

**Waterfront Toronto's Design Review Panel:
A Case for Clear Indicators**

by

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Author's Declaration

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

I understand that my thesis may be made electronically available to the public.

Abstract

Toronto's waterfront is undergoing a large-scale redevelopment effort led by the arm's length public corporation Waterfront Toronto. Since 2005, Waterfront Toronto has operated a design review panel as a discretionary planning implementation tool. Case studies of design review in Canada and abroad have shown that design review can be an effective tool to improve design quality, but some development actors maintain the process faces challenges of clarity, consistency, and justification. These challenges and the recent demands from politicians to increase transparency of Waterfront Toronto's decision-making helped form the overarching research question of this study: how can Waterfront Toronto's Design Review Panel's advice become more transparent? Primary and secondary sources were used throughout this research project to provide a descriptive account of the level of the panel's transparency. I found that generally, but with some notable exceptions, the panel does operate transparently. Means for improving the process through monitoring and evaluation are theoretically feasible, but the realities of resource allocation are likely to be a constraint and therefore only incremental, informal monitoring may continue.

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Dedication

I dedicate this thesis to my wife, Jessica, and my children, Ludmila and Klara. I am forever grateful for your unconditional love and support. I hope that my education has led me to become a better listener, husband, and father.

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List of Abbreviations

Below is a list of abbreviations I use throughout this research project.

- WDRP – Waterfront Toronto’s Design Review Panel
- DRP – Design Review Panel
- CABE – Commission for Architecture and the Built Environment
- VUDP – Vancouver Urban Design Panel
- *Precinct Plan – West Don Lands Precinct Plan*
- *Block Plan – West Don Lands Block Plan and Design Guidelines*
- *By-laws – Waterfront Design Review Panel By-laws, Policies, and Procedures*

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Chapter 1 – Introduction

1.1 Social Context

Toronto's waterfront revitalization is one of the largest redevelopment initiatives in the world (Waterfront Toronto, 2013a). The Government of Canada, Province of Ontario, and City of Toronto have equally contributed to the \$1.5 billion in funding for investment in public infrastructure. Established in 2001, Waterfront Toronto¹, a public corporation, was given the mandate and responsibility to lead the redevelopment of an 800-hectare site along Toronto's water's edge.

Waterfront Toronto's vision for the waterfront is to unify sustainability, urban design, and information and communication technology infrastructure to give Toronto a competitive advantage over other global cities for industry investments and their corresponding skilled workforce (Waterfront Toronto, 2013b). In the case of Waterfront Toronto, to ensure that redevelopment conforms to community plans, a unique set of policy instruments has been implemented (Toronto Waterfront Revitalization Corporation, 2005; Waterfront Toronto, 2005a, 2005b, 2008b, 2010a, 2010b, 2012b, 2013c).

1.2 Framing the Problem

A key policy instrument that has the potential to greatly influence design outcomes is a Design Review Panel (DRP) (Scheer, 1994). A common definition that aptly describes Waterfront Toronto's Design Review Panel (WDRP) is an independent advisory board composed of industry experts that gives critical feedback to designers, developers and government officials on the merits of development proposals (Punter, 2007; Scheer, 1994; Waterfront Toronto, 2008b).

Punter (2007) notes this level of influence is attacked by a long-standing critique in the design review literature that argues DRPs are vague and limit due process. These arguments are largely asserted from a legal rights standpoint

¹ Formerly Toronto Waterfront Revitalization Corporation

(Kumar, 2003) and the empirical study of the impacts of the DRPs on the built environment is focused on comparing the differences between housing that either was exclusively controlled by design review or zoning ordinance (Nasar & Grannis, 1999).

1.3 Problem Statement

In Canada, the United States, and Western Europe, development actors note an overall positive value to DRPs, however questions still remain with respect to the consistency of DRP advice (Kumar Agrawal & Ladouceur, 2007; Punter, 2007; Scheer, 1994). Development actors include individuals or organizations involved in the creation of built forms. There are three categories of actors, those that 'produce', 'consume' and 'regulate' (Carmona, Tiesdell, Heath, & Oc, 2010, p. 276). For the purpose of this study only 'producers' and 'regulators' that interact with WDRP will be considered. Key roles include designer and project manager. Little is known about interactions between WDRP and development actors, as there is only a small body of literature focused on Canadian panels (Kumar Agrawal & Ladouceur, 2007; Punter, 2003a; White, 2013).

Notwithstanding Waterfront Toronto's geographical and financial scale, as well as its influence on the eventual redevelopment of vast parcels of highly valuable publicly owned land, there is a dearth of literature on WDRP. There are only two accounts of WDRP in the design review literature; one is a peer-reviewed research paper published in the Canadian Institute of Planners' well known trade publication, *Plan Canada*² (Kumar Agrawal & Ladouceur, 2007), and the other is a recent, unpublished doctoral dissertation³ (Kumar Agrawal & Ladouceur, 2007; White, 2013). Kumar Agrawal and Ladouceur (2007) note the panel at times enters into protracted discussions outside the scope of its purview and White (2013) describes

² To find more information on *Plan Canada* please visit their website <http://cip-icu.ca/Resources/Plan-Canada>

³ James T. White is a recent graduate of doctoral planning program at the University of British Columbia. White is currently working as a Lecturer in Urban Design at the University of Glasgow.

the fragility of the design review process due to its politically charged and emotional nature. He describes overlapping jurisdictions of redevelopment organizations and the reluctance of designers to accept the criticisms of the peer review process. Even after two memorandums of understanding⁴ were established that named Waterfront Toronto as the master developer of the designated waterfront area, a key land parcel in the East Bayfront Precinct⁵ remained in control by a competing government agency, and was redeveloped with little regard to the East Bayfront precinct plan that set out “height, setback and massing” (White, 2013, p. 279). White (2013) describes the WDRP long review of the project, which required the design team to return to the panel on eight occasions. He explains the lack formal procedures in the panel’s terms of reference allowed the lead designer and panel to enter into argumentative debates over the design of the waterfront’s first building, the Corus building.

In both literature examples, WDRP represents only a component of a broader research topic. Kumar Agrawal and Ladouceur’s (2007) description is curt and predates the implementation of a new set of procedures, which according to White (2013) helped to bring more focus to the discussions of the WDRP (Waterfront Toronto, 2008b; White, 2013). White’s (2013) doctoral research evaluates the impacts of Waterfront Toronto’s design policy on the quality of the built environment. He provides insight into the WDRP establishment and processes. White’s nested case study of two projects in the East Bayfront Precinct tackled the political dimension of the WDRP and thus offers a strong foundation for my research into the transparency of WDRP.

⁴ In September 2005, a memorandum of understanding between Ontario Ministry of Public Infrastructure Renewal and the Ontario Realty Corporation gave the development rights to Waterfront Toronto. In February 2006, another memorandum of understanding between the City of Toronto and the Toronto Economic Development Corporation gave most of the development rights of the East Bayfront and Port Lands precincts to Waterfront Toronto (White, 2013).

⁵ The East Bayfront precinct is 55 acres of land bounded by Lake Ontario to Lake Shore Boulevard and Parliament Street to Jarvis Street.

Scholars recognize the need for continued study of DRPs in Toronto and have called for further studies (Kumar, 2002; Punter, 2003b; White, 2013). After a preliminary search, I discovered that WDRP no longer uses explicit requirements when evaluating proposals (Waterfront Toronto, 2008a). This suggests a major challenge for the consistency of WDRP advice, particularly because section 41 of the *Planning Act* exempts design review from appeals to the Ontario Municipal Board (Province of Ontario, 1990). Without an appeal mechanism, and only legal restrictions that limit design review to an advisory role, it is unclear how and why development actors respond to panel advice. It is anticipated that by 2017, Waterfront Toronto will have spent most of its \$1.5 billion of seed capital (Church, 2014b). As it began to explore the possibility of borrowing options, Waterfront Toronto was met by politicians' scrutiny of spending on design features, such as public washrooms at Cherry Beach, all-season umbrellas at Sugar Beach, and paving materials on the Queens Quay, all of which had extensive coverage in the news media (Church, 2014a; Rogers, 2014; Strashin, 2014a, 2014b; Visser & Alcoba, 2014). In summation, the shortcomings of DRPs and the apparent lack of transparency warrants a rigorous analysis of the WDRP in order to ensure the panel is operating in a clear, consistent and justified manner that is in the public interest.

1.4 Purpose Statement

This is a research project that deploys the case study of WDRP in Toronto in order to develop a set of key concerns based on the comments of WDRP for potential use by Waterfront Toronto development actors, and to assess the transparency of WDRP procedures, advice, and monitoring practice.

1.5 Research Question

Given the attention Waterfront Toronto has garnered in the news media with respect to its redevelopment program and repeated claims of lacking transparency, it is a timely opportunity to explore the WDRP process. My overarching research question that has kept my research project on track is:

- How can WDRP’s advice become more transparent?

I have branched the overarching question into five sub-questions. The response to these sub-questions will help answer the overarching question. The research sub-questions include:

- How consistent are the panel’s procedures?
- How does panel advice change at the different phases of review?
- How does panel advice change in relation to attendance of panel members?
- How does Waterfront Toronto monitor its DRP?
- How do WDRP’s key concerns for public buildings, private buildings, and public realm projects align with the vision statements and design principles of the *West Don Lands Precinct Plan* and *West Don Lands Block Plan and Design Guidelines*?

1.6 Defining Terms

There are three key terms that appear throughout this research project. Since they are used consistently throughout, this warrants the definition of these terms from the outset. Such terms include:

<i>Term</i>	<i>Definition</i>
Transparent	Administrative procedures that are clear, “consistent, and fully justified” adapted from (Punter, 2003b, p. 376)
Key concerns	The synthesis of the analysis of panel comments as recorded in meeting minutes and the perception of development actors who have first hand experience receiving panel advice.
Monitor	A systematic program review (Dawson & Higgins, 2009; Punter, 2007)

Table.1.1 Definition of Terms

In the following chapters, I will use a review of existing literature to build an argument and to locate my overarching research question within planning literature

and the smaller body of literature on Toronto's development in general and, more specifically, on the redevelopment of the waterfront. I then explain the research design I used for this master's thesis. I follow this with a discussion of my findings, which focus on describing the variables of clarity, consistency, and justification of the WDRP's procedures, advice, and monitoring practice. The description of these attributes provide a lens from which to answer my overarching research question on how the WDRP might improve the transparency of its advice.

The expected contribution of this thesis is to the theory, methodology, and practice of planning. Theoretically, I provide a set of principles that are based on the evaluative framework of previous design review scholarship. Methodologically, I provide a research design and evaluation method that can be used by others as a means to assess the transparency of a DRP. The contribution to practice is geared mainly towards development actors operating within the purview of the WDRP, but on a more general level, other cities with a redevelopment mandate may also benefit from reading my descriptions of the WDRP process.

Chapter 2 – Literature Review

2.1 Introduction

In this chapter I discuss aspects of development control, specifically urban design plans and guidelines, and the tools used to implement their policies in Canada, US, and UK. I characterize WRDP according to the extant literature on the design review process –henceforth “design review”, while describing the key challenges that such a process faces. Then I discuss how monitoring and evaluation can play a vital role in providing public transparency and accountability to design review. I provide definitions and examples of monitoring and evaluation in planning and how scholars and practitioners have applied these concepts to design review. I review suggested indicators for both formal and informal monitoring, and, in closing, explore the state of DRP evaluations in municipalities within Ontario.

2.2 Development Control

Cities and their urban designs are produced through a creative process of property development. There are three groups of people that take part in the development process, those that act as producers, consumers, and regulators (Madanipour, 2006; Tiesdell & Adams, 2011). The producers construct the built environment and include developers, designers and builders; the regulators work in the public sector and manage development, typically through planning; and, the consumers come to, and move through, the city for any number of personal or business reasons (Madanipour, 2006; Tiesdell & Adams, 2011). Typically, the users receive the bulk of the attention in the urban design literature while the supply-side actors are often overlooked (Madanipour, 2006). When the planners understand the roles and constraints faced by the producers, the development process can become more efficient (Madanipour, 2006; Tiesdell & Adams, 2011).

A major constraint for any development project is financing and developers seek to reduce the duration of a development project so as to reduce financial exposure and to maximize profits (Carmona, Tiesdell, Heath, & Oc, 2010; Madanipour, 2006; Tiesdell & Adams, 2011). These market forces often compromise the quality of the design (Madanipour, 2006); however, there are three reasons why developers may be influenced to act otherwise (Madanipour, 2006; Tiesdell & Adams, 2011). The first two reasons, as Tiesdell and Adams (2011) explain, are the enforcement of policy that can coerce developers into creating quality environments and financial calculations that demonstrate the added value of good quality design. The third alternative is that developers may feel a voluntary compulsion to create better places (Tiesdell & Adams, 2011). Planners thus face the contemporary challenge of working with developers through the use of public policy as a means to foster or, if need be, force actors to consider the implications of development beyond physical property lines (Tiesdell & Adams, 2011).

Along with site and market, regulation is one of the three means of guiding developers' decision-making (Tiesdell & Adams, 2011). Tiesdell and Adams (2011) note that throughout the development process, the developers and the designers compete for decision-making power and, as the regulation increases, the developers can relinquish some of their control to the designers who have the skills required "to unlock development potential" (Tiesdell & Adams, 2011, p. 9). Therefore, regulation can play a key role in enhancing the good quality of design if the designers seize the opportunity to leverage policy in their favour and respond with design solutions that prioritize the public good, rather than private interests (Tiesdell & Adams, 2011).

Development control through regulation has been a long-standing antagonistic factor in the relationship between development actors. According to Punter (2003a), who investigated development control in Canada, facilitation typically leads to better design outcomes; however it is not a simple option to pursue. He explains legal challenges may arise when guidelines that have been scrutinized and adopted by the public are relaxed to allow for more design flexibility.

Stakeholders tend to resist such flexibility as they prioritize equitable treatment for individuals over improved design outcomes (Punter, 2003a).

Planners working in the area of development control can negotiate with designers and developers to modify applications for development projects, since these requests may seem subjective planners can demonstrate the public interest that has been clearly documented in community plans (Dawson & Higgins, 2009; Punter, 2007). One method used by planners to document the public interest is visioning. Shipley and Utz (2012) describe visioning as a process of creating vision statements through public participation, a process that shares similarities with “collaborative planning and consensus-building formats” (p.28). The vision statement found in a plan is intended to communicate a desired future state (Madanipour, 2006; Punter, 2007). Vision statements offer stakeholders a degree of stability in a development process that is subject to unpredictable changes, however all too often vision statements can be vague and disconnected from the realities of physical development (Madanipour, 2006). To help clarify the intentions of vision statements, planners translate the content of plans into more specific guidelines that will be used to direct the shape of development and, in the case of Waterfront Toronto, into zoning by-laws (White, 2013). The next section discusses the quality of design guidelines, occasionally referred to as urban design plans.

2.2.1 Evaluation of Urban Design Plans and Guidelines

In Canada and the US, urban design plans have undergone a formal transformation over the past fifty years. In the 1950s and 1960s, comprehensive master plans that often focused on the city core and accompanying drawings were used to detail what form the city should take (Linovski & Loukaitou-Sideris, 2013). When urban renewal efforts that sought to implement these comprehensive plans by leveling whole city districts and rebuilding afresh met backlash, a new, less prescriptive approach was developed (Linovski & Loukaitou-Sideris, 2013). The new approach that emerged in the 1970s used guidance as the basis for development. Lists of goals and policies

stated the desired physical form for any given community, which could be applied on a city-wide scale (Linovski & Loukaitou-Sideris, 2013). Since that time, ongoing changes have resulted in a range of consistency in both the forms of urban design plans and in the ways they are evaluated. A review of scholars' empirical research reveals a sense of relative success while providing potential means of improvement (Dawson & Higgins, 2009; Gammage, 1994; Habe, 1989; Linovski & Loukaitou-Sideris, 2013; Southworth, 1989).

In Gammage's (1994) case study, the City of Phoenix used an innovative approach, where all the design policies were coded with a letter so designers clearly understood what was required (R), what needed to be considered (C), which principles were incentivized (I), and what was presumed (P) (Gammage, 1994). By way of example as an incentive, developers may qualify for bonuses if they choose to provide a large public open space in the centre of the development, or an easement that permits pedestrian activity. The "presumed" principles were used as a middle ground and though they were ostensibly required, if the designer was able to make an argument why the presumption should be omitted, then a planner could give the designer an exception (Gammage, 1994). An example of a presumed principle is: "A strong and relatively continuous building frontage should be provided along the public right-of-way. A minimum 30 percent of the lot frontage should include buildings at the setback line of each lot along the public right-of-way of all major streets" (as quoted in Gammage, 1994, p. 92).

In terms of format, scholars agree that text alone is insufficient for communicating the objectives of design guidelines: diagrams, images, and precedent cases should be combined to express the needs and expectations of the community undergoing the planning process (Delafons, 1994; Hack, 1994; Hodge & Gordon, 2014). In order to determine the effectiveness of urban design plans and design guidelines, and as a means of understanding their state as an apparatus of urban planning, a small number of studies have taken on the challenge of evaluating urban design plans and design guidelines (Linovski & Loukaitou-Sideris, 2013). For example, Southworth

(1989) examined 70 urban design plans collected from 40 cities in the US between the years 1972-1989 and surveyed 31 planners on their perception on plan impact. He analyzed the goals, sensitivity to the surrounding environment, analysis and methods used to produce plans, extent of public participation, implementation strategy, and their theoretical basis. Southworth (1989) found plans to be not well developed and provided the following five recommendations, which, in his opinion, urban design educators and practitioners should address

1. Practitioners must ground their work in urban design theory.
2. Increase objective methods of fieldwork to better understand needs, goals, and evaluation of alternatives.
3. Increase public participation in plan making.
4. Find an appropriate equilibrium between prescriptive and vague when defining goals.
5. Designers must recognize the inherent value of a place.

Published in the same year, Habe (1989) evaluated design review and the design guidelines as they were used in practice. Based on his survey of 147 planning divisions (in 66 municipalities in the US) as well as 58 planning documents, Habe evaluated the effectiveness of guidelines. Habe assessed the relationship between the stated goals and objectives, how well these were operationalized into specific design standards, and their means of implementation. Habe found a major gap between what the goals sought to control and how they were translated into standards to guide development. He also found that municipalities did not venture beyond the visible and tangible architectural aspects of design when providing design standards. Habe noted that only a quarter of municipalities in the study used public input when producing design policy or monitoring its implementation. Furthermore, Habe (1989) found planners had a range of opinions, some believed the more specific guidelines were the more predictable and efficient (speed of review, cost, and conformity) the process became, conversely others felt that

unclear guidelines added uncertainty to the process. The legal status of design control had an effect on its credibility since bestowing design control with legal status permitted reviewers to be forceful and deny low quality applications (Habe, 1989).

In a more recent study, Linovski and Loukaitou-Sideris (2013) replicated, Southworth's (1989) methodology and expanded the scope to include Canadian municipalities by analyzing the urban design plans of 21 North American cities. The authors found theory and practice had become increasingly divided (Linovski & Loukaitou-Sideris, 2013). With only a few exceptions, the authors identified that the plans generally lacked a theoretical underpinning, used inappropriate methods of analysis, and made no mention of public participation. Linovski and Loukaitou-Sideris (2013) explained that these findings were evidence of plans and guidelines that were arbitrary and unjustified, not only in how they formulated standards, but also in terms of the schemes by which they were fulfilled and how they would eventually serve the end user. Linovski and Loukaitou-Sideris (2013) attributed much of the shortcomings of these plans to poor connections between the education and scholarship of urban designers. Although it is unclear who the actual authors of the plans were, this judgment may have been unsubstantiated. Since Linovski and Loukaitou-Sideris (2013) did not include an analysis of the plan makers, an alternative and equally plausible explanation for the poor state of the urban design plans studied may be attributed to the fact that instead of urban designers, these were created by planners who might lack the appropriate skills in urban design theory and practice (Punter, 2007; Scheer, 1994). Linovski and Loukaitou-Sideris (2013) also reveal that, consistently, the contents of urban design plans, guidelines, and regulations have been preoccupied with controlling the architectural elements of the built environment. Since the production of these plans has lacked public participation their content lacks justification of a public interest (Linovski & Loukaitou-Sideris, 2013). Without justification, the control these policies try to assert can seem unsubstantiated and the guidelines easily dismissed by development actors resistant to regulations. For instance, Dawson and Higgins (2009) found in their survey of 27

Edinburgh designers and developers that, “policy advice alone does not guarantee good design and ... policy guidance is not widely recognized or understood” (p.111). Although scholars agree it is imperative that operators of development control periodically review urban design plans and guidelines to update these documents with advice provided by local planning authorities (Dawson & Higgins, 2009; Punter, 2007), it is unclear how, when, and by whom such improvements should be implemented. None of the authors’ studies mention monitoring and evaluation as criteria for assessing the implementation of urban design plans. This is consistent with Seasons (2003) assertion that monitoring and evaluation are typically neglected during the planning process. Hence it is the aspiration of this thesis to contribute to this process by emphasizing monitoring and evaluation. Given the tenuous nature of plans and guidelines, design guidance planners may choose to work with a range of implementation tools, both to induce change and ensure quality, effectiveness and transparency in the process.

2.2.2 Implementation Tools

Delafons (1994) identifies six types of design review implementation tools and their respective challenges, the descriptions are based on the US and British planning systems, but are all also applicable to Canada. The six types of control include (Delafons, 1994, pp. 14-15):

- “the regulatory mode,
- the stylistic imperative,
- the proprietorial injunction,
- the authoritative intervention,
- the competitive alternative, and
- the design guidelines”.

The regulatory mode is the most conventional in Canada and the US, whereby zoning is used to control elements of the built environment (Delafons, 1994; Kumar, 2002). The main constraint of zoning is that it does little to influence the quality of

design beyond controlling the land uses and the building envelope (Delafons, 1994). The stylistic imperative is used to ensure consistency of architectural styles between new and old development and its challenge is to avoid becoming overly prescriptive (Delafons, 1994). With proprietorial injunction, a landowner offers the opportunity to developers to build on their land as long as a set of highly prescribed criteria is followed (Delafons, 1994). However, when the landowner decides to sell the land, speculators in the building sector may choose to deviate from the prescribed criteria and build low quality designs, in which case it is difficult to then hold them to account (Delafons, 1994). For authoritative intervention, a municipality may choose to mobilize a DRP (Delafons, 1994). The primary challenge for a DRP lies in establishing formal procedures and evaluation criteria for the participants (Hack, 1994). The competitive alternative, common in parts of Europe and the US, uses a juried design competition to procure contracts for public projects. This strategy is excellent for increasing competition among architectural firms of all sizes and has potential to engage the public (Delafons, 1994). However, competitions can be costly to emerging designers and their proposals are often glitzy and pay little regard to feasibility, whereas larger firms “tend to suffer from competition fatigue” (Delafons, 1994, p. 16). Delafons’ (1994) final tool, design guidelines, is a supplement to conventional zoning protocols and are intended to be more telling of the direction development should follow. This typology demonstrates the diversity of options municipalities have for implementing design policies. Accommodating local context is critical to successful outcomes; blindly copying elements of what has worked in other communities will not guarantee positive results (Hodge & Gordon, 2014) and would be a deviation from contextual analysis called for in best practices of design review (Punter, 2007). These tools are not mutually exclusive and, in fact, a number of them can work in a complementary fashion to help control and improve design quality while implementing design plans and guidelines.

In 2002, Kumar conducted a study to better understand both the range of design regulations used in Canada and what those regulations sought to control. Kumar

surveyed 62 municipalities with populations over 25 000 and found that the primary mechanisms used to control development were “zoning, municipal official plans, historic preservation plans guidelines, landscape design, urban design plans and policies, urban design guidelines,” and, to a lesser extent, “design review boards” (Kumar, 2002, p. 245). The relatively small number of cities using design review panels at the time of Kumar’s study may be partly attributed to differing provincial planning law, which had prohibited the use of such discretionary controls.

Since that time, changes in the site planning regulations have granted Ontario municipalities the option to employ such measures. A consequence of these new powers has been an increased use of DRPs (City of Toronto, 2009a). Design review panels, design review boards and architectural review boards are all terms that describe similar planning implementation tools. A common definition used throughout the design review literature is one provided by Scheer (1994) that defines design review panels as an independent body comprised of industry experts who provide advice to development actors regarding the quality of their development proposals. These panels are often advisory in nature (Delafons, 1994) rendering their recommendations optional rather than mandatory. There are panels operating in a number of Ontario cities, including three in Toronto as well as one each for the cities of Ottawa, Mississauga, and Niagara Falls (City of Toronto, 2009a). Waterfront Toronto has taken a proactive approach to ensuring design quality as it has developed and deployed all except one of Delafons’ (1994) typologies, the stylistic imperative (see Waterfront Toronto, 2005b, 2006, 2008b; White, 2013).

In White’s (2013) case study of Toronto’s waterfront revitalization efforts, he attributed much of the success at improving the quality of design to a unique development context. According to White, since Waterfront Toronto owns most of the land that is being redeveloped it is able to use legal contracts that demand applicants to comply with existing planning provisions and to participate in the design review process. Within this context, WDRP, which has real authority in terms

of design control, affords an opportunity to assess a reputable DRP as an implementation tool and identify strategies for increasing transparency.

2.2.3 Brief History of Design Review Panels

The origin of design review boards emerged at the turn of the 20th century in the Netherlands (Punter, 2003a). There, a law stipulated that panel members must be design experts in their respective fields and the panel must operate independently of the local planning authority (Punter, 2003a). Soon after Belgium and Germany followed with similar models. Punter (2003a) describes how in the UK an informal approach was taken, where commentary is offered as guidance and has no legal standing. He goes on to explain that in the US design review emerged in the 1970s in select city areas and by the 1990s their use proliferated and became citywide. White (2013) noted that at the time of WDPR’s establishment the implementation tool was still new in Canada, with only panels in Vancouver, Niagara Falls, and Ottawa. Two years after WDRP’s inception the City of Toronto launched its own DRP but made sure not to overlap jurisdictions (City of Toronto, 2009a).

