Reinventing the suburban office market

While much of the emphasis has been on growth in the downtown Toronto office market, there has also been increasing interest in the suburban GTA market for more pedestrian-oriented office environments that feature mixed-use development, offer opportunities for live/work as well as greater access to high-order transit. Suburban GTA municipalities have begun to respond by addressing the evolving needs and preferences of office tenants.

Emerging mixed-use communities such as Markham Centre in Markham have successfully integrated office, residential and retail development into a compact urban community within a transit-oriented design. The area has experienced strong office development activity characterized by strong market rents and low vacancy rates, exemplifying that office development within a mixed-use urban setting can work and be successful in a suburban environment.

GTA municipalities are also starting to retrofit and redevelop existing suburban employment areas to better serve office tenant needs by providing greater access to high-order transit and integrating a broader range of supporting land uses. A new rail line, for example, is planned to serve the Airport

Corporate Centre in Mississauga, which is one of the GTA's largest suburban office nodes.

Another major suburban office node, Mississauga's Meadowvale Business Park, has evolved to incorporate a broader range of uses with a newly developed employment support component, which includes restaurants, banks and day care facilities. These amenities, along with the area's strong transportation network connections, have been a catalyst for office development in the area.

### Future outlook

The evolving office market presents opportunities for suburban municipalities. Market conditions for office development within urban mixed-use settings (in both greenfield and intensification areas) are becoming more favourable. These opportunities need to be thoroughly

explored if suburban municipalities hope to improve their competitive position within the GTA office market.

It is anticipated that downtown Toronto will remain an attractive location for office development. However, it is anticipated that businesses and developers in the office market will increasingly look for opportunities in other areas of the GTA, which offer desirable attributes, to accommodate future growth. Municipalities that are progressive in planning for future office development will be the clear beneficiaries.

*Erik Karvinen, MCIP, RPP, PLE, is a senior project coordinator with Watson & Associates Economists Ltd. specializing in industrial and office market studies, employment land and growth management strategies, and growth forecasting. Erik will be speaking at the 2015 OPPI Conference October 6-8 in Toronto.*

## Complete Streets in the GGH

# Online resource

By Colin Wolfe, Raktim Mitra, Nancy Smith Lea & Paul M. Hess

**T**hroughout the Greater Golden Horseshoe the conversation around intensification is broadening. Good city building is about more than reconfiguring height, massing and density. It requires a better understanding of the strategies that make densification work for communities. One such strategy lies in the complete streets approach, which is shown to enhance liveability by offering safer, healthier and more engaging transportation options.

A team of investigators from the Toronto Centre for Active Transportation, Ryerson University and the University of Toronto set out to research examples of complete streets projects in the Greater Golden Horseshoe. The result is a scalable and easy to navigate online [catalogue](#), designed to aid practitioners in their interpretation of the complete streets concept. The resource provides local examples in a range of urban contexts.

### The research

The researchers began by exploring how the complete streets approach is currently understood and what it looks like on the ground. They sought to add rigour to the approach to aid in its continuing relevance for street design.

Using the 27 growth centres identified in the *Growth Plan for the Greater Golden Horseshoe* as the geographical context, the researchers surveyed municipal planners, engineers and urban designers asking them to identify examples of complete streets in their communities. In 19 growth centres respondents indicated they had implemented or funded complete streets projects. However, none of those surveyed indicated that they have a comprehensive set of performance measures, although many do

conduct ridership counts and intercept surveys.

Interviews revealed that most complete streets projects are implemented to improve safety and provide a range of transportation options for all street users. Other reasons cited were to support future growth, improve connections between destinations and to serve specific groups like students or seniors.

This research also explored how complete streets projects transformed traffic management on roadways. The results showed that in eight of the 19 growth centres traffic calming measures were employed and in five of the 19 speed limits and traffic lanes were reduced.

While not all projects included bike infrastructure, those that did used a variety of designs. Conventional painted bike lanes were used in about one-third of the projects. Cycle tracks, separated bike lanes and contra flow lanes were each used in two or three projects and infrastructure at intersections (e.g., left lane turning boxes) was used in five instances. Four small and mid-size centres employed off-street multi-use trails.

