Playing to win:
Democratic deliberation, planning, and politics in Toronto's civic lottery

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Abstract

Government institutions across the world are currently experimenting with randomized household-selection engagement methods designed to maximize the diversity and representativeness of their sampled citizen participants. Varieties of "mini-publics" have been asked to deliberate on topics as wide-ranging as electoral reform and health care policy. As they have become more widespread, the focus of randomly selected citizen bodies has also been moving from topics debated at the national and state level to more practical questions affecting specific cities and communities.

In this thesis project, I examine what happens when a city planning agency develops its own "mini-public" that is neither a one-off event nor supervised by elected officials. The heart of my research is an investigation of the Toronto Planning Review Panel, a "civic lottery" initiative begun in fall 2015 by the City of Toronto Planning Division intended to cover a broad spectrum of city planning topics over the course of multiple years. I present initial analysis of not only what the Panel looks like in practice, but also how it performs as a deliberative body. Though I consider the outlook of both volunteer and professional participants, I place special emphasis on the convening agency's perspective.

I make a contribution to the extensive theoretical discussion by assessing the potential long-term ramifications for governance when city agencies form "mini-publics." While I present evidence to show that the Panel's contributions toward social justice and effectiveness immediately strengthen the legitimacy of the Planning Division's staff reports, I also argue that the Panel's popular element could eventually serve to validate the entire Planning Division within Toronto's larger "deliberative system."

I am obliged to confess I should sooner live in a society governed by the first two thousand names in the Boston telephone directory than in a society governed by the two thousand faculty members of Harvard University.

William F. Buckley, 1963 (Keyes 2006)

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Introduction

<u>Searching for a better way</u>

For many citizens and public officials, the image of public participation is a half-full school cafeteria bathed in fluorescent lighting. The assembled crowd alternates between yelling into the microphone and dozing off in a folding chair. The visiting presenters show a basic slideshow detailing their proposal and attendees complain about why this is the first time they are hearing about the new project. These meetings, often held on weekday evenings, feature the same cast of characters who showed up to the last meeting, the one before that, and every other 2nd Tuesday of the month as recorded by the sign-in sheet at the front of the room. The arrangement leaves everyone unsatisfied: the presenters never get a chance to engage people in a meaningful way to actually receive useful feedback; the citizens who attended feel like no one listened to them; and, when the initiative is eventually rolled out everyone who stayed home claims that the project never consulted with the "real community."

Does it always have to be this way? In this thesis project, I investigate approaches to participatory governance that attempt not only to create more satisfying interactions between citizens and professional bureaucrats, but also seek to improve the foundational democracy underlying their shared community. In the broadest terms, I am interested in exploring the nexus between city government innovation, public participation, and democratic values.

I focus my analysis on projects pursuing goals of co-production of the city, a concept introduced by Ostrom et al. (1978), which "occurs when governments partner with nongovernmental entities, including members of the public, to jointly produce services that governments previously produced on their own" (Thomas 2013: 788). I am drawn to these processes because they locate themselves precisely in the space between the technical capacity of government and the lived wisdom of citizens. At the same time, they remain deeply embedded in a local political context that has pre-determined power dynamics and relationships. In these types of projects, the public is

no longer seen as a customer desiring discrete services but as a collaborative partner capable of assisting with both the development and execution of public goods and services (Thomas 2013).

Government institutions across the world are currently experimenting with randomized household selection engagement methods designed to maximize the diversity and representativeness of their sampled citizen participants. Varieties of "mini-publics," also known as "civic lotteries," "random assemblies," "citizens juries," and "people's panels," have been asked to deliberate on topics as wide-ranging as electoral reform and health care policy. As they have become more widespread, the focus of randomly selected citizen bodies has also been moving from topics debated at the national and state level to more practical questions affecting specific cities and communities.

In this thesis project, I examine what happens when a city planning agency structures public engagement according to three particular characteristics: randomly selected participation, focused learning, and extended deliberation. I aim to find out not only *what* it looks like in practice, but also *how* it performs. Though I consider the outlook of both volunteer and professional participants, I place special emphasis on the convening agency's perspective. Many studies have already been conducted from the citizens' point of view and the expected changes that result from their participation in deliberative processes (Gastil and Levine 2005). I am more interested in the city bureaucrat who must balance the competing objectives of serving the interests of the general public and elected officials. Ultimately, I attempt to better understand the specific motivations for *why* city officials would find such an approach attractive.

Analysis informed solely by communicative planning theory would be insufficient because its focus on stakeholder mediation might obscure the actual results for governance (Fainstein 2000). For this reason, I will seek to draw out the inherent tensions between the process and outcomes of "mini-publics" by also incorporating democratic theory in assessing their potential influence on government practice.

The heart of my research is an investigation of the Toronto Planning Review Panel, a two-year civic lottery initiative begun in fall 2015 with a focus on city planning projects. Though I am unable to track the Toronto case through its full term, I analyze its origins, context, and primary motivations. Toronto is a particularly compelling example because the process is not intended to aid elected officials, but instead professional civil servants. Moreover, it is not aimed at one specific question, but at the broader realm of city planning inquiry. In the nascent field of city-scale "mini-publics", cases such as Toronto have the potential to not only change the way citizens participate in local planning efforts, but also to reshape the form and content of government's consultation process with the general public.

<u>Methods</u>

My research period started in September 2015 and concluded in May 2016. I traveled to Toronto for five days in January 2016 and six days in April 2016 to observe the first two official sessions of the Toronto Planning Review Panel as well as one meeting of the Toronto City Council and its Planning & Growth Management Committee. In addition to in-person observation, I conducted semi-structured interviews with Planning Division staff, Toronto City Councillors, members of the Toronto Planning Review Panel, and a range of professional planners with previous experience working with the City of Toronto. My transcriptions of these interviews form the basis of much of the forthcoming account and analysis. Though I identify all speakers, I have chosen to use initials for volunteer panelists. I also distributed identical nine-question surveys to Toronto Planning Review Panel members at each of the two sessions to see how participants were approaching their experience and to measure how their opinions might change over time.

Chapter 1: When citizens speak up

Deliberation and democracy

There are many terms to describe the various ways that people gather to talk among themselves, exchange ideas, and interact with public officials. Most involve some combination of the following words: engagement, participation, involvement, dialogue, deliberation, discourse, democratic, communication, governance, production, public, community, and civic. Scholars debate about the right order and usage for each term, but to avoid confusion it is important to establish some basic definitions before layering labels on top of each other.

To begin, Nabatchi et al. (2012: 6) define deliberation as "thoughtful and reasoned consideration of information, views, experiences, and ideas among a group of individuals." Deliberation is generally presented in contrast to aggregative techniques, such as voting, which conspicuously do not require justification based on reasons, and participation, which only offers commentary. Consequently, Cohen (2007: 19) states that deliberation "is about weighing the reasons relevant to a decision with a view to making a decision on the basis of that weighing." Chambers (2003: 309) proposes that participants in deliberation must also be "willing to revise preferences in light of discussions, new information, and claims made by fellow participants." Wessells (2014: 23) writes, "Put simply, deliberation demands more and promises more than does participation."

Next, Gastil and Richards (2013: 4) build on Held (2006) to define democracy as "a system of self-government controlled by the entire demos, or body of citizens in a political system." When one adds "democracy" to "deliberation, as in "deliberative democracy," we arrive at a form of governance not only rooted in voting as much as the articulation, explanation, and justification of public policy (Chambers 2003). Gastil and Richards (2013: 4) expand the definition of "deliberative democracy" to "a system of self-government that concerns itself as much with the quality of its internal deliberation

as it does with the distribution of formal power." In this conception, deliberative democracy is never achieved in a single instance, but remains the long-term goal of "democratic deliberation." Finally, when one adds "public" to "deliberation," we describe a process through which a polity achieves deliberative democracy (Delli Carpini et al. 2004).

Fishkin (1995) tempers the necessary attributes for public deliberation by cautioning that it is impossible for all actors to examine every possible argument in all cases, meaning that we must accept some level of "incompleteness." Fishkin (1995: 41) acknowledges that such gaps diminish deliberation, but he proposes a more relative interpretation in which the goal should be "improving the completeness of the debate and the public's engagement in it, not a matter of perfecting it." Delli Carpini et al. (2004) point out that this is a slippery slope, opening up wide-ranging debates about whether deliberation must feature face-to-face citizen interaction, or whether it can ultimately be mediated between professionals or through other media, including surveys, on-line forums, or even talk radio.

Supporters of deliberation assert that it not only produces better decisions, but also better citizens. Citizens will become more active in civic matters (Barber 1984), they will be more tolerant of other perspectives (Gutmann and Thompson 1996), and they will be able to better express their interests (Gutmann and Thompson 1996). Faith in government will increase (Fishkin 1995) and social capital will grow (Putnam 2000). In sum, the world will be a kinder, more informed place, because while deliberation cannot always achieve consensus, it has the power to change minds (Chambers 2003).

Yet, not all observers are convinced it rises above a marketing ploy. Delli Carpini et al. (2004: 321) writes that the idealization of deliberation can smack of the high-minded "enclave of 'gated democracy'—a practice reserved for the same group of affluent Americans who disproportionately deploy their checkbooks to lure candidates to their favorite positions or who are already well-endowed with social capital." Hendriks and Carson (2008: 294) warn that, "along with other community consultation activities, deliberative procedures have become a market commodity that are bought

and sold by governments and political organizations." They maintain there is reason to "be concerned that 'deliberative tools' could be sold and applied in the absence of political need or will" (Hendriks and Carson 2008: 299). Lee (2008) lists the many examples of proprietary products available, including: "21st Century Town Meetings®," "ChoiceDialogues™," "Fast Forum Opinionnaires®," "Citizen Choicework," "Deliberative Polling®,""Consensus Conferences" and "Issues Forums." And Hodge and Bowman (2006: 110) write, "the rise in 'the consultocracy' ... parallels] a decline in democracy for the citizenry." As a result, Lee (2007: 1) says, "untrained citizens are understood to be worthy contributors to public dialogue, but the methodologies designed to elicit their involvement have become increasingly associated with professional certification, thousand-dollar facilitation courses and skilled guidance."