Event	Date
Netherlands begin using independent aesthetic control	1908 1931 National Federation
England – Royal Fine Art Commission Commission of Arch and Built Environment	1924 1999 National Federation
United States in Historic Districts Spread to become city wide	1970s 1990s
Vancouver - Architectural Advisory Panel Reformed Panel becomes advisory to Council	1956 1973
Ottawa, Niagara Falls	2000s
Waterfront Toronto	2005
City of Toronto	2007

Table 2.1 Brief History of Design Review Panels

2.2.4 Approaches to Design Review

Generally, design review is organized into three kinds of systems, administrative, discretionary, and overlaid (Punter, 2007). Punter (2007) classifies the systems as follows: administrative systems, most common in Canada and the United States, use zoning to regulate the built environment; discretionary systems, associated with the United Kingdom, guide development by the precedence set by previous development in a community; and, overlaid systems that combine discretionary and administrative systems to provide some degree of certainty while remaining open to negotiation. In each system planners work with development actors on a case-by-case basis to make decisions regarding built form. Punter (2007) notes a growing international trend toward overlaid systems. According to Waterfront Toronto (2008b), the WDRP conforms to the overlaid model.

Even though there is a general convergence of design review toward overlaid systems, various types still exist with differences that stem from the manner in which the design review processes are carried out (Punter, 2003a). More recently, Carmona et al. (2010) define two primary types of design review, namely “integrated” and “separated” (Carmona et al., 2010, p. 322). In both instances a DRP, advisory in nature, is the primary actor. In an integrated system, the DRP operates in conjunction with other planning processes and provides advice to planning officials on development proposals. Carmona et al. (2010) note that in this approach, design intentions are often compromised to accommodate broader planning concerns, such as economic growth. According to Carmona et al. (2010), in a separated system, a DRP functions in isolation from all other planning processes and arrives at a decision independent of planning officials. They also note that although design issues are thoroughly addressed, the biggest weakness of this approach is the lack of consideration given to the broader planning context. Indeed, WDRP conforms to the separated system as the panel is stated to be advisory to Waterfront Toronto and operates independently and in isolation from the City of Toronto’s site approval and permitting process (Waterfront Toronto, 2008b).

Although the design review literature is helpful in categorizing the general characteristics of WDRP, there is no standard model that dictates the role, function, or procedures of DRPs. Instead, these important details are determined on a case-by-case basis and are subject to change. For instance, variations in panel membership, between design experts and community members, have contributed to the range of success and failure of design review panels, as documented in case studies (Hack, 1994; Punter, 2003b).

2.2.5 Challenges of Design Review

Design review has been widely adopted in the US and UK. It can be administered by a range of actors, all with varying levels of design and development knowledge. The actors include planners, with and without design backgrounds, and members, both lay and expert, of design review panels. Research into the experience of development actors has revealed a number of key criticisms and challenges.

Scheer's (1994) study of 370 municipalities in the US found the primary criticisms of design review to often be vague; the process was time consuming; those administering design review lacked design skills; and, too often, the focus was on architecture rather than urban design. Much of the criticism that design review has faced relates to the planners' lack of design skills (Scheer, 1994). According to Punter (2007) there is a relationship between discretionary decision-making and expertise; he explains that it is advisable to increase the level of expertise in tandem with increasing levels discretionary decision-making. Accordingly Waterfront Toronto has made an effort to invest in design skills by composing its design review panel of thirteen experts: six architects, four landscape architects, two planners, and one engineer (Waterfront Toronto, 2008b). However, little is known about the reception of the panel's advice, particularly if advice is clear, consistent, and justified.

Waterfront Toronto is a joint venture of three levels of government, municipal, provincial and federal, and as such its actions, decisions and expenses are of interest to the public, who are both its users and a source of funding. In this context,

WDRP must not only serve to control the quality of design but also to ensure that the public's interests are taken into consideration, part of this entails monitoring and evaluation procedures to ensure the design review process is efficient, effective, transparent and equitable.

2.3 Monitoring, Evaluation & Indicators

Monitoring and evaluation can serve a number of purposes, such as providing the public with measures of accountability for government spending of public resources and the outcomes of government initiatives, as well as improving decision-making. The relentless pressure for accountability and transparency of public sector activities is evidenced in a number of recent newspaper articles that have reported on politicians' scrutiny of Waterfront Toronto's planning and design decision-making, regardless of a favourable external evaluation by central government (Hume, 2014). Planners can provide clarity and assurance of the degree and direction of a policy's influence by demonstrating causal links between actions and outcomes (Seasons, 2003). Although, monitoring and evaluation can be threatening to organizational members, specifically to those who might be fearful of reporting negative findings (Wildavsky, 1972).

There is a case for a more aspirational form of monitoring and evaluation that transcends an obligatory and reactionary role and is instead embedded in an organizational culture that strives, on an ongoing basis, to utilize information to improve operations and results (Torres & Preskill, 2001). This strategy requires a long-term commitment, "which calls for learning incrementally and iteratively over time" (Torres & Preskill, 2001, p. 388). For instance, Vancouver's Urban Design Panel (VUDP) is one such example that has included process and outcome evaluations that have help its design review program evolve over a long period of time (Punter, 2003a).

Between them, the monitoring and evaluation of plans, design guidelines and design review all share the purpose of providing insights that can help key actors

make more informed decisions and provide feedback on the focus and direction of initiatives. In the following sub-section, I will focus on the monitoring and evaluation of the implementation of design policies.

2.3.1 Monitoring

Monitoring is the routine activity of tracking changes that occur in a community over a period of time by analyzing indicators, which can include both quantitative and qualitative data (Hoernig & Seasons, 2004; Morrison & Pearce, 2000). Organizations charged with implementing design policy can use a variety of monitoring strategies to assess the efficiency and effectiveness of their efforts and the results can be used to help refine plans and guidelines (Carmona et al., 2010). Seasons (2009) defines a number of monitoring types, of which the most relevant to design review are process and outcome monitoring. Process monitoring can assist in checking if an initiative is being delivered as intended. Outcome monitoring can aid in ascertaining if an initiative has produced the results of predetermined goals and objectives (Seasons, 2009).

Hoernig and Seasons (2004) explain that internal stakeholders, such as municipal planning departments, and external stakeholders, such as development actors and citizen groups alike can undertake monitoring. Carmona et al. (2010) and Punter (1999) take a normative stance and state that monitoring of design policy should include all relevant stakeholders, namely, system users, politicians, and the public. Punter (2007) notes that many municipalities have at some stage explored monitoring strategies as a way to improve productivity and streamline their design review process.

2.3.2 Evaluation

Seasons (2009) describes two primary evaluation types as formative and summative. He explains that formative evaluation is usually conducted by the organization administering the plan and the results are used to refine the delivery of the program (Seasons, 2009). Summative evaluations are typically carried out by an

independent body once the plan has been fully implemented to show if the results have met the desired goals and objectives that have been stated in the plan (Seasons, 2009). Similarly, when addressing the evaluation of design initiatives, Carmona et al. (2010) state that planners should determine the effectiveness of the implementation efforts at meeting the predetermined objectives.

There are two approaches to planning evaluation, namely: conformance and performance (Alexander, 2009). Alexander (2009) explains the conformance-based approach as a means of assessing the extent to which the built form adheres to what was laid out in the plan. He notes that examples of this type of evaluation are uncommon but can be seen in work such as Talen's (Talen, 1996) who argues for a quantitative approach that uses extensive computer modeling to determine the success of plans. Talen, by her own admission, questions the feasibility of such an evaluative approach in the planning practice and relegates its use to academic research. Alternatively, Alexander (2009) describes the performance-based approach as one that regards plans as guidance documents rather than schematics for development. Therefore, a plan's assessment is based on the frequency of its use and how it informs the decision-making process.

Although a reference to the conformance approach does not appear directly in the design review literature, the performance approach has been used on at least one occasion. For some time, Punter (1999) has endorsed a performance approach to evaluate design policy, as he opines it is a more meaningful means of assessing impacts of the built environment. Though Punter does admit performance of design policy is difficult to measure it is a trade-off that can lead to less prescriptive policy that encourages more creative and innovative design solutions. Conversely highly prescriptive standards, which better suit a conformance approach, can lead to repetitive and monotonous built environments (Punter, 1999). By extension, the evaluation of design review panels also fits best with a performance model, as Hack (1994) notes, "when discretionary review boards are created, there is an implicit assumption that something more than policing is required" (p.77). The formidable

challenge thereafter is demonstrating the effectiveness of the panel's deliberations and advice.

According to Morrison and Pearce (2000), to be effective, land-use planning (which is equally applicable to the effectiveness assessments of design review panels) should demonstrate "additionality" (p.197), i.e. how the policy alone induced change, and the "counterfactual", i.e. what results would have been expected should the policy have been absent (Morrison & Pearce, 2000, p. 197). In 1999, Punter noted that these types of assessments are particularly difficult to make as monitoring seldom occurs and stakeholders' perceptions are acutely split. According to a more recent article, some attempts at monitoring effectiveness in the UK have begun by measuring system users' use of design review advice (Punter, 2011). With varying levels of adoption of advice, Punter (2011) attributes effectiveness to the developer's willingness to receive design advice and the skills of their design team. He also notes that local design review panels can be "particularly effective," but they alone are not enough to secure high design quality (Punter, 2011, p. 198). Therefore, local planning authorities must demonstrate a dedication to design quality by facilitating development with skilled staff that follow best practices and actively work on engaging with the public to increase knowledge of, and participation in, the pursuit of design quality (Punter, 2011).

Academic evaluations of design review panels have shown that the process is fragile and susceptible to litigation (Hack, 1994; Punter, 2003b; White, 2013). Since there is no standardized design review program, and only recently has there been an effort to establish a set of best practices (CABE, 2013; Punter, 2007), municipalities are left to develop their processes through monitoring and evaluation over time.

By way of example, according to White (2013), Waterfront Toronto recognized how a lack of formal procedures resulted in an argumentative and frustrating review process; this shortfall was addressed with a set of new procedures in hopes to improve the review process. This internally motivated refinement of

WDRPs is characteristic of a formative evaluation or process monitoring. However, it is unknown if this was a one-time evaluation or if it had led to the adoption of any formal process monitoring or evaluation of WDRP.

2.3.3 Indicators

Morrison and Pearce (2000) define indicators as “a way of organizing information that can help to measure and track the status and progress of a complex system by breaking it down into its different elements” (p.193) Either quantitative or qualitative data can be used to identify “trends or patterns” (Seasons, 2003, p. 430). In the context of development control, the use of performance indicators in the US and the UK are a means to measure and compare the efficiency of municipal planning efforts (Carmona et al., 2010). These indicators are typically quantitative and focus on the efficiency of the permit-granting process, for example, the number of applications received, the number of appeals won, and the turnover rate of development permit applications (Carmona et al., 2010). These indicators can be enhanced by qualitative indicators that more clearly demonstrate the causal links between design guidance and the resulting quality of the built form (Carmona et al., 2010; Punter, 2007).

Scholars and practitioners in the UK champion the evidence-based approach to monitoring design ambitions by the City of Westminster, which conducts audits of its approval system. They ensure that results on the ground comply with plans and design quality improves as a function of the planning department’s negotiation and advice (CABE, 2000; Dawson & Higgins, 2009; Punter, 2007). These audits attempt a more rounded approach where qualitative indicators are used to assess the process and outcomes. CABE (2000) suggests the following list of indicators:

- key concerns identified in development applications,
- demonstration of how implementation tools worked on an individual project level,
- compliance of built forms with plans, and,

- changes to design in accordance with design review advice.

Seasons (2003) notes, evaluation results need to consider their audience. CABE (2000) also suggests the following list of additional indicators that are better suited for communicating with non-specialists:

- site visits by planners and politicians,
- workshops conducted with the organization,
- design review panel commentary,
- awards received,
- perceptions of real estate professionals regarding commercial leasing feasibility, and
- perceptions of local residents and citizen groups.

Most recently, Paterson (2011) conducted extensive interviews in the UK with 33 stakeholders on their experience with regional DRPs. She found that all participants agreed that “formal monitoring of Design Review impact is needed, with some suggesting that this might be done through planning officer case reports and/or annual reviews of a sample of cases” (Paterson, 2011, p. 101).

2.3.4 Limited Monitoring and Evaluation

Unfortunately, even with an ever-increasing body of knowledge on monitoring and evaluation, and an increased understanding on the part of planners and urban designers of the value such activities, it has confounded scholars why formal monitoring of design review seldom occurs in practice. Design review scholars note that monitoring and evaluation is grossly underdeveloped, and particular attention must be given to monitoring of policy, process and outcomes (Dawson & Higgins, 2009; Punter, 1999, 2007). In conjunction with evaluation, this will make available the “evidence base to demonstrate the value of design intervention through the planning system and feedback into the formulation of design policies” (Dawson & Higgins, 2009, p. 107). Punter (2007) attributes the lack of monitoring to the

complexity of the work, staffing skills, and prioritization of processing incoming applications over monitoring past experiences.

Successful monitoring, evaluation and selection of indicators are highly contextual and require careful consideration in their design and development as it is unlikely to find a “universal solution” (Hoernig & Seasons, 2004, p. 81). In addition to these conceptual challenges, Seasons (2003) identified six key factors that impeded Ontario municipal planning departments in monitoring and evaluation. These included human and financial resource allocation constraints, dominance of quantitative methods, suitable use of indicators, weak causal connections between intentions and outcomes, susceptibility to political influence, and the attitudes of individuals working within the department.

Yet, not all hope is lost as there are some documented examples of design review monitoring in the UK and Canada. For example, CABA (2009b) surveyed 345 local English planning authorities to assess the proliferation and kinds of panels in use, as well as their outputs and ultimate outcomes. CABA (2009b) found a total of 81 panels of which 88 percent of planning authorities had access. Of the 81 panels, 49 percent of respondents carry out performance based evaluations. Of these, 59 percent of respondents claimed a panel administrator carried out evaluations internally, 21 percent were conducted by the planning body receiving panel advice and only 19 percent used external evaluations (CABA, 2009b). Typically, panel evaluations occurred at one-year intervals (CABA, 2009b). It is unclear if the external evaluations were outsourced in order to be independent in nature, as opinions about design review tended to be split between those who support and those who oppose the process, or if the organizations were incapable of performing internal evaluations. The perceptions of respondents who did not evaluate their panels were also split, a small majority agreed that evaluation was needed, whereas the remainder did not recognize the value of such work (CABA, 2009b).

The survey also reported the indicators used to evaluate the effectiveness of design review panels included: “number and type of schemes reviewed, quality of

scheme outcomes/impact of the panel comments, quality and clarity of minutes and reports, user satisfaction, panel conduct” (CABE, 2009b, p. 30). These output indicators present only a limited and indirect assessment of the ultimate impact of design review panels and this approach to monitoring and evaluation can be explained by the common challenge planning departments face in the cost and availability of assessment data (Hoernig & Seasons, 2004; Morrison & Pearce, 2000; Seasons, 2003).

In Canada, VUDP has been recognized as a progressive example of design review (Punter, 2007) and as such became the basis for WDRP (White, 2013). Vancouver’s planning department has monitored both processes and outcomes, including an appraisal of public opinion with regard to perceived design improvements (Punter, 2003b). Vancouver’s panel has used evaluation on at least six occasions over the past thirty years to make reforms to its review process (Punter, 2003b, 2007). Despite Vancouver’s success, supply-side development actors continue to question the validity of design review (Punter, 2007). In the case of Waterfront Toronto, a preliminary scan of WDRP meeting minutes shows evidence of a performance measurement system being developed, however it is not clear if this has ever been implemented or how it might have evolved over time (Waterfront Toronto, 2008c).

2.3.5 Alternatives to Formal Monitoring

Given this underdeveloped state of monitoring and evaluation in design review, scholars note that any monitoring is better than none at all and have encouraged informal monitoring activities (Carmona et al., 2010; Punter, 2007). In 1999, Punter recommended members of the public, developers and designers meet to talk about “strengths and weaknesses, achievements and failings of control and to consider appropriate changes in the control regimes in the light of past experience and forthcoming challenges” (Punter, 1999, p. 95). Eight years later, Punter (2007) updated his suggestion to include a broader array of stakeholders, namely, the

public, developers, designers, politicians, and planners. He imagines open meetings and site visits where actors can “exchange views” as a means to diffuse potential tensions between tastes of professionals and non-professionals (Punter, 2007, p. 194). Carmona et al. (2010) support informal monitoring that is embedded directly into the daily work routine. They put forward simple options that can be easily adopted as a means to improve policy, operations and decision-making, for instance, looking for examples of precedent in other communities, discussing issues informally with coworkers, and collecting personal reflections.

In Edinburgh, Dawson and Higgins (2009) found an amalgam of these informal monitoring strategies, where a forum was created that brought together a broad range of city staff involved in design review. The purpose of the forum was to increase “consistency of design comment across the department, advice to case officers to negotiate for improved design quality, and feedback to the policy team” (Dawson & Higgins, 2009, p. 108). The authors survey of 27 system users found most users were aware of the forum and reported that it, along with other initiatives, helped to improve design quality. However, the survey findings also showed inconsistency of advice, late involvement of senior staff, and over-prescriptive advice, all of which were dissatisfactions that undermined the design review process. Scholars’ tend to regard communication among various stakeholders as a critical component to the stability of the design review process.

2.3.6 Evaluations of DRP in Practice

Madsen (1983) notes it is common practice for evaluations to cite the works that either come from the most well-known authors or that are meticulous in theoretical or methodological terms. Yet, he goes on to state, there is substantial knowledge that can be gleaned from evaluations that are not as highly regarded as those published in top tier scholarly journals. To this end, and in keeping with the practice-oriented focus of this master’s thesis, I include a brief review of three Ontario municipal planning department reports of recent DRP evaluations. Each of

the three evaluations, by city planning staff, in Ottawa, Toronto, and Vaughan were initiated to assess the outcomes of their DRP pilot programs. Each report provides recommendations to its respective city councils for adopting the DRP on a permanent basis as part of the site plan approval process (City of Ottawa, 2010; City of Toronto, 2009a; City of Vaughan, 2014). The evaluations documented the number of projects reviewed during the respective pilot phase of DRP implementation. In Ottawa, between 2005-09, the panel reviewed 32 projects (City of Ottawa, 2010). In Toronto, the panel reviewed 43 projects between 2007-09 and found 40% of projects required major design revisions (City of Toronto, 2009a). In Vaughan, between 2011-13, the panel reviewed 42 projects and found 55% of projects needed significant redesign.

The Toronto report stated that these numbers represents a “strong message” (City of Toronto, 2009a, p. 4), and in Vaughan a “clear message” (City of Vaughan, 2014, p. 5), being sent to development actors regarding the level of importance design matters have taken within the respective cities. This adversarial language is surprising, especially since tremendous effort was put into gathering stakeholder perceptions and feedback through surveys and consultations. There is potential for a shift in style to a more facilitative approach, at least in Toronto and Vaughan, as both reported that stakeholders requested improved channels of communication among development actors (City of Toronto, 2009a; City of Vaughan, 2014).

According to the reports on these DRP evaluations the following is a list of key factors critical for continued success. These factors are consistent across all three evaluations: 1) early consultation in the design process, 2) expansion of the threshold of projects that are to be reviewed, and, 3) continued monitoring of the DRP process through consultations with stakeholders (not mentioned in Ottawa) (City of Ottawa, 2010; City of Toronto, 2009a; City of Vaughan, 2014). These evaluations demonstrate a growing interest and adoption of DRPs in Ontario and the need to continually monitor their operations. These evaluations are difficult to categorize within the general formative and summative evaluation categories. Since

all three of the municipal DRP evaluations came at the end of the pilot project term, they would typically be categorized as summative. All three provided descriptions of the strengths and weaknesses of the DRP processes, with particular attention given to the ability of the DRP to support Official Plans and higher-level provincial policies. Furthermore all three evaluations provided conditional support for permanent implementation of their respective DRPs as long as council supported procedural and threshold recommendations. Evaluations that focus on process and procedural refinement are typically indicative of formative evaluations (Seasons, 2009). Therefore, it stands to reason that an assessment of WDRP might lead to an opportunity to make process improvements.

2.3.7 Summary

To conclude this chapter, I provide some reflections on the literature I reviewed to help define my research program. Evaluations of plan quality have shown that urban design plans and guidelines often fail to provide clear and justified policy guidance, this implies a weak foundation for implementation tools such as design review. This may undermine the intentions of DRPs because the advice may appear to be based on personal opinion rather than on the public interest, as channeled through the deliberations and comments of panel members. A comparison between panel advice and the contents of plans and guidelines will provide a better understanding of the panel's alignment with predetermined vision statements and design principles.

Case studies of design review panels have shown mixed results, the process has been effective in communities like Vancouver and Germantown, where a commitment to design quality has evolved over many years; however in both cases, the entire design review program was jeopardized by developers' unwillingness to comply with panel member advice. It is troubling to consider that a single developer has the capacity to derail a DRP.

In Ontario the changes to legal parameters that permit the formation of advisory DRPs suggests a cautious increase in concern over the quality of

developments. This is further supported by the preference of Ontario municipalities to use DRPs comprised of expert members. It seems that DRPs have an implicit give and take relationship where panel members must recognize the constraints development actors face and, conversely, applicants must take the time to meaningfully consider DRP advice. This informal relationship may be sufficient for development actors, however political and public demand for transparency and accountability requires a more substantial commitment.

Although WDRP is based on VUDP (White, 2013) following the format alone surely will not guarantee positive results, as such logic would suggest that design review panels could be standardized. Since Waterfront Toronto is a public corporation with limited funding, it may not have the same luxury of time that a municipality such as Vancouver has to develop its design ethos. Decision-makers in Toronto may choose to build support for design review through other means, such as monitoring and evaluation.

As mentioned earlier, monitoring and evaluation can be used to address these concerns by demonstrating the role and impacts of DRPs. As White (2013) notes in his case study of Toronto's waterfront, it is still too early to assess the outcomes and impacts of Toronto's redevelopment effort on the ground, for instance most of the West Don Lands area is still under construction, which I confirmed through direct observations during an hour-long site visit on July 31, 2014. Nonetheless, this research will build on White's (2013) case study of Toronto's waterfront redevelopment, which overlooked the organization's monitoring and evaluation practices. However, given the general under- or undeveloped monitoring and evaluation practices of design review, exploration for informal monitoring techniques is warranted.

Moving forward my inquiry into WDRP's procedures and advice, and the state of monitoring and evaluation will be guided by my overarching research question: How can WDRP advice become more transparent? The results of this research

project will help scholars, practitioners, and the public to better understand the city's design ambitions by exploring how they could become more transparent.

Chapter 3 Theoretical Framework

3.1 Introduction

In this section I discuss and coalesce the principles of the only two published evaluative frameworks of design review (Dawson & Higgins, 2009; Punter, 2007). I provide a theoretical framework for developing substantive key concerns for WDRP by assessing its procedures, advice, and monitoring practices. Dawson and Higgins' (2009) principles are particularly informative for this study as the focus of the principles are geared towards formative assessment to improve design review whereas Punter's (2007) principles are more inclined to provide summative assessment of design review programs.

By far it seems that John Punter is the leading expert on design review given his prolific writings on the matter over the span of 20 years, including a comprehensive evaluation of the design review program in Vancouver (Punter, 2002, 2003a, 2003b). Punter's work on VUDP is the only published in-depth study of any urban design policy in Canada to date (Kumar, 2002). Originally Punter's research on Vancouver, which was funded by the Canadian High Commission in London, called for a comparative case study of Vancouver's and Toronto's urban design programs, however, in 2000 Punter decided to focus exclusively on Vancouver (Punter, 2003b).

Punter's major contribution to the field of urban design policy and development control is a theoretical framework for assessing design review for use by academics and practitioners when evaluating, refining, and implementing design review programs (Punter, 2007). In 2002, Punter first developed twelve principles to address the long standing critiques of American and international design review programs. The critiques cover a broad range of "endemic problems" that limit efficiency of the process, effectiveness on improving design quality, and equity for development actors using design review systems (Scheer, 1994, p. 4). In Punter's (2007) article, *Developing Urban Design as Public Policy: Best Practice Principles*

for Design Review and Development Management, he refines and formalizes the twelve principles of best practice with references to specific criticism leveled at drawbacks of design review. He organizes the twelve principles into four categories. They are “community vision,” “design, planning and zoning,” “broad, substantive design principles,” and “due process” (Punter, 2007, p. 171). Punter’s ‘community vision’ principles (#1, 2) call for public and private sector interests to be combined into an urban design plan that is regularly reviewed. His ‘design, planning and zoning’ principles (#3, 4, 5) suggest looking beyond zoning as a design control mechanism and encourages negotiation with developers to make financial contributions for community infrastructure or design enhancements that benefit a wide range residents, particularly those in need of affordable housing. Punter’s ‘broad, substantive design principles’ principles (#6, 7, 8) encourage design review to move past architectural concerns into urban design issues and consider not only the spaces between buildings but also how people come to and move through an area and the characteristics of the place. Punter’s ‘due process’ principles (#9, 10, 11, 12) are intended to make design review amenable to potentially resistant developers by making the process formal, credible, and predictable. Punter’s twelve principles provide a robust framework for evaluating the entirety of design review programs, which goes well beyond the scope of this master’s thesis and therefore I only utilize the principles that pertain to improving the transparency of existing design review processes, namely principles 2, 7, and 10 (Punter, 2007).

A recent study by Dawson and Higgins (2009) of Edinburgh’s design review system provides an alternative perspective for design review evaluation. Similar to Punter (2007), the authors create a framework of six principles, based on the design review literature (Dawson & Higgins, 2009). The six principles include “involvement of key stakeholders,” “inhibiting factors for design quality and design review,” “need for explicit criteria,” “skills and expertise,” “strong civic leadership,” and “monitoring and feedback” (Dawson & Higgins, 2009, pp. 104-106). The first principle promotes inclusion of development actors and the public in the design review process. The

second principle suggests design reviewers face a formidable challenge overcoming developers' apparent lack of willingness to consider aspects of proposals that transcend monetary gain. The third principle proposes a flexible approach to development applications that includes both documented policy and some discretionary mechanism to respond to the nuances of development proposals. The fourth principle asserts a major component to successful design review is having high quality advice, which is achieved by ensuring reviewers are either trained or qualified to comment on design issues. The fifth principle notes the benefit of having planners and politicians agree on the potential positive influence high design quality can have on outcomes in the built environment. The sixth principle states the need for monitoring and evaluation of design policy interventions. These are suggested to occur on an annual basis and demonstrate the impact of reviewer advice, these evaluations can be used to improve existing policies as well as educate the public and professionals on the role of planning practice.