Nearly all 19 projects included urban design and/or pedestrian realm improvements.

### The catalogue

The online [catalogue](#), *Understanding Complete Streets in the Greater Golden Horseshoe*, highlights details of each featured project. This is layered in three elements:

Checklist—quick reference guide that provides high-level information about the 19 featured GGH projects. Categories include cycling, pedestrian and transit improvements, road

*(Cont. on page 21)*



Colin Wolfe



Raktim Mitra



Nancy Smith Lea



Paul M. Hess

diet, traffic calming, streetscaping and accessibility.

Detailed Project Information—detailed account of the key aspects of each project, such as how the project changed the street function and the community’s use of the street. Categories include street context, traffic, transit, cycling, pedestrians and accessibility.

Case Studies—four case studies illustrate the diversity of complete streets approaches in the GGH. A graphical narrative is presented for the defining features, innovations, challenges and opportunities of each project.

Navigating through this resource offers users a concrete understanding of the physical elements of the complete street. Most importantly, the catalogue helps tell a story of how a more balanced approach to transportation and mobility options addresses the community’s priorities. Municipalities

seeking to implement their own complete streets projects will find the catalogue to be a valuable tool.

Ultimately, this research helps to demystify the complete streets approach to road design. We urge you to share and build on this work.

*Colin Wolfe is a TCAT researcher and urban planner interested in intensification approaches that promote improved quality of life outcomes for communities. Nancy Smith Lea is the director of the Toronto Centre for Active Transportation, part of the Clean Air Partnership. Paul M. Hess, PhD, is an associate professor and the associate chair and director of the Graduate Programs in Planning in the department of Geography and Planning at the University of Toronto. Raktim Mitra, PhD, is an assistant professor of Urban and Regional Planning at Ryerson University. Thanks to Brendan Rice for his support. This research was supported by Province of Ontario through the Places to Grow Implementation Fund.*



## Markham's Bird Friendly Guidelines

# Soaring to new heights

By Ruth Rendon & Lilli Duoba

**M**arkham has joined the growing flock of communities protecting their bird populations by adopting bird friendly guidelines. The city’s proactive response to bird-window collisions began in 2009 with the retrofit of the city’s fire and emergency services building. This was followed by the retrofit of the Markham Museum (2011), Thornhill Community Centre (2011), Fred Varley Art Gallery (2012) and the Markham Civic Centre (2012) and the design of such new buildings as Cornell Community Centre (2012), Markham Pan Am Centre (completion date 2014) and South-East Community Centre (completion date 2015). As a result of



Ruth Rendon



Lilli Duoba

these experiences, council directed staff to prepare a comprehensive set of bird friendly guidelines for all future development in the city.

Bird-window collisions are related to the bird’s perception of glass. Reflective surfaces may appear as outside trees or vegetation confusing and causing them to fly into the glass. Atrium designs with interior plants and near building landscaping contribute to the growing problem of bird-window collisions. One

of the greatest threats to birds is believed to occur during bad weather events when birds descend to much lower heights to improve visibility or take refuge. Lighting and disorientation result in building collisions. Bird strikes are the second highest

**2x4 Rule**  
To minimize bird collisions, visual spacing on clear or reflective surfaces on a structure should not exceed 2 inches on the horizontal plane or 4 inches on the vertical plane.

**Primary Treatment:**  
Primary treatments are required for 85% of glass areas (within the first 16 metres in height of a building). Glass areas greater than 2m<sup>2</sup> must be treated.  
Primary treatments include:  
• Stripes  
• Dots  
• Hatching  
• Flat and Edged Patterns

**Secondary Treatment:**  
Secondary treatments are recommended for up to 15% of the remaining glass area without primary treatment, and to be applied to glass areas larger than 2m<sup>2</sup>.  
Secondary treatments include:  
• Internal Blinds and Shades  
• Louvers and External Blinds  
• Closely Spaced Mullions  
• Tinting  
• Anodizing  
• UV Patterned Glass (Experimental)  
• Landscape Design