Others see deliberative engagement as simply unrealistic. Delli Carpini et al. (2004: 321) summarize critics' (Mansbridge 1983, Hibbing and Theiss-Morse 2002) view of public deliberation as "so infrequent, unrepresentative, subject to conscious manipulation and unconscious bias, and disconnected from actual decision making as to make it at best an impractical mechanism for determining the public will, and at worst misleading or dangerous." Fournier et al. (2011: 152) contend: "there is little reason to assume that participation improves people's civic views....apart from creating more informed and more interested individuals, large-scale participation does not produce better citizens."

These types of arguments are familiar to planning theorists, for whom "communicative planning" bears a strong resemblance to the deliberation models described above. After all, as Innes (1998: 52) writes, "what planners do most of the time is talk and interact…. [and] this 'talk' is a form of practical, communicative action."

Fainstein (2000: 454) summarizes the objectives of communicative planning:

> Within communicative theory, the planner's primary function is to listen to people's stories and assist in forging a consensus among differing viewpoints. Rather than providing technocratic leadership, the planner is an experiential learner, at most providing information to participants but primarily being sensitive to points of convergence. Leadership consists not in bringing stakeholders around to a particular planning content but in getting people to

agree and in ensuring that whatever the position of participants within the social- economic hierarchy, no group's interest will dominate.

Healey (1997: 29) reviews its theoretical tenets:

- All forms of knowledge are socially constructed
- Knowledge and reasoning may take many different forms, including storytelling and subjective statements
- Individuals develop their views through social interaction
- People have diverse interests and expectations and these are social and symbolic as well as material
- Public policy needs to draw upon and make widely available a broad range of knowledge and reasoning drawn from different sources

This is also well-traveled terrain for a sub-group of planning theorists interested in consensus-building and "facilitative leadership" (Susskind and Cruikshank 2006, Forester 2009). According to this approach, outcomes are measured not just by representation at a hearing or a committee, but by the quality, creativity, and stability of "mutual gains" agreements for all participants (Forester 2009, Susskind and Cruikshank 2006). Forester outlines a three-tiered system in which organizers choose the most effective course of action depending on context: facilitating conversations to build trust and mutual understanding in relationships; moderating debates to clarify diverging arguments; and, mediating negotiations to craft agreements for action.

Mediation is not just concerned with overcoming conflicts or even specific outcomes, but in creating the conditions for constructive deliberation. In its interpretation of deliberation, mediation encompasses the following steps: assessing interests and alternative options; convening representatives in a supportive environment; enabling joint learning about each other and the complexity of the matter; and, building agreements that go beyond fulfilling the desires of all parties to guarantee inclusive, mutually-beneficial, durable, and well-informed decisions (Forester 2009, Susskind et al. 1999).

Forester cites Lederach (1995) in articulating why mediation, as accomplished through facilitative leadership, is the highest aim. Lederach (1995:14) states, "advocacy chooses to stand by one side for justice's sake. Mediation chooses to stand in connection to all sides for justice's sake." Going further, Forester chastises public officials and leaders for shrinking from their roles as mediators when they backslide into the more comfortable positions of facilitator and moderator. For Forester (2009: 175), these "so-called participatory processes can simply raise hopes but accomplish little."

Communicative planning and consensus-building approaches, like deliberative democracy, are susceptible to strong rebuke for their emphasis on process over results. Critics, such as Fainstein, argue that communicative planning's exclusive focus on the role of the planner loses sight of the larger forces and outcomes surrounding the context of the discussion. She writes, "Instead of asking what is to be done about cities and regions, communicative planners typically ask what planners should be doing, and the answer is that they should be good" (Fainstein 2000: 455).

This can be seen as part of a larger split within planning theory over whose responsibility it is to spark these kinds of discussions. Scholars on one side of the debate create separate roles for lay citizens and professionals, with change occurring as the result of an "outside in" approach. They insist that either citizens must create a way to insert themselves in decisions (Arnstein 1969) or that planners use their positions of power to fight for the interests of marginalized communities (Davidoff 1965, Krumholz and Forester 1990). A more contemporary approach positions citizens and government as co-collaborators who work together to improve outcomes (Healey 1997, Fung and Wright 2003, Delli Carpini et al. 2004, Quick and Feldman 2011). In the next section, I provide a comprehensive summary of how these theoretical debates play out in the practice of "participatory governance."

A bedrock assumption of North American representative democracy is that our elected officials are able to faithfully represent the views of their assigned constituents and engage in thoughtful discussion with each other to reach agreements. Our laws and policies are legitimate because our officials listen to us, fully aware that they will be held accountable by regular elections if they are seen to be out of step with citizens (Przeworski, Stokes, and Manin 1999).

The U.S. and Canada, however, seem to be struggling to convince their citizens that such an agreement remains true. While scholars generally agree that citizens are increasingly dissatisfied, it remains unclear if the underlying cause is high expectations (Norris 2011), poorly performing institutions (Dalton 2008), or some combination of both. Contemporary scholarship shows that public trust in governmental institutions is dropping in both countries (Gidengil et al. 2004, Dalton 2008), while voting rates and participation levels sink (Nye, Zelikow, and King 1997).

Lang and Warren (2012: 294) argue that both countries "have structural properties that exacerbate the gap between citizen demands, existing intermediary institutions, and political system responsiveness." They point out that Canada's Westminster parliamentary system is not inclusive because it awards districts according to a single member, first-past-the-post system, reducing competition to only two principal parties and concentrating power in the majority party. They also argue that America's decentralized presidential system is prone to gridlock and special interest lobbying, resulting in low levels of accountability.

Gastil (2000: 1) offers a concise assessment: "There are two fundamental problems in American politics. The first is that most Americans do not believe that elected officials represent their interests. The second is they are correct." Zuckerman (2013) believes that part of the problem is that U.S. representatives have often resorted to a bi-directional "broadcast democracy." According to Zuckerman, officials use media

descriptions and sound bites to deliver their message to constituents; and, in turn, they learn about public preferences through the very same media. The resulting limited discourse fails to make meaningful distinctions within the electorate, treating citizens as large blocs rather than individuals. At the same time, Zuckerman writes that the recent emergence of 21st century social media has offered greater opportunities for targeted information delivery for citizens, simultaneously creating more personal and more insulated communities.

Sunstein (2000) captures a similar point in his account of "enclave deliberation" and group polarization. Sunstein describes how a group's previously established positions on a given topic forecasts the direction and extremity to which group members, especially those who remain unexposed to competing viewpoints, will move after an argument. The upshot, according to Zuckerman (2013), is that Americans are increasingly frustrated with their government institutions because "we have 21st century voters responding to 20th century campaigns to elect representatives to a 19th century system of governance."

To remedy what scholars have termed the "democratic deficit," or the "gap between the reality of democratic life and citizens' aspirations" (Lenard and Simeon 2012: 3), public officials and citizens have cycled through attempts to incorporate "citizen participation" in the development of public policy (Moynihan 1969). Starting with Lyndon Johnson's Great Society program in the 1960's, which required the "maximum feasible participation" of affected residents, subsequent public engagement efforts have sought to build alliances with civil society (Carpenter 2001), collect information (Kaufman 1981), achieve policy goals (Simon et al. 1950), and perhaps most crucially, regain a sense of public trust and legitimacy (Cohen 1989, Fung 2007, Norris 2011).

The results, though, have often not always been satisfying. Urban renewal's "blue ribbon" advisory committees, criticized for their top-down, elite-driven approach, gave way to the "New Public Administration" era, which hoped that "bringing previously neglected constituencies into agency deliberations might lead to their

interests being better reflected in agency decisions" (Thomas 2013). By the mid-1980's, citizen participation was firmly established "as a major feature of democratic administration" (Fredickson 1991), but "New Public Management" quickly shifted the focus from the role of the citizen to the performance of the state. In this "customer-driven government," agencies did not just aim to be responsive to citizens, but to compete in the "product" marketplace evaluated by what Sahlin-Andersson (2006: 25) calls the "ritualized performance displays" of performance standards, bench-marking, and even customer surveys (Osborne and Gaebler 1993, Papadopoulos 2013).

Despite its apparent virtues, it turns out that public participation is not a panacea for all that ails government. Allowing the public to contribute is not the same as hearing from all affected citizens. As a result, those who choose to participate can be characterized as "the curious, the fearful, and the available" (McComas, Besley, and Trumbo 2006: 691–692). Moreover, public participation requires intensive capital and human resources on the part of the convening agency. Till and Meyer (2001: 377) conclude that "involving the public in science and decision-making costs about twice as much for a project than when the work is performed without public involvement" (Till and Meyer 2001: 377).

Some scholars believe it is a false assumption that the public even wants to play an active role in policy decisions. Hibbing and Theiss-Morse (2002) use national surveys and focus groups to show not only that Americans lack strong opinions on most government policies, but Americans actively avoid engaging in contentious political debates. Hibbing and Theiss-Morse (2002: 2) propose that what the public actually desires is closer to a "stealth democracy," meaning "people want democratic procedures to exist, but not be visible on a routine basis." According to Hibbing and Theiss-Morse (2002), citizens' greatest concern is not that their representatives will fail to listen to their policy preferences, but that politicians will take advantage of their office for personal gain at the public's expense.