3.2 Principles for Developing Substantive Key Concerns

Punter (2007) and Dawson and Higgins' (2009) principles, described above, shared commonalities that have served as the theoretical basis of this research project. I coalesced the six most relevant principles with respect to design review transparency into three principles, which I discuss below. These three principles are used for developing WDRP's key concerns, which provides a vantage point from which to assess the transparency of WDRP advice. I first state the theoretical principle, and then discuss the two principles from which it is derived below. The framework is presented in a diagrammatic format in Table 3.1 below.

3.2.1 Describe the review procedures of the WDRP

Punter (2007) explains in principle #10 the need to manage discretion with procedures, well-documented decisions, and an opportunity to appeal decisions. Punter (2007) recommends that the cumulative written record holds the potential to become the 'common law' and function as a collective knowledge base, which could

help future proponents prepare their respective proposals. Dawson and Higgins (2009) state in principle #3 that guidance on design issues can be offered, but an iterative design process is needed to test design solutions. Together these principles place an importance on the actual process that governs design review. To properly respect the community and administrative body that established the design review program it is important for the researcher to take the time to become familiar first hand with the actual process to see how it is carried out in practice. This can help avoid making recommendations that may have already been addressed informally and have not been updated in formal policy documents.

3.2.2 Describe the clarity, consistency, and justification of the panel's advice

Punter (2007) explains in principle #7 that design review commentary should be clear and precise to let development actors know what is a requirement and what is a suggestion. Dawson and Higgins (2009) state in principle #4 that policy documents are not enough to secure good design, and the experience and advice of reviewers is an essential factor that contributes to development proposal improvements. Together these principles place significance on the advice provided to development actors. The discretionary nature of design review puts it at risk of prolonging the development control process and causing undue resistance and resentment from development actors to comply (Scheer, 1994). According to Punter (2007) the purpose of design review is not just a forum to criticize proposals, rather it is to provide constructive criticism with the ultimate objective of increasing design quality that is in the public interest. Therefore describing the clarity, consistency, and justification WDRP advice provides a frame of reference for the scope and reception of panel advice.

3.2.3 Describe how Waterfront Toronto monitors its design review panel

Punter (2007) explains in principle #2 that an urban design plan should be created with stakeholder support and the plan be periodically reviewed. Dawson and Higgins (2009) state in principle #6 the need to monitor the impact of design review to

demonstrate how policy interventions has improved the development proposals. Together these principles explain how design review can serve two functions, it can be used to monitor the implementation of urban design plans, or design review can provide advice to proponents on elements of their proposals that should be reconsidered, as a result much of the affect of design review is unseen and is process rather than outcome oriented (Dawson & Higgins, 2009; Punter, 2007). Although the monitoring and evaluation of design review programs constitute a component in urban development, they nevertheless remain underdeveloped due to the complex and time intensive nature of design review evaluation (Punter, 1999, 2007) It is typical for planning departments to lack the staff, time and skills to perform such work (Punter, 2007). If any future program assessment is to occur it is important to design the methods to be simple and efficient to carry out. Dawson and Higgins (2009) call for feedback to help improve the design review process and Punter (2007) suggests forums as a subordinate alternative to formal monitoring, where stakeholders gather to discuss their perceptions and offer suggestions for improvement. Therefore, a description of current WDRP monitoring practice can provide a baseline for which a monitoring system can be established or enhanced.

To summarize, I have taken the theoretical principles from both Punter (2007) and Dawson and Higgins (2009) and have identified the principles that most closely relate to the issue of transparency, so my contribution is a theoretical framework to develop a set of substantive key concerns based on the advice of WDRP that can be used to study the issue of transparency of WDRP. The purpose of the principles is to describe the WDRP in detail so development actors may better understand the procedures, advice and monitoring of the panel. The intended impact of this research is to provide actors with a more transparent planning process that ultimately better serves all those involved in design review at Waterfront Toronto.

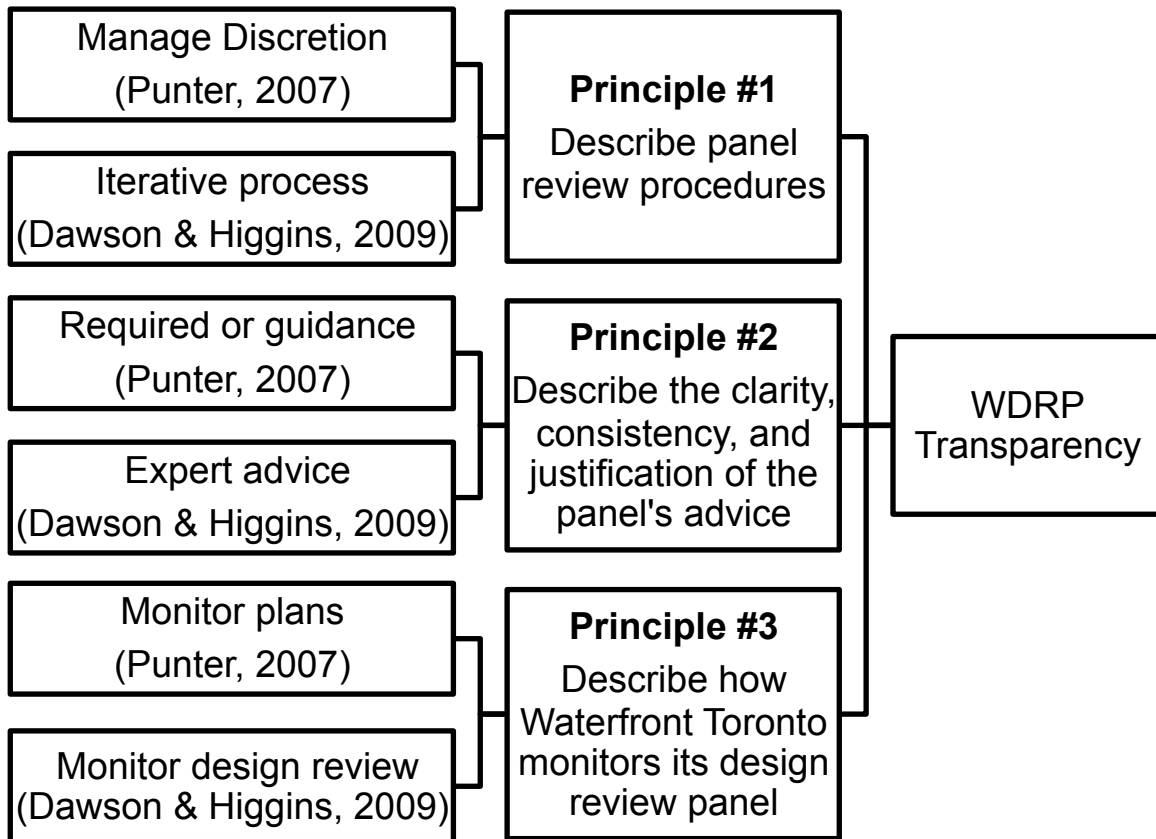


Table 3.1 Theoretical Framework – Principles for Developing Substantive Key Concerns for Waterfront Toronto’s Design Review Panel

Chapter 4 – Methodology

4.1 Research Design

This research project deploys a single, descriptive case study design (Yin, 2003). Following Yin's (2003) recommendation I have grounded my research efforts in the theoretical writings on the subject of design review. Once the theoretical component is complete the researcher can set the scope of the project to ensure enough data is collected in order to provide detailed descriptions (Yin, 2003). Unlike quantitative research designs that gather and analyze large amounts of numerical data in an attempt to generalize the study's findings, descriptive case studies offer another form of knowledge (Yin, 2003). The purpose of descriptive case studies is to provide thoroughgoing accounts of people, events, or processes (Creswell, 2014; Yin, 2003). Single, descriptive cases are commonplace within the design review literature (Dawson & Higgins, 2009; Kumar, 2003; Punter, 2002, 2003a, 2003b). Yin (2003) and Stake (1995) both agree descriptive case studies allow the researcher to use a broad array of methods in order to provide detailed descriptions and insight into the specifics of a given case. A descriptive case study research design has been associated with a qualitative research methodology (Creswell, 2014; Stake, 1995). The research methodology for this research project puts to use a qualitative design (Creswell, 2014). The adaptability of the qualitative design served my research well when slight deviations were needed. As scholars have noted, the qualitative researcher has the privilege to change course as new insights are formed or impassible road blocks are encountered (Creswell, 2014; Stake, 1995).

4.1.1 Conceptual Framework

Given the discretionary nature of design review as discussed in the literature review, it appears that it has fallen to the regulators to articulate the public interest through community plans and guidelines. Design experts who provide advice on development proposals through an iterative process can assess any elements of

design review that are too difficult to codify. My conceptual framework is used to operationalize the principles of my theoretical framework. These principle have been operationalized in a way that responds to the criticisms of development actors working on projects for instance, Hack (1994) described a perceived lack of justification of design review panel commentary in Germantown lead to litigation and an evaluation to prove that the panel's comments did in fact represent the public interest. In Edinburgh, development actors' frustrations have lead to "pleas for consistency" of design review advice (Dawson, 2009, p.110). Punter (2002) noted in Vancouver clarity to be an issue were "significant complaints about the complexity of some of these regulations and guidelines" (p.277). He goes on to explain that development actors played a key role in shaping the procedural elements of the design review process that helps manage discretion and provide a "transparent, consistent and fully justified" decision-making environment (p.277). In the UK, Paterson (2011) found "the role of the panels was not as clear as it could be to the key players and the public" (p.101).

As I discussed in the theoretical framework section, and a direct extension of my overarching research question, I have identified three variables that impact the transparency of WDRP, they are clarity, consistency, and justification. There are three main sources of data for these variables, which are procedures, advice, and monitoring. For each source I collected and analyzed various primary and secondary sources. I have provided a diagram of my conceptual framework; for simplicity I have excluded a detailed breakdown of the dimensions, measures, and data sources in the diagram, however I have presented this information in tabular format, all of which can be found in the appendix. Throughout all of these I have used a case study research design that uses the case of Waterfront Toronto as a descriptive case study.

4.1.2 Single Case Study: Waterfront Toronto

A single case study design typically provides a rationale for its selection. Yin (2003) explains there are numerous rationales that can justify a case, and a common one is a “*unique case*” (italics in text p. 40). Yin (2003) describes the ‘unique’ rationale for single cases as those that are rare. The redevelopment of Toronto’s waterfront fits this description well. Waterfront Toronto is a joint initiative of three levels of government (City of Toronto, Province of Ontario, and Government of Canada) with an ambitious mandate to redevelop Toronto’s post-industrial waterfront area (approximately 2000 acres). Shortly after the agency was created the WDRP was formed and training from former VUDP chair Bruce Hayden was provided.

As I mentioned above, previous scholarship has noted challenges in the WDRP process and a need for continued research. On April 9th, 2008 Waterfront Toronto implemented formal procedures and policies for WDRP as a response to protracted discussions and as a precaution to help avoid any potential conflicts of interest as procurement was expected to accelerate (Waterfront Toronto, 2008b, 2008c; White, 2013). Furthermore, prior to April 9th, 2008, WDRP did not vote on submissions or follow formal procedures and therefore there was no baseline to use for analysis, and White’s (2013) assessment of the results of the implementation of the *By-laws* is solely based on document analysis. Evaluations typically seek input from impacted stakeholders to confirm the initiatives efficacy. In addition to these conceptual considerations, my geographical proximity to the WDRP’s meeting place would allow me to attend meetings in person. The WDRP meetings are a key primary data source that has not been used in previous research efforts. Therefore the time frame for this study spanned April 2008 to December 2014.

A potential weakness to a single case study is the chance that the case may not prove to be what it was anticipated at the start (Yin, 2003). It is recommended to counteract this weakness with careful consideration of the case and to ensure data availability before committing to the single case design. Following this suggestion, I

conducted an information-gathering interview to determine the feasibility of this research project.

Stake (1995) identifies two types of single case studies, “*instrumental*” and “*intrinsic*” (italics in text p. 3). The former is typified by a researcher who begins an inquiry by forming a research question and feels that studying a specific case will provide a sufficient level of understanding. White (2013) defined his single case study of Waterfront Toronto as instrumental; his case reveals a need for further research and an opportunity for improving the WDRP’s transparency. As I developed a fascination in WDRP’s program this research project more aptly conforms to Stake’s (1995) definition of an *intrinsic case* that is often used when a researcher has developed an interest in a particular program. All together, the unique circumstances of Toronto’s waterfront redevelopment and WDRP, both in terms of magnitude and planning policy framework make it ideal for case study research.

4.2 Data Collection and Management

In this section I describe the primary and secondary sources used in this research project, data collection and management tactics. Three sources of data were used in this research project, they include direct observations, documents, and interviews. The primary sources are the observations and interviews, and the secondary sources are the documents. The use of primary data allowed me to design data collection protocols that most accurately aligned with my research questions. The primary data also provided information on observed contemporary events and development actors’ experiences. The secondary sources provided a documented account of WDRP meetings between April 2008 and December 2013. The data collection, management, and analysis ran concurrently throughout the period of this research project. Below I describe each data source, its usefulness, why and how the source was selected, and how it was managed.

4.2.1 Direct Observations

Direct observations have been used in case studies found in the design review literature (Dawson & Higgins, 2009; Kumar, 2003). Creswell (2014) describes a range of possible disclosure techniques a researcher may use when making direct observations. I observed WDRP meetings using “selective disclosure” (Patton, 2002, p. 177). I chose selective disclosure as I was recording formal procedures and I did not want to inadvertently influence the individuals being observed (Patton, 2002, p. 285). A weakness to direct observations is not being prepared ahead of time and becoming overwhelmed with stimuli when in the field (Creswell, 2014). According to Creswell (2014) this weakness can be overcome by preparing, as I did⁶, an “observational protocol” beforehand to use when observing and taking hand-written field notes at the public WDRP meetings (Creswell, 2014, p. 193). Waterfront Toronto (2008b) has developed a number of formal procedures. Observing the meetings in person helped me assess the variable of WDRP consistency with respect to formal procedures. Furthermore, observation of the meetings in real time helped give a context to the documents and interviews I analyzed.

I observed four WDRP meetings without participating (Creswell, 2014). The number of meetings observed was based on availability (Newing, Eagle, Puri, & Watson, 2011). The WDRP is scheduled to meet on a monthly basis at the Waterfront Toronto offices. However meetings are only called if there are projects ready for review, and meetings are cancelled when an insufficient number of panel members are available to meet. I attended four WDRP meetings between March 2014 and September 2014, where a total of seven submissions were reviewed (this included projects outside of the West Don Lands). After each meeting I reviewed my field notes for accuracy, numbered each page, and placed them into a file folder.

⁶ See appendix for observational protocol.

Observations			
Date	No. of Submissions	Duration	Format
March 12, 2014	3 submissions	3:55 hour: min	Field notes
April 9, 2014	2 submissions	2:45 hour: min	Field notes
May, 2014	Meeting cancelled		
June, 2014	Meeting cancelled		
July 9, 2014	1 submission	1:51 hour: min	Field notes
August, 2014	Meeting not scheduled		
September 17, 2014	1 submission	2:08 hour: min	Field notes

Table 4.1 Data Collection Timeline for Observations

4.2.2 Documents

Documents are a data source used in the design review literature, which specifically include the meeting minutes of DRPs (Hack, 1994; Punter, 2003a; White, 2013). Publicly available meeting minutes are an information-rich, affordable and readily available data source (Creswell, 2014; Hodder, 2003). The documents collected for this project were WDRP meeting minutes that are free to download from the Waterfront Toronto website⁷. The WDRP minutes document monthly meetings, excluding the month of August when the panel does not convene. After downloading the meeting minutes available on the Waterfront Toronto website, I created a spreadsheet to ensure that I had collected all of the meeting minutes. I then sent the spreadsheet to a Waterfront Toronto staff member requesting the missing minutes. The missing minutes were then emailed to me shortly thereafter. In total I collected all of the WDRP meeting minutes for the period of April 2008 to December 2013 (43

⁷ WDRP meeting minutes can be accessed from the Waterfront Toronto website at http://www.waterfronttoronto.ca/about_us/document_library

cases). I also collected a copy of the *Precinct Plan*, *Block Plan*, and *By-Laws* that were used as a baseline with which to compare my analysis.

Creswell (2014) notes the use of computer software is particularly useful for the work of qualitative researchers. To ensure proper referencing and record keeping with the aid of computer software, I catalogued all the data collected using the citation management software, Endnote X7 and subsequently manually sorted, organized, analyzed the data with Microsoft Excel 2011.

Documents			
Date	Document	Source	Result
Jan 17, 2014	By-laws	Waterfront Toronto Website	1 document
Feb 6, 2014	Precinct Plan	Waterfront Toronto Website	1 document
Feb 12, 2014	Minutes	Waterfront Toronto Website	34 minutes captured
Feb 13, 2014	Minutes	Request to staff member	24 potential meeting dates requested
Feb 14, 2014	Minutes	Amended request to staff member	Response without minutes
Feb 19, 2014	Minutes	Follow up request to staff member	Received 8 missing minutes
Mar 3, 2014	Block Plan	Waterfront Toronto Website	1 document
June 2, 2014	Performance Indicators	Request to gatekeeper	No response
June 18, 2014	Performance Indicators	Request to gatekeeper	No response
July 28, 2014	Minutes	Waterfront Toronto Website	1 minute captured
Sept 17, 2014	Performance Indicators	Follow up request to gatekeeper	No response
Nov 11, 2014	In-camera Minutes Monitoring Reports	Request to gatekeeper	Nov 12, 2014 response requesting what the minutes will be used for
Nov 13, 2014	In-camera Minutes	Explanation for minute use to gatekeeper	No response
Nov 19, 2014	In-camera Minutes Monitoring Reports	Follow up request to gatekeeper	No response

Table 4.2 Data Collection Timeline for Documents

4.2.3 Interviews

Interviews are a common data-gathering tool found in the design review literature (Dawson & Higgins, 2009; Kumar, 2003; Paterson, 2011; Punter, 2003a). Interviews are beneficial when a researcher seeks to gather data from a difficult to reach source and when descriptive responses to open ended interview questions are asked (Creswell, 2014). In total, I interviewed ten development actors who have been actively involved with WDRP. I recruited study participants by examining the publicly available meeting minutes and gathering the names of all of the development actors who presented to the WDRP between April 2008 and December 2013 for projects in the West Don Lands. Once I had secured ethics approval, I asked the individual I had identified as the WDRP gatekeeper (Creswell, 2014) to distribute my recruitment letter to potential study participants, in hopes to maximize its distribution. Unfortunately, after I had been given the impression that this would not be a challenge, I was informed that Waterfront Toronto executives were not comfortable with distributing the recruitment letter, as they did not want anyone to feel pressured to participate in my study. I then modified my recruitment strategy and received ethics approval to proceed. With my list of potential interviewees I went online to search for email addresses through generic online searches. I was unable to calculate a response rate since only a small number of potential participants replied to decline my invitation. I interviewed development actors that had worked on projects in the West Don Lands. The array of interviewees was representative of the study population; they included three Waterfront Toronto project managers, and seven designers, who worked on either public or private developments in the West Don Lands. Of the seven designers interviewed, one is a former panel member and another is a current panel member. For one of the interviews, I used a targeted approach (Newing et al., 2011) to recruit a Waterfront Toronto project manager to determine how the WDRP is monitored. In this case, I chose a targeted sample, since there are only a couple of people in the organization that are knowledgeable about the subject.

For nine of the interviews⁸, I used an “interview protocol” with semi-structured questions (Creswell, 2014, p. 194). Eight of these interviews were conducted face-to-face and one interview was conducted using the online teleconferencing software Skype. One information-gathering interview was conducted face-to-face. During this one hour-long interview I made hand written field notes and self-debriefed immediately after the interview to ensure high fidelity. All ten interviews ran between 30 to 60 minutes in duration and the semi-structured interviews were audio recorded. I created a coded list of interviewees to ensure the identities of the participants remained confidential. After listening to the interviews, I transcribed the interviews for data analysis purposes. The interviews were used to help assess the clarity, consistency and justification of procedures, advice, and monitoring practices; with one exception, interviews were not used to assess the consistency of panel procedures. Together the multiple perspectives provided a balanced and proportionate representation of experience and insight on the WDRP.

⁸ See appendix for interview protocol

Interviews					
Date	Time	Data	Duration	Format	Detail
March 17, 2014	10:00 am	Interview 10	60 minutes	Field notes & self debriefing	Face to face
July 15, 2014	4:00 pm	Interview 1	42:16 minutes	Recording	Face to face
July 16, 2014	1:00 pm	Interview 2	51:54 minutes	Recording	Face to face
July 17, 2014	9:00 am	Interview 3	41:42 minutes	Recording	Face to face
July 17, 2014	1:00 pm	Interview 4	39:31 minutes	Recording	Skype
July 18, 2014	9:00 am	Interview 5	48:01 minutes	Recording	Face to face
July 18, 2014	1:00 pm	Interview 6	27:19 minutes	Recording	Face to face
July 30, 2014	1:00 pm	Interview 7	34:29 minutes	Recording	Face to face
July 31, 2014	8:00 am	Interview 8	35:16 minutes	Recording	Face to face
July 31, 2014	2:00 pm	Interview 9	27:45 minutes	Recording	Face to face

Table 4.3 Data Collection Timeline for Interviews

4.3 Data Analysis

The purpose of qualitative data analysis is to “make sense out of text and image data” (Creswell, 2014, p. 195). Creswell (2014) explains that the density of written and visual data needs to be interpreted and reduced into descriptions or themes.

Content analysis is a qualitative data analysis technique that is used to help researchers with this process, which he notes can be facilitated with computer software (Creswell, 2014). I used content analysis for both the primary and secondary sources of data I collected for this research project.

According to Creswell (2014) qualitative reliability comes in two degrees. First, methods must be consistent with the research strategies within a given field, and second, the research procedures must be repeatable. I guard against these concerns by drawing on the well-established case study methodology and accepted researcher methods of observation, document analysis, and interviews found within the design review literature, as well as establishing a data management strategy outlined above (Dawson & Higgins, 2009; Kumar Agrawal & Ladouceur, 2007; Kumar, 2003; Punter, 2003a).

I use two validity strategies throughout this research project. Since content analysis of a single data source would become a weakness for the study, I used triangulation where the researcher seeks multiple data sources and participant perspectives to see if research findings converge across data sources (Creswell, 2014). As Creswell suggests to further increase validity, multiple strategies can be combined. For this purpose, I provide a vivid description of my findings of WDRP.

4.3.1 Observational Field Notes

Observations have been used in case studies by design review scholars (Dawson & Higgins, 2009; Kumar, 2003). I first read through all the field notes to get a general understanding of what I had observed and recorded. Next, I coded the field notes, using codes such as format, atmosphere, and issues. Then I used Microsoft Excel 2011 to create a spreadsheet to help manually sort, organize and analyze the data recorded in my field notes. In the spreadsheet, I organized the submissions according to date and submission being reviewed to help me understand the chronology and look for any patterns. I then returned to the field notes to write the descriptions of the WDRP meetings I had observed. The analysis of the field notes

was used to assess the variables of consistency and justification of the WDRP procedures. The observations are described in detail to increase validity of the findings (Creswell, 2014).

4.3.2 Documents

Documents have been used as a source of data in case studies by design review scholars (Hack, 1994; Punter, 2003a; White, 2013). DRP meeting minutes in particular, have provided a cumulative written record of DRP commentary and procedures, which has yielded to the content analysis of scholars in previous design review studies (Hack, 1994; Punter, 2003a). I first printed a hard copy of all the meeting minutes to read through and form a general understanding. Then using Microsoft Excel 2011 I created numerous spreadsheets to manually sort, organize and analyze the minutes. A focal point of the content analysis was the WDRP comments on development submissions. I purposefully selected nine projects in the West Don Lands precinct and all their associated submissions, 28 in total (Creswell, 2014). I focused on the West Don Lands since it is the precinct for which WDRP has reviewed and voted on the highest number of submissions. I assessed 9 of the possible 13 development projects reviewed by the WDRP between April 2008 and December 2013. I excluded only four projects from my analysis for reasons relating to data availability. The four projects and reasons for exclusion are listed below:

1. River City Phase 3 – No one was available for interview;
2. Honda Car Dealership – No one was available for interview;
3. West Don Lands Public Realm Plan – Only 1 of the 5 submissions was reviewed after the *By-law* implementation; and,
4. Canary Condominiums – No minutes from the in-camera review of this project were made available after repeated requests for a copy of the minutes.

A fifth project, River Square Park, was also excluded because I was unable to find or confirm (after an unanswered request) evidence for any stage of assessment by the WDRP.

To analyze this data, I used Punter's (2003a) strategy, and I inductively determined the concerns of the panel by analyzing the most frequent comments as recorded in the minutes. Other measures were gathered more easily given the format of the minutes. For instance, I was able to gather the dates, project name, stage of review, vote and so on for each submission and enter this data into the appropriate spreadsheets I had created. The analysis of the minutes was used to help assess the variables of clarity and justification of procedures, consistency of advice, and clarity, consistency, and justification of WDRP monitoring. I also manually examined the *Precinct Plan* and *Block Plan* coding for the variables of monitoring clarity and justification such as vision statements, targets, design principles, and public participation. These codes were then used to provide descriptions of the content of the plans. The documents I used provided a key source of data to triangulate the findings which helps to increase validity (Creswell, 2014).

4.3.3 Interview Transcripts

Design review scholars have analyzed interview transcripts in design review studies (Dawson & Higgins, 2009; Kumar, 2003; Paterson, 2011; Punter, 2003a). I first read through the interview transcripts to form a general understanding. Creswell (2014) suggests using a mix of both predetermined and emergent codes. First, I developed a set of codes based on the interview questions. For example, a few of the codes I used to analyze the interview transcripts included resources, key concerns, understanding, following advice, appeal, and quality. In a Microsoft Word document I identified phrases in the transcripts that related to these codes and then in a number of Microsoft Excel spreadsheets I wrote summaries for each of the respondent's responses and then categorized the responses. Second, I identified emergent

themes in the respondent responses. The analysis of the interviews was used to help assess the clarity and justification of the procedures and the clarity, consistency, and justification of the advice and monitoring practices. Just as Creswell (2014) suggests, I used long quotations to “display multiple perspectives from individuals”(p.200). These quotations provide vivid first hand accounts of the WDRP process that help increase the validity of the findings (Creswell, 2014).