**Lighting**  
Lighting plays a role in attracting birds to buildings and may play a role in disorienting birds. Examples of mitigating interior and exterior lighting include:  
• Eliminate up-lighting  
• Limit lighting to areas where lighting is needed for safety and security  
• Require lights outdoors 1.5 p.m. to 6 a.m.  
• Provide motion sensors  
• Avoid creating "beats" of light

**Application of Primary and Secondary Treatments on a glass building**

UV on tinted glass (secondary treatment, part of 15%)  
tinted 2.0m<sup>2</sup> (part of 15%)

Primary treatment, 85% of glass area exceeding 2m<sup>2</sup> louvers (secondary treatment, part of 15%)  
angled glass (secondary treatment, part of 15%)

Bird Friendly Guidelines



Markham Museum

IMAGES COURTESY OF THE AUTHORS

cause of avian mortality, exceeded only by cat strikes. In the GTA, bird-window collisions have been documented through the Fatal Light Awareness Program (FLAP) since 1993, over 61,000 fatal collisions have been recorded.

Three factors contribute to fatal bird strikes in Markham: To keep pace with the density requirements of the *Growth Plan for the Greater Golden Horseshoe*, Markham's skyline has changed to include many more mid rise and high rise buildings posing greater risks for bird mortality. Markham's geographic location north of Lake Ontario is within a busy migratory route used by a diversity of migratory species. Markham's abundant stream corridors, wetlands and woodlands provide habitat for resident and breeding bird populations.

The city retained North-South Environmental Inc., in collaboration with FLAP Canada, Wallman Architects, Landplan and Dr. Daniel Klem (Muhlenburg College), to undertake a study to identify collision hot spots and best practices in building design to reduce bird-window collisions. The consulting team reviewed the North America guidelines, including those of the Audubon Society and American Bird Conservancy associations, to ensure that Markham's guidelines would reflect the latest research and practices.

Three best practices for retrofits and new construction: Treat 85 per cent of the windows from finished grade to 16 metres above grade with a primary treatment of external semi-transparent stripes, dots or other patterns. Treat the remaining 15 per cent of glass with a secondary treatment such as closely-spaced mullions, internal blinds and shades, ultraviolet patterns, tinting or angling of glass, or careful placement of vegetation. Mitigate exterior

lighting by eliminating upwards lighting; mitigate interior lighting by requiring lights are off between 11 p.m. and 6 a.m. during migration seasons.

Two major findings were uncovered through this project: The existing standard of requiring treatment up to 12 metres is not adequate. This standard was established using average tree height. Research showed that the average height of the tree canopy in the GTA was closer to 16 metres. Collision hot spots do not exist in Markham. The incidents of bird strikes are seen throughout the city with no set pattern.

Bird safety is an integral part of Markham's green building movement and supports Markham's Greenprint Community Sustainability Plan. Since the completion of these guidelines, staff has begun to implement an education and communications strategy and continues to retrofit existing buildings and incorporate bird friendly treatments into new public buildings. The Bird Friendly Guidelines have been incorporated into the city's development review process, which includes the preparation of a Bird Friendly Specifications Checklist.

*Ruth Rendon, MES, MCIP, RPP, is a senior natural heritage planner with the City of Markham and project manager of this project. She can be reached at [rrendon@markham.ca](mailto:rrendon@markham.ca). Lilli Duoba, MES, MCIP, RPP, is the manager, natural heritage for the City of Markham's Development Services Commission and can be reached at [lduoba@markham.ca](mailto:lduoba@markham.ca). Markham's Bird Friendly Guidelines is a 2014 Excellence in Planning winner in the Community Planning & Development Studies/Reports category.*



# Adapting to new economic structure

By Adrian Cammaert

As any first year geography or urban planning student can tell you, traditional downtowns and main streets historically provided for the daily needs of their local residents. In this sense, they were subsistence downtowns and their form was a direct result of their function.

Without the use of personal automobiles, these were naturally pedestrian-oriented places as people were simply not willing to live too far from where they worked or shopped, thereby assuring their continued commercial success.

