

# Questions about urban design committee



Brian Marshall  
Columnist

While I had intended this week to continue the series on historic architecture, which began with Georgian era and was followed by Regency era, a vital matter that affects future development in the town of Niagara-on-the-Lake has taken precedence.

It came to my attention that during the town council meeting held on July 25, a seemingly orchestrated censure was voiced by Coun. Erwin Wiens and directed at the urban design committee.

This censure was initiated as a result of four recommendations this committee made to council with respect to their consideration of the proposed hotel development for the Parliament Oak lands.

The details of these recommendations can be found in the minutes of the urban design committee's June 28 meeting. suffice it to say that each recommendation was fully considered, in many cases cited criteria contained in the town's official plan and identified the lack of compliance with said plan and missing professional studies that rendered the application incomplete.

As a result, the committee recommended that "staff and council reject the proposed official plan and zoning by-law amendments at this time".

Now, before we visit the specifics of what can only be referred to as a "witch hunt" conducted in the council chambers on July 25, let us draw upon the town's official terms of reference for the urban design committee to gain a fuller understanding.

"Purpose and Mandate" states it is "strictly an

advisory committee that provides urban design advice and recommendations to council and town staff ... with respect to planning applications and any other urban-design-related matters that council and staff may request the committee's advice on."

"The committee also provides design advice on the potential physical and aesthetic impact of proposed buildings, structures, landscapes, parks and infrastructure projects to the community's public realm, including an evaluation of its relationship to the site and its surrounding character."

Under membership qualifications, it says people on the committee must have been members of professional associations in the last five years: Ontario Association of Architects or Royal Architectural Institute of Canada; Ontario Association of Landscape Architects or Canadian Society of Landscape Architects; Ontario Professional Planners Institute; or, Canadian Institute of Planners.

As well, "members shall have a demonstrated high level of expertise and knowledge in their particular field."

The scope of the committee is to "primarily evaluate development applications and major high-profile projects and provide professional advice and recommendations to council and staff on matters of design that affect the public realm, including the design of proposed buildings, structures, parks and open spaces, and associated streetscapes, in order to promote and uphold standards of design excellence. The primary role of the committee is to assist staff in interpreting policy for specific sites and projects, as well as to define areas of concern that need to be resolved."

So, in short, this committee is charged with making expert recommendations to council and staff with respect to planning applications and any other urban-design-related matters.

More particularly, to evaluate and provide pro-



Columnist Brian Marshall disagrees with Coun. Erwin Wiens' idea of the urban design committee's role. EVAN LOREE

fessional advice regarding the design and compatibility of any proposed development and/or high-profile project within the context of the existing community.

**"The primary role of the committee is to assist staff in interpreting policy for specific sites and projects."**

But these "truths" were not what was expressed during the July 25 session of council.

On the contrary, the town's community and development director, Kirsten McCauley, defined the urban design committee as being purely "advisory to staff."

Further, she provided council with an extraordinarily abbreviated mandate: "Within the report to the urban design committee we (staff) highlight the areas we are seeking input on urban design, and that is the mandate of the urban design committee – to provide comments on those items."

When McCauley was asked if the committee's

recommendation that staff take into account when preparing their report to council on this proposed hotel development that the required market/impact study (as per official plan section 10.4, commercial policies) had not been submitted fell within the committee's mandate, she simply answered, "No."

Folks, not only is this type of study required by the official plan, it is normal and accepted practice when considering an application for this type of rezoning application in jurisdictions across North America.

At one point, Wiens asked, "In the past, through emails we have received, that Planning is bringing forward – calling them complete applications – when they are not actually complete. Has that ever happened or specific instances where that has happened?"

In a reply that could have been drawn from the bureaucratic doublespeak made famous by the BBC's 1980s satirical sit-com "Yes, Prime Minister," McCauley said, "Staff are very thorough in their review of applications when they are submitted to determine – or ensure, I guess – that all these studies that were

requested are submitted with the application. I will say that through the review there are opportunities for discussion on requests for additional information from applicants, but these studies as submitted are based on that complete application initial review."

An answer that boils down to saying if staff fails to include a required study (or studies) in the initial review, staff will not correct that mistake. Only when a third party (like a councillor or committee) initiates the inclusion of the document(s) does it move forward ... hence the responsibility for any application that is deemed "incomplete" after review does not rest with staff.

Then, in several instances, Wiens raises the spectre of "very, very tight timelines" imposed by Bill 23 (the More Homes, Built Faster Act) and the associated financial ramifications to the town.

What he fails to mention is that Bill 23 provisions only apply to residential rezoning applications, and, that the "very, very tight" timeline in question is actually two years long.

I will not comment on Wiens' implied threat to the

continuance of the urban design committee voiced starting at one hour, 32 minutes into the council meeting of July 25 except to say that, not only should this committee be considered sacrosanct, but it should be augmented with urban design (sic development) guidelines.

Something which, strangely enough, is included in this council's strategic plan (Pillar – Vibrant & Complete Community – Planning for Progress – Point 2-6) presented during the same meeting.

Nor will I question why the Lord Mayor might have asked the chief administrator to prepare a direction to council vis-à-vis voting on adopting the recommendations of the urban design committee in advance of the council meeting.

I leave these and other important questions to you, my discerning readers, to form opinions around. But, please watch the streaming council meeting (the urban design debate starts at 1:23:00 in the video).

It is your town, too.

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