4.4 Ethics

All ethical considerations must be stated in research projects (Creswell, 2014). Since, I gathered the opinions of development actors, this research proposal required Research Ethics Board review. I do not anticipate any harm to come to participants of this study. Regardless, participants’ identities have been kept confidential, and all data collected was encrypted and stored in a secure location. Initial exploratory phase interactions with individuals to help establish the feasibility of a research project or gather information that would help inform the design of a research proposal are exempt from research ethics review and can be included in the formal research if mentioned in the proposal (Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, & Social Sciences and Humanities Research Council of Canada, 2010). I included relevant field notes I recorded for an information-gathering interview I conducted while exploring the feasibility of this research project.

4.5 Limitations

One limitation of this case study research is the inability to generalize findings (Creswell, 2014; Stake, 1995) beyond the WDRP. Scholars have recognized this limitation and note that the value of case study research does not come from its ability to generalize findings, rather it is the vivid description, through interpretation, that offers readers an account of the specifics of the given case (Creswell, 2014; Stake, 1995). Since interpretation varies from person to person, the case study methodology presents the opportunity for the diversity of personal perspectives as a

trade-off to more deterministic findings (Stake, 1995). To counteract this limitation I used multiple validity strategies, as I outline above (Creswell, 2014). Another limitation of this case study is time. In an intrinsic case study the researcher purposefully selects the case to maximize knowledge creation within the practical time constraints of the researcher (Stake, 1995). I have worked productively on a daily basis to complete this research project in a timely manner.

4.6 Expected Contribution

The advice provided by DRPs may be analyzed and interpreted in order to establish context specific concerns (Punter, 2003a). I have clarified WDRP's advice and developed a set of substantive key concerns for potential use by WDRP's development actors. The intended impact of my findings is primarily in the professional sphere. Providing development actors with a more consistent and transparent planning process serves to mitigate some of the uncertainty within development in Toronto's waterfront.

I anticipate that with a transparent set of key concerns, the design review program can become more efficient, effective and equitable, and contribute to a better program overall. The methods used in this study can be incorporated into ongoing monitoring of the design review program to assist in execution of design policy objectives. This study will fill gaps in the design review literature by providing insight into how WDRP's transparency can be increased. The theoretical framework will be available to those that are evaluating or reforming design review panels in other municipalities. Through clarification of WDRP's procedures, alignment of key concerns to the *Precinct Plan* and *Block Plan*, and potential improvements to the review process through program monitoring, the public at large may benefit from improved design quality and reduced delays in the redevelopment of Toronto's waterfront.

Chapter 5 – Findings

5.1 Introduction

Design Review Panels have been recognized as effective means for improving design quality and implementing community sentiments (Hack, 1994; Punter, 2007). However, critics of the process have noted numerous short-comings (Scheer, 1994). White (2013) case study of Waterfront Toronto highlighted some vulnerabilities of the WDRP. It is White's work that this thesis builds upon.

Using the conceptual framework provided in the methodology section to guide my inquiry, I present my findings in complementary format. Although my findings may appear as an overly critical examination of WDRP, the intention of this work is not to point out the flaws of the panel but rather identify areas for improving the transparency of the process. I first present findings of WDRP administrative procedures. Second I describe panel comments and voting. Third I provide a descriptive account of how Waterfront Toronto monitors the design review panel. The findings of my research are based on the synthesis of multiple data sources, this is known as triangulation, which helps to increase the validity of research efforts (Creswell, 2014).

I compared the analysis of formal procedures with the best practices found in the design review literature. I synthesized the key concerns of both WDRP's and development actors' perspectives. I formalized this synthesis into a set of qualitative key concerns for potential use by development actors working on projects in the West Don Lands precinct. I also provided an assessment of the alignment of the panel's comments to the *West Don Lands Precinct Plan (Precinct Plan)* and *West Don Lands Block Plan and Design Guidelines (Block Plan)* (Waterfront Toronto, 2005b, 2006), specifically comparing comments to the vision statements and the design principles stated in the plans. I compared the analysis of the monitoring techniques used by Waterfront Toronto to the best practices found in the literature. Based on these findings, I provided a list of recommendations for implementation.

Scholars recommend to share research findings with others in order to provide insight on the research topic (Creswell, 2014; Stake, 1995). To this end I have reported the research findings in writing and created tables that will help to visually communicate the findings of this research project to development actors, all of which will be made available to the public.

The collected and analyzed data provides evidence for my assessment of the level of transparency of the procedures, advice, and monitoring of WDRP. The plans and *By-laws* provide a context through which to understand the minutes and interviews. These documents are also used in conjunction with the minutes and interviews to assess WDRP procedures, advice and monitoring and to determine the key concerns of the panel. The information gathered from interviews elaborated upon the other sources and afforded insight into the reception and impact of panel advice on development actors, which contributed to an understanding of the clarity, consistency and justification of the review process.

5.2 Waterfront Toronto Design Review Panel – Membership

This section provides a brief overview of the WDRP purview and panel membership to help provide a context to the remainder of the chapter. WDRP convened for its first meeting on July 19, 2005. As described in the literature review, WDRP is an independent advisory committee. The panel is intended to provide objective advice at four stages of review (concept, schematic, design development, and construction documents) on all developments and plans within the massive 800 hectare designated Waterfront Redevelopment Area.

In early 2007 and 2008 the panel reviewed the first building under WDRP purview, however the review format proved to be fractious and Waterfront Toronto along with the panel took the initiative to make improvements to the process (White, 2013). In April 2008, a new set of by-laws, policies and procedures were implemented that aimed to improve the procedures and transparency of the WDRP

(Waterfront Toronto, 2008b). The findings of this study are based on data collected for the period of time after the changes took effect.

According to the 2008 by-laws, the panel can include up to 13 members. The multi-disciplinary panelists are experts in their particular fields. The composition of the panel can include up to 6 architects, 4 landscape architects, 2 planners, and 1 engineer, all of whom must be members of their respective professional associations. As of the writing of this thesis, the panel membership is as follows:

Current Waterfront Toronto Design Review Panel Members		
Name	Occupation	Member Since
Bruce Kuwabara	Architect	July 2005
George Baird	Architect	July 2005
Pat Hanson	Architect	September 2012
Betsy Williamson	Architect	September 2009
Brigitte Shim	Architect	September 2009
Don Schmitt	Architect	July 2005 (July 2009 – October 2011 hiatus)
Jane Wolf	Landscape Architect	December 2010
Claude Cormier	Landscape Architect	December 2009
Paul Bedford	Planner	July 2005
Gerry Faubert	Sustainability Expert	September 2012

Table 5.1 Panel Membership as of December 2014

Respondents who made mention of the panel’s composition typically recognized the skills of panel members, as one architect noted, “The way I look at it is, these particular architects were chosen because they do good buildings, their buildings fit into communities, they all do nice work” (Interview 7, 2014). Another respondent noted panel members’ skills and years of experience are a large asset, “They have some really good perspectives on [the panel] and sometimes they think

of things or bring things forward that you just haven't considered" (Interview 2, 2014). However, one respondent felt the panel composition was not sufficiently varied "a lot of the panel members, no offence but they do houses for millionaires and so on and so forth, and their comments don't necessarily jive with what I am doing" (Interview 3, 2014).

5.3 Clarity - Preparing for Design Review Panel

The facilitative approach to development proposals, as Punter (2011) explains, is critical for the pursuit of design quality. Paterson (2011) and CABE (2013) suggest that development actors are more likely to see design review panels as credible if they know what to expect from the panel. Therefore, a description of how development actors working in the West Don Lands prepared for WDRP helps to identify if there is a need to improve the level and quality of guidance provided.

5.3.1 The Project Manager

Once a development project is initiated, a Waterfront Toronto project manager is assigned to the case. This individual becomes the point of contact for designers and developers. A project manager works with applicants to make sure that submissions are ready for panel review, and it is commonplace for the Vice President Planning and Design (VP Planning and Design) to also provide feedback to applicants on their presentations before going to WDRP.

All but one respondent confirmed a pre-submission consultation with Waterfront Toronto staff. The only respondent that did not have a pre-submission consultation explained that a consultation would have been sought if timelines had permitted. Typically respondents felt the consultation was beneficial and provided an opportunity to gather feedback on their proposal before presenting to the panel. When asked about pre-submission consultations with Waterfront Toronto staff, a commonly shared opinion expressed by one architect was

Yes, we did and it was quite helpful...[the VP Planning and Design] was there and he gave us feedback...of course he always qualified it, that [panel approval] wasn't up

to him, but we got some nice feedback and that we could go in and proceed with the presentation (Interview 3, 2014).

Preparing for a presentation for review by WDRP is an arduous task. However, development actors have limited time and resources that they can dedicate for WDRP preparations. Respondents typically consulted more than one resource when preparing submissions. The following is a list of the diverse resources named by respondents: Waterfront Toronto staff, clients, City of Toronto staff, neighbourhood and stakeholder groups, documents, and politicians. Respondents that had previous experience presenting to other DRPs were quick to note that this also helped inform how they assembled their submission.

5.3.2 Letting Go of the Checklist

Interestingly, none of the respondents made mention of the *By-laws* and only one respondent made reference to an obscure document titled *Table 1.0 Evaluation Guidelines*, which I retrieved from the Waterfront Toronto (2008) online document archives. Both the *By-laws* and the *Evaluation Guidelines* documents provide suggestions with respect to submission requirements. When I asked a project manager about the second document, I was informed that it was no longer circulated since proponents generally know what should be included and there are no strict requirements. The aforementioned respondent, who referenced the *Evaluation Guidelines*, commented on the list that was provided and echoed the project manager's sentiment,

...there is a list that comes out, but it's no different or it's not very different from like a site plan application or a zoning for a minor variance or a PPR [preliminary project review]. I basically used their list and just my experience of what they would want to see (Interview 7, 2014).

Analysis of the meeting minutes for the West Don Lands sample showed that occasionally the panel asked for additional presentation materials. The panel would

typically ask for more detailed presentation materials, missing drawings, and, on one occasion, a building model. A former panel member explained

If there were areas that were unclear in the design, if there were areas that simply weren't dealt with in the design, but were important to perhaps broaden the Waterfront Toronto initiative, then that would be spelled out. It would be delivered to the consultant team, 'you know the next time you come back we'd like to see this, this and this at this scale.' So I think the directives in terms of what the panel wanted to see was fairly clear (Interview 4, 2014).

Contrary to the normative ideals set out by Punter (2007), Hack (1994), and Blaesser (1994), who call for clearly laid out criteria for design review, the WDRP has elected to operate their panel in a more discretionary fashion. Best practices for design review published by CABE over the past 14 years have shown a significant decrease on its emphasis on using objective criteria to guide design review (CABE, 2000, 2009a, 2013). Paterson (2011) has also found that DRPs in the UK opt to run discretionary panels rather than develop objective criteria to use for review.

In the case of WDRP subjectivity is a recognized component of review. A few respondents agreed, a checklist does not seem to be a feasible solution, one architect noted "The thing with the design review panels is you have fairly subjective requirements, I think it is impossible to create a checklist or a manual that is essentially going to tell you to do this or do that" (Interview 5, 2014). Similarly, a project manager stated

...yes inevitably in design there has to be a level of subjectivity, it's like saying, try to create a series of checks and balances to arrive at beauty. It's pretty hard to do, at some point you have to let go of the checklist (Interview 1, 2014).

Simply put, the process is not a quantitative matter, as a current panel member explained "...it's not empirical, it's still a little on the subjective side" (Interview 6, 2014).

The variety of resources consulted shows that proponents were keen to secure a broad range of stakeholder support before presenting to WDRP. Having

the buy-in from stakeholder groups allowed proponents to feel confident that, should they gain WDRP support, the project could move forward. As one respondent reflected

I never went into a design review panel meeting without really having a clear understanding of where everybody sat. I knew what staff thought about it, I knew what the city was going to think about it and other stakeholders. It was not like we were going in cold. We felt pretty secure in most of the presentations. (Interview 2, 2014).

Respondents did not seem bothered by the non-specific presentation requirements. In practice, WDRP does not see nearly as many site plan applications as the City of Toronto and, as projects vary from site to site, it is somewhat understandable that a standardized list of requirements is not entirely necessary. However, for future projects on privately owned land in other precincts, a lack of detailed criteria may become a liability. Ultimately, respondents used their own judgment to assemble a presentation package and had the opportunity to have a Waterfront Toronto staff member assess its readiness for WDRP.

5.3.3 The West Don Lands Precinct Plan

Urban design plans and guidelines have generally been found to focus on architectural quality and neighbourhood character; typically, they lack public participation in their creation (Habe, 1989; Linovski & Loukaitou-Sideris, 2013; Southworth, 1989). The *West Don Lands Precinct Plan* and *Block Plan and Design Guidelines* share the same focus on built form and character as with previous findings (Waterfront Toronto, 2005b, 2006). Yet, the *Precinct Plan* also goes beyond these basics and provides a comprehensive, albeit flexible, framework for redevelopment that was subject to extensive public participation.

The *Precinct Plan* includes an analytical basis for the proposed street network; transit, cycling, pedestrian routes; parks and open spaces; affordable housing; community facilities; municipal services; and, sustainability. The authors of the plan use terms such as “flexible” and “conceptual” to convey to readers that the

document is intended to provide guidance, rather than a prescription, for the form which the community should take (Waterfront Toronto, 2005b).

From a design perspective, Punter (1999) notes performance-based plans and guidelines provide a needed freedom of expression and spontaneity for designers. This, however, comes at a cost, as performance-based plans tend to lack specificity, which makes the task of measuring success and failure increasingly complicated and susceptible to differing interpretations of the plan's meaning (Punter, 1999; Seasons, 2003).

5.3.4 The West Don Lands Block Plan and Design Guidelines

The authors of the *Precinct Plan* state the document's primary purpose is to provide a transition from the *Central Waterfront Secondary Plan* to Zoning By-Laws (Waterfront Toronto, 2005b); the subsequent *Block Plan* document was to update and further refine the *Precinct Plan* (Waterfront Toronto, 2006). The *Block Plan* document holds true to its claim that it is "primarily concerned with the role buildings play in creating and animating the public realm. Specifically, the general principles of height and massing, the distribution of uses, and scale and character of the buildings' facades defining the public rights-of-way..." (Waterfront Toronto, 2006, p. 1).

Half of the 63-page *Block Plan* document is dedicated to spelling out the details of frontages and ground-floor uses; setbacks, courtyards, and open space; heights and stepbacks; parking and servicing; and, overall massing and approximate number of housing units and parking spaces for each development block (Waterfront Toronto, 2006). Close to one quarter of the document provides suggested street typologies. The full colour *Block Plan* document is filled with drawings in plan view, sections, illustrated perspectives, computer-generated three-dimensional models, and photographs of precedence (although most are missing captions that identify the locale). Together the graphic and textual content of the *Block Plan* read as a visual representation of a zoning by-law.

By and large, when preparing submissions, respondents looked through the *Precinct Plan* and *Block Plan* to determine these documents' relevance to their respective projects. The only deviation came from one respondent who inexplicably stated that neither plans were consulted on their project. Some respondents explained that consulting the *Precinct Plan* and *Block Plan* played a roll in maintaining consistency with planning efforts, however the level of detail in these documents limited their usefulness. Generally, the frequency at which the documents were referenced became less prevalent after the early conceptual development of a project. Once the idea for the site was developed, there tended to be little information about further stages of development in these documents.

5.4 Consistency - Meeting Format

In this section I describe the review format used by the WDRP. The highly regarded VUDP has inspired other DRPs to imitate its procedures in hopes of replicating its success (Punter, 2003a). White (2013) provides a detailed account of how, by invitation of Waterfront Toronto, the WDRP was established and schooled in meeting procedures by former VUDP Chair, Bruce Hayden. Punter (2003a) notes that publishing formal procedures can lead to a more “systematic and transparent” process (p.114). As mentioned above, the WDRP review format was amended in April 2008 in an attempt to improve transparency and panel procedures. The following description is based on the analysis of my personal observations, supplemented with excerpts from interview transcripts, and examination of the *By-laws* document.

5.4.1 General Business – Engaged with Waterfront Issues

The Chair first calls the meetings to order and then welcomes the panel. The first order of business is to adopt the minutes from the previous meeting. The minutes are routinely accepted and only on rare occasion does a panel member request an amendment to the minutes. The Chair then requests panel members to declare any conflicts of interest (which regularly occur and I discuss below), before asking the VP

Planning and Design for a report on Waterfront Toronto development activities. The VP Planning and Design's report is usually succinct and informative, touching on key changes and progress that has been made on the waterfront revitalization efforts.

Before the design review begins, panel members are given the opportunity to ask the VP Planning and Design any questions about the report. Panel members often ask questions, which usually leads to discussions about the higher-level waterfront related issues. For example, issues that were observed being discussed included City Council's vote to defer a decision on the removal of the Gardiner Expressway, the impact of the runway expansion at Billy Bishop airport on the size of the marine exclusion zone, regret about politicians' and the public's understanding of the value of urban design, and the use of design competitions to foster design excellence. The VP Planning and Design's report and the ensuing discussions highlight the panel's engagement in the broader, and more fluid, political climate in the city and how these environmental factors can impact Waterfront Toronto initiatives.

5.4.2 Presentation Introduction – Set it Up Right

After the initial business, the Chair asks for the project manager to briefly introduce the submission under review. Project managers, or occasionally the VP Planning and Design, present the project and provide contextual information. At the end of the presentation the project manager can ask the panel to consider, and respond to, any particular issues. One project manager explained the importance of these questions, stating "as long as I set it up right, I get a lot out of it" (Interview 1, 2014).

5.4.3 Project Presentation – The Story Needed to be Tight

The projects are presented in the front of the room, usually via digital projection on a retractable screen. Of the presentations I observed, all used digital projection and only one supplemented with hardcopy presentation boards that were arranged around the room. This custom runs contrary to both the *By-laws* and best practices in the UK, which both suggest that presentation boards be used as the primary

source of information and any other materials to be treated as secondary (CABE, 2013; Waterfront Toronto, 2008b).

Design teams typically have one or two representatives present their project. Occasionally, on very large projects, more than two people present the work. When a sustainability report is provided, it is a design team's internal project manager that explains the figures and calculations stated in the sustainability checklist. Presenters are given 15 minutes to speak and the recording secretary uses a minute timer to track the duration of the presentation. Once the timer rings, the VP Planning and Design informs the design team that they may have 5-10 more minutes to conclude their presentation. One respondent reflected at length about the art of assembling the team's presentation:

We were allotted a certain amount of presentation time, and they are very strict about that presentation time, so that story needed to be tight... the presentation was put together as a verbal and graphic narrative that talked about where the project was headed and what the new directions were. We would plot it out essentially as that kind of narrative to walk the panel members through a process to a series of conclusions that they would support or reject or whatever. I think that is a really critical part of it; the verbal and graphic communication and we spent a lot of time on what was going to be said in support of the graphics. But that whole graphics presentation was really critical to the process, and the panel members received packages before the presentation (Interview 2, 2014).

Presentations vary from project to project, presenters generally stand at the podium and describe the project as they flip through the digital slides projected behind them, often stopping on key elevations, sections and perspectives to explain their decision-making process. Designers speak with confidence and maintain a positive tone throughout the review. Project details are communicated in a factual manner (as opposed to a "sales pitch").

5.4.4 Question Period – Some Tension

After the formal presentation concludes, the Chair asks panel members for any questions of clarification. The panel always has questions for presenters. The Chair is quick to remind panelists that a comment period will follow if members begin to provide advice rather than pose questions. This period is not timed and routinely runs beyond its time allotment. This is the aspect of the review that can, at times, become tense. As this is the only period where an interchange between panel members and development actors is permitted. Panelists can ask questions that put proponents “on the spot”, and on one occasion an architect appear surprised, but receptive, when panel members revisited an issue that was already accepted by the panel in previous presentations.

5.4.5 Comments – The Roundtable

Once questions are clarified, the Chair directs the panel, going clockwise around the boardroom table, for each member to make comments individually. Panel members also discuss and deliberate openly the aspects of the design in question.

Occasionally this process results in new questions and the panel seeks further clarification from proponents. Additionally on rare occasions, proponents request to interject with further information if they feel important information has been overlooked or left out of the presentation. However, the Chair is sensitive to timing and the potential unwieldy nature of allowing proponents to respond to comments and therefore is often quick to act to bring the meeting back to order. I provide a detailed analysis of the panel’s comments in a later section titled *5.6 Making Sense of the Advice*.

5.4.6 Chair’s Summary, Proponents Response, Vote from the Panel

The summary of comments, the proponent’s response and vote from the panel occur in rapid succession and it is difficult to pinpoint the transitions between these aspects of the review. Regardless, in my observations and the meeting minutes, the panel did not seem to be divided and always voted together on submissions. One

unusual exception to this occurred in September 2014, when a panel member, during the commenting period, whispered his/her vote in the ear of the Acting Chair before leaving the meeting. The remaining five panel members completed the review of the project and voted to conditionally support the project, but the Acting Chair did not make mention of the 'proxy' vote of the panel member who left the meeting earlier.

When the agenda has more than one submission for the day the Chair calls for a short break to allow other design teams to setup. During these breaks, small groups of people form around the room where panel members and proponents informally chat. If there is only one presentation scheduled for the day, the Chair will adjourn the meeting after the vote. Generally, the panel concludes its reviews within the allotted 60 – 73 minute timeframe and is, on the whole, very consistent with its review format, with a few notable exceptions. These exceptions, as I observed, relate to the distribution of presentation materials, how panel members' conflicts of interest impact the number of panel members who make comments, and an unexpected finding of poorly attended meetings.

5.5 Justification – Due Process

There is an underlying concern that by allowing a discretionary development control mechanism such as an DRP to operate, such a panel's influence must be counteracted with strong principles of due process (Punter, 2007) and public scrutiny (CABE, 2013). Without such principles design review may head towards a very subjective, exclusionary, and elitist process that does not connect easily with the public interest. In this section I explore WDRP's procedural elements as they relate to the transparency of, and public access to, the process.

5.5.1 Meeting Access

The WDRP regularly meets in the main boardroom of Waterfront Toronto's office located on the 13th floor of 20 Bay Street in downtown Toronto. Panel meetings are typically open to the public, but there was only very rare instance where an in-

camera review occurred. The boardroom is a generous space; a large rectangular wooden boardroom table that can seat 16 people fills the center of the room. The Chair of the WDRP sits at the head of the table and is flanked by two non-voting observers. To the Chair's right sits Waterfront Toronto's VP Planning and Design, Christopher Glaisek, and to the Chair's left sits the City of Toronto's Director of Urban Design, Harold Madi. The other panel members' seating is prearranged and is marked with a designated member's name. Behind the VP Planning and Design is a desk with two seats for the two recording secretaries who take extensive notes and are responsible for producing the meeting minutes.

In the back of the boardroom, there is a gallery with armchairs with a second, synchronized presentation screen and projector for the public to sit and observe. However, it appeared that members of the design teams and Waterfront Toronto staff typically take these seats. Since I was observing the meetings with selective disclosure I did not ask the people in attendance if they were members of the public. Nonetheless, meetings are open to the public, even though do not appear to be well attended. As one project manager laments, "I think there is this amazing thing happening once a month in our office, and a couple of people know, and yet it's open to the world, literally. Anyone can walk through the doors and watch this and they don't" (Interview 1, 2014). Although, a couple respondents mentioned that they felt their meetings were well attended. This issue is not unfamiliar to design review in Canada and even the esteemed VUDP suffers from a lack of public engagement (Punter, 2003a).

5.5.2 Public Record

An important aspect of DRPs is keeping the process open to the public and keeping a record of the rationales for decisions made at meetings (CABE, 2013; Punter, 2007). Waterfront Toronto for the most part adheres to this dimension of transparency for its design review. After each meeting the minutes are first distributed to development actors and Waterfront Toronto staff and, once the panel

approves the minutes at its subsequent meeting, the minutes are then posted to the Waterfront Toronto website and are free for the public to download.

At the time of data collection most of the meeting minutes were available online and after I requested the missing meeting minutes, all of the minutes to the meetings that were open to the public were provided. I later made and repeated a request for a set of minutes of an in-camera review but these were not released. Ultimately, I abandoned my request for these meeting minutes that were from the in-camera review of the Canary District. The Canary District is a large development including multiple buildings in the heart of the West Don Lands. This project was procured by Infrastructure Ontario and will be used as the athletes' village for the Pan-American Games in 2015. At the end of the games the buildings will be converted into market, affordable, and student housing units.

On December 8th, 2010, the VP Planning and Design explained that the WDRP would have only one opportunity to review the Canary District Condominiums instead of the four review sessions that are typically expected of other projects in the panel's purview. The VP Planning and Design added that only if the panel was unsatisfied with the submission would the project be seen a second time. On October 12, 2011, the Chair of the panel declared a conflict of interest for the Canary District project, as he was one of the architects working on the project, and requested a fellow panel member act as Chair for the in-camera review of the project. The remaining five panel members in attendance then conducted the review. I was only able to infer that the panel voted in support of the submission, as there is no record of a second review, and a senior manager at Waterfront Toronto confirmed that the project was only reviewed once. Without further inquiry, questions regarding transparency remain. For instance, why was the project only reviewed once? Why was the meeting held in-camera? Why did only five panel members review the project?

Surely, balancing the organizational needs of Waterfront Toronto and allowing public scrutiny is delicate act. CABE's (2013) best practices are sensitive to the

needs of developers and support occasional in-camera reviews of projects. However, they explicitly state that panels should be aware of higher-level policy, such as Freedom of Information Acts, that may require them to release these documents upon request. Waterfront Toronto is an arms-length corporation and although it is not subject to such government policies, it has made a commitment to operate in an open and accountable manner that respects information requests. The Waterfront Toronto (2012a) *Freedom of Information Policy* does state some exceptions, which includes in-camera meetings. Ultimately, Waterfront Toronto will decide whether public access to documents such as these in-camera minutes is important. However, given that a project like the Canary District, which is a public project developed on public land, involves at least one current panel member and two former members, it is in the public's interest to act with as much transparency as possible. My request for these minutes was neither refused nor fulfilled, nor was a reason for not releasing the minutes offered. At this stage, now 3 years after the review and construction of the Canary District nearing completion, it is unclear why the minutes from the WDRP meeting cannot yet be released.