Others maintain that the public's frustration with elected officials' inability to respond to increasingly complex social and economic conditions has opened the door

to new forms of "governance-driven democratization" models (Warren 2008). Observers have noted a surge in new collaborative efforts with private and non-profit partners that not only relieve government of its responsibility to provide all public services on its own (Bingham et al. 2005, Warren 2008), but also involve citizens in making administrative decisions (Thomas 2013).

These types of initiatives connect citizen discussion with action on a specific policy problem through what Fung and Wright (2003) call "empowered participatory governance." As a result, citizens are put in a position not to fix the entire political system, but to supplement electoral democracy's weaknesses by solving practical problems though high-quality deliberation, which "increase[s] the chances that those affected by collective decisions will have some chance to influence those decisions" Warren (2008: 3). Consequently, these projects seek to move away from issues defined by pre-determined territorial constituencies, and instead focus on "dynamic, serial, and overlapping peoples and constituencies" (Warren 2008: 6). Wampler (2012: 669) summarizes the overall idea as "the devolution of decision-making authority to state-sanctioned policy-making venues jointly controlled by citizens and government officials."

Though sometimes presented as counterweights or supplements to the most entrenched elements of unresponsive, bureaucratic government, it is crucial that participatory governance models often remain subject to state oversight. From the government perspective, attempts at co-production offer access to "ground-level information" not typically accessible to public officials (Cohen and Sabel 1997, Beierle 2002, Thomas 2013) as well as possible insurance against protest politics (Hendriks and Carson 2008). Warren (2008: 9) observes: "policy makers increasing[ly] speak the language of trust, collaboration, citizen engagement, and dialogue, in part to avoid the alternative politics of opposition, protest, gridlock, and imposed solutions."

Others believe through the nominal education of committee members, the convening group is actually exerting control over its invited participants (Weiss and Gruber 1984). Moreover, citizen participation can be deployed in a concerted effort to

co-opt government opponents (Selznik 1949) or to impose the preferences of powerful interest groups, particularly those closely aligned with elected officials (Balla and Wright 2001). Moffitt (2010) contends that governments choose to invite public review of governmental policy not only because transparency is viewed as an essential element of democratic participation, but because it gives them valuable publicity and political coverage in case of policy failure.

Moffitt's (2010) theory follows studies showing that bureaucracies act to maintain authority over their reputations, especially in conditions where governmental authority is fragmented (Meier and O'Toole 2006). In short, when a public agency must rely on outside partners and agencies to accomplish its mandate, it will have greater motivation to seek public consultation. As a result, the participation process accomplishes two divergent goals: it ensures bureaucracy gains knowledge for proprietary use; and, it offers bureaucracies the opportunity to actively influence how the public assigns responsibility for complex policy implementation, especially in cases of failure. Public participation, from the agency perspective, is not always intended to improve internal bureaucratic autonomy or effectiveness; instead, it burnishes the agency's outward image by making it easier for the public to understand how little independent authority it actually has. This link of thinking is supported by Rourke (1965: x): "Many…agencies spend a great deal more time in publicizing themselves than they do in concealing information...their path to power is publicity rather than secrecy."

Yet, as a supplement to traditional electoral politics, participatory governance serves a different purpose than what we traditionally call "direct democracy." In "direct democracy," citizens submit their preferences through public referenda and traditional New England town meetings, which demand that citizens hold control over budgets and public institutions. Participatory governance, however, seeks to ameliorate many of direct democracy's apparent flaws, including the perception that direct democracy overly relies on the knowledge of voters and the impartiality of the media, both of which often depend on low-information shortcuts, such as endorsements or commentary by elites (Barber 1984, Bowler and Donovan 1998, Gastil and Richards

2013). Even though opinion polls show continued public support for direct voting on referenda (Matsusaka 2004), according to its critics, direct democracy, when conducted in a poor civic climate, can represent the antithesis of deliberation (Gastil and Richards 2013).

For this reason, deliberation supporters aim to embed new models of participatory governance within established practices of direct democracy. These types of initiatives rely on formal rule structures to integrate public voice in the formation and oversight of law and policy (Johnson 2013). Recent examples include programs in Canada and Oregon where citizen bodies provided guidance to voters deciding public referenda. Johnson (2013: 5) summarizes: "these new institutions represent the formation of an extended interface between citizens and the state, and are neither a development of civil society distinct from the state, nor simply as a form of devolution or decentralization to smaller units of political authority."

Participatory governance projects generally fall within the rubric of deliberative democracy, but, as Fishkin observes, some are more "complete" in their deliberation than others. For example, participatory governance projects are rarely in total conflict with Nabatchi et al.'s (2012: 6) definition of deliberation as "thoughtful and reasoned consideration of information, views, experiences, and ideas among a group of individuals." But it is possible to observe differences in emphasis. Johnson (2013), for example, divides participatory governance models into two broad types: "Assembly" and "Community." "Assembly" combines deliberation with limited participation determined by random selection, and would include Citizens' Assemblies and Citizens' Initiative Review panels. In these cases, the organizers perform a stratified random sampling in which citizens are randomly selected from distinct subpopulations or basic filters such as gender, geography or age range. They then meet over a period of time to discuss in-depth a particular question before coming to a recommendation. Their success depends on the ability of the convening institution to effectively communicate to the broader public that ordinary citizens "just like me", when given sufficient time and information, can come to reasonable conclusions.

On the other side, the "Community" approach emphasizes broad-based self-selected participation over the strict quality of arguments, and would include participatory budgeting, Deliberative Polling®, and National Issues Forums. In these examples, success is measured by the quality of representation, as determined by how many people participated and how well extensive pre- and post-surveys on participants reflect the larger public's range of views. They typically involve many more participants, but also gather them for a shorter amount of time and immediately disseminate the results.

Proponents of "Community" participatory governance claim that its benefits extend beyond perceptions of institutional transparency and legitimacy to spark civic activity (Baiocchie et al. 2011, Akkerman et al. 2004), improve citizens' sense of their individual capacity for political participation (Morrell 2005, Mattei and Niemi 2005, Knobloch et al. 2013), and promote more equitable distribution of resources (World Bank 2008). Even if we accept these studies as valid (and not all researchers do), their purported outcomes tend to emphasize mobilization and education. Deliberative democrats aligned with the "Assembly" model, on the other hand, focus on group decision-making inspired by reasoned debate to produce benefits for the entire group (Hauptmann 2001).

From the deliberative viewpoint, it is possible to critique the "Community" because it can only succeed with the support of already well-mobilized groups (Wampler 2007). Critics of deliberation counter that such high standards of discourse are, in fact, impossible expectations (Sanders 1997), and that focusing on arguments can diminish interest in participation (Mansbridge 1983, Hibbing and Theiss-Morse 2002). Johnson (2013) frames the following questions to illustrate the debate: do citizens trust government because of efforts at improving transparency and policy explanation, or because they feel more likely to be included in the decision making process? Do participatory budgeting projects contribute to equity because they include a diverse group of citizens or because the allocation of resources was determined according to collective needs?

In Chapter 7, I will cover a new direction in democratic theory that attempts to reconcile these apparent rifts by viewing individual instances of deliberation as part of a larger "deliberative system" (Mansbridge et al. 2012). According to this approach, the deliberative quality of a single event is less important than its relationship to the whole system, where relative weaknesses and strengths are spread across many venues.

Randomized participatory processes

Within the broad spectrum of participatory governance initiatives, projects that combine randomization with deliberation are emerging as an attractive method for producing inclusive and representative citizen involvement. According to its proponents, randomization distributes power and voice in the name of expanded democratic governance (Carson and Martin 1999). Proponents find inspiration in the Athenian tradition of "sortition," in which citizens were randomly selected for public positions, as well as examples from the republics of late medieval Italy and more recent Anglo-American jury models.

Just as ancient examples of sortition served as defense mechanisms against the domination of oligarchs or over-reaching state power, modern-day proponents argue that many of the same "sanitizing" benefits hold today (Stone 2009). Randomization not only reduces barriers to public participation, but, according to its supporters, it is deliberately "strategy-proof," meaning that it naturally produces unpredictable, unimpeachable results (Dowlen 2009).

Randomization maintains credibility by not allowing partisan pressure to influence participant selection. As a result, randomization can encourage participants to perceive a collective ownership of the process, as opposed to the feeling that it is controlled from above. By producing trust in shared institutions, supporters contend that randomization simultaneously affirms both the process and its sponsor.

It is crucial to recognize that randomization's effectiveness is not guaranteed, but is tied to pre-existing processes and local priorities. One important finding from recent scholarship holds that many of the most successful examples have occurred when a political party adopts randomized participation as campaign promise, seizing on the realization that increased participation can be used for political gain (Gastil and Richards 2013). In the same vein, the selection of participants may be without political interference, but in an authoritarian political context they are not necessarily free actors.

For example, a regular citizen who is randomly selected for a position is not automatically immune to a corrosive political environment once installed. In addition, the selection itself is influenced by pre-determined criteria for the size and character of the pool the participants.

According to this view, randomization is one feature of an open democracy, complementing others such as universal franchise. Dowlen (2009) affirms, "We should consider sortition as a means of countering perceived deficiencies in our current paradigms of good government." In this sense, sortition serves as an initial vessel bridging citizens and government, while deliberative processes provide the sustaining fuel and direction.