However, this pre-automobile era is now over. The automobile boom in the early/mid-20<sup>th</sup> century combined with the advent of zoning regulations that separated land uses, fundamentally changed people's spatial awareness by increasing their tolerance to live in a more dispersed manner. It became normal to travel greater distances for daily groceries whereas travelling such distances for such an ordinary activity would have been unthinkable in the past.

For better or worse, it is unlikely there will be a full-scale return to the subsistence downtown that previously assured the survival of these commercial areas. The economy has shifted away from this model and as a result it has become exceedingly difficult for many downtowns to remain economically viable. Investment has moved away from traditional downtowns and main streets and into auto-centric retail centres and industrial complexes that are further removed from where people live. Meanwhile the traditional main street is left struggling to remain relevant.

But, there is hope. Millennials do not desire suburbia; they desire hip, urban places. Retirees are increasingly fitting into this profile as well; shunning the retirement communities once built in quiet suburban settings for those built in compact urban places surrounded by a variety of accessible activities and amenities. So while there may never again be the functional need for main streets and traditional

downtowns, there is a growing desire for these areas. However, for main streets and traditional downtowns to not only survive but thrive in this new economic reality, they must adapt their function from one that is subsistence-based to one that is amenity-based.

Municipal economic development departments, chambers of commerce and Business Improvement Area boards play a leading role in this adaptation. They provide the required guidance and structure necessary to actively manage these areas. However, downtowns cannot rely on the surrounding residential areas as their only market because their densities are typically too low to support its commercial areas. In short, attracting visitors is essential.

The most successful downtowns have over-arching marketing campaigns, consistent hours of operation, actively controlled retail mixes, planned and managed events that attract visitors, well-designed pedestrian-based places and strategic parking plans.

Historically, local shopping malls were seen as the foremost competitor of traditional downtowns and today malls are joined by big-box retail plazas, lifestyle centres and online shopping. But these perceived threats can be neutralized by a traditional downtown embracing its new role as a unique pedestrian destination. This adaptation ends the competition and focuses on a different market based on leisure rather than subsistence.

Although specific attributes differ from downtown to downtown, they commonly include outdoor meeting places, boutique-style retail choices and a heritage ambiance. As part of its transformation, it is essential that downtowns develop a unique identity and brand it. They must communicate what makes their community unique and worth visiting.

Downtowns are works in progress and must continually adapt to the changing economic and social context. Creating identity-driven destinations is an effective strategy to keep traditional downtowns and commercial main streets vibrant.

*Adrian Cammaert, MCIP, RPP, CNU-A is an urban planner specializing in destination placemaking for traditional downtowns and commercial districts. He is also the chair for the Ontario Chapter of the Congress for the New Urbanism ([cnuontario.org](http://cnuontario.org)).*



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# Next generation of new communities

By Teresa Cline

**A**s part of its growth management strategy, York Region sought to develop future communities based on innovative and leading edge sustainable practices. Through extensive consultation with stakeholders, it was determined that new communities should be planned as inclusive, healthy, walkable, energy efficient and green places. The result was a strategic policy framework to guide the next generation of sustainable communities. This framework was incorporated into the updated 2010 York Region Official Plan. The New Communities Guidelines is intended to assist with the successful implementation of sustainable building and community area policies region-wide.



Teresa Cline

The New Communities Guidelines are intended for a broad audience and serve several purposes. The document is an education tool to explain the intent of regional official plan policies, inform local secondary planning processes and provide detailed requirements and best practices to meet mandatory targets.

The guidelines are organized into eight chapters: Directing Growth, Community Design, Sustainable Transportation, Open Space and Natural Heritage, Sustainable Buildings, Energy Efficiency, Water Management and Resource Management and Education. Each chapter identifies the policy intent and identifies a range of strategies that can be employed to successfully implement the regional official plan policies.

York Region developed several strategic partnerships to create and foster acceptance of the New Communities Guidelines document. Recognizing the increasing evidence of the link between the built environment and human health,

York Region Public Health professionals were actively engaged in the creation of the guidelines. The result has been an increased understanding and enhanced relationship between planners and public health professionals.