5.5.3 Conflicts of Interest

Although this was not included as a component of my formal analysis there was, and continue to be, frequent conflicts of interest declared. For example in the four meetings I observed, five members declared conflicts on 3 of the 7 submissions, and of the 9 projects I analyzed 7 had declared conflicts of interest. These declared conflicts of interest included the following:

- Tania Borolotto – District Energy Centre Phase 2
- Greg Smallenberg – River City, District Energy Phase 1, Cherry Street, and Underpass Park
- George Baird – Toronto Community Housing Corporation
- Pat Hanson – Storm Water Quality Facility, and Bayside
- Claude Cormier – Bayside, and 143 Queens Quay

- Bruce Kuwabara – 143 Queens Quay

Panelists are not permitted to comment on the review for projects with which they have a conflict of interest, therefore in some instances where only one project is reviewed at a WDRP meeting, panelists not in attendance may have a conflict that precluded them from attending. Since it is unlikely that a panel member would take the time to come to a meeting to make a declaration and then leave, and since the minutes only document declared conflicts of interest, there is an information gap when members are recorded only as absent with no indication about their conflict relationship with the project under review.

In White's (2013) study that focused on the East Bayfront precinct, he also identified an "alarming" number of declared conflicts (p.307). He stated that there is no cause to believe any wrong doing on the part of panel members and procurement followed transparent processes, he placed the onus on Waterfront Toronto address the issue, but nonetheless "the situation casts the Waterfront Toronto Design Review Panel as an 'elite club'"(p.337). I largely agree with White's (2013) position, particularly because the *By-laws* detail at length all the different permutations under which conflicts may arise and how panelists are expected to recuse themselves from commenting on projects, as well as the severe repercussions for acting otherwise. This phenomenon is not foreign to design review panels, for example Punter (2011) describes how conflicts of interest led to a 2004 audit of the UK-based CABE. The resulting recommendations of the audit helped restructure and improve their design review process.

5.5.4 Sit and Listen

In this section I explore two unexpected findings that have led to tensions and some frustrations with the review process. According to White (2013), and independently confirmed by a project manager at Waterfront Toronto, these formal review procedures were put in place to help mitigate the confrontational nature of the review process.

The first major limitation was a procedural change that was implemented in April 2008 with the new *By-laws* stating that development actors were no longer allowed to address the panel unless they were giving their presentation, answering the panel's questions, or if they felt there was a fundamental misunderstanding that was leading the review astray. There are two perspectives that emerged when respondents discussed the inability to speak during the review session. On the one hand, respondents understood the structure of the process required them to listen carefully to the panel's comments rather than respond immediately. These respondents would take the time to sort out the advice and then respond to panel advice at the following meeting. One project manager reflected, "So the designer, the project manager, the engineer, whoever, all the people sitting along the edge listening to this debate, if they are really listening they can reflect on everything that's being said and come to their own conclusion" (Interview 1, 2014). From the perspective of a current panel member, "as designers, if you can't listen and you can't come back and answer issues, and even if they may not be the most sophisticated criticisms, and maintain the integrity of the architecture, then you're not very good at your job" (Interview 6, 2014). Another respondent explained how the client's mindset impacts the experience of the design review panel:

We go to two types of meetings: one where it's just you and the client, and those meetings with the city go one way; and ones where it's you, the client and the client's lawyer, and those meetings go in another direction. This one here [WDRP meeting] was me and the client. The client was on my side, but he was also listening to what they were saying and he wanted a better product as well (Interview 7, 2014).

Some respondents also shared an alternate perspective about how frustrating it could be that the format prohibited any form of dialogue. One project manager reflected, "designers come to me afterwards and say 'we could have responded there on the spot'... I find that a little bit of an encampment, it's almost like academic reviewers" (Interview 8, 2014). Another respondent explained how the short

presentation could lead to miscommunication: “You didn't get to respond at all. Sometime they'd miss it and misunderstand something, and sometimes have a comment that we just didn't agree with” (Interview 9, 2014). At least in one case, tensions became intense when comments were perceived as personal criticisms. One respondent remembered a brutal comment: “At that point I was about to go up there and slap him in the face. But I have to sit back and listen to this” (Interview 3, 2014).

Although no specific examples were provided a few respondents raised concern over a second limitation, the types of comments made by panel members. Respondents explained that according to the Ontario Architecture Association members are required to maintain a level of decorum that does not permit one member to criticize another member's work in a public forum. One respondent noted this delicate balance required,

it's difficult, you're presenting in front of your peers and your peers are now kind of criticizing you. I'm not sure how I feel about that, in general... but they try and keep it constructive, there is a fine line there for sure (Interview 7, 2014).

Similarly, one respondent was sensitive to panel members whose experience was based on academic expertise, and noted,

The danger with [WDRP meetings] a lot of times they felt very familiar to me as far as going to through critiques at school, and a lot of the people who sit on the design review panels are also academics within the architectural field (Interview 5, 2014)

With respect to the dynamics of communication, the physical setting of the boardroom can also present some minor challenges. I made observations that might, in a literal way, negatively impact the clarity and the generally collegial atmosphere of the review process. Panellists sit at the boardroom table in swivelling office chairs and, given the furniture arrangement of the room, some panel members end up sitting with their backs to members of the design team who are seated in arm chairs along the wall. Panel members appear to be sensitive to this awkward furniture arrangement and make an effort to turn to face development actors when

asking questions and commenting on presentations. However, the acoustics in the room are poor, especially when people do not use the provided table or podium microphones, and when panel members turn to face their peers it only makes it more difficult for everyone to be heard clearly.

5.5.5 The Dog Leg

Aside from the minor breaks in protocol discussed above, there was one occasion that I observed a major break in WDRP protocol. According to the *By-laws*, and confirmed by interviewed sources, proponents are required to submit digital or hard copies of their presentations in a 8.5" x 11" format a minimum of **“four business days before each meeting”** in (bold in original Waterfront Toronto, 2008b, p. 11). This material and an agenda are then distributed to panel members for their consideration prior to the meeting. The *By-laws* emphatically state that presentations are not to differ considerably from the packages that are circulated. In addition: **“No new material will be accepted the day of the presentation”** (bold in original Waterfront Toronto, 2008b, p. 11)

On March 12, 2014, five panel members of the WDRP gathered to assess the conceptual design of the private, mixed-use development known as Aquavista. During the introduction of the project in March, the panel was asked to comment on the impact of a 2-storey outcropping (nicknamed the “dog leg”) from the southeast corner of the proposed building. The “dog leg” was discussed by the panel and panelists had some concerns relating to the view corridor from Queens Quay, but were generally supportive of the building element as it could provide space for a café or similar business that would complement the adjacent public, open space. In the end, the panel voted in support of the conceptual design of the project.

On July 9, 2014, six panel members assessed Aquavista’s schematic design. The VP Planning and Design introduced the project to the panel and reminded the panel that at its previous meeting on March 12, 2014 the panel had voted in support of the conceptual design. The VP Planning and Design informed the panel that since

that time Waterfront Toronto, in discussion with the City of Toronto and the proponent, had sustained concerns about the “dog leg.”

The VP Planning and Design went on to explain that at the “eleventh hour” Waterfront Toronto asked the proponent if they would agree to modify the building envelope and sever the “dog leg” and, in exchange for the modification, the proponent would regain the lost gross floor area that would be redistributed throughout the rest of the building (but might increase the building height). The VP Planning and Design then requested that the panel consider the design change and its implications, even though the presentation that would follow would not match with the presentation materials that had been distributed to the panel members. Without any objections from the panel, development actors or anyone else in the room, the panel listened to the design team’s presentation. In a somewhat apologetic fashion, one of the architects working on the project delivered the presentation. The architect informed the panel that the team was only given 2 days notice to make the changes and had been working hard to update all of the presentation materials. In the end the panel voted in support of eliminating the “dog leg” and for the project to advance to the design development stage of review.

When speaking with respondents, multiple concerns emerged that highlight the significance of this observed episode. Specifically, some respondents questioned the value of sending out presentations ahead of time. Their comments included:

- speculation that panel members could be influenced outside of the review meetings,
- concern that seeing the package without the presentation provides incomplete information, and
- lack of clarity as to what extent the panelists reviewed the materials beforehand or were provided briefing notes.

Although the VUDP distributes presentation materials to panel members ahead of time the above example of the WDRP’s on-the-spot response and assessment of

the Aquavista submission demonstrates the WDRP's capability of reviewing schemes without previously reviewing presentation materials. According to CABE's (2013) best practices in the UK, materials are not distributed ahead of meetings for two reasons: first, designers are often working up until the last moment to complete presentations; and second, as experience shows it can interfere with objectivity if panel members have made up their mind beforehand.

5.5.6 The Counter Balance - Appeals

Punter's (2002, 2003a, 2003b, 2007) keen interest in improving design review practices in the UK has led him to conduct research abroad most notably in Vancouver, Canada. Punter's assessment of VUDP is based on the critiques of design review by lawyers opining on the legalistic deficiencies of design review in the US. Punter's framework, which he has also published as a list of best practices, calls for methods to appeal design review decisions. Punter's position is slightly at odds with the best practices suggested by CABE (2013), which merely suggest that DRP comments be clearly understood in the event of an appeal. It is conceivable that attitudes towards appeals in Canada, US, and UK differ according to the planning cultures of the particular geography and whether the process has aggravated proponents.

With respect to Waterfront Toronto, only one respondent was definitively aware that there is no opportunity for appealing WDRP advice or decisions. Furthermore, this respondent explained that when public lands are sold for private development a legal agreement is signed where the developer relinquishes its right to making an appeal to the Ontario Municipal Board and the project must be presented to WDRP and receive its support (Interview 10, 2014).

Somewhat surprisingly, although some respondents expressed frustration with aspects of the process and a lack of transparency and accountability with WDRP, they did not seem so disturbed as to challenge the panel with any form of appeal. Most notably, even those whose submissions received a vote of non-support

and had to return with a modified submission were committed to the process. One respondent expressed a consistently held view:

The appeal is really a client decision. I don't think it's an architect's decision. I haven't come across that they started to appeal [WDRP] and we were certainly not in that frame of mind on this project. We were determined to make it work. To work with them to try and find a solution (Interview 3, 2014).

Generally, respondents understood WDRP's comments as advisory in nature, as there are no legal parameters that require proponents to use the panel's advice. One respondent, reiterating a commonly held opinion and comparing WDRP to the Vancouver panel, stated:

Well first of all design panel is just advice, there is no authority invested in them, although people tend to listen to them, and that's the case for design panels right across this country. They can all say what they say, but they can always be overwritten, in the case of the City of Vancouver design panel they can say stuff and if people don't agree they can be overwritten by the planning department, or maybe it gets meddled by politicians, I'm not sure. The design panel comments are intended to be just that. How would you appeal something? I don't know whether there's an appeal. I guess you could come back to the design panel with a different proposal (Interview 4, 2014).

One respondent felt, at least in principle, that some type of appeal mechanism would increase accountability. Some respondents were concerned about inconsistent comments made during the review and one respondent explained,

I think an appeal mechanism is necessary because the problem is that in the current system the design review panel members are not accountable to anyone. They can make whatever comments they like and they move on and I think it's wrong (Interview 3, 2014).

Another respondent went on at length explaining that most comments from the panel are fair, timely, cost-sensitive and implementable; however, this respondent also stated that the remainder of comments present a liability to the panel:

there is this 20%, which I think is really really dangerous, it might only be 10% of these comments that are coming too late and just may have good intentions but are

not implementable or are too costly to implement or fundamentally are in opposition to the entire project or are not evidence-based. These are the ones that just drive the developers crazy. What's dangerous about these, these are the ones that are going to become headlines (Interview 5, 2014)

With respect to the WDRP's formal procedures, the panel operates, with some exceptions, in a clear, consistent, and relatively justified manner. Waterfront Toronto's facilitative approach is an important component that provides clarity for the preparation of presentation submissions. The *Precinct Plan* and *Block Plan* also work to assist in increasing clarity as they provide a general framework and depiction of the desired future form of the West Don Lands. The meeting format is predictable and follows pre-established structure that seems to work well. The panel Chair and his "alternate" play a key role in ensuring the meeting runs accordingly. The justification of the panel's procedures are mixed. There are four exceptions that can impede transparency, which include access to minutes of in-camera meetings, recording of conflicts of interest for absent panel members, decorum that may limit the scope of the review, and administrative discretion. However, these operational issues do not have a direct impact on development actors, which is why, at least from their perspective, the panel's procedures are fair. Fortunately, for Waterfront Toronto none of these are crippling issues and a simple "tune up" should address most of the identified issues.

5.6 Making Sense of Panel Advice and Voting

In order to go beyond an assessment of the formal procedures, an alternative method to assess transparency is to "reverse engineer" the panels advice, as was done in previous design review panel studies (Hack, 1994; Punter, 2003a). I used the meeting minutes as the data source to inductively analyze WDRP advice, which provides a substantive measure of the panel's concerns. In this section I provide analysis of the panel's advice while controlling for the stages of review and panel

member attendance. A project-by-project analysis follows in the subsequent section, 5.11 *Monitoring the Panel*.

5.6.1 Clarity – Who is the Advice For?

Design review panels in the UK have typically been found to include goals and objectives in their terms of reference. However, these statements are generally vague and do not include targets (CABE, 2009b). The WDRP's *By-laws* (terms of reference) have similarly unclear statements. By way of example

I compare WDRP's mission statement (A.) found in its *By-laws* to a similar, representative statement extracted from CABE's survey of DRPs in the UK (B.).

A. The mission of the Panel is to provide objective, professional advice to designers, developers and governments to ensure that high quality design is a critical consideration for all development on Toronto's waterfront. The Panel is expected to contribute to a culture of quality by raising the bar for builders and architects and maintaining a high standard of design excellence which results in a better built environment for everyone. (Waterfront Toronto, 2008b, p. 1)

B. *'The purpose of [the panel] is to achieve high design quality in the built environment in the region by offering expert, constructive, impartial advice to developers, planning authorities, and regional agencies on the architectural, landscape and urban design aspects and on climate change impacts, of master plans and major development proposals.'* (as quoted in CABE, 2009b, p. 22)

From these statements, it is not entirely clear which design aspects are supposed to be the focus of the panel's advice, to whom the advice is directed, and what is expected of those receiving panel advice. The *By-laws* states the panel is advisory to Waterfront Toronto, however the same document also states that the panel is to provide "advice to designers, developers, and governments" (Waterfront Toronto, 2008b, p. 1). One project manager understood the panel to be advisory to Waterfront Toronto and explained that proponents often inquire for clarification of WDRP advice, particularly when the panel disagrees on a specific matter or when

the panel votes with conditional support. The respondent went on to explain that it is the responsibility of the project manager to provide clarification (Interview 10, 2014). I elaborate on this issue below in section 5.7 *Consistency of Panel Advice*.

Some respondents were aware of meeting minutes and were typically satisfied with their quality. For many years, the VUDP has used minutes to record and communicate panel meetings. However, an alternative approach used by CABE in the UK documents the outcome of DRP meetings in the form of a report that uses plain language to explain the degree of the panel's support, the rationale for DRP advice, and the expectations for proponents (CABE, 2013). CABE (2013) notes that the report should be written by the panel or a project manager and should be approved by the panel Chair before it is distributed to the appropriate parties in a timely manner.

5.6.2 Value of Multiple Perspectives

Reporting format aside, respondents typically felt they somewhat understood why the panel had given them certain advice; other respondents had no difficulty understanding the panel's comments. The reasons respondents attributed to their understanding of panel advice were varied. Interestingly, respondents noted how the multidisciplinary panel membership helped them see the project from multiple perspectives. A former panel member explained:

they come from different perspectives, the urban planner would have a totally different view of the architect and the landscape architect, and that all makes sense to me because these design professionals are looking at projects with very different lens [*sic*]. You may in the end all coalesce around a yes or a no, but I think there are clearly different interests from the different people on the panel and I see that as good. The more you can throw into the mix, the better it is, and so I understand most of the questions being asked and the comments being made (Interview 4, 2014).

At times, the panel can become particularly focused on building elevations and some respondents noted that these deliberations were akin to architectural discourse. One respondent explained,

it was like talking to your peers, essentially. Yeah, they are experts in their fields, but I'm an expert too, and they're your peers that are talking to you. You're not talking to legal council or you're not talking to the community, you're talking to architects and engineers that are talking to architects (Interview 7, 2014).

Other reasons that helped respondents interpret the advice from the panel included understanding that the panel's job was to ensure designers held true to their concept design, and not encountering any "surprise" advice since advice was similar to internal Waterfront Toronto discussions and concerns.

Following Vancouver's example, the multidisciplinary expertise offered and the peer review format of the review process are tremendous assets that work to the WDRP's advantage to increase the receptivity of its advice. Respondents who noted the value of multiple perspectives further explained how to hear and consider alternative points of view was reassuring, regardless of whether or not advice would be subsequently be acted upon. The varied comments may have exposed weaknesses in the design, brought to light something that had not been considered, or just helped to make the project more robust by providing support from professional colleagues. As one respondent elaborated,

...at least it gave you something to think about and look at, and then you could either say 'yeah, that's a good idea' or dismiss it for another reason but at least you'd known you looked at it from different perspectives, especially when you're so focused on it, it's a fresh eyes sort of thing (Interview 9, 2014).

5.7 Consistency of Panel Advice – The 80/20 Rule

Adapting Punter's (2003a) method, I analyzed the panel's voting pattern for the sample of cases from the West Don Lands. This analysis provides an overview of how submissions are received by the WDRP. From the sample, slightly more than half of proponents' first submissions were well received and are given a vote of

support. The remaining submissions were split, receiving either a vote of conditional support or a vote of non-support. Quite remarkably, one third of the projects were able to proceed through the entire review process with continuous votes of support. While others, at some later stage, received a vote of conditional support. In one instance, the panel gave a late stage vote of non-support.

The panel reviews both public and private development projects. The sample of projects reviewed is representative of the West Don Lands as a whole, with two thirds of projects coming from the public sector and one third from the private sector. According to the pattern of voting, there is no significant difference between the panel's level of scrutiny between public and private projects.

Types	Projects	% Projects	Submissions	% Submissions
Private	3	33%	9	32%
Public	6	67%	19	68%
Total	9	100%	28	100%

Table 5.2 Breakdown of Public and Private Projects in the West Don Lands

Type	Support	Conditional	Non-Support	Total
Public	71%	18%	11%	100%
Private	67%	22%	11%	100%

Table 5.3 Comparison of Voting between Public and Private Submissions

Respondents' perceptions of the panel's advice were varied. Some respondents felt that the advice was consistent and they noted that the panel was typically supportive of their submissions. Respondents that made mention of outlying comments were split on the matter: designers working on Waterfront Toronto projects did not find the comments problematic, but others felt outlying comments were an issue. In the following statement, a former panel member provided some context by describing the caliber of the panel before responding to the question of consistency of advice:

...the design panel for Waterfront Toronto at the time was made up of probably the best design minds in the country, the projects were brought to that panel by consultants that arguably were the best in the country. So, it's big boys playing with big boys, and I think everybody is expecting a certain amount of spontaneity or

difference in the kind of comments that come forward. Then from those comments yourself or myself as a consultant or a designer, you have to filter through what exactly is being said, why it's being said, what you're going to accept, what you're going to reject, and how you're going to come back next time. So it's never consistent (Interview 4, 2014).

Another respondent echoed this sentiment, and said:

Sometimes there are differences in what various panel members are saying but generally there is, for us, there had been consistency. Most of the panel members agreed with one another, which is helpful because that's a more clear direction. Every now and then, you would get one [comment] that was not consistent or a little out there, so we had to give that some special consideration (Interview 2, 2014).

Having Waterfront Toronto as a client to help interpret which advice to follow and which to disregard was a favourable position from which to work. It seemed to help take the edge off of what, for some, was a slightly frustrating experience. One respondent candidly explained,

If it was just one or two comments from a person that we thought was out to lunch or not really consistent with the whole design idea that was happening then I don't recall specifically drawing those out or paying attention to those really. We would probably just look through that in a different process or staff might have addressed it separately offline. But we wouldn't always address every comment, a lot of times Waterfront Toronto staff would say 'well no we'll focus on these ones but we can't do these ones' (Interview 9, 2014).

Those respondents who were less tolerant regarded the issue of outlying comments as a nuisance. One respondent described how inconsistent advice was an unfortunate liability: "There is a real danger that a small proportion of the comments really undermine the value of the entire enterprise" (Interview 5, 2014). Another respondent shared a similar concern, stating, "it creates a bad atmosphere around the thing where they tend to sort of give you a negative mark because there are comments that are flying around that are unhelpful and they are misguided" (Interview 3, 2014). Some respondents also felt the consistency of advice was negatively impacted by the changeover of panel membership since new members

would not have seen previous presentations, or their own perspectives would not always align with their panel colleagues.

5.8 Consistency - Comments at the Four Stages of Review

As previously mentioned, the WDRP has a four-stage review process (concept, schematic, design development, and construction documents). The panel's *By-laws* have an aspirational target of assessing projects at least once for each stage, but the actual need for a final stage review is decided on a case-by-case basis at the discretion of the panel. Generally submissions begin at the concept stage of review and proceed through the schematic and design development stages of review. However, in several cases projects have been allowed to either skip the concept or schematic design stages of review and the panel only once requested a presentation for the construction drawing stage of review.

In light of this, a project manager at Waterfront Toronto clarified that although the *By-laws* have not been updated, as of October 31, 2011, private developments were no longer required to present submissions for the construction documents stage. Public projects, however, might still be required to do so at the panel's discretion (Interview 10, 2014). I was not able to precisely measure conformance to the targeted four reviews, because there is no consistent documentation that indicates the panel's position as to which projects are required to return for the final stage of review.

Distribution of Projects and Submissions in West Don Lands' Sample				
Stages	No. Projects Assessed at Each Stage	% of Total Projects	Total No. of Submissions at Each Stage	% of Total Submissions
Concept	7	78%	7	25%
Schematic	6	67%	8	28.5%
Design	8	89%	12	43%
Construction	1	11%	1	3.5%
Total No. of Projects & Submissions	9	100%	28	100%

Table 5.4 Distribution of Projects and Submissions in Analyzed Sample

5.8.1 Concept

The concept phase is the first stage of review and therefore it serves two key functions: first, it allows the panel to become familiar with the project's intentions and sets the framework for future reviews; second, and more importantly, it is the stage at which the panel offers advice and identifies any fundamental issues that will need to be addressed. A current panel member explained, "it's really important to be very strong and very deliberate about your comments early on in the process" (Interview 6, 2014).

Concept Stage Vote Distribution		
Vote	Number of Submissions	% of Submissions*
Support	4	67%
Conditional	1	16.5%
Non-Support	1	16.5%
Total	6*	100%
*Note one information submission excluded from count as no vote taken was taken.		

Table 5.5 Concept Stage Vote Distribution

Submissions for the concept stage of review accounted for one quarter of the total submissions in the West Don Lands' sample. Generally the panel was supportive of

concept designs and only occasionally gave a vote of conditional or non-support. The panel also provided an information session for one submission, where advice was given but no vote was taken.

Given that this early stage is the panel's best opportunity to maximize change on any given project design, the panel's voting patterns demonstrate that the majority of projects arriving at the panel at the concept stage are already excellent quality. Furthermore, the key concerns for the projects that received conditional and non-support votes at this stage were innocuous and focused on a site's geometries, programming or public art components, or a building's use of cladding and glazing on its elevations. Respondents working on these projects explained that the key concerns of the panel could be easily addressed. One respondent recalled, "the advice was relatively benign, there was a few people that thought that it was over-designed or under-designed, which again is commonplace for design panels" (Interview 4, 2014). Another respondent made a similar comment, stating, "...with glass you just move stuff around, but if you're talking about moving the building or moving the loading dock, I mean that's a whole different story" (Interview 7, 2014).

- Support
- Landscape
- Elevation
- Sustainability
- Public Space
- Programming
- Site Context
- Activation
- Communication
- Presentation Materials

Table 5.6 Summary of Panel Comments for Concept Stage

Not only were the panel members generally supportive of concept phase submissions, they also tended to express this support explicitly to development actors. Most often, panellists expressed support for the aesthetics and materials selected, but they also shared their appreciation for projects in a more general

sense, at times noting how projects aligned with the character of the neighbourhood or how well projects had integrated public art. The following is a summary of the panel's comments at the concept stage:

- landscape design for projects, mainly concerned with whether planting schemes considered the vegetation that lines the Don River and that long-term maintenance was contemplated;
- sustainability of projects, with respect to the solar gain and the selection of cladding and glazing materials, as well as ensuring buildings were future-proofed and proponents had examined the use of heat exchangers;
- street types and narrow street widths in order to be consistent with the community's desires;
- ensuring the projects struck the right balance in terms of programming;
- site context, mainly how the site related to adjacent parks and how the development will fit into the community once build-out is complete;
- activation of the ground floor of buildings, as it contributes to street life as well as the opaqueness of glazing materials to help people feel more welcome;
- communicative quality of the architecture, where the form of the building reflects its function to the degree that the general public should be able to look at an infrastructure building and understand the building's purpose; and,
- occasional additional material requests, to be included with subsequent presentations, including shadow studies, cross-sections, and clear attribution to precedent images.

5.8.2 Schematic

Submissions for the schematic stage of review accounted for just over one quarter of the total submissions in the West Don Lands sample. Generally, the panel is supportive of schematic designs but on occasion will give a vote of conditional or non-support. In terms of project development, schematic design is considered

relatively early in a project's evolution and the project is still fluid enough that changes can be reasonably made.

Schematic Stage Vote Distribution		
Vote	Number of Submissions	% of Total Submissions
Support	6	75%
Conditional	1	12.5%
Non-Support	1	12.5%
Total	8	100%

Table 5.7 Schematic Stage Vote Distribution

Just as in the concept stage, the panel demonstrated through its voting pattern that the majority of projects coming to the panel are of excellent quality. The key concerns for the projects that received conditional and non-support votes at this stage were primarily focused on site landscaping.