Sortition supporters have offered a variety of proposals for how it could enhance a combination of direct and deliberative democracy. Contemporary examples may follow the Canadian convention of "Civic Lotteries" and "Citizens' Assemblies," the American "Citizens' Initiative Review," or the Australian "People's Panels," but nearly all can trace their intellectual foundations to the late 1970's and 1980's and the independent work of Ned Crosby ("citizen deliberative councils"), an American graduate student at the time, Peter Dienel ("planning cells"), a German academic, and Robert Dahl ("mini-populace"), an American political scientist (Crosby and Hottinger 2011, Warren and Gastil 2015). Now commonly referred to as "mini-publics" because they are consciously designed to produce small, manageable bodies whose discussions reflect the views of the broader community (Chambers 2009), they occur when organizing institutions convene randomly selected people over a series of work sessions focused on a specific topic.

The resulting "deliberative safe haven" is both a microcosm and improved version of society, where participants come closest to approaching the Habermasian ideal (Chambers 2010). To protect against strategic manipulation by potential respondents, they use basic demographic information, including geography, age, and gender, rather than attitudinal measures, such as political party affiliation, to create a representative sample of the population (Gastil and Richards 2013). While the exact

form of deliberation and citizen preparation can change according to context, in many examples the organizing institution will invite outside experts, including lawyers, social scientists, and community activists, to provide testimony on relevant subjects before participants come to a decision. Compensation can also vary, in some cases only covering basic transportation costs while in others offering the equivalent of the average local weekly wage.

As a convening exercise, they are similar to a jury in a civil or criminal trial, but there are two important distinctions: first, they are not compulsory; and, second, they typically give recommendations on questions of public policy rather than rendering decisions of fact in a court proceeding. This technique is also different than a typical focus group in three ways:

- Participants must engage in a learning process before and during deliberation
- The general public remains informed about the group's progress throughout the process
- The convening institution commits to a goodwill response to the group's recommendation(s)

Randomized participatory processes not only attempt to bridge the distance between direct and representative democracy, but also between experts and lay-people. In many cases, these civic selection processes draw on a perceived sense of fairness of the lottery and rely on participants' sense of public duty (Carson and Martin, 1999). Proponents believe they respond to perceived weaknesses in top-down government structures by generating useful citizen recommendations that can assist the organizing institution with difficult decisions. The lottery feature aims to increase trust among participants through unbiased selection, and also includes citizens who are not typically engaged. Perhaps most importantly, the underlying objective of the process is to present citizens with an opportunity to not just state their personal opinion, but to commit themselves to serving the broader public as they learn to balance the nuanced

trade-offs of the planning process (MASS LBP 2012). Based on their review of "mini-public" studies (Fishkin 1997, Cutler et al. 2008, Crosby 2003), MacKenzie and Warren (2013: 95) conclude that "on average, participants develop thoughtful, well-founded judgments that can crystallize latent public opinion, complement expert judgments, and formulate politically viable policy options."

A typical exercise might begin with the convening institutions sending physical invitations to randomly selected participants with the objective of maximizing population representativeness. Interested residents send back basic information about themselves so they can be re-sorted according to their responses for the purpose of a stratified sample, and then the organizing institution performs a secondary lottery to select the actual group members. Over the course of several weeks or months, the group meets regularly to learn about a specific topic with visits from academic experts and professional practitioners. The general public might attend these sessions, but only the selected participants are able to actively ask questions. Through professional facilitation and group-led discussion, the panel returns a recommendation to the organizing institution. The organizing institution commits to holding itself accountable by making the results public through widespread dissemination, often attached to voter guides or published in printed reports and websites.

A meaningful process requires significant time and resource commitments by both the organizers and the participants to answer the following questions (Abelson et al. 2001):

- Who participates?
  - While the participant selection process might have been random, the criteria used for selection can still be questioned by those who feel excluded.
- How large a time commitment is required?
  - The meeting schedule might influence both who can participate and the quality of deliberation.
- What is the group asked to do?

- o   The topic needs not only to be clear in its framing, but also concrete (as opposed to a broad issue area).
- How does the group learn?
    - o   In the transfer of knowledge from experts to citizens, it can be difficult to provide both comprehensive and objective analysis.
- What will the outcomes be?
    - o   Without any formal powers, the organizers and participants must agree on the scope of the panel's authority.
- How will the process contribute toward organizational learning?
    - o   The convening institution should be honest about how much it is prepared to change its culture and or practices.
- How will the process be made transparent?
    - o   The general public will be interested in not just the final decision, but also the active progress of the panel throughout the process.

There are also several layers of risk inherent for the convening institution to consider. For example, is public trust eroded if the panel's recommendations are not acceptable to the organizing institution? What happens if the panel is unable to reach a consensus decision? How does the convening organization ensure that participants are insulated from external pressures or tampering so that they focus on community benefits rather than personal interests?

Just as there is extensive academic discussion on each aspect of the traditional trial jury model, including its role within democratic governance, selection process, and impartiality (Gastil, Deess, Weiser, and Simmons 2010, Lieb and Ponet 2013), there are similar debates in recent literature regarding civic juries. For example, there are ongoing arguments among deliberative theorists regarding the proper form of expertise transfer, the role of objective experts, and the ability of self-selected citizens to make decisions that are representative of the public will (Gastil and Knobloch 2010, Fournier et al. 2011, French 2012). There are also questions to consider about what

information lay citizens need to understand the legal language included in many policies (Richards 2010) and whether the civic jury process inevitably turns regular citizens into elites. Smith and Larimer (2009: 244) write:

> A panel of citizens that sits for an extended period of time ... become, in effect, policy experts, experts whose informed judgment may differ significantly from those of the public at large ... this leads straight to the very problem [advocates of participatory policy-making] are trying to address: elites making decisions on behalf of the public. Beginning with a random sample of citizens does not guarantee its ultimate policy judgment will reflect a consensus that the public will support, anymore than it guarantees its policy recommendations will effectively address the targeted population.

Ryfe (2005: 53) captures the essential conflict: "Ironically, by fulfilling one deliberative principle (learning), the method short-circuits another (representativeness)." Action research practitioners criticize citizen juries for apparent conflicts between the short-term deliverables desired by organizers and the long-term goals of participants (Wakeford et al. 2007). Wakeford et al. (2007) contend that the popularity of citizen juries has catalyzed a new professional class of consultants who are driven by business and political motivations more than social and environmental justice.

Proposals for randomized participatory exercises range from the radical to the incremental in their scale and aims. Some suggest randomly selected citizens replace members of congress (Callenbach and Phillips 1985) or form a third legislative branch (Leib 2004, O'Leary 2006). Others offer randomly selected citizen bodies the opportunity to draft bills and evaluate political candidates and party positions (Gastil 1993). In Burnham's (1985) "demarchy" model, randomly selected citizens serve on city boards and municipal authorities according to their particular function and interests. In a recent real-life example, interested citizens submitted their names for a lottery to sit on a California re-districting commission (Levitt 2011).

Gastil and Richards (2013) outline five categories of random assembly models spread across three stages of policy formation, from problem identification and solution analysis to proposal approval. In each case, an independent commission, often comprised of a majority of citizens who previously volunteered in prior citizen panels, serves as the primary sponsor. This board is responsible for logistics, funding, selecting topics, and inviting expert speakers on both sides of the issue, but is prohibited from receiving support from political action committees, corporations, or unions. The process of citizen sampling always includes an element of random stratification to verify that the group is able to represent the general demographics of the particular population. It is up to the organizing commission, however, to determine the specific demographic filters and the pool of eligible participants. For example, a more restrictive process might only pick registered voters, whereas a broader selection could include all members of the public who are eligible to register.

In the first example, a broad cross-section of roughly 400 citizens gather for four days at a Priority Conference to determine which public problems are most pressing. The group produces an agenda of issues to be handed over to a legislature, which then has a time limit to determine the next action, which might include enacting legislation

or sending the items to a public referendum. Initiatives such as Deliberative Polling®️ would also fall into this category as they seek to examine a range of options at a relatively early stage in the policymaking process.

In the second example, the problem has been translated into a ballot measure, and a Design Panel of randomly selected citizens assists the ballot authors with final revisions before it is put to the general public. In this scenario, the purpose of the assembled group moves from raising public awareness and understanding to promoting critical analysis. Twenty-four citizens meet for five days with both supporters and critics of the initiative to decide two questions: should the measure be brought forward?; and if so, what changes could improve it? If the bill's sponsor accepts the Design Panel's recommendations, the resulting ballot measure is marked with a citizen "seal of approval" in the forthcoming voters' guide and would not need to garner as many signatures to be placed on the ballot.

In the third model, an official legislature requests a Citizens' Assembly to help determine a solution to a previously identified problem. Often the citizen body uses its "arational" composition to debate all sides of a topic, such as term limits or campaign reform, that otherwise might present conflicts of interest in a typical legislature. In this model, somewhere in the range of 150 registered voters meet on as many as eight weekends to deliberate while allowing additional information collection to occur through concurrent hearings and other relevant ongoing activities. The group's recommendation is then sent to the legislature before submitting the question to an official referendum. An additional "silent approval" safeguard can allow the Citizens' Assembly proposal to proceed immediately to the ballot as long as the legislature does not introduce and pass an opposing measure (Brito 2011).

In the fourth model, after a bill measure is approved to go to the ballot, a Citizens' Initiative Review offers one last opportunity for citizen input before any vote occurs. Perhaps more importantly, the immediate intended audience is not a professional legislature but other lay members of the voting public. In this example, the convening organization brings together 24 citizens over the course of a single week to

prepare a one-page analysis, written in easy-to-understand language and covering the strengths and weakness of the proposed bill, to be included in an official Voters' Guide distributed to the general public.