The guidelines also played a significant role in mediating appeals related to the sustainable building and new community policies in the 2010 York Region Official Plan. It helped the region clarify the intent of its policies and define mutually acceptable strategies to meet them. As part of the process, York Region staff established a working group with the York Chapter of the Building Industry and Land Development Association. Providing an industry perspective, this group reviewed and offer comment on the implementation strategies identified in the New Communities Guidelines.

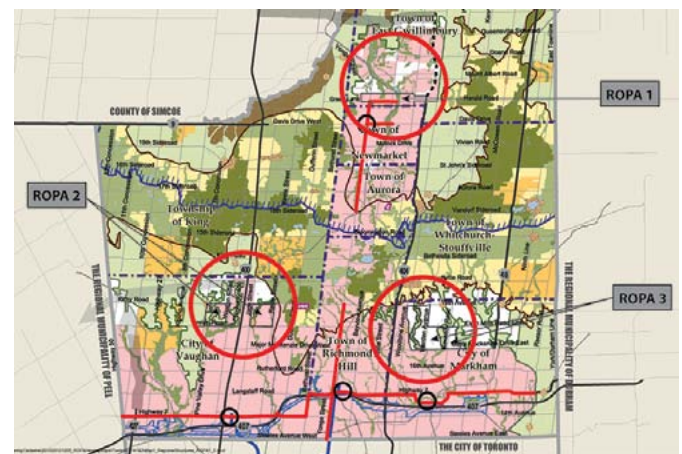
As a regional document, the guidelines need to be specific enough to provide direction on how to meet the intent of regional official plan policies, while flexible enough to work within existing sustainable design guidelines and to reflect emerging local municipal official plan priorities. The New Communities Guidelines are intended to represent a baseline and local municipal documents will be more tailored to address local sustainable development priorities. Regional and local municipal staff will continue to work together to ensure coordination and consistency between their respective documents.

The New Communities Guidelines is intended to be a living document that will be updated regularly to reflect policy changes, new technologies and development industry best practices.

*Teresa Cline, MCIP, RPP, is a senior planner at York Region and can be reached at [teresa.cline@york.ca](mailto:teresa.cline@york.ca). New Communities Guidelines is a 2014 Excellence in Planning winner in the Community Planning & Development Studies/Reports category.*



IMAGES COURTESY OF THE AUTHOR



Excerpt of Regional Official Plan (ROP) Map 1 - Regional Structure, showing locations of Regional Official Plan Areas (ROPAs) 1, 2 and 3

## SOUTHWEST DISTRICT

### Old East Village

By Lashia Jones

Over the past decade the Old East Village in London, Ontario has undergone major changes and renewal. The district's June 11<sup>th</sup> walking tour focused on the positive changes that have occurred, in part due to community-driven planning initiatives such as an OPPI volunteer-based Planners Action Team report, Community Improvement Plan and Heritage Conservation District study and plan.

These studies created a planning framework that respects the scale and heritage character of the neighbourhood. At the same time it encourages investment and development in the Dundas Street commercial corridor adjacent to the Heritage District, where the focus is on attracting unique, independent businesses, as well as art and cultural establishments. While renewal is welcome in the neighbourhood, the



Lashia Jones

community wants to retain its social services and ensure its long-term residents continue to be involved in planning decisions.

Four participants explored heritage assets and talked about anticipated changes, such as the closure of the neighbourhood's elementary school and future redevelopment of the site in partnership with the city.

*Lashia Jones is a heritage planner with MHBC. She received her Master's degree in Canadian Studies, specializing in Heritage Conservation, from Carleton University. She is a member of the Canadian Association of Heritage Professionals, and is working towards her OPPI membership.*

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## Startup Communities—Building an Entrepreneurial Ecosystem in Your City

Reviewed by Dave Aston, contributing editor

Innovation, new business creation and job growth are at the heart of “startup communities.” Driven by entrepreneurial vision these communities are able to capitalize on value creation to support other community visions and objectives.