<ul style="list-style-type: none"> • Support • Landscaping • Elevation • Private & Semi -Private Space • Communication • Public Space • Site Context • Envelope • Pedestrian • Experience • Building Materials • Presentation Materials

Table 5.8 Summary of Panel Comments for Schematic Stage

The panel was vocal in expressing overall support for projects, particularly when a project's overall intentions were clear. Support was also stated for design solutions that responded to site constraints and landscaping. Occasionally, the panel was supportive of the projects' aesthetics and massing. The following is a summary of the panel's key concerns at the schematic design stage:

- landscaping of projects, by far the most frequently stated concerns dealt mainly with the quantity of trees and their relative spacing, but concerns were also expressed regarding sufficient seating and planting materials;
- underdeveloped building elevations and elevations that appear flat, equally as concerning to the panel as landscaping;
- clear articulation of areas that are accessible to the public, with increasing privacy for units at grade;
- communication of infrastructure buildings' purposes in the community, where a project should tell the story of a building's function and preferably express it in a way that is educational;
- challenges to current city standards with regards to built environment,
- buildings' relation to adjacent public realms, or projects that fail to show consideration for their surroundings;
- massing, where buildings or their components are volumetrically disproportionate.
- pedestrian experience beneath overpasses, as well as walkway width and configuration;
- inexpensive building materials, in addition to encouraging the use of colour palettes to link with the character of the area, and generally suggesting that drawings are detailed enough in order to allow for proper execution;
- a need for elevations, sections, and a model to better understand buildings' relationships to public realm, though these concerns were expressed to a lesser extent; and,
- sustainability with regard to the impact of solar gain due to the use of dark cladding material, though this was a minor theme, and general encouragement for designers to explore opportunities to draw benefits from the solar gain.

5.8.3 Design Development

Submissions for the design development stage of review accounted for nearly half of the total submissions in the West Don Lands sample. The panel voted in support of just over half of the submissions in the design development stage. Just as in the concept and schematic stages, the panel’s voting pattern demonstrates that the majority of projects coming to the panel at the design development are of excellent quality. One quarter of submissions received a vote of conditional support, and there was a single instance of a vote of non-support.

Design Development Stage Vote Distribution		
Vote	Number of Submissions	% of Total Submissions*
Support	7	64%
Conditional	3	27%
Non-Support	1	9%
Total	11*	100%
*Note one information submission excluded from count as no vote taken was taken		

Table 5.9 Design Development Stage Vote Distribution

Conditional Voting Distribution for Stages of Review					
Stage of Review	Concept	Schematic	Design	Construction	Total
Number of Conditional Votes	1	1	3	0	5
Total Number of Submissions	6	8	11	1	26
% of Conditional Votes per stage	16.5%	12.5%	27%	0%	100%
Note: 2 information submissions excluded as no voting occurs during such reviews.					

Table 5.10 Conditional Voting Distribution for All Stages of Review

The panel voted conditionally on submissions nearly twice as often in the design development stage than in either the concept or schematic design stages. This can be explained to some extent in that, according to respondents, the design development stage of review is a contentious stage at which to review a project at

all. Some respondents understood that the timeliness of advice was a major limitation of the panel's impact, as one current panel member explained,

it's all peer review right, everybody quite knows that when you're that far along the process to unravel and correct some of these earlier decisions is really difficult, that's one thing I've learned. That in itself is one of the weaknesses of design review panel, your ability to affect or work with the proponent is so limited by reality and budget and all that. If you actually make a major contribution it really has to be in the early part of the project (Interview 6, 2014).

Another respondent echoed the sentiment, stating, "anytime that you can get in front of this kind of a panel very early, the better off you're going to be down the line (Interview 7, 2014). Notwithstanding respondents' concerns, increased conditional voting in the later stages of review can be partially understood as a means for the panelists to flag outstanding issues without holding up a project and therefore maintain credibility with their professional peers.

- Support
- Elevation
- Material
- Public Art
- Landscaping
- Private & Semi – Private Space
- Site Context
- Presentation Material
- Pedestrian Experience
- Programing
- Activation

Table 5.11 Summary of Panel Comments for the Design Development Stage

The panel was vocal in expressing overall support for projects particularly when a project's intentions were clear. Support was expressed for design solutions that responded to site constraints and included landscaping details. Occasionally the panel was supportive of a project's aesthetics and massing. The following is a summary of the panel's comments at the design development stage:

- elevations where drawings appear underdeveloped, elevations that appear conventional, and elevations that are not treated consistently around buildings;
- building materials that are not considered durable, concerns with the time taken by designers to detail their drawings so that materials are properly installed, and general concerns about the quality of materials;
- the public art component of projects, maintenance issues, fabrication details, and the relationship of the artwork to the site;
- landscaping of sites, soil provisions for trees, as well as tree size and spacing;
- design of private and semi-private space, where courtyards clearly define which spaces are publicly accessible, as well as the configuration of townhouse porches;
- architectural details that can help to better respond to the character of the area, and the relationship of sites to adjacent parks;
- frustration with presentations that do not provide context or section drawings, or are difficult to understand;
- the impact of blank walls on the pedestrian experience and creating strong links between parks;
- over-programming of open public space; and,
- activation of the ground floor of buildings and allowing people to see building interiors.

Comparison of Percentage of Voting per Stage				
	Stage of Review			
Vote	Concept	Schematic	Design	Construction
Support	67%	75%	64%	100%
Conditional	16.5%	12.5%	27%	0%
Non - Support	16.5%	12.5%	9%	0%

Table 5.12 Comparison of the Percentage of Voting by Stage of Review

Overall, by comparing the voting distribution of the panel at the four stages of review, it is clear that the panel was typically supportive of submissions throughout

the entire review process. The consistency of supportive comments shows that developments in the West Don Lands did not generally have any major or fundamental design flaws. This conclusion is further enforced by a comparison of the most and least frequent comments at the three most common stages of review, concept, schematic, and design development.

	Stages of Review		
	Concept	Schematic	Design Development
Most Frequent Comments	<ul style="list-style-type: none"> • Support • Landscaping • Elevation • Sustainability 	<ul style="list-style-type: none"> • Support • Landscaping • Elevation 	<ul style="list-style-type: none"> • Support • Elevation • Materials • Public Art
Least Frequent Comments	<ul style="list-style-type: none"> • Public Space • Programming • Site Context • Activation • Communication • Presentation Materials 	<ul style="list-style-type: none"> • Private & Semi - Private Space • Communication • Public Space • Site Context • Envelope • Pedestrian Experience • Building Materials • Presentation Materials 	<ul style="list-style-type: none"> • Landscaping • Private & Semi-Private Space • Site Context • Presentation Material • Pedestrian Experience • Programming • Activation

Table 5.13 Comparison of Panel Comments by Stage of Review

This comparison shows that as a project becomes more refined panel comments become more detail oriented, for instance, discussion around building materials and public art are predominant in the design development stage. This pattern is reassuring for development actors, and probably more importantly for Waterfront Toronto, because it provides a level of confidence that, at least from a design standpoint, nothing significant is overlooked in the early stages of review. However, the pattern also raises the question as to whether or not WDRP was an essential design control mechanism in the redevelopment of the West Don Lands.

5.9 Consistency – Comments According to Attendance

According to the *By-laws*, panel members volunteer their service for a two- or three-year term, and Waterfront Toronto may request a panel member to serve a maximum second term. Waterfront Toronto has been fortunate to have some very dedicated members.

Duration of Service		
	No. Members	Percentage of Members
First Term	10	50%
Second Term	6	30%
Beyond Second Term	4	20%
Total	20	100%

Table 5.14 Duration of Service Since Panel Inception in 2005

I probed the meeting minutes between 2005 and 2008 to see if any panel members had began serving before the *By-laws* and where still active members. Since, the panel's inception in 2005, a total of 20 individuals have served on the panel. Since the implementation of the *By-laws*, which stipulates duration of service, changeover of panel members has increased. Members have either served a single 2- to 3-year term or two 3-year terms, as of the writing of this thesis there were four members, including the panel chair, who have served since the panel's inception (close to 10 years), with 1 of these 4 members taking a 2-year hiatus.

Number of Sitting Panel Members											
Year	2008	2009	2010			2011		2012		2013	2014
No. of members	13	13	11	12	10	10	9	9	8	10	10

Note: *By-laws* implemented April 2008

Table 5.15 Number of Sitting Panel Members between 2008 and 2014

Waterfront Toronto will surely have a formidable challenge recruiting new members once these longstanding panelists step down. This will be a challenge not only because these individuals are panel fixtures, but also because the dwindling number

of panel members over the past five years suggest an issue with recruitment. Panel membership has been in gradual decline since September 2009, reaching its historic low of eight members in April 2012. The panel gained two more members in September 2012 to bring the panel membership back up to ten, but has continued to operate with vacancies ever since. Waterfront Toronto has not had full panel membership since July 2009. Although he does not provide figures, Punter (2003) noted that the transparency and credibility of the renowned VUDP was bolstered by the service to and changing panel membership as it helps participants see both sides of the process. Panel member attendance of DRPs has been, and continues to be, a challenge. The WDRP and Vancouver panel alike are based on members volunteering their time, and it stands to reason that members, who are practicing professionals or academics or both, have a limited amount of time to offer. It is worth noting that research in the UK has found remuneration for service did not have an affect on attendance patterns or membership (CABE, 2009b). The Vancouver panel quite plainly states on their DRP website that panel members cannot miss more than four meetings in a row or their membership will be revoked (City of Vancouver, 2013). In the case of WDRP I found six members and nine instances where panel members missed three consecutive meetings. Although this would not warrant termination by Vancouver's standards it comes close enough to be a cause of concern given the panel's apparent recruitment challenges.

A couple respondents noted a desire to be seen by the same panel members at each stage of review, one respondent said, "I think they needed to better enforce people's attendance...it would have been nice to at least know that you were presenting to a group that was consistent, that heard you last time" (Interview 9, 2014) Another respondent was similarly vexed, stating,

...panel members would be gone for three or four sittings and then you almost have approval, and then they show up, and they want to open the can of worms again. And you're like 'wait we just got this approval, we just addressed the issues from the last panel, but now...?' So that was part of the frustrating part of the process, is when

you'd have a not a regular kind of attendance of people on the panel (Interview 8, 2014).

April 2008 – Dec 2013	Attendance Record					
% of Meetings Attended	80 +	70-79	60-69	50-59	40-49	Total
Number of Members	4	6	6	2	2	20
% of Total Members	20%	30%	30%	10%	10%	100%
Note: These figures are based on data collected over the 5 year period, with changing panel membership.						

Table 5.16 Individual Panel Member Attendance Record

Since WDRP is no exception to the issue of poor attendance and, as one project manager explained maintaining quorum has been, and continues to be, a real problem (Interview 10, 2014). These findings were somewhat surprising given that the *By-Laws* explicitly state: “To ensure a fair and consistent review process, a quorum of 7 Panel members will be required for any Design Review Panel to convene” (Waterfront Toronto, 2008b, p. 2). I conducted a detailed analysis of attendance to better understand the perceived problem and its impact on panel advice.

Submissions Reviewed, According to Attendance		
Number of Submissions to	Total	%
Less than 7 members	8	29%
7 or more members	20	71%
Total Submissions	28	100%

Table 5.17 Comparison of Number of Submissions Reviewed by Attendance

Nearly three quarters of submissions were review by a panel of 7 panel members or more, whereas, a panel of 7 members or less assessed just over one quarter of submissions. This smaller but still significant number of WDRP meetings did not meet the *By-laws*’ own standards for fairness and consistency (Waterfront Toronto, 2008b). This break in protocol demonstrates administrative discretion that allows the panel to operate outside of its pre-determined procedures. On the other

hand, as many people involved in committee work would attest, the larger the group of individuals the more difficult it becomes to focus on the subject at hand and find consensus. It is for this reason that operating with smaller panels in the UK is preferred. CABE (2013) suggests between four and six panel members attend a review. Optimizing a panel's size may actually be an iterative process. For example, in 2009 the Vancouver panel amended its *Urban Design Panel By-laws No.4722* and reduced its quorum requirements from 8 members (Punter, 2003a) down to 5 (City of Vancouver, 2009).

Comparison of Voting Distribution According to Number of Members in Attendance				
	Less than 7		7 or More	
Vote	No. of Sub	% of Sub	No. of Sub	% of Sub
Support	6	75%	12	67%
Conditional	0	0%	5	28%
Non-support	2	25%	1	6%
Total	8	100%	18	100%

Table 5.18 Comparison of Voting Distribution According to Attendance

According to attendance, there was significant differentiation for the panel's voting pattern of submissions in the West Don Lands sample. Generally the panel was supportive of submissions and was slightly more supportive when less than 7 members were present. Again this is a testament to the high quality of submissions received by the panel in general. However, when the panel had less than 7 members it was dichotomous, choosing to vote either in support or non-support. The same comparison shows that the panel voted four times more often in non-support of submissions with less than 7 members and the panel only voted conditionally when 7 or more members were present. Furthermore, the voting pattern analysis was also supported by panel comments. The panel made supportive comments nearly twice as often when 7 or more panel members were present. I argue there is a confluence of factors that influence the panel's assessment of submissions in the

West Don Lands sample. These factors include late stage advice, group dynamics, professional association decorum, and attendance.

Comparison of Comments According to Attendance		
	Less than 7 members	7 or more members
Most Frequent Comments	<ul style="list-style-type: none"> • Elevations • Support • Landscaping • Private & Semi-Private Space 	<ul style="list-style-type: none"> • Support • Landscaping
Least Frequent Comments	<ul style="list-style-type: none"> • Communication • Activation • Materials • Presentation Materials • Envelope • Pedestrian Experience • Public Space • Site Context 	<ul style="list-style-type: none"> • Elevation • Building Materials • Site Context • Public Art • Private & Semi-Private Space • Sustainability • Public Space • Presentation Material • Programming • Pedestrian Experience • Activation • Communication • Envelope

Table 5.19 Comparison of Panel Comments According to Attendance

An unexpected phenomenon I observed at all of the WDRP meetings I attended was panelists leaving the meeting before adjournment. On two separate occasions separate panel members left a meeting during the actual review process. On another occasion a panel member left before the start of the review shortly after disclosing a conflict of interest. Yet on another occasion a panel member left the meeting during the break between review sessions. Unfortunately, only one panel

member explained her/his early departure and I was not able to verify why other panel members left meetings early.

The most notable of these occurrences was on March 12, 2014 when a group of five DRP members gathered for the review of three separate projects. Since the panel's Chair was unable to attend he asked his colleague to chair the meeting for him. This is commonplace for the WDRP. The first project assessed was the design development stage of the Stormwater Quality Facility, which received a vote of support. The second project that the panel assessed was the schematic design stage of the Urban Park and Waterfront Trail at Ontario Place, which received a vote of support. The final project reviewed was the conceptual design stage of a private development known as Bayside. The panel listened to the architect's presentation of the project, panelists asked the architect to answer some questions for clarification, and then during the comments period, the acting panel Chair informed the room that he would have to leave the meeting in order to attend to his teaching obligation at a local university. At that point the VP Planning and Design assumed the role of acting Chair, first he asked the remaining panel members to finish their comments and then he provided a summary of the discussion. Finally the VP Planning and Design asked for the four remaining panel members to vote, which they dutifully did in support of the project.

It is not entirely clear if this phenomenon is commonplace beyond the small sample of meetings I observed, since the meeting minutes do not record such details. One respondent observed inconsistency with the panel and stated,

this was a big concern actually, I don't remember specifics of names of people but it was always a different group when you'd show up, and it wasn't that they would change their people on it, and sometimes the odd person would come in and out (Interview 9, 2014).

In the observation noted above, the impact of at least this one early departure of a panel member compromised the independence of the WDRP. The issues with attendance can compromise the transparency of the review process and seem to

impact the way the panel discusses a project and ultimately votes. But do these procedural issues raised negatively impact the transparency or is it not necessary to so closely scrutinize the means used to achieve a goal, as long as the organizational obligations are being fulfilled?

5.10 Justification - Following Advice – It's a Mix Thing

Generally respondents selectively followed the panel's advice. Respondents candidly explained one or more reasons they followed advice. Foremost, respondents noted that the quality of the advice and its helpfulness in improving the quality of the project influenced their decision to act on the advice. For instance, a former panel member, summarized a common feeling and laughingly said,

You listen to these comments, and some are much better than others, some are much clearer, some have seemed to really hit on a weak point in the design and you get it right away, and you say 'oh yeah got it!' Others is [*sic*] probably less, it's all helpful, but it's probably less of a comment that we would follow. I would say it's a mix thing (Interview 4, 2014).

Other reasons that advice was followed included:

- the client's or designer's willingness to make changes;
- the realities of scheduling and budget; and,
- an opportunity, in at least one case, for the architect to leverage the client to make design changes.

Some respondents who were not asked to make significant changes followed the advice wholeheartedly. One architect reflected on the interaction with the client and how quickly a response to the panel proceeded

As soon as we left the meeting the client didn't say 'what the hell happened?' I mean well maybe he did say that, but it was quickly 'How are we going to make this better?' So I went back to the office and a couple of days latter I had a new concept (Interview 7, 2014).

Conversely, respondents did not always agree with the panel and would choose not to follow all the advice.

Regrettably, none of the respondents made a connection between following the advice and the broader goals of the West Don Lands Precinct or Block Plan. The absence of this conceptual link suggests that the justification of panel advice is rooted in practical decision-making, rather than to implementing planning initiatives as they are laid out in the site-specific plans. This conclusion is further evidenced by the mixed response from respondents regarding the impact of the panel's advice. Simply stated, if the advice is seen to be reasonable and contributing to the quality of projects, then the panel is providing a value-added service. Overall, respondents typically felt that the advice generally improved the quality of their projects. While others felt the impact was somewhat limited to a small aspect of the project. In one case a respondent explained that the panel was extremely supportive of the project and really it was the design team that kept pushing to make the project better.

As outlined above, for better or worse there is a confluence of factors that influence the clarity, consistency, and justification of panel advice, these include the diversity of perspectives offered by the panel, the high quality of submissions that allows the panel to generally vote in support, outlying comments, changeover of panel members, timeliness of advice, and attendance patterns. Multiple perspectives and differing interpretations make it a challenge to maximize the panel's advice. However, given that the panel has not had to intervene in any serious manner with developments in the West Don Lands, the motivations as to why development actors chose to follow the panel's advice in this sample can be attributed to a different set of factors, which simply put are focused on just making better designs.

5.11 Monitoring the Panel

Scholars have noted that monitoring of design review panels is underdeveloped (Dawson & Higgins, 2009; Paterson, 2011; Punter, 1999, 2007). Research in the UK by CABA (2009b) aimed at mapping the scope and operation of DRPs identified 81 DRPs. Of these only half reported monitoring or evaluation panels, and of these most were conducted by the project manager overseeing the panels operations.

Indicators used to assess panels included number of submissions, impact of the panel advice on improving submissions, quality of meeting minutes, satisfaction of development actors with service, and panel activities (CABE, 2009b). In this section I provide an analysis of the monitoring practice of WDRP.

5.12 Clarity – Forgotten Phase

In Canada, since the 1950s, the rational comprehensive model has provided planners a framework for creating plans. Hodge and Gordon (2014) describe the 7-step process as:

1. Define the problem, identify the goals;
2. Survey existing conditions;
3. Create alternative plans;
4. Compare and assess alternative plans;
5. Adopt a plan;
6. Create an implementation plan; and,
7. Monitor trends and evaluate outcomes.

Public participation in plan making has become an important factor that can increase community buy-in to the formal planning of communities. Planners and politicians engaged with public sentiment are more likely to approve of developments that are supported by local communities. Although, public participation is a statutory requirement for many North American municipalities, urban design plans have been found to lack descriptions of the public processes used in their creation (Linovski & Loukaitou-Sideris, 2013). The *Precinct Plan* provides a short description of the public input gathered, however the *Block Plan* makes no mention of public consultation. Fortunately, previous research by White (2013) described the extensive public consultation process used to create the West Don Lands Precinct Plan. The *Precinct Plan* was endorsed by City Council in May 2005 and the *Block Plan and Guidelines* were endorsed in May 2006 (City of Toronto, 2009b). Having a plan that was

produced through a public process provides a meaningful standard against which to assess the alignment of the panel's comment and key concerns.

Punter (1999) noted the limited discussion around clear articulation of the differences between, goals, objectives, policy, and guidance. Punter explains the concepts can be understood in a hierarchy of precision, with goals being the broadest sitting atop, followed by measurable objectives, and then policies. He notes that advice sits below these constructs and falls within the domain of guidance, which unlike policy, is not mandatory or irrevocable. In the *Precinct Plan* the aspirations of the public were captured and expressed in the form of vision statements and design principles that jointly express the desired future state of the precinct. However, I found only the *Precinct Plan* provides vision statements and there is a near verbatim overlap between the design principles found in the *Precinct Plan* and *Block Plan*.

Generally the vision of the West Don Lands, as articulated in the planning documents, is an urban precinct with four neighbourhoods that blend together with the character and built form of the surrounding communities. The precinct is intended to create a strong connection to the Don River, which runs north-south along its eastern edge. The eclectic design of the surrounding communities of Corktown to the north, Old Town of York to the north-west, St. Lawrence Neighbourhood to the south-west, and the Distillery District to the south act as the primary inspiration for the precinct. The existing street network from these adjacent communities should extend into and through the West Don Lands in a way that highlights, and terminates at, a new, major park that sits atop a flood protection landform buffering the built form of the community with the restored Don River. I have summarized the vision statements and design principles into three key categories in the table below.

Summary of Precinct Plan Goals & Design Principles
<p><i>Mixed Land Use</i></p> <ul style="list-style-type: none"> • Provide residential, retail, and employment and public space land uses • Reduce car-related land uses • Create buildings that can adapt to future market conditions • Locate community facilities near public open spaces
<p><i>Collection of Neighbourhoods & Community Character</i></p> <ul style="list-style-type: none"> • Provide a mix of housing options, including loft, live/work, townhouse, mid-rise and high-rise apartments • Include a diversity of massing, materials, and proportion that echoes the character of surrounding communities • Conserve heritage resources where possible
<p><i>Public Realm</i></p> <ul style="list-style-type: none"> • Create a pedestrian friendly public realm connected to adjoining communities • Create streets and blocks that echo adjacent neighbourhoods • Provide streets with a mix of transportation options • Maintain narrow streets • Design the flood protection landform to be a public open space
<p>Summarized from the <i>Precinct Plan and Block Plan</i> (Waterfront Toronto, 2005b, 2006).</p>

Table 5.20 Summary of Precinct Plan Goals & Design Principles

Unfortunately, only the affordable housing section in the *West Don Lands Precinct Plan* sets out targets for its objectives, but these targets are not directly transferred to the *Block Plan*, making it unclear which document details the actual measure for objectives. Other elements of the *Block Plan* are more prescriptive and descriptions of building envelopes and street typologies are provided. Since the majority of the district is zoned RA (Reinvestment Area) there are no density restrictions and therefore the *Block Plan* only provides the approximate GSM (Gross Square Meters) and anticipated dwelling and parking unit yields on a block-by-block basis. However, the specificity of these elements is undermined by the authors, who note that the numeric values provided throughout the *Plan* are merely suggestions,

and precise values would eventually be developed to amend the current zoning by-laws. Since the *Precinct Plan* and *Block Plan* are not legally enforceable the utility of the plans becomes rather limited, particularly for monitoring and evaluation purposes.

Ideally, a monitoring and evaluation system is developed with stakeholder consultation during the plan making process and would appear as a chapter within a plan (Seasons, 2003). However, as Seasons (2003) found the monitoring and evaluation phase of plan making, at least in Ontario, has been largely disregarded. As I discussed in the literature review section, monitoring and evaluation of plans and urban design plans and guidelines is underdeveloped. This seems to hold true for the *West Don Lands Precinct Plan* and *West Don Lands Block Plan and Design Guidelines* in so far as both documents have not provided a predetermined evaluative framework or set of indicators that should be used to measure the relative success or failure of these plans. Seasons (2003) explains that plans that lack clearly defined goals and measurable objectives allow for subjective interpretation of plan intentions. I was unable to identify any predetermined metrics for assessing the plans or the WDRP itself. To guard against a subjective interpretation and provide a meaningful assessment of WDRP advice, I examined the *Precinct Plan* and *Block Plan*. I asked respondents if the plans were useful, how frequently they used them, and if the advice of the WDRP was consistent with these documents. I constructed the panel's key concerns on a project-by-project basis by analyzing meeting minutes and cross-referenced my findings with respondents' understanding of panel comments. I then assess the alignment of panel comments and key concerns with the vision statements and design principles of the *Precinct Plan* and *Block Plan*.

5.12.1 Usefulness - Flexibility

The *Precinct Plan* and *Block Plan* were generally understood by respondents to be visionary documents rather than prescriptive codes or anything technical in

nature. One respondent working on a Waterfront Toronto project expressed a sentiment that was shared by others working on similar projects, stating,

One of the advantages of working with Waterfront Toronto is it gave a lot of design flexibility so that there is not an awful lot of prescription, there are some intentions, but I would not go as so far as to say that there are design guidelines in place (Interview 4, 2014).

An architect explained one of the limitations of the guidelines:

The guidelines don't deal with this type of building very well. The design guidelines are kind of setup for typical buildings, residential buildings, office buildings. It doesn't really say 'hey when you have a really big facade you should make it textured, and you should do this.' It doesn't say that because a residential building is like that just by nature of its being (Interview 7, 2014).

However, the same architect explained how the *Precinct Plan* and *Block Plan* documents served an interesting alternative purpose, stating, "I took a little axonometric out of there, and that was the urban design, and I just physically with Photoshop put our building in there, to make it look like we were integrated" (Interview 7, 2014). At the very least, these documents provide a starting point for development actors working in the West Don Lands. The language in the documents is accessible and the numerous images found throughout provide a visual interpretation of the proposed built forms, street layout, transit route, cycling connections, as well as the distribution of parks and affordable housing.

Additionally, the authors of the *Block Plan* suggest one less obvious use for the document. They recommend the WDRP use the document as evaluation criteria for the review of development proposals. However, there is no explanation in this document or in the *By-laws* as to how this may be achieved. As I somewhat expected, I did not observe any use of the *Block Plan* during actual WDRP meetings. Furthermore, neither the *Precinct Plan*, *Block Plan*, nor the *By-laws* make mention of how the WDRP is to be monitored or evaluated. All together, the limited way in which these guiding documents are used works to further increase the discretionary nature of the WDRP.