To this point, citizens have offered preferences, suggestions, and revisions, but in each case their participation ends short of any decision-making authority. In the fifth and final model, a randomly selected Policy Jury replaces a traditional legislature and general electorate to resolve a specific public policy measure. Fifty or so randomly selected citizens meet for two weeks to make a decision, which is then submitted for judicial review. While the other four models could be deployed to address many kinds of questions, the Policy Jury is uniquely suited for situations, such as civil rights matters, in which mass public opinion is considered "suspect" (Gastil and Richards 2013).

MacKenzie and Warren (2008) suggest that a "mini-public" could be most useful in two specific instances where citizens' time and resources are limited. In the first, a "mini-public" serves as an information proxy for broad legislative questions, such as electoral reform or constitutional amendments. In cases where the "mini-public" reaches consensus, a member of the public with scarce political resources can feel comfortable trusting the "mini-public" without expending valuable time; when the "mini-public" remains divided, it indicates to the citizen that he or she should look to be more active. As opposed to Deliberative Polling®, which seeks to aggregate what individuals would think if given the time and resources necessary to form a substantive opinion, this use of a "mini-public" would look to make an actual decision in the case that the group can come to agreement.

In the second case, a "mini-public" could assist public executives anticipate "public concerns, interests, or rationales" on a technically, politically, or temporally complex topic. MacKenzie and Warren (2008) imagine issues, often technological, that have not yet reached broader awareness in the general public nor been given enough time to be defined along political lines. Again, MacKenzie and Warren (2008) distinguish this approach from Deliberative Polling® because the purpose is not to imagine what the general public would think if given access to a deliberative forum;

instead, it is intended to collect the wide variety of positions that officials will need to keep in mind as they develop future policy. In turn, the public agency will have earned the current and future trust of the public.

In a space characterized by such a diverse range of academic and professional fields, spanning, among others, law, planning, sociology, public administration, political science, and anthropology, there is no consensus on how to design and evaluate deliberative projects (Nabatchi et al. 2012). One observer notes, "deliberative democracy is not a unified theory, and can only be compared to a large construction site where many architects are simultaneously at work" (Geneens 2007: 357). In this section, I offer a range of possible ways to view participation efforts, each with a slightly different focus. In some cases, the protagonists are the organizers, while in others the initiatives are considered from the perspective of their volunteer participants.

In his investigation of recent social movements, Zuckerman attempts to define engagement activities by two pairs of contrasting attributes. In "thin" engagement, organizers provide an outlet (for example, a petition or a contribution) that requires no thought on the part of respondents because the form and content of the action have already been defined for them. Limited by their individual effort, participants in "thin" processes are unable to view their action as something collective. By contrast, organizers use "thick" engagement when they know they want to do something, but need the creative, analytical power of the public to determine what the action should be. Within "thin" and "thick" processes, projects may be placed on a continuum between the extremes of "symbolic" and "impactful" action. "Symbolic" efforts express support or alignment, as they use public displays to affect awareness but not necessarily immediate change. "Impactful" engagement applies specific instruments of power, including drafting legislation and forming new institutions, to achieve demonstrable, measurable ends.
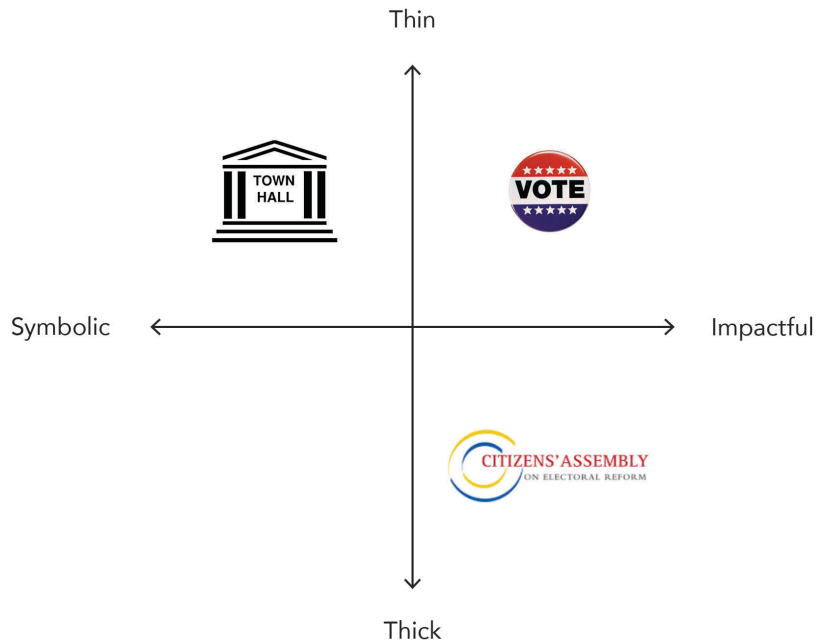
Participatory projects graphed according to Zuckerman's analysis of public engagement

(Figure by author)

Quick and Feldman (2011) propose a different set of contrasting attributes: "participation" and "inclusion." Quick and Feldman (2011: 272) argue that each term deserves a more precise definition as they represent two independent dimensions of public engagement:

- Participation practices entail efforts to increase public input oriented primarily to the content of programs and policies
- Inclusion practices entail continuously creating a community involved in coproducing processes, policies, and programs for defining and addressing public issues

To orient engagement toward "participation" or "inclusion" objectives not only sets the direction for a public meeting, but also accounts for "highly consequential choices that shape the inherently political process of planning and policy making" (Quick and Feldman 2011: 273). The authors argue that neither "participation" nor "inclusion" have inherently better aims; they are simply different approaches. When

individually maximized, however, their cumulative effect can create better overall public engagement. "Participation" projects will attempt to make processes as accessible as possible, potentially complementing "inclusion" practices that seek to build relationships across people, issues, and time frames. In sum, "enhancing participatory practices enriches the input received, while enhancing inclusive practices builds the capacity of the community to implement the decisions and tackle related issues" (Quick and Feldman 2011: 274).

This is not to say that all engagement needs to be "thick" and "impactful" or "inclusive" and "participative" all at once, but that different units of participation are appropriate in different situations. It is possible to move from one type to another, depending on whether the public is seen in a consumer, client, or citizen role (Fung 2015). In each case, citizens will make calculations on the trade-offs of the apparent costs and benefits to participation, with the corollary that higher earning groups less sensitive to time and materials costs will likely participate more.

While Zuckerman and Quick and Feldman operate in two dimensions, for Fung (2006) there are three principal elements to consider in the design of engagement practice. He first asks: who participates in these "mini-publics"? For example, Citizens' Assemblies use random selection; participatory budgeting relies on self-selection; and, community policing panels use selective selection. Second, he asks: how do participants negotiate agreements among themselves? To what degree do citizens or government determine the questions under consideration? Finally, he asks, how does the engagement process connect to policy outcomes? How is the public's authority defined? In each of these questions, one finds echoes of Habermas's conditions for meaningful participation, notably full inclusion, non-coercion, and equality (Bohman and Rehg 2014).

The strength of Fung's model is that it recognizes the impossibility of a given project achieving satisfactory answers to all questions at the same time. Fung's "democracy cube" model can be seen as a direct response to communicative planning and Arnstein's (1969) "ladder of citizen participation," which described the levels of

citizen empowerment between non-participation, tokenism, and citizen power. Fung rejects the assumption that citizen control is always the highest and best use of public participation. Fung (2015: 2) is interested in tying participation to discrete instrumental improvements in governance, acknowledging that participation on its own is "not just good in itself." By this statement, Fung also offers a rebuttal to Habermas's (1996) normative arguments for the intrinsic value of deliberation in democracy. He builds on the literature evaluating the difference between aggregative decision-making, concerned with serving majority preferences (Gutmann and Thompson 1996), and deliberative processes, in some cases called consensus-building, in which participants exchange ideas and knowledge before attempting to reach agreement (Cohen 1989, Susskind and Cruikshank 1987).

Fung attempts to show the connections between participant selection and the broader realm of communicative processes, those whose principal aim is to influence participants, and decision-making mechanisms that seek to change policy. In the former, which focus on the expression and development of preferences, participants may feel they have achieved "personal benefits," principally the sensation of fulfilling one's civic duty (Fung 2006). In this example, governments might pledge to listen, but they do not relinquish any authority. This is in contrast to "co-governing partnerships" where citizens jointly develop policy with public officials, or even "direct authority" models in which citizen bodies exert control over public resources or policy (Berry, Portney, and Thompson 1993).

 Fung cites three lenses—legitimacy, social justice, and effectiveness—through which one may evaluate participation efforts. In the first case, legitimacy, Fung points to initiatives, such as those covered by the "Assembly" approach, that aim to bridge the distance between political decision makers and citizens by focusing on the participant and communicative side of the democracy cube. These processes, such as Deliberative Polling® and 21ˢᵗ Century Town Meetings, deliberately select a large sample of participants so as to construct more representative citizen bodies. According to Fung, they also "intensify" the communicative dimension by shifting the emphasis from

preference expression toward preference development by facilitating discussions that aim to inform more nuanced understanding (Fung 2006). Insofar as they fill in gaps in officials' knowledge, Fung maintains that they can still be useful even without reaching the third dimension of direct authority or co-governance.

In the second case, justice, Fung describes situations in which citizens are able to overcome public officials or policies proven to be unfair in their treatment of specific groups. Participatory budgeting, as mentioned above, is a well-known example in which citizens themselves determine how to allocate a portion of city resources in the hope that overlooked neighborhoods will have the opportunity to set their own priorities. In this instance, participation is moved from closed groups, such as city councils, to the broader public, and the outcomes require immediate action. The only dimension that is not immediately fortified is the communicative aspect, because, as Fung states, "Justice results from the proper counting of their voices rather than from deliberation" (Fung 2006: 73).