In his book, *Startup Communities—Building an Entrepreneurial Ecosystem in Your City*, author Brad Feld shares his 20 years of Colorado-based experience and provides insight on what it takes to create a startup community in any city, at any time. Using Boulder, where he was instrumental in shaping the startup community, as his primary case study, Feld has written a book aimed at professionals. *Startup*



Dave Aston

*Communities* is the first of several books in the ‘Startup Revolution’ series.

Understanding startup communities and their role in economic development, job creation and innovation is important for researchers, policy developers and those that are just trying to understand what is happening in their communities. Many of Feld’s ideas are part of economic development initiatives in cities throughout Ontario.

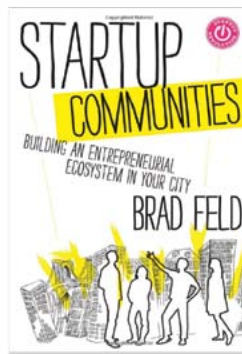
In 2010, the United States created the Startup America Initiative which embodied the belief that if you have a good idea and willing to work hard to see it through you can succeed. The initiative was premised on the understanding that the leading source of job creation in America was coming from young companies starting up, growing, and innovating. Thus there was a need to support “startup ecosystems.”

The shift from the industrial era to the network society and information era has created opportunities for innovators to locate in almost any geographic region. Feld suggests, it is regions that embody

these characteristics that appeal to startup communities. Typically their creation is a direct result of a group of entrepreneurs deciding that the success of the greater community is worth their investment of time and energy.

The principles for a startup community, as described by Feld in his “Boulder thesis,” follow:

- Entrepreneurs must lead the startup community.
- Leaders must have a long-term commitment
- The startup community must be inclusive of anyone who wants to participate in it
- The startup community must have continual activities that engage the entire entrepreneurial stack.



Feld’s opinion is the entrepreneurs are the leaders of economic growth and the role of government is as a feeder or supporter. His rationale is that startup communities are growing and changing every day and they can’t always wait for government decisions or direction. Universities with programs that encourage creation, innovation, research and business are also important supporters and feeders.

The book stresses the importance of creating young entrepreneur organizations and entrepreneurial foundations, holding events where entrepreneurs can meet and network, and supporting and establishing accelerator centres.

Feld concludes with a reminder that it is a challenging journey to create and maintain startup communities. So patience and persistence will help communities succeed, either to initiate a startup community or to take it to the next level.

*David Aston, MCIP, RPP, is a Partner with MHBC Planning, Urban Design and Landscape Architecture in the Kitchener office. His practice includes policy development and land use planning for both public and private sectors throughout Ontario. If you are interested in completing a book review and adding to your professional credit, please contact David at [daston@mhbcplan.com](mailto:daston@mhbcplan.com).*

Author: Brad Feld; Publisher: John Wiley & Sons Inc.; Year: 2012; Pages: 189



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## PRESIDENT'S MESSAGE

# Ontario's planners are not standing still

By Paul J. Stagl

This is my final article for the *Journal* as OPPI President. Looking back, these last four years have been the most enjoyable and rewarding of all my volunteer experiences, whether for OPPI or another organization. In large measure this is because of you, Ontario's professional planners.

I have been grateful for the opportunities to meet with, and hear from so many of you, from every corner of the province and from every sector of practice—from those starting their careers to those in mid-career and those who are now retiring. Your enthusiasm for the profession, your vision for the future and your support of OPPI and its volunteer teams has indeed been inspiring.

You may recall I started my term with the reflection that 'standing still is not an option.' And you haven't been. You have charted a course for an exciting and fulfilling future. Together we will make it happen.

Our engaged membership is the envy of other professional associations. Your OPPI leadership team comprises nearly 300 [volunteers](#) who contribute to Council, Standing Committees, District Teams, Program Committees and Strategy Groups. They work with a dedicated [staff team](#) and over 1,000 volunteers.