5.13 Consistency – Key Concerns for West Don Lands’ Projects

In this section I first present a table for each of the nine projects sampled from the West Don Lands that were reviewed by the panel after the adoption of the *By-laws*. I identify the panel’s key concerns and assess the alignment of the panel’s comments with the vision and design principles of the *Precinct Plan* and *Block Plan*. In order to establish the key concerns of the panel, I synthesized the WDRP members’ comments that I gathered from the meeting minutes with the perspectives expressed by development actors gathered from key informant interviews. The key informants interviewed had firsthand knowledge of WDRP meetings. This approach provided a means to assess the clarity of the panel’s advice, while reducing subjectivity and protecting the identity of respondents.

5.13.1 Public Buildings


		Proponent: Toronto Community Housing Corporation Development Type: Public Buildings Conflict of Interest: George Baird Note: Original design firm was fired; the analysis is based on the new firm's work.			
		Phase	Concept	Schematic	Design
Vote		Non-Support	Support	Conditional	Support
Attendance		5	7	7	6
Date		09-Feb-11	09-Mar-11	08-Jun-11	09-May-12
Key Concerns The key concerns for this project include: the landscaping of the site, mainly the trees, outdoor furniture and hardscaping; underdeveloped elevations; lack of balconies; design of the courtyard; the building material selection; and the relationship of the building to the public realm.					
Alignment to Vision Statements and Design Principles The panel comments for this project primarily aligned well with the principle of creating a strong connection to the community's historically industrial character. The panel particularly encouraged the designers to respond to the community's character through arrangement of glazing and the use of brick cladding, as opposed to the proposed composite material. There was some discussion that encouraged the use of balconies, however, as the designer explained to the panel, internal Toronto Community Housing Corporation policies prohibit their use in building design. Concerns for the landscaping worked to fill gaps in the plans, which make minimal mention of landscaping requirements.					

Table 5.21 Toronto Community Housing Corporation


		<p>Proponent: Waterfront Toronto District Energy Centre Phase 1</p> <p>Development Type: Public Infrastructure Building</p> <p>Conflict of Interest: Greg Smallenberg</p> <p>Note: Budget limitations called for a smaller scale approach to providing district energy, however it appears that the district energy component was not built.</p>		
		Phase	Concept	Schematic
Vote	Support		Conditional	
Attendance	11		10	
Date	12-May-10		14-Jul-10	
<p>Key Concerns</p> <p>The key concerns of this project included the elevation treatments, where all the facades were given similar treatment, and the primary south façade's relationship to the public realm. The panel was also concerned about the detailing of the public art component of the project. The panel wanted the artwork to respond to the site, and "tell the story" of the building's function.</p>				
<p>Alignment to Vision Statements and Design Principles</p> <p>Generally, the comments of the panel were consistent with the planning documents, most notably the strong support from the panel to adaptively reuse the listed heritage building. A "listed" building is one that is entered into the registry of heritage buildings but is not protected by the Heritage Act. However, there was some discussion and disagreement from the panel members on the land use for an adjoining parcel that were inconsistent with the <i>Precinct Plan</i> and <i>Block Plan</i>. Concerns for the public art component of the project worked to fill in gaps of the plans that do not provide guidelines beyond potential placement.</p>				

Table 5.22 District Energy Centre Phase 1

<p><i>Due to budget constraints construction for this building will not likely occur and therefore I am unable to provide a photograph.</i></p>		<p>Proponent: Waterfront Toronto District Energy Centre Phase 2</p> <p>Development Type: Public Infrastructure Building</p> <p>Conflict of Interest: Tania Borolotto</p> <p>Note: Design changes due to budget cuts called for reassessment.</p>			
		Phase	Concept	Schematic	Design
Vote		Support	Support		
Attendance		11	9		
Date		09-Jul-08	11-Feb-09		
<p>Key Concerns</p> <p>The key concerns for this project included: access and landscaping of the roof-top park; the resolution of the public realm surrounding the TTC turning loop; and, the connection of the building to the planned community centre, school, and daycare.</p>					
<p>Alignment to Vision Statements and Design Principles</p> <p>Generally, the panel comments were consistent with the vision statements and design principles. Particularly, the panel made mention of the opportunity to make a strong connection to the adjacent community facilities and the new major park (recently renamed Corktown Common). There was some discussion and disagreement over deviation from the <i>Block Plan's</i> proposed massing. There was also one comment that stated the alternative layout of the site was an improvement to that proposed in the <i>Precinct Plan</i>.</p>					

Table 5.23 District Energy Centre Phase 2

<p><i>Construction for this project has not commenced and, regrettably I am unable to provide a photograph.</i></p>		<p>Proponent: Waterfront Toronto Storm Water Quality Facility Development Type: Public Infrastructure Building Conflict of Interest: Pat Hanson Note: Hanson joined the panel after the design development stage, conflict was declared at observed meeting.</p>		
Phase	Concept	Schematic	Design	Construction
Vote	Support	Support	Support	
Attendance	7	5	7	
Date	08-Dec-10	09-Feb-11	09-Mar-11	
<p>Key Concerns The key concerns of this project included the communication of the building's function to the general public, in order to tell the story of water treatment. The material selection and detailing were also important issues.</p>				
<p>Alignment to Vision Statements and Design Principles This project is unusual since it, unlike its Direct Energy Centre counterpart; it does not have a development block assigned in either the <i>Precinct Plan</i> or <i>Block Plan</i>. Nonetheless, the panel's advice was consistent with the plans in so far as comments strongly encouraged the designer to pursue rugged, natural materials, which to some extent relate to the formerly industrial character of the area. Concerns relating to a communication strategy acted to fill gaps in the plans that make little mention of the design of infrastructure buildings.</p>				

Table 5.24 Storm Water Quality Facility

5.13.2 Private Buildings


			<p>Proponent: Urban Capital River City Phase 1</p> <p>Development Type: Private Building</p> <p>Conflict of Interest: Greg Smallenberg</p> <p>Note: There was a resubmission at the design stage since the building was taken off district energy.</p>		
Phase	Concept	Schematic	Design		Construction
Vote	Support	Support	Support	Conditional	
Attendance	11	12	6	8	
Date	09-Jul-08	12-Nov-08	12-Nov-09	13-Apr-11	
<p>Key Concerns</p> <p>The key concerns for this project included improving the courtyard design and privacy, the activation of the ground floor, the impact of solar gain on the sustainability of the buildings, the landscaping scheme and the pedestrian experience on the woonerf.</p>					
<p>Alignment to Vision Statements and Design Principles</p> <p>Generally, the panel's comments were consistent with the plans, particularly with respect to improving the building's relationship to the public realm as well as drawing upon the local industrial character, including the Distillery District, and the neighbourhood's industrial past. Occasionally comments that supported the creation of bold and iconic architectural character were inconsistent with the integrated approach articulated in the planning documents. Concerns over sustainability and landscaping issues worked to fill gaps in the plans visions statements and design principles.</p>					

Table 5.25 River City Phase 1



Proponent:
Urban Capital
River City Phase 2
Development Type:
Private Building
Conflict of Interest:
None declared
Note:
The concept stage included the three phases of development.

Phase	Concept	Schematic	Design	Construction
Vote	Support	Support	Support	
Attendance	11	6	11	
Date	09-Jul-08	14-Sep-11	11-Apr-12	

Key Concerns

The panel was very supportive of this project. There was a long time gap between the dates that the concept and the schematic phases were reviewed because of interim work on Phase 1 of the same project. The key concerns of the project included: the building's relationship to the public realm, particularly the north and south elevations where the building meets the woonerf; the activation on the street; and the detailing of building materials.

Alignment to Vision Statements and Design Principles

The panel's comments were consistent with plans, noting the role of the project as a gateway to the precinct and the manner in which the design responded to the industrial past of the area. The panel also highlighted the need for ground floor improvements that enhanced the pedestrian experience, particularly between the woonerf and the service entrance adjacent to Underpass Park.

Table 5.26 River City Phase 2


		<p>Proponent: Urbancon Data Centre</p> <p>Development Type: Private Building</p> <p>Conflict of Interest: None declared</p> <p>Note: There was a Land swap deal between the private landowner, the City and Waterfront Toronto that put the project into the West Don Lands catchment.</p>			
		Phase	Concept	Schematic	Design
Vote	Conditional		Non-support	Support	
Attendance	9		6	6	
Date	12-Sep-12		10-Oct-12	12-Dec-12	
<p>Key Concerns</p> <p>The panel was concerned with the elevations of the building, the continuity of styling around the building, the activation of the ground floor, the future proofing and future integration of heat exchangers to capitalize on the immense heat generated by the facility, and how the building fits into the neighbourhood.</p>					
<p>Alignment to Vision Statements and Design Principles</p> <p>The panel's comments were generally consistent with the vision statements and design principles. The comments that aligned most precisely with the planning documents dealt with the importance of considering the future use of the buildings. One panel member stated that the land use was not ideal but the historic site was worth the trade-off, which inadvertently aligns with one of the design principles of conserving heritage resources whenever possible.</p>					

Table 5.27 Data Centre

5.13.3 Public Realm Projects


	<p>Proponent: Waterfront Toronto Underpass Park</p> <p>Development Type: Public Park</p> <p>Conflict of Interest: Greg Smallenberg</p> <p>Note: The public art component of the project was added on the third submission.</p>					
	Phase	Concept		Design - Art Concept	Design - Art Schematic	Design - Art Design
Vote	Non-support	Support	Information	Support	Support	
Attendance	9	6	9	11	8	
Date	16-Sep-09	12-Nov-09	10-Mar-10	12-May-10	13-Apr-11	
Key Concerns						
The key concerns of this project include the public art component, its placement, maintenance issues, and the site geometries and programming.						
Alignment to Vision Statements and Design Principles						
This project was not originally planned in the public space framework of the <i>Precinct Plan</i> and <i>Block Plan</i> . In any case, the panel's comments did align with aspects of the vision statements and design principles of the plans. The comments were that most clearly aligned were those that identified the space as a connective element that would act as a gateway to the surrounding network of parks. The panel also encouraged the design team to respond to the character of the site, which they felt was hard, gritty, and subversive. Concerns over programming and public art worked to fill gaps in the plans that do not provide guidance on such nuances.						

Table 5.28 Underpass Park



Proponent:
Waterfront Toronto
Cherry Street
Development Type:
Public Realm
Conflict of Interest:
Greg Smallenberg
Note:

Phase	Concept	Schematic	Design	Construction
Vote	Information	Conditional	Support	
Attendance	7	8	8	
Date	09-Apr-08	10-Sep-08	08-Oct-08	

Key Concerns

Overall, the panel was very supportive of the project and the team had extensive stakeholder consultations so the advice did not have a major impact. Regardless, the key concerns of this project included challenging city standards to deliver a high quality public realm and how the street was landscaped, particularly the trees and street furniture.

Alignment to Vision Statements and Design Principles

The panel's comments for this project were both consistent and inconsistent with the plans. Panel comments that were consistent with the plans included maintaining the community's wish for narrow street widths and making stronger connections to the materiality of the adjacent Distillery District neighbourhood. Panel members' comments that were inconsistent with plans focused on challenging the dimensions of the cycling and pedestrian right-of-way to create a more generous pedestrian experience. This project in particular demonstrates the flexible framework of the plans as it provided the technical specifications for the reconfiguration of Cherry Street.

Table 5.29 Cherry Street

Overall, as is common when discussing design issues, panel comments tended to be oriented to project specifics and were difficult to link directly to the broader *Precinct Plan* and *Block Plan*. Without a clear set of indicators the alignment of the panel's advice remains tenuous. Nonetheless, the WDRP comments are

somewhat consistent with the vision statements and design principles of these plans. Occasionally, panel members disagree on the specifics of a project's massing or appropriate land uses, aspects that are clearly indicated in the plans, but these comments tend to be isolated and their influence is usually limited by the VP Planning and Design, who is on hand to interject and clarify issues as they arise. Most importantly, the panel tends to respond to the proposed design rather than dogmatically refer to the suggestions and guidelines included in the *Precinct Plan* and *Block Plan*.

The justification behind the panel's advice can be negatively affected by comments that are seriously inconsistent with the plans. On the other hand, these lapses are usually intended to improve upon what was envisioned in the *Precinct Plan* and *Block Plan*, which speaks to the "design latitude" (Waterfront Toronto, 2006, p. 1) and "flexible framework" (Waterfront Toronto, 2005b, p. 2) that these documents are ultimately intended to be. The combination of the planning documents and panel advice provides guidance and fills in with detail the gaps of the plans for development actors. The comments of the panel can at times read as vague because of the tenor of comments, a panel member explains

It really requires that you've got people that aren't making design suggestions. There is that fine line of not making design suggestions but being able to talk in a general enough way and specific at the same time that you can lead and direct the work (Interview 6, 2014).

5.13.4 It Went Beyond

According to some respondents, the advice of the panel was regarded as being generally consistent with the *Precinct Plan* and *Block Plan*. Some respondents explained advice was neither viewed as consistent nor inconsistent with the plans since there was limited information in these documents that pertained to their projects. One respondent was unable comment since neither the *Precinct Plan* nor the *Block Plan* was consulted in preparation for the WDRP presentation. One respondent reflected, "I think for the most part, not always, but I think the ambitions

of the panel were consistent with the ambitions of Waterfront Toronto, for the most part, overall” (Interview 2, 2014).

The flexible framework of the plans and the generally advisory nature of the WDRP provide an adaptive development control mechanisms to respond to the fluid planning environment. In this context, however, the pliable elements of the West Don Lands plans may also be a weakness. Only one respondent, who was generally supportive of design review panels, commented on a concern with the relationship between WDRP and plans, stating,

There is a great danger that they are going to wind up losing a lot of their power or ultimately going to become irrelevant if there isn't a way that the recommendations or review of the design review panel can be objectively understood. I think there needs to be more emphasis put into very clearly defined goals and objectives (Interview 5, 2014).

According to this perspective, more stringently stated or applied plans and guidelines would buttress the justification of the panel's advice. Conversely, more explicit guidelines could also reduce innovation and impact of stylistic signatures.

5.13.5 Externalities

Rittel and Webber (1973) refer to planning problems as “wicked” (p.160). They explain how the complexities of planning problems, the inability to accurately predict the future, and equally legitimate competing interests challenge decision-makers to articulate their positions. Rather than attempt to make declarative statements in terms of true and false, decision-makers augment their choices with societal values, which ask if a solution is “good enough” (p.163). Looking beyond the issue of attendance, it is not immediately clear why the panel voted in non-support for certain projects. As depicted in the table below, there is no discernable pattern that is self-evident.

Distribution of Non-Support Votes			
	Vote	Stage	Attendance
Underpass Park	Non-Support	Concept	9
Data Centre	Non-Support	Design	6
TCHC	Non-Support	Schematic	5

Table 5.30 Distribution of Non-Support Votes

Looking more broadly into the context of the non-support projects, however, I was able to draw a link between how the panel voted and discrepancies with the *Block Plan*. There were two projects that had major deviations from the land use guidelines set out in the *Plan*. These projects were a public project, procured by Waterfront Toronto, known as Underpass Park, and a private development by Urbancon, referred to here as the Data Centre. These projects account for 2/3 of all non-support votes in the West Don Lands sample.

The Data Centre was not originally conceptualized in the *Precinct Plan* or *Block Plan*. Initially, this block was intended for a housing complex consisting of 2 L-shaped buildings. This included one 5-storey and two 8-storey apartment buildings, and a 24-storey apartment tower. The complex was estimated to yield 500 residential units and approximately 450 parking units. Set in the interior of the block, an above-grade parking garage would service the site. Atop the parking structure would be a green-roof courtyard that would be accessible to building residents.

Originally, The Data Centre was to be built outside of the West Don Lands on part of the nearby historic site of Canada’s first parliament. However, in a long negotiated land swap deal between the land owner, the City of Toronto and Waterfront Toronto, an agreement was reached and the Data Centre project was moved into the West Don Lands boundary and therefore required to go through the WDRP process. On September 12, 2012 the project manager assigned to the project informed the panel that the Data Centre conformed to the existing zoning requirements and was part of a crucial land swap deal that would help the City gain ownership of the “historically significant site of Canada’s first parliament building”

(Waterfront Toronto, 2012h, p. 2). The panel quickly recognized the trade-off; the value of securing the historic site over situating the Data Centre in what was intended to be a primarily residential area in the West Don Lands. The panel assessed the project a total of three times and through its non-support votes was able to motivate the proponent to make modest improvements that helped enhance the building's facade and its relationship to the public realm.

Similarly, in the second example, Underpass Park was not conceptualized in either the *Precinct Plan* or *Block Plan*. Originally the block was intended to retain the 4 existing single storey employment uses buildings. The reason to retain the buildings provided in the *Block Plan* was to serve two purposes: encapsulating the Richmond-Adelaide overpass, to help reduce its negative impact of the community; and, to provide a range of workspaces to the precinct (Waterfront Toronto, 2006). On September 19, 2009, the project manager introduced the Underpass Park project and explained how the site would act as a connective element for River City and Toronto Community Housing developments north of the overpass. The Vice President of Development, Meg Davis, informed the panel that due to a lack of development potential the land use for the block was reconsidered and changed to public open space (Waterfront Toronto, 2009e). Although the first submission received a vote of non-support, the land use change was accepted and endorsed by WDRP, as the panel saw the park as a potential opportunity to act as a gateway to the network of waterfront parks. Unlike the Data Centre case, the panel did not have reservations based on a deviation from the plan per se, but rather their non-support may arise because the plan did not include any recommendations for the park's design and thus coming to consensus on the design took more time. In any case, these two examples of non-support votes help to demonstrate how the panel acted in a responsive and constructive manner to changes to the plans. The WDRP was able to consider the projects in the new context and provide feedback to design teams with development projects that had major deviations from the original plans

but were inadvertently created or moved into the West Don Lands. The Underpass Park and Data Centre cases highlight the importance of the plans in terms of guiding the decisions of the panel, while emphasizing how plan flexibility is necessary in the redevelopment of this size. Moreover, these two cases reinforce the role of the WDRP as a means of monitoring changes to the plans once the formal plan making process is complete. While the WDRP was able, on occasion, to monitor the implementation of the design quality of development plans, monitoring and evaluating the panel itself presents challenges that has largely been overlooked.

5.14 Justification – The Realities - Informality

In the past, Punter (1999) has speculated that there has been limited monitoring and evaluation of design review due to the complexity of the task. More recently, Punter (2011) found some efforts to monitor and evaluate design review. CABE (2009b), on the other hand, has found monitoring of DRPs does occur, but in only about half the time. This monitoring is also typically undertaken internally. Paterson (2011) research into DRPs found that all respondents felt a need for monitoring of panel outcomes. It has been argued that *some* monitoring is better than none at all (Punter, 1999; Seasons, 2003). Considering the overall context of DRP monitoring, I was not surprised to find that Waterfront Toronto does not formally monitor or evaluate its design review panel.

Monitoring and evaluation should not be made unnecessarily complex; having organizational champions, preferably with evaluation skills, is important for evaluation to occur (Seasons, 2003). Based on my analysis of the meeting minutes, I was only able to identify WDRP's Chair as a supporter of informal monitoring. Since the implementation of the *By-laws*, the Chair was the only person who would take the time at the start of a meeting to call for "self-evaluations" (Waterfront Toronto, 2011d, p. 3). The use of the term "self-evaluations" has since changed and is now referred to more appropriately as a "working group."

According to one respondent, working groups are informal discussions closer to focus groups than, say, work retreats. The working groups have been suggested to include both current and former panel members. Prior to 2008, the working groups were held at a local restaurant, but since that time working groups have been held at the Waterfront Toronto offices. Typically working groups occur on an annual or biannual basis. However, attendance at these working groups is low. At the most recent working group in January 2014, only 5 of the 10 panel members were able to attend.

Unfortunately, the informal discussions of the working groups are not recorded. One respondent explained how a working group is used to get a sense of how the panel is doing and make minor tweaks to the process. I was able to identify from the meeting minutes that the Chair had expressed concern over a number of issues that could be discussed during the working groups. These issues included:

- panel effectiveness,
- difficulties of the process, and
- communicating panel success to the public.

There is also evidence that a performance indicator system was developed to more generally monitor Waterfront Toronto's "design excellence" and was presented to the panel during an information session on May 14, 2008 (Waterfront Toronto, 2008c, p. 3). The panel members commented on the presentation and although they felt encouraged to see a monitoring system was being developed in principle, they did not agree with the proposed indicators and proposed some alternatives for consideration. Regardless, this system does not appear to have been incorporated into the WDRP staff members' work routines. After searching the Waterfront Toronto website and numerous requests to staff, I was also unable to access a copy of the indicator system or any results from evaluations that might exist.

A project manager has compiled a database (spreadsheet) of all the submissions the WDRP has reviewed since its inception and this database is a form of informal monitoring that does occur at the WDRP. The variables in the spreadsheet include:

- Project Name,
- Project ID Number,
- Date,
- Meeting Number,
- Project Type, and
- Vote.

These variables were then tallied and used as indicators of

- Total number of project reviewed,
- Number of projects reviewed for information,
- Percentage of projects supported,
- Percentage of projects conditionally supported, and
- Percentage of projects not supported.

These quantitative indicators are focused on panel outputs, which only provide a partial understanding of WDRP. On June 8, 2011, at one WDRP meeting when the panel Chair had suggested the panel meet on an annual basis to assess the panel's difficulties and processes, the then-Director of Urban Design for the City of Toronto offered to share a copy of the survey that is routinely distributed to the City of Toronto's DRP development actors. In response to this, one respondent explained that a questionnaire was developed to distribute to development actors that had been through the WDRP process. However, the questionnaire was never properly administered due to time constraints and competing priorities.

A couple respondents mentioned monitoring or evaluation during their interviews and shared their perceptions of how it might be done. One respondent, a current panel member, felt that the best means for evaluating the effectiveness of the WDRP was on a case-by-case basis. The respondent stated,

It's just really a one-off kind of judgment, project-per-project, I think. You know there have been some projects where we've been able to make some really good suggestions and had some significant improvements ... I don't think you could [evaluate the panel] globally (Interview 6, 2014).

Another respondent, an architect, had an alternative idea for how the panel might evaluate its effectiveness. This respondent felt the WDRP had an obligation to

demonstrate the panel's effectiveness on increasing local residents' quality of life. A comparative post-occupancy study between the West Don Lands and another area of the City without a DRP was suggested. The respondent contemplated,

So can we say in 5 years from now, after this design review panel, we can see that the developments done post to the design review panel feel better and feel more vibrant than ones previous. You can take a certain objective standard of design quality and find out a way of saying, generally, do people feel happier? (Interview 5, 2014)

5.14.1 - Raising the Bar

Punter (2007) and CABE (2013) discuss the justification of DRP advice as being clearly linked to either, or both, procedural predictability or community plans. As mentioned above, both Punter and CABE suggest design review panels operate in an open manner by allowing the public to have access to meetings as well as by maintaining a written account of each meeting. When respondents were asked if the overall process was transparent, generally respondents felt that the process was transparent. According to these respondents who viewed transparency favourably, access to the meetings and the minutes of meetings were the two factors that contributed to this transparency. Others felt the process was somewhat transparent, but thought panel members could be influenced before the meetings and that early panel advice could have been clearer. Only one respondent thought the process was entirely not transparent. This architect explained that without objective goals and standards, it is very unlikely to have a transparent process. The respondent went on to explain, provocatively, that clear objectives and an increasingly transparent process might actually be less effective at improving design quality, stating,

like a building code, it very quickly becomes a minimum standard and then people can say 'look I met the minimum, you gotta give me the pass.' But it isn't something that lends itself to promoting excellence, which I think is what these panels are really trying to do (Interview 5, 2014).

Interestingly, even though the panel was generally regarded as transparent, some respondents still suggested improvements to the process. The following list of improvements included:

- make briefing materials confidential to safe guard against external influences,
- provide panel members with a pre-meeting briefing to ensure they have a firm understanding of the project being submitted;
- create a strong set of objective criteria and goals;
- create and enforce a rule for attendance; and,
- increase public engagement.

Quite remarkably, even without measurable objectives, formal monitoring or evaluation in place to celebrate the success and learn from failures, the justification of the panel's advice is usually well respected. By capturing the aspirations of the general public in the form of vision statements and design principles, the *Precinct Plan* and *Block Plan*, and their subsequent use as points of reference for WDRP advice, counteract, to a small extent, the lack of submission guidelines provided to WDRP's review proponents. At the very least, panel members can refer to the community vision statements and design principles as guiding concepts. An emerging point from some respondents was panel members' implicit consideration of community vision within panel advice, as one architect stated,

... are they thinking 'is this going to make the community better?' I think in the background they are thinking that, because that's what they do [in their professions], but when you're talking to them it's really just about making a better piece of architecture (Interview 7, 2014).

A project manager also shared a similar sentiment, stating,

... just from their experience and history of the West Don Lands, for the Waterfront Toronto projects, or the City of Toronto projects, they always keep the vision of the City of Toronto in their head too (Interview 8, 2014).

These sentiments reflect the broader context within which the West Don Lands has been redeveloped. A former panel member explained how, at least in the early days,

the increased number of government stakeholders and the caliber of panelists and consultants alike had contributed to a culture of design excellence. This member stated,

This was a huge initiative for the City and all levels of government. There was big stakes in this and you can see that by not only the make up of the Waterfront Toronto panel, but look at the consultants that have ultimately won commissions. I mean these are some of the best consultants in the world that have been brought in to deliver the public realm. I guess the point I'm making here, there may be a distinction between the Waterfront Toronto design panel and some other design panels because maybe the bar is higher. It's a good thing not a bad thing (Interview 4, 2014).