Participatory Budgeting
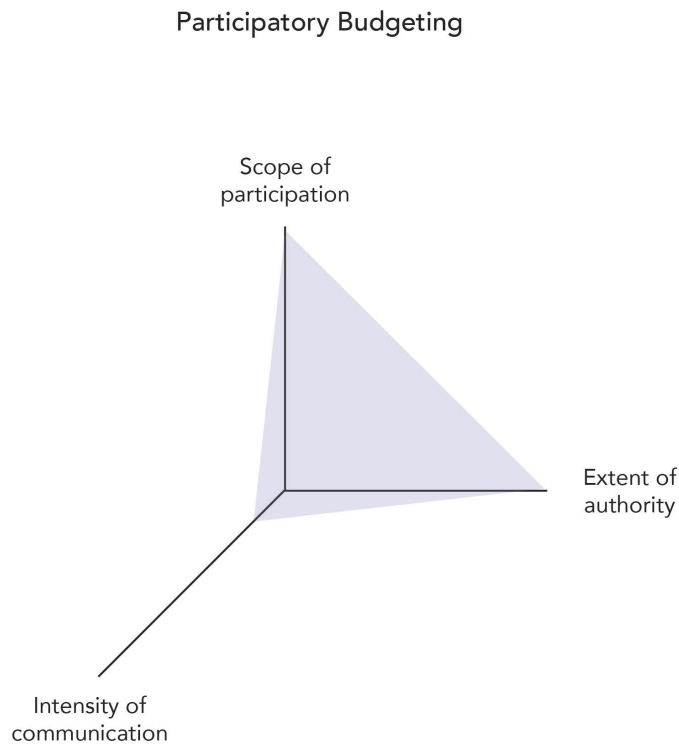
Participatory budgeting viewed through Fung's democracy cube (Figure by author)

In the final instance, effectiveness, Fung considers examples in which lay citizens have the capacity to improve the design and implementation of public policy. Citizens may approach public safety and environmental protection initiatives from vastly different starting points than officially received wisdom or institutionalized practices, producing new approaches that incorporate local knowledge. While these processes, such as community policing advisory boards or citizen's reference panels, can strengthen effectiveness, they do not necessarily encourage expanded participation. In fact, they often end up depending on a relatively small number of extremely dedicated citizens who have both the interest and time to make such a long-term commitment. On the other hand, members do engage in extended deliberative discussions and wield considerable power to make policy changes.

While Fung's model is comprehensive, it is still possible to dig deeper into the actual practices embedded in the processes we call participatory, deliberative, or collaborative. Gastil and Richards (2013) propose their own criteria for what constitute "democratic deliberation." As opposed to "deliberative democracy," which "stretches" over large periods of time and space, the specific event of democratic deliberation can be split into its discrete component parts: "Democratic" speaks to the "egalitarian and respectful social character of a forum"; and, "deliberation" covers the "rigorous analytic decision-making task taken on by that body" (Gastil and Richards 2013: 5).

Gastil and Richards (2013) further divide the social and analytical goals of democratic deliberation into particular design features. For a process to be considered "democratic," it must: offer everyone the chance to speak; assure that all parties are able to understand discussion content; open discussion to alternative viewpoints; and, maintain respect for all. For a process to achieve "deliberation," it must: establish a baseline level of knowledge for participants; recognize which values are most important for all involved; provide a full spectrum of options to consider; evaluate the relative merits, including tradeoffs, associated with all potential solutions; and, institute decision-making practices insulated from external pressure.

For a public process to satisfy the demands of this definition, Gastil and Richards (2013: 5) believe it must "meet high standards" for its two halves. While such an effort is rare, it is still attainable by a single group. Gastil and Richards (2013: 6) point to selected case studies in which democratic deliberation has inspired participants to "report having an experience unlike anything they thought was possible in politics and public life." Though it remains highly unlikely that an entire society can reach the same standard, it can still try to promote new approaches to civic culture and practice with the goal of progressing toward a more deliberative and more democratic community (Gastil and Richards 2013).

North American experiments in democracy

Two of the most prominent recent examples of randomized participatory governance initiatives are the British Columbia Citizens' Assembly (CA) and the Oregon Citizens' Initiative Review (CIR). In both cases, the origins of the experiments were rooted in a recognition that current systems were failing to translate voters' preferences into corresponding results. These types of projects attempt to demonstrate that higher quality citizen deliberation can, in turn, produce higher quality information and better-informed voters.

In 2004, the provincial government of British Columbia organized a citizens' assembly of 161 randomly selected residents to examine its "Single Plurality" electoral system. By awarding winners according to this "first past the post" standard, British Columbia's existing voting method had recently produced representation for political parties that was incommensurate with their proportion of the overall vote. Over the course of a year, members of the British Columbia CA engaged in roughly 30 hours a month of structured learning, consultation with fellow citizens, and debate before eventually preparing a resolution for a new system of voting for the province, to be voted on by the entire population. While the CA's "Single Transferable Vote" proposal was ultimately defeated by public referendum, just failing to achieve the legislated supermajority of 60% approval, it did receive support from a majority (57%) of all voters. Moreover, the following year it inspired the province of Ontario to convene its own nearly identical citizens' assembly to discuss the same question. As in British Columbia, the Ontario Citizens' Assembly failed to convince the broader public of its voting system preference, in this case a "Mixed Member Proportional" system, garnering only 37% of the overall vote.

The Canadian foray into citizens' assemblies has generated much academic analysis and discussion among deliberative scholars, especially on the matter of whether the quality of the citizens' assembly representativeness and deliberation

influenced the subsequent public vote (Warren and Pearse 2008). Pilon (2009: 2) summarizes the general tone of the initial literature as "rave reviews from both their participants and their academic observers." But more recent analysis, which takes into account not only the relatively positive voter support for the referenda first submitted by British Columbia and Ontario, but also the less encouraging results from repeat attempts to pass the same resolutions, has been more critical. Cutler et al. (2008: 167) acknowledge that the British Columbia CA "may have allowed voters at large to substitute the CA's deliberation and learning for their own." According to this interpretation, as long as voters felt that the CA members were broadly representative of the overall population, they were inclined to trust the recommendations of "people like me."

As a result, critics contend, citizens' assemblies only substitute one flawed system for another. Cutler et al. (2008: 187-188) warn that similar processes could create situations in which "voters might simply come to trust an assembly's judgment and avoid substantive information entirely." Thompson (2008: 48) offers another troubling prediction for a future voting environment characterized by "a process involving a clear division of political labor: an assembly that recommends (after deliberating about the merits of alternative proposals), and an electorate that decides (after assessing the way the assembly deliberated)." Fournier et al (2011: 155) conclude:

> We would argue that citizen assemblies should be created only when there is a relatively large consensus that there is a real 'problem.' In the absence of such a consensus, there is unlikely to be any momentum for reform nor support for citizen delegation....We suggest that the optimal circumstances for creating a citizen assembly are when there is ...the perception that the political system has failed to produce a satisfactory solution....The citizen assembly is a "last resort" instrument.

The American example of the Oregon CIR, on the other hand, focused on evaluating existing ballot referenda instead of creating them. In 2010, two randomly selected groups of 18-24 Oregonians drafted voter guides, called the "Citizens' Statement," which were then included in the "Oregon Voters' Pamphlet" for the broader electorate to review in response to two particular ballot questions. The first

question, Measure 73, asked voters whether repeat felony offenders for sex crimes and drunk driving should be subject to longer minimum sentences. The second question, Measure 74, sought to provide support for limited marijuana sales by providing funds for studies of medical-marijuana supply systems.

In the Oregon case, independent evaluators present two optimistic findings. First, in the course of deliberation, participants provided careful and comprehensive analysis. Second, though fewer than 50% of all Oregon voters claimed to have been aware of the pamphlet, members of the general voting population who read the recommendations reported that they helped them make their decision—in both cases, to reject the measure (Gastil and Knobloch 2010). These baseline evaluations provide valuable comparisons for subsequent Oregon CIR, such as in 2012, when a majority of surveyed Oregon voters both read the pamphlet and found it useful in determining their vote (Knobloch et al. 2012).

Chapter 2: Toronto in context

History

The area now called Toronto sits along Lake Ontario's northwest boundary. Though inhabited since shortly after the last ice age, it was first settled by the British as the Town of York in 1793 before officially becoming the City of Toronto in 1834. From its beginnings as a wholesale and banking center with a population of 9,000, almost exclusively British in origin, the city grew into a manufacturing hub of 200,000 residents by the end of the 19th century (Toronto Public Library 2016). In the early to mid-20th century, Toronto doubled its geographic dimensions, forming 12 suburban municipalities counting half a million residents, and absorbed large numbers of immigrants from all over Europe (Toronto Public Library 2016).

In response to the overwhelming demand for services in the burgeoning suburbs, Ontario established a metropolitan government system in 1953 to oversee the largest regional programs, including water, sanitation, road maintenance, and police. Toronto and its surrounding municipalities were still governed by their local city councils, but each contributed tax dollars to the regional government according to its respective tax base. While the arrangement began on somewhat even terms, with Toronto paying 62% of the total region's costs and possessing 57% of the region's population, the population and cost-bearing share changed with expanded suburbanization (Austen 2016). By 1962, Toronto paid 44% of the region's bills, though its population represented only 38% of the region (Austen 2016).