Members participation rate in OPPI services continue to rise. Participation in the first year of OPPI's mandatory [Continuous Professional Learning](#) program exceeded the experience of any other similar professional group. The number of [OPPI, District and partnered events](#) more than doubled those of last year, with some events sold out within hours of being posted. [District Leadership Teams](#) expect events will almost double again next year. Demand for OPPI's [Learning Path](#) and [Competency Tree](#) resources grows steadily.

OPPI has consistently avoided the temptation to simply cut and paste yesterday's experiences and use them as the basis for the future of planning in Ontario. The result? Members have multiple opportunities to interact with OPPI's leadership team throughout the year and to help frame priorities and position OPPI for the future. OPPI has successfully adopted ambitious programs, standards and strategies, such as [professional regulation](#), member engagement, CPL, learning path tools, communication strategies, [public policy submissions](#), healthy communities calls to action, the Planning Exchange blog and [Digital Learning](#). Together with the Canadian Institute of Planners and the Provincial and Territorial Institutes and Associations, we established the Professional Standards Board and the Professional Standards Committee. Keep challenging yourselves, your colleagues and the profession to stay the course and continue to move forward.

I am the beneficiary of several years of consistent decisions made by previous OPPI leadership teams. Today's successes result from their foresight and your commitment to advance the profession in Ontario. While my chapter may be closing, the governance



Paul Stagl

structure provides transition, continuity and consistency for the next group. Andrea Bourrie will move from President-Elect to President in October. In Andrea, you will have a steady hand representing and advancing the interests of all professional planners in Ontario. She has been tireless these last two years; I want to thank her for her energy, patience and commitment.

As I leave, it is the many relationships that I will miss the most. You have inspired me, encouraged me, challenged me and befriended me. Thank you. Representing you has been an honour and a pleasure.

Sincerely,

Paul J. Stagl, RPP, MCIP

## PROFESSIONAL REGULATION

# Raising the bar for RPPs

By Ann Joyner

OPPI is moving closer to achieving full [professional regulation](#) and each of us has a role to play. Encourage your colleagues to promote this initiative, urge your local MPPs to actively support the legislation. Now is the time for a fully regulated planning profession in Ontario.

When you became a planner, you agreed to take this responsibility seriously. As a regulated profession, this responsibility will be recognized by others who will hold us to the same high standards.

The planning profession has a distinct identity because we adhere to common principles, ethics and a commitment to technical skill and planning in the public interest. Over generations, planning professionals have made it their life's work to



# Big review update

By Leah Birnbaum, contributing editor

**A**s we move into the fall, some elements of the ‘Big Review’—the province’s review of the four provincial plans for the Greater Golden Horseshoe—are falling into place.

While it’s unlikely that the next version of the plans will satisfy everyone, reading through the submissions sent to the province reveals several issues on which many stakeholders agree:

**Consolidate the plans**—While the specifics differ, there appears to be widespread support for simplifying the existing system by merging the plans either into fewer policy documents or by bringing them under one approval authority. For example, OPPI calls on the province to merge the plans into one or two documents; the Regional Planning Commissioners of Ontario also supports a consolidation. The Ontario Federation of Agriculture suggests that the plans be brought under the direction of the Ministry of Municipal Affairs and Housing, eliminating the approval authority of the Niagara Escarpment Commission.



Leah Birnbaum

**Harmonize the language**—Many stakeholders including the Ontario Bar Association ask for the language of the four plans to be harmonized. Some suggest using the language of the *Provincial Policy Statement* as a guide.

**Bring transportation planning to the forefront**—Stakeholders, including OPPI and the Neptis Foundation, call on the province to better integrate Metrolinx’s Big Move plan with the Growth Plan. The fact that the Big Move isn’t being reviewed in lock-step with the other plans has drawn concerns from many who hope to see transportation infrastructure and land use planning more closely aligned in the next generation of plans.

**Fill the gaps**—Several stakeholders point to gaps in the plans that they hope the review will address. OPPI argues that shrinking rural areas, where the Growth Plan’s density and intensification targets cannot realistically be achieved, should be given different treatment. The Ontario Federation of Agriculture is firm in its suggestion that municipalities be held accountable for failing to meet density and intensification targets and calls for fixed urban boundaries in an effort to protect working agricultural lands. The Pembina Institute and the Ontario Home Builders’ Association call for policies to encourage mid-rise transit-supportive development along transit corridors within the built-up area and there is widespread support for changes to the *Development Charges Act* to expand municipalities’ abilities to recoup the true costs associated with growth.