Another respondent echoed this sentiment of “raising the bar,” but noted a potentially unintended negative consequence of the WDRP’s high standards, stating,

I just think that what it does is, and I've said this to other design review panel members as well, in fact one design review panel member told me, ‘the better architects we get the more we raise the bar.’ So if they get a really lousy project, well they kind of give all their comments, they reject it; but when they get a very good architect with a good project, they raise the bar, and it still sounds negative to the client, so they make it to such a point that it almost doesn't matter who the client hires. It's not one of those things where you can say 'well I'm going to hire this good architect because it's going to be easier going through design review panel.' Design review panel, especially the Waterfront, has a reputation of being very tough and so what it does, it eliminates the requirement from the client to get a good architect because a bad architect may actually have a nicer time going through the design review panel. It's kind of a twisted way of looking at it (Interview 3, 2014).

Chapter 6 - Conclusion

6.1 Summary

In this brief chapter I conclude my study of WDRP. To summarize, in the literature review I explored evaluations of urban design plans and implementation tools, characterized the WDRP according to the extant literature, described challenges to design review, and discussed monitoring and evaluation of design review panels. I then provided a theoretical framework for developing substantive key concerns based on the advice of WDRP that provided a vantage point from which to assess the transparency of the panel.

When I started my research project I had envisioned a straightforward task of data collection and analysis, where my primary intention was to create a supplementary design guidance document based on themes I had identified within the panel advice. However, after I began the data analysis stage of my work I came to realize the limitation of such a format, I felt that a thematic format would provide a one-dimensional perspective and omit much of the nuance of WDRP. So I returned to my research question and theoretical framework and it occurred to me that to present my findings in a more meaningful way I would need to use a complementary format where I used a full range of measures to describe the clarity, consistency, and justification of the panel's procedures, advice, and monitoring.

6.2 Answering My Overarching Research Question - Transparency

Can Waterfront Toronto's Design Review Panel's advice become more transparent? The short answer to this question is yes. However, as it turns out, transparency of WDRP is not a significant issue for development actors. In fact, they generally appreciate the high caliber of the peer review and do not see the process as a real hindrance to their work. However, since there is no formal monitoring or evaluation

of WDRP, the concern regarding transparency may fall into the public sphere via the news media. In 2014, media reports have placed Waterfront Toronto under scrutiny for its lack of transparency regarding projects such as installing washrooms at Cherry Beach, custom designed, all-season umbrellas for Sugar Beach, and, most recently, the budget overrun for the revitalization of Queens Quay. With Waterfront Toronto having spent nearly all of its \$1.5 billion in seed capital and no commitments for future government transfers in place, there surely will be a lot of attention on the role of the West Don Lands in hosting the athletes of the Pan American Games in 2015 and the reconfiguration of those housing units afterwards.

With ongoing criticism from city councilors and a newly elected mayor of Toronto who prides himself on evidence based decision-making and also holds a seat on the board of directors for Waterfront Toronto, the agency may be prompted to increase monitoring and evaluation efforts. Particularly, evaluations that demonstrate the added value offered by high-quality design or, more importantly, how design decisions help achieve the goals and objectives set out in plans. Within the present context, it stands to reason that at some point the WDRP will come under scrutiny. If the WDRP is more transparent about its procedures, advice and monitoring, it will continue to be seen as a useful apparatus, not only by development actors, but by the public as well.

I have included a list of suggestions that are intended to be reasonable and implementable. Waterfront Toronto may use these suggestions to increase the level of transparency of its design review panel:

- update the panel *By-laws* to reflect the realities of operating the panel, for instance reduce the quorum requirement;
- clearly record conflicts of interest in the minutes for panels members that are both present and absent from the meeting;
- eliminate the requirement of early distribution of presentation materials;
- open the panel member recruitment process and find new members to replace existing members, as well as to fill vacancies;
- provide rationales for denial of access to in-camera meeting minutes;

- clearly define the purpose of the panel and to whom advice is provided, through stakeholder consultation that preferably includes the public and politicians, state the panel objectives in a way that ensure they are measurable; and,
- develop a set of quantitative and qualitative indicators that should be used to monitor and evaluate the effectiveness of the panel.

6.2.1 The Sub Questions – How So?

The five sub-questions of my research project were intended to identify how the panel could become more transparent. Below I return to, and answer, each question in turn.

1. How consistent are the panel’s formal procedures?

I found the panel to be largely procedurally driven. There are some minor and major inconsistencies, however given the soft enforcement the panel’s advice there will most likely continue to be only incremental changes implemented through the panel’s informal “working groups.” The panel’s formal procedures were generally clear, consistent, and justified however there are a number of notable exceptions. The most concerning is the administrative discretion that at times jeopardizes the panel’s independence and consistency. Given the 2008 *By-laws* was put in place to increase fairness, consistency and transparency, what purpose do the by-laws serve if they are not enforced?

2. How does panel advice change at the four phases of review?

The panel reviews work mainly for the concept, schematic, and design development stages of review and in only one instance reviewed the final stage of construction documents. Waterfront Toronto has identified that there is no longer a need for private projects to pass through this final construction documents stage and there is some evidence that suggests the design development stage of review may also be too late to make significant changes to projects. Increased conditional voting at the design development stage strongly suggests that the panel would like to see

development actors continue to make changes to projects even at the late stage of project development. However, this is somewhat counteracted by the type of changes being requested, as panel advice tends to work from the broad to the specific.

3. How does panel advice change in relation to attendance of panel members?

The findings related to this question yielded some unanticipated results. It is clear that Waterfront Toronto has taken some liberties relating to the panel's administrative discretion. Although respondents did not make mention of any specific procedural or policy breaches in protocol, it may only be a matter of time before someone "clues in" and challenges the panel's authority. However, these issues can be averted by either following the *By-laws* more stringently, which may not be feasible, or monitoring and evaluation can play a key role in by demonstrating how the panel has worked towards achieving planning goals in spite of operational imperfections. Nonetheless, panel members should be made aware that regardless of the number of members in attendance, most voting is in support of, but a discrepancy in voting comes into play for submissions where panel members do not give full support. Specifically, all conditional voting was attributed to meetings with 7 or more than members present and 2/3 votes of non-support were given when less than 7 members were in attendance.

4. How does Waterfront Toronto monitor its DRP?

Waterfront Toronto, somewhat unsurprisingly, only informally monitors its design review panel. Annual or biannual "working groups" and some tracking of panel voting are used to make incremental changes to the review process. Waterfront Toronto has been recognized as being a progressive agency and the WDRP is also typically held in high esteem. Together this reputation provides a great opportunity for Waterfront Toronto to come full circle and reengage with its plan-making constituency to develop a meaningful way to assess the long-term

outcomes of Waterfront Toronto's redevelopment efforts and the impact of WDRP. This should include an assessment of how specifically the WDRP has made an impact on the quality of life for new residents of the West Don Lands as well as residents and business owners in the surrounding communities. Ideally, these findings should be compared with redevelopment in another area of the city that was not required to go under design review.

5. How do WDRP's comments and key concerns align with the vision statements and design principles of the *West Don Lands Precinct Plan* and *West Don Lands Block Plan and Design Guidelines*?

The panel's key concerns vary from project to project. It was a challenge to strongly link the panel comments and the key concerns with the vision statements and design principles of the West Don Lands plans. On the whole, comments did work towards improving the design quality of projects and were moderately consistent with plans. There were only rare instances where panel comments could be clearly identified as being in opposition to plans. The panel comments went beyond what was imagined in the plans and worked to fill in the gaps of these guidance documents. Occasionally, individual panel members would make outlying comments but these seemed to be managed respectfully by development actors who came to understand the advisory nature of the panel's comments.

6.2.2 Now What? – Process Model

Overall, according to the descriptions I provide of the WDRP's procedures, advice, and current monitoring practices, the panel is doing well but could benefit from process refinements. Here I outline a process model for Waterfront Toronto's consideration as a next step to improving the WDRP. As I have already mentioned, Waterfront Toronto has some methods for informally monitoring WDRP output. One method is tracking the voting results for each project submission in a spreadsheet; another method is the annual working group that is focused on making process

refinements and discussing how the panel can increase the design quality of projects. Each of these methods addresses a different goal of the WDRP, the percentage of projects approved on one hand and the effectiveness of the panel in terms of design quality on the other. The disparity of these measures calls for a clarification of the panel's mandate. To do this, I suggest a three-step iterative process model to be used for the development of a simple WDRP monitoring system. The process begins with internal stakeholders, and then moves to an open consultation with external stakeholders, and finally returns to a smaller, internal stakeholder group to make recommendations for action items. The intention of this process is to gather insights from stakeholders and increase buy-in to formally monitoring the WDRP.

1. The panel chair should invite current and former panel members, as well as Waterfront Toronto project managers and executives that have been actively involved in the WDRP, to the next working group session. This working group should discuss and clarify the mission statement of the WDRP. It would best serve the WDRP if the discussion stayed focused on the purpose and objectives of the panel and its benefits and drawbacks. There are three apparent scenarios:

A) The panel's function is to operate as an instrument meant to monitor the implementation of the Precinct and Block Plans. This scenario implies the panel's main purpose is to provide advice to Waterfront Toronto to help determine the quality of development proposals before the City of Toronto site plan application and to help demonstrate the effectiveness of the organization's procurement process.

B) The panel's function is to make non-prescriptive suggestions for the consideration of development actors that could be used to improve the design aspects of development proposals. This scenario implies the panel is largely providing advice to development actors to promote "design excellence" for Toronto's waterfront, as it would be assumed that submissions have met or exceeded the organization's standards on design quality.

C) The panel has a dual function as a combination of both A and B scenarios.

Depending on the number of people present, smaller groups should be formed with a mix of stakeholder perspectives. This will allow for more people to have an opportunity to speak and be heard. Once the discussion of the panel's purpose concludes, the panel chair would introduce the group to the value of monitoring and evaluation and the role it can play in demonstrating how the WDRP is meeting its objectives. Examples of potential indicators can be provided to help stimulate a brainstorming session to generate alternatives. As discussed in the literature review some potential indicators for scenario A may include: WDRP voting, WDRP commentary, site visits to completed projects with politicians to show how city council plays a role in the outcome of the built environment, and conformance of projects to plans. Alternatively, potential indicators for scenario B would need to focus on the causal relationship between the WDRP advice and corresponding design changes. For instance, a potential indicator could include development actors' acceptance of advice. Another option could be case studies of development projects that have been reviewed by WDRP. These indicators mainly measure panel output, however should a larger commitment of human and financial resources be made available outcome indicators such as comparative post-occupancy case studies, or surveys of local residents and business owners may become possible. The availability of data sources for potential indicators should also be given careful consideration.

2. The next step would be a forum where the public, politicians, and development actors would gather to repeat the exercises of the internal working group. Some representatives from the internal working group should be on hand to participate in these discussions. The consultation should be facilitated and participants' perspectives must be properly recorded.

3. The last step would be to reassemble all, or part, of the initial working group to assess the findings from the forum, to ratify the mission statement and objectives,

and to finalize the monitoring system and provide an implementation timeline. In addition to these “macro” changes, amendments to the *By-Laws* should be assessed and modified to properly reflect the realities of operating the panel. The aspects that emerged through this research project that warrant consideration include eliminating the pre-meeting distribution of presentation materials, number of members needed for quorum, regular attendance requirements for panel members, and conflict of interest reporting for absent members.

6.2.3 Closing Remarks and Further Questions

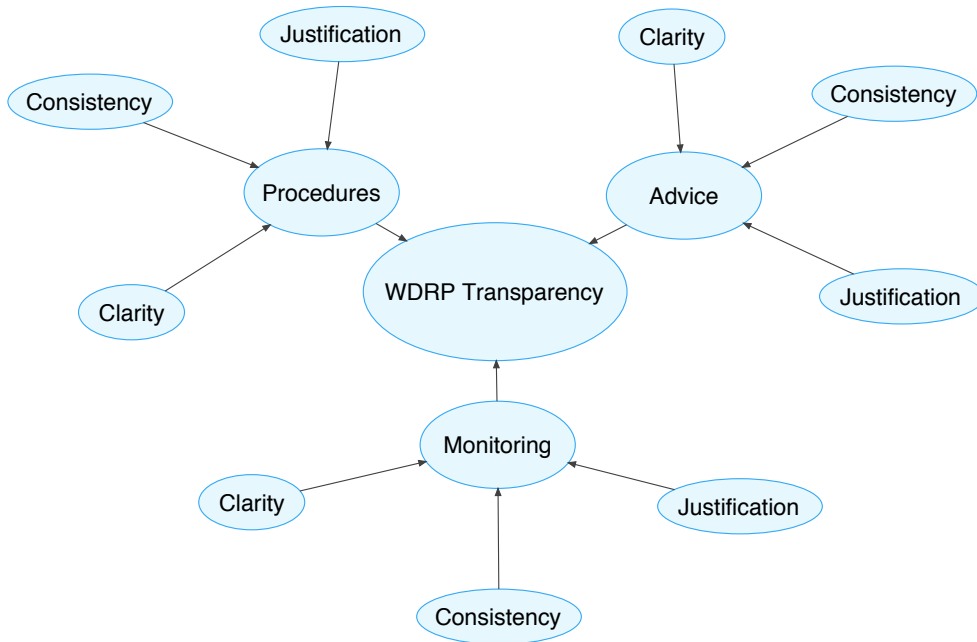
Waterfront Toronto’s Design Review Panel review procedures are generally predictable; with assistance from project managers and the VP Planning and Design applicants are facilitated through the design review process. The sequence and rules of the review format are generally followed with some exceptions. However, without better explanation for access to records, conflicts of interest, administrative discretion, lack of appeal mechanisms, membership attendance and recruitment challenges, the WDRP is at risk for critique. Without public engagement and politician’s support, or monitoring and evaluation results that demonstrate the value added by the WDRP, the future of the panel may ultimately become a liability. An alternative to promoting public engagement would be to increase the number of planners on the panel, as they are charged with the responsibility of acting in the public interest. The distribution of panel members is clearly weighted towards architects and landscape architects, and should Waterfront Toronto decide to recruit new panel members, it is reasonable to encourage a stronger urban planning presence on the panel. As White (2013) aptly noted, the majority of the West Don Lands is publicly owned land, and I would add, this context necessitates an increased level of public representation. This is the case in the UK where planners and urban designers occupy the second highest proportion of panel membership after architects (CABE, 2009b). The high level of representation shows the import of planners’ presence on UK panels.

In closing, as many planners can attest it only takes one nasty headline to spoil the entire endeavor. Early on in my research I read a statement that resonated with me for the duration of this study. Scheer (1994) states

We must keep in mind, however, that the purpose of design review is not to deliver justice to the players, but to deliver the best environment to the community. Because of the slippery nature of design, a less discretionary system may not be flexible enough to work. Therefore, the explicit and fair process might not be the one that delivers the best environment (p.6).

With my first reading I had difficulty comprehending its meaning, however since then, and after writing this thesis, I have come to a new understanding. For the WDRP, at least in examining its assessments of West Don Lands' submissions, this long-standing belief that design review must remain opaque is reaffirmed in some ways, but challenged in others. Design review panels remain a germane topic for continued research and already a few new questions have arisen from this study. How design review panels are monitored and evaluated in metropolitan Canadian cities and why design review panel members give their time, and with what expectations, are the two most pressing that come to mind.

Appendix A Conceptual Framework Diagram



Appendix B Operationalization of Conceptual Framework

Procedures		
<i>Clarity</i>		
Dimension	Measure	Data source
Current Membership	Name, occupation, member since	Documents
Preparing for WDRP,	What resources did you consult when preparing your submission?	Interview
Consultation	Did you have pre-submission consultation with Waterfront Toronto staff?	Interview
Plans Consulted	What plans and guidelines did you consult when preparing your submission?	Interview
Frequency of use	How often were plans consulted?	Interview
<i>Consistency</i>		
Dimension	Measure	Data source
General Business	Duration, notes	Observations
Presentation Intro	Duration, notes	Observations
Question Period	Duration, notes	Observations
Comments	Duration, notes	Observations
Summary, Proponents response, vote	Duration, notes	Observations
<i>Justification</i>		
Dimension	Measure	Data source
Meeting Access	Number of in-camera reviews, year	Documents
Public Record	Meeting minutes, date, availability	Observations

Conflict of Interest	Name, project, date	Documents
Discretion	Procedure, date, infraction	Observations
Appeals	What mechanisms do you have to appeal WDRP decisions?	Interviews
Advice		
<i>Clarity</i>		
Dimension	Measure	Data source
Understanding advice	Did you understand why the panel gave you the advice you received? a. If Yes, what informed this understanding? b. If No, what would have helped?	Interviews
Comparison of mission statement	Mission statement	Documents
<i>Consistency</i>		
Dimension	Measure	Data source
Distribution of Projects and submissions for WDL	Stage, number of projects assessed, percentage of total projects, total number of times projects were submitted at each stage, percentage at each stage	Documents
Breakdown public and private voting	Type, projects, percentage of projects, submissions, percentage of submissions	Documents
Comparison voting between public and private	Type, vote	Documents
Concept stage voting	Vote, number of submissions, % of submissions	Documents

Concept stage advice	Comments, frequency	Documents
Schematic voting	Vote, number of submissions, % of submissions	Documents
Schematic advice	Comments, frequency	Documents
Design Development voting	Vote, number of submissions, % of submissions	Documents
Design Development conditional voting	Stage of review, total number of submissions, percentage of submissions	Documents
Design Development advice	Comments, frequency	Documents
Comparison of voting per stage	Vote, stage of review	Documents
Comparison of advice per stage	Stage, most frequent comment, least frequent comment	Documents
Individual member attendance	Percentage of meetings attended, number of members, percentage of total members,	Documents
Advice consistency	Did you find the advice consistent throughout the process? How so?	Interview
Submissions reviewed according to attendance	Number of submissions, less than 7, 7 or more, total submissions	Documents
Comparison of voting distribution according to number of members in attendance	Vote, less than 7, 7 or more	Documents
Comparison of advice according to attendance	Less than 7, 7 members or more, most frequent comments, least frequent comments	Documents

Duration of Service	Number of terms, number of members, and percentage of members	Documents
Number of Sitting Panel Members	Year, number of members	Documents
<i>Justification</i>		
Dimension	Measure	Data source
Following advice	Did you follow the advice? Why?	Interviews
Improving Quality	Did the advice improve the quality of the project? Why?	Interviews
Monitoring		
<i>Clarity</i>		
Dimension	Measure	Data source
Usefulness of Plans	Were the plans useful?	Interviews
Usefulness	Evaluation criteria	Observations
<i>Consistency</i>		
Dimension	Measure	Data source
Public buildings	Proponent, development type, conflict of interest, note, phase, vote, attendance, date	Documents
Private buildings	Proponent, development type, conflict of interest, note, phase, vote, attendance, date	Documents
Public realm project	Proponent, development type, conflict of interest, note, phase, vote, attendance, date	Documents
Key concerns	Comments, Based on the advice you received what did you understand the	Documents, interviews

	key concerns to be?	
Alignment to Vision and Design Principles	Similarity of key concerns and comments to vision statements and design principles	Documents, interviews
Consistency with plans	Was the advice you received consistent with plans and guidelines?	Interviews
Distribution of Non-support votes	Project, vote, stage, attendance	Documents
<i>Justification</i>		
Dimension	Measure	Data source
The realities, self – evaluation	Frequency, methods, indicators	Interview
Potential evaluation issues	Issues, date	Documents
Raising the Bar	How could transparency be improved?	Interviews

Appendix C Interview Questions for Development Actors

1. What resources did you consult when preparing your submission?
 - a. Did you have pre-submission consultation with Waterfront Toronto staff?
2. What plans and guidelines did you consult when preparing your submission?
 - a. How often?
 - b. Were they useful?
3. Based on the advice you received, what did you understand the key concerns to be?
4. Did you find the advice consistent throughout the process? How so?
5. Was the advice you received consistent with the plans, and design guidelines?
6. Did you understand why the panel gave you the advice you received?
 - a. If Yes, what informed this understanding?
 - b. If No, what would have helped?
7. Did you follow the advice? Why?
8. What mechanisms do you have to appeal WDRP decisions?
9. Did the advice improve the quality of the project? Why?
10. All in all, do you think the process was transparent?
 - a. In your opinion, how could the transparency be improved?

Appendix D Observational Protocol

Observational Protocol	
Date	Time
Location	Setting
Observations	Personal Thoughts
Procedure	Atmosphere

Appendix E Recruitment Letter

Hello,

My name is Dan Eylon and I am a MA student working under the supervision of Dr. Luna Khirfan in the School of Planning at the University of Waterloo. I am conducting a study to determine Waterfront Toronto's Design Review Panel's key assessment concerns. I am contacting you because one of your projects has been through the review process and your insights will be a valuable contribution to my thesis research. I am currently seeking volunteers from the development sector as participants in this study.

Participation in this study involves a short face-to-face or Skype interview. During the interview I will ask you five open-ended questions. Participation in this study would take approximately 30-40 minutes of your time. I would like to assure you that the study has been reviewed and received ethics clearance through a University of Waterloo Research Ethics Committee.

Meetings times are available:

Monday through Friday 8:00am-5:00pm, May –July 2014.

Evening and weekend meetings made available upon request

If you are interested in participating, please contact me at [name]@uwaterloo.ca with your preferred meeting time and location. I will then send a confirmation email and provide you with a consent form. If you have to cancel your appointment, please email me at [name]@uwaterloo.ca.

Sincerely,

Dan Eylon, BFA

Sessional Instructor, OCAD University – Environmental Design

MA Planning Candidate, University of Waterloo

Skype or VOIP: This method uses Skype™ which is a United States of America company. Consequently, USA authorities under provisions of the Patriot Act may access data or meta-data related to these communications. If you prefer not to talk via Skype, please contact me so you can participate using an alternative method such as a face-to-face interview.

Appendix F Consent Form

CONSENT FORM

By signing this consent form, you are not waiving your legal rights or releasing the investigator(s) or involved institution(s) from their legal and professional responsibilities.

I have read the information presented in the information letter about a study being conducted by Dan Eylon of the Department of Environment at the University of Waterloo. I have had the opportunity to ask any questions related to this study, to receive satisfactory answers to my questions, and any additional details I wanted.

I am aware that I have the option of allowing my interview to be audio recorded to ensure an accurate recording of my responses.

I am also aware that excerpts from the interview may be included in the thesis and/or publications to come from this research, with the understanding that the quotations will be anonymous.

I was informed that I may withdraw my consent at any time without penalty by advising the researcher.

This project has been reviewed by, and received ethics clearance through a University of Waterloo Research Ethics Committee. I was informed that if I have any comments or concerns resulting from my participation in this study, I may contact the Director, Office of Research Ethics at 519-888-4567 ext. 36005.

With full knowledge of all foregoing, I agree, of my own free will, to participate in this study.

YES NO

I agree to have my interview audio recorded.

YES NO

I agree to the use of anonymous quotations in any thesis or publication that comes of this research.

YES NO

Participant Name: _____ (Please print)

Participant Signature: _____

Witness Name: _____ (Please print)

Witness Signature: _____

Date: _____

University of Waterloo

Date

Dear:

This letter is an invitation to consider participating in a study I am conducting as part of my Master's degree in the School of Planning at the University of Waterloo under the supervision of Professor Luna Khirfan. I would like to provide you with more information about this project and what your involvement would entail if you decide to take part.

The purpose of this study is to develop a set of substantive indicators based on the advice provided by Waterfront Toronto's Design Review Panel. This study will focus on the advice provided to organizations working on developments in the West Don Lands precinct. Therefore, I would like to include your organization as one of several organizations to be involved in my study. I believe that because you are actively involved in Waterfront Toronto's design review process, you are best suited to speak about the advice provided by the design review panel.

Participation in this study is voluntary. It will involve an interview of approximately 30-40 minutes in length to take place in a mutually agreed upon location. You may decline to answer any of the interview questions if you so wish. Further, you may decide to withdraw from this study at any time without any negative consequences by advising the researcher. With your permission, the interview will be audio recorded to facilitate collection of information and later analyzed. Shortly after the interview has been completed, I will send you a brief summary of the key points and an opportunity to confirm the accuracy of our conversation and to add or clarify any points that you wish. All information you provide is considered completely confidential. Your name will not appear in any thesis or report resulting from this study, however, with your permission anonymous quotations may be used. Data collected during this study will be retained for five-year period in a locked filing cabinet and password protected and encrypted personal computer. There are no known or anticipated risks to you as a participant in this study.

If you have any questions regarding this study, or would like additional information to assist you in reaching a decision about participation, please contact me at 416.530.7425 or by email at [name]@uwaterloo.ca. You can also contact my supervisor, Professor Luna Khirfan at 519-888-4567 ext. 33906 or email lkhirfan@uwaterloo.ca.

I would like to assure you that this study has been reviewed and received ethics clearance through a University of Waterloo Research Ethics Committee. However, the final decision about participation is yours. If you have any comments or concerns resulting from your participation in this study, please contact Dr. Maureen Nummelin in the Office of Research Ethics at 1-519-888-4567, Ext. 36005 or maureen.nummelin@uwaterloo.ca.

I hope that the results of my study will be of benefit to those organizations directly involved in the study, the public at large not directly involved in the study, as well as to the broader research community.

I very much look forward to speaking with you and thank you in advance for your assistance in this project.

Yours Sincerely,

Dan Eylon

Appendix G Participant Feedback Letter

University of Waterloo

Date

Dear Participant,

I would like to thank you for your participation in this study entitled Waterfront Toronto's Design Review Panel a reminder, the purpose of this study is to identify the key concerns of the panel and develop a set of indicators for potential use by individuals working on development projects in the waterfront area. The data collected during interviews will contribute to a better understanding of the impact of the panel's advice.

Please remember that any data pertaining to you, as an individual participant will be kept confidential. Once all the data are collected and analyzed for this project, I plan on sharing this information with the research community through seminars, conferences, and presentations. If you are interested in receiving more information regarding the results of this study, or would like a summary of the results, please provide your email address, and when the study is completed, anticipated by May 2015, I will send you the information. In the meantime, if you have any questions about the study, please do not hesitate to contact me by email or telephone as noted below. As with all University of Waterloo projects involving human participants, this project was reviewed by, and received ethics clearance through a University of Waterloo Research Ethics Committee. Should you have any comments or concerns resulting from your participation in this study, please contact Dr. Maureen Nummelin, the Director, Office of Research Ethics, at 1-519-888-4567, Ext. 36005 or maureen.nummelin@uwaterloo.ca.

Dan Eylon

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School of Planning

[name]@uwaterloo.ca

Dr. Luna Khirfan
lkhirfan@uwaterloo.ca
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