Though the original 12 suburban municipalities eventually combined into six by 1967, the overall governance system was still strained. In 1998, the Province of Ontario amalgamated Toronto and its suburbs into one City of Toronto, citing cost savings as the primary rationale. Polls at the time showed that 76% of voters opposed the decision (James 2008). Kathleen Wynne, now the Premier of Ontario but a City staff member at the time, said, "I've knocked on tens of thousands of doors since I got into provincial

politics, both in 2002-2003 and 2006-2007, and I have yet to meet anyone who says they think the amalgamation of the city of Toronto was a good idea ... Maybe that's a lie. Maybe I've met two people" (James 2008).

The act remains controversial to this day, affecting city government in both physical and psychological ways. Just as the distance has grown between Toronto's suburban residents and downtown dwellers, the perceived closeness between Torontonians and their public officials has simultaneously decreased. Paul Bedford (2016), Chief Planner for the City of Toronto from 1996-2004, explained, "Ever since amalgamation, communities feel remote." Liora Zion, a former Planning Division employee and now independent consultant, said, "There is this definite divide between the so-called 'suburbs' and the downtown core. And that comes out in different political persuasions, values. Downtown was seen as ignorant, imposing a liberal agenda on the staid old suburbs: making the suburbs more dense, more urban. [It's] all seen as the 'downtown agenda'" (Zion 2016). Robert Millward, Commissioner of Planning and Development for the (former) City of Toronto from 1987 to 1996, described post-amalgamation Toronto as a place "where people felt after the six cities were put together 20 years ago, there would be less capacity for citizens to have impact. And by and large that's probably true. A lot of the vehicles that have emerged are ways to compensate for the fact that the city is a very large city" (Millward 2016).

Present-day Toronto's 2.8 million residents, spread over 641 square kilometers, elect three levels of government officials at the federal, provincial, and city levels (Toronto Public Library 2016). Toronto is represented by 23 Members of Parliament in the national House of Commons, 21 Members of Ontario's Provincial Parliament, and 44 City Council members and Mayor at the municipal level. City decision-making passes through a labyrinth of City Council committees, as well as municipal agencies and corporations, and is all subject to Ontario legislation and policy.

The principal City Council committees are divided into Executive Committees, Standing Policy Committees, and Community Councils. In Toronto's "weak mayor" system, the mayor cannot choose which councillors sit on each of the Standing Policy Committees, but he or she can select the chair positions. These chairs are each appointed to the mayor's Executive Committee, where they are joined by four more members also chosen by the mayor. The four Community Councils, on the other hand, are divided into geographic quadrants, with each Council comprised by the city councillors who represent the contained wards. Community Councils retain the authority to determine specific parking, traffic, and property matters, though they can only offer recommendations on broader planning questions.

Toronto City Council committee structure (City of Toronto 2016d)

Both Community Councils and Standing Policy Committees offer opportunities for interaction with residents, but Standing Policy Committees have the most contact with professional City staff in the development of official policy. The 35,000 members of Toronto's Public Service report to the City Manager, who works under the City Council, and are organized by division. Division heads are independently hired by the Deputy City Manager, meaning they are not political appointees. Nonetheless, they are responsible for providing reports to Standing Policy Committees, though individual divisions may by assigned to multiple committees, and topics taken up by committees might require contributions from multiple divisions.

City of Toronto organizational structure (City of Toronto 2015b)

The City Planning Division, led by Chief Planner Jennifer Keesmaat, often reports to the Executive Committee and the Planning and Growth Management Committee. The Planning Division is charged with overseeing Toronto's growth and changing physical characteristics, and, like the Community Councils, its work is organized according to four geographic districts: Etobicoke York, North York, Scarborough, and Toronto & East York.

City of Toronto Community Planning districts (City of Toronto 2016f)

City planning is a constantly discussed topic in post-amalgamation Toronto, with a 2015 poll sponsored by the City of Toronto finding a "significant majority of residents believe the 'most important' issues facing Toronto are poor transportation/transit (22%) and traffic congestion/gridlock (20%)" (Ipsos 2015).

The City Planning Division's broad area of work spans:

- Community Planning: oversees development applications and produces citywide policy analysis and area-based plans
- Waterfront Secretariat: supports corporate partnerships that bring resources and capital to waterfront initiatives
- Strategic Initiatives, Policy & Analysis: produces and executes policy connected to zoning by laws, employment, housing, environment, and community services
- Urban Design: assists in developing policy and guidelines related to the city's built form, public realm, and historic conservation projects
- Transportation: focuses on the city and region's transit programs, especially as they concern travel demand modeling and development applications

Toronto City Planning Division work areas (City of Toronto 2016e)

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It is important to emphasize, however, that the Planning Division neither sets the direction nor has the final say with regard to Toronto's city planning policy. While Planning Division staff produce specific reports commissioned by the Toronto City Council, it does not implement policy; that is the role of the City Council. Meg Shields (2016), Senior Corporate Management & Policy Consultant for the City Manager's Office of the City of Toronto and Toronto's lead for citywide civic engagement, explained:

> Our role, as City staff, is to bring the best possible advice to Council. And for them [Councillors] to make the decision in the end. And sometimes we provide one recommendation, sometimes we provide options, sometimes we recommend against something. At the end of the day, whatever their sources of information are. Do they trust the City staff who bring it forward? Do they trust the data that we have? I don't know. Each Councillor interprets that information.

In fact, neither Toronto's City Planning Division nor the Toronto City Council are authorized to make the highest level decisions; the Province of Ontario is the body that dictates the province's, and therefore the city's, overall approach to land use planning. Through the Ontario Planning Act and its related Policy Statements, the province sets specific conditions for all municipal planning authorities. First, the Planning Act requires that all cities adopt an Official Plan that determines land development approval methods, minimum public consultation standards, and appeal rights to the Ontario Municipal Board in case of disputes. Second, all city planning decisions need to be: "consistent with" the province's Policy Statements, which establish guidelines on environmental, economic, and housing policy; and, "conform" to the province's "Growth Plan for the Golden Horseshoe" (City of Toronto 2016c). To illustrate the hierarchical relationship between the Toronto City Planning Division, Toronto City Council, and Ontario Province, consider the approval process for amendments to the Official Plan:

Pre-application consultation with staff & community engagement

↓

Applicant submits complete application

↓

Application circulated by staff

↓

Preliminary report to Community Council

↓

Community consultation

↓

Response to applicant by staff

↓

Application revision and resubmission by applicant

↓

Recirculation, consultation, revisions, finalization and staff report

↓

Public meeting at Community Council

↓

Decision by City Council

↓

Opportunity for appeal to Ontario Municipal Board (OMB)

↓

Official Plan amendment/By-law in effect

Approval process for amendments to Official Plan (City of Toronto 2016c)

The Ontario Planning Act prescribes that the City of Toronto must hold public meetings whenever considering changes to the Official Plan, Zoning Bylaws, or Plans of Subdivision. While local matters are referred to Community Councils, projects that affect the entire city are the jurisdiction of the City Council's Planning and Growth Management Committee. In these official public meetings, Councillors review the Planning Division's staff report and listen to public testimony. Planning Division staff and City Councillors can also choose to sponsor non-statutory community consultation sessions to gather residents' opinions on planning proposals. The Toronto Planning

Review Panel, as will be described in detail subsequently, is one example of a non-statutory public meeting.

Finally… we can talk about the decision-making path!

DECISION-MAKING PROCESS

Referral   Referral

Mayor/Council Priorities

New/Emerging Program & Service Needs

Ongoing Program & Service Needs

Policy Development

Consideration by a Committee of City Council

Consideration by Community Council

Consideration by City Council

Implementation of adopted items

Public Input
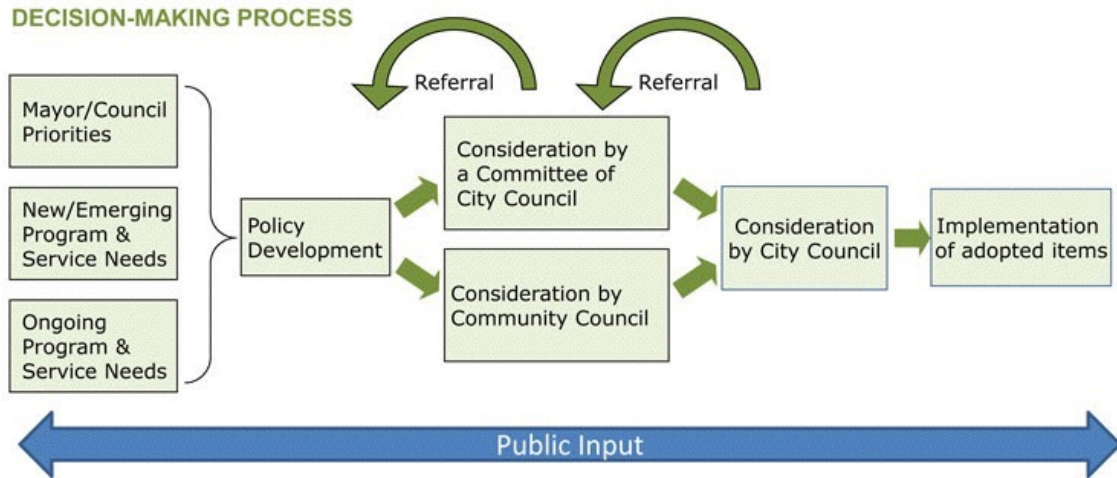
Toronto City Council policy decision-making path (City of Toronto 2016e)

Chapter 3: Introducing the Toronto Planning Review Panel

First impressions

In early September 2015, thousands of two-toned standard envelopes arrived in mailboxes across the City of Toronto. From Scarborough to Etobicoke, one out of 87 households in all six of Toronto's constituent municipalities received the tan package. In dark bold, occupying the upper left corner in the place of the return address, was an abstract line rendering of Toronto City Hall and in 28-point type the word "TORONTO." In a black box on the bottom right side, white text spread across three lines: "Deadline, October 6, Respond Today." And in the middle of the envelope, just above the recipient address box, read in smaller print: "Only 12,000 households in Toronto have been randomly selected to receive this invitation. We need you to volunteer for the City of Toronto's new Planning Review Panel."