The first phase of the Coordinated Land Use Planning Review is complete. Now the provincially-appointed six-member advisory panel is digesting all of the input received through town hall meetings and stakeholder submissions. Chaired by former Waterfront Regeneration chair David Crombie, the panel is expected to submit its recommendations

understand and document how to incrementally improve the places we live, the systems that connect them and the regional and rural spaces that support and nourish them.

In Ontario, our role is anchored by the *Planning Act*. But good planning is not a static thing, like the law itself it evolves in response to society’s needs and values. Each successive generation recognizes that its responsibility is to understand the needs and context of the day, while grounded in the work of their predecessors, both their triumphs and failures.

Full regulation of planners is more important today than ever before. The current challenges to our quality of life in urban and rural areas are significant—most people now live in planned urban areas, aging infrastructure is exacerbating traffic, flooding and water quality issues plague urban centres, technological advancements are moving people away from a deep connection to the land, rural places are increasingly important for their role in food security and recreation. And of course, recent extreme weather events are highlighting the role of planning in building resiliency into communities.

Professional planners implement provincial legislation that shapes our response to these challenges. Regulation will give the public confidence that we have the appropriate skills and provincial oversight to take on this responsibility. This confidence will be founded on our considerable organizational strength. This includes professional standards for certification of RPPs and accreditation of planning programs across Canada, continuous professional learning commitment, and our RPP designation that enables us to work with and learn from our colleagues across Canada.

By granting full regulation, the province will be acknowledging that planners have an essential role in society and that our professional opinions support the greater public good. We will take our place beside colleagues in other fully regulated professions.

It is time to enshrine planners’ responsibility to society in full regulation. This will hold planners to a common standard of ethics and skill that is acknowledged by the communities we work in and the Government of Ontario.

Each of us has a role to play in the coming weeks and months. Support this initiative by speaking to your friends and colleagues and seeking out your legislative member at Queen’s Park.

*Ann Joyner, MCIP, RPP, is the chair of the Professional Regulation Strategy Group and is a partner at Dillon Consulting Limited.*



Ann Joyner



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on suggested changes to the plans this fall to the ministers of Municipal Affairs and Housing (responsible for the Growth Plan, the *Greenbelt Plan* and the *Oak Ridges Moraine Conservation Plan*) and Natural Resources and Forestry (responsible for the *Niagara Escarpment Plan*). Once proposed amendments to the plans are released, a second round of consultations will take place.

Stakeholders had their first chance to comment on the four plans, but there will be many more opportunities to talk up about provincial policy this year. The Ministry of Natural Resources and Forestry recently released a discussion paper and is accepting submissions October 19<sup>th</sup> in its review of the *Conservation Authorities Act*. All of the Greater Golden Horseshoe is under the jurisdiction of one of Ontario's 36 conservation authorities, so many of the same stakeholders will be commenting on this review as well.

*Leah Birnbaum, MCIP, RPP, is a freelance urban planning consultant in Toronto. She consults on regional growth management policy, and undertakes research and small-scale development approval projects. Leah is the OPJ provincial news contributing editor.*

## Update your OPPI & CIP profiles

Members must update their Member Profiles separately for both OPPI and CIP. Log into your [Member Profile](#) to update your information with OPPI or contact the [OPPI office](#) if you have any questions.

## SEPTEMBER/OCTOBER ALERT

# Continuous Professional Learning

Remember to log your [Continuous Professional Learning](#) activities as you go and not wait until year end. OPPI does not assign Learning Units, but leaves that up to members. So [log](#) your CPL units now.

CPL includes formal or programmed activities, such as taking courses and attending conferences and workshops, as well as self-directed activities like reading, mentoring and volunteering. Questions about CPL? Look for answers in the [CPL program guide](#).



**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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