Many of the recipients, including several who would ultimately join the Toronto Planning Review Panel, thought the package was a piece of junk mail. Those who rescued it from the scrap heap or from the other bills collecting on the dining room table found three sheets of paper and a self-addressed return envelope inside. Printed on both sides of first sheet was a two-page form letter, signed by Jennifer Keesmaat, Chief Planner of the City of Toronto and with a brief message from Mayor John Tory, that opened: "Dear Toronto Resident, The City's Planning Division needs your help to make sure we are creating a city that is prosperous, livable, equitable, and environmentally responsible." The letter went on to explain that any Toronto resident above the age of 18, even if not a Canadian citizen, was eligible to join the Planning Review Panel in order to "learn about your city and provide input and local expertise on important planning issues shaping Toronto." In bold type at the bottom of the first page, the letter stated, "You do not need to be an expert to participate. It's your perspective as a Toronto resident that matters most." The commitment of participants

was attending four orientation sessions over eight weeks in October and November 2015, and then six meetings a year for the 2016-2017 two-year term.

The second sheet, titled "Frequently Asked Questions," repeated much of the content of the introductory letter, but divided into discrete blocks of texts. Bolded headlines offered basic background information such as "What is a Planning Review Panel?" and "What is the City of Toronto's Planning Division?" Readers learned that the Panel "is intended to be an influential body…and priorities will be referenced in reports to Council and published on the City of Toronto's website," and that the final group of volunteers will be selected by lottery from the pool of respondents to this invitation. Like the letter, it also listed the scheduled dates for the 16 meetings that would occur over the next two years, and the bottom portion listed three ways to register: by phone, online, or returning the third item included the package, the Candidate Response Card.

The double-sided Candidate Response Card, coated in plastic for a shiny and substantive finish, included space for the resident's name, gender, age, and contact information on one side. On the reverse side were a series of statements followed by checkboxes for the resident to self-identify as: homeowner or renter; aboriginal or visible minority; available to attend all four orientation sessions; and, available to attend at least 10 of 12 Panel meetings in 2016-2017. In large print on both sides were more reminders of the October 6 deadline for responding, and in small print the legal disclaimer explaining that the collected information would be used solely for the purpose of forming the Panel.

503 Toronto residents returned the Candidate Response Card, but not directly to the Office of the Chief Planner on the 12th floor of City Hall in downtown Toronto. Instead, the address on the self-addressed envelope sent it to a small storefront in East Toronto, the office of a private consulting company named MASS LBP. Several months prior, in early summer 2015, MASS LBP had responded to a Request For Proposal (RFP) issued by the Planning Division for the "Establishment of a Toronto Planning Advisory Committee." It was not a complete surprise to MASS LBP to learn of the RFP; in many ways the RFP had been constructed with MASS LBP's strengths in mind.

The RFP made clear that Toronto was not just looking for a new way to interact with residents, but was actively searching for new methods to reach a different kind of audience. Toronto wanted a relatively small body, not more than 30 participants, but it needed to be "as representative as possible of the diverse communities of Toronto" (City of Toronto 2015). Jennifer Keesmaat, Chief Planner of the City of Toronto, said at the time, "Our city's motto is 'Diversity Our Strength' yet we know traditional planning processes don't always hear equally from Toronto's many communities" (Landau 2015). As the RFP put it, "a significant objective of the new Committee is to engage new audiences into the planning process and, in particular, to reach population groups that have traditionally been underrepresented, including newcomers, low-income residents and renters" (City of Toronto 2015). The RFP continued, "it is expected that members of the Committee will be people who have not previously participated in a substantive way in past City Planning processes" (City of Toronto 2015). The only further restrictions were that elected officials and City of Toronto staff could not join, and the process needed to be replicable by City staff in the future.

Toronto's interest in alternative frameworks for public participation was not the result of a sudden whim. Toronto has a strong culture of including the public in many of its planning decisions. Gregg Lintern (2016), Director of Community Planning for the

City of Toronto, said, "I can't do planning without public input in some way, shape, or form. I just think something is missing if we haven't done that. And I've done that for my entire career. I'm always open to new and improved ways of doing it and making it more meaningful." Andrew Farncombe (2016), Project Manager for Strategic Initiatives, Policy & Analysis for the City of Toronto, agreed: "We all value the input we get from the public. We see it as essential. Planners are all trained professionals, so we understand that our role is to protect the public interest or advance the public interest. You can't do that unless you're reaching out to the public. We do have a lot of talent in the city."

Meg Shields, Senior Corporate Management & Policy Consultant for the City Manager's Office of the City of Toronto and Toronto's lead for citywide civic engagement, explained that she takes a nuanced view of what is considered "engagement" and "consultation." Shields (2016) said, "We take a very broad definition of civic engagement: it includes any way in which we support a relationship between the public and the city, from legislative elections to participating in our city committee meetings and advisory bodies and boards and so on, to informal and episodic." Consultation, on the other hand, is a specific type of engagement: it not only listens to concerns, but solicits advice. Shields (2016) said, "[in consultation] we're going to ask the public stakeholders what they really think and what they want." Lintern (2016) said, "In a very simplistic way, if we're doing policy development, I want to hear from people at the beginning, the middle, and the end. I want to hear from them around our data collection phase. Are we asking the right questions? Are we getting the right information collected?"

Toronto's commitment to public consultation also anticipated provincial legislative action intended to expand opportunities for public input. In 2014, a year before an amendment to the Ontario Planning Act would require each municipality to create its own planning advisory committee, the Planning Division already had introduced a new process with the objective of improving its own engagement practice. Named "Growing Conversations: Making Engagement Work," the project stated a clear

ambition: "making Toronto the most engaged city in North America on urban planning issues" (City of Toronto 2016). The initiative, which remains ongoing, seeks to experiment with new participatory methods, including expanded social media options and public learning opportunities, targeted outreach strategies for youth and ethnic communities, and investigation of alternative ideas for community advisory panels to complement existing outreach efforts.

While the Planning Division hosts nearly 400 non-statutory community consultations in a year, "Growing Conversations" acknowledged that participation in the city's established engagement offerings was strong in quantity but perhaps weaker in coverage. According to its internal estimates for 2013, the year before starting "Growing Conversations," Toronto was in touch with over 20,000 residents in person through public meetings (City of Toronto 2016). These public events are augmented by Toronto's digital efforts, including more than 40,000 interactions on Twitter in a single year (City of Toronto 2016). But Daniel Fusca (2016), Stakeholder Engagement Lead for the Office of the Chief Planner of the City of Toronto, acknowledged, "We don't get renters to our sessions. We get homeowners in droves, but not renters."

The most common instance of public participation is triggered when a property owner submits a development application. A public meeting must then take place before professional staff can complete a report. In 2013, Toronto received more than 3,800 development applications to review, or approximately one every half-hour of the five-day workweek (City of Toronto 2015). Nonetheless, Lintern (2016) said, "We have older white guys coming to our meetings and nobody else. I don't know if we have data on it, but I've observed it. That's the typical development meeting."

When a project is bigger than a discrete development proposal, as in the case of an area-based or neighborhood plan, Stakeholder Advisory Committees are standard practice. In a Stakeholder Advisory Committee, planning staff convene a group of key stakeholders and interest groups to express community preferences in a deliberative manner. Planning staff use Stakeholder Advisory Committees throughout the policy development process, often treating them as miniature community focus groups.

Though Stakeholder Advisory Committees are assembled by invitation and not open to the general public, Lintern (2016) said, "We road test presentations with them that are going to the general public. We give them the chance to be a sounding board—'Is this working for you? What are we missing?' Sometimes we rip up slides and change them because our message isn't getting across." Lintern continued, "It sounds weird to say that we value it [a SAC] higher than coming to a public meeting, but we certainly value it because it represents structured input that is covering the bases."

At the same, Lintern acknowledged that a SAC's ad hoc nature, combined with its participants' narrow interests, can limit participants' ability to understand the broader implications of planning decisions from perspectives other than their own. Lintern (2016) described SACs as suffering from "too much focus on projects-specific consultation, and not a vehicle through which we can get a broader kind of sustained level of input from people who might have a little more background or capacity, a little more schooled, a little stronger understanding of what planning is about."

At the city level, the Planning Division hosts public meetings for comprehensive policies that affect every district. Millward (2016) said, "We do a lot of community consultation in the city. By and large it's mandated in a singular way by the province and the Planning Act, but the City and the Council have always expanded on it." Examples would include "Growing Conservations," and also Tall Buildings Guidelines or the 5-year review of Toronto's Official Plan.

The Planning Division also uses more relaxed settings to discuss especially large or general ideas without a specific outcome in mind. Lintern (2016) said, "We try to bring our consultations forward in a different format than that [typical town hall]. I don't like those kinds of meetings. They're designed to fail." One of the most prominent examples is the "Planners in Public Spaces" program, in which Toronto creates opportunities for one-on-one interaction between residents and professional staff. Throughout the entire year, and especially in the warmer months, planning staff set up tents at public events, markets, or parks for the purpose of having informal conversations with passers-by. Staff use blown-up visual materials to explain planning

concepts, such as the development review process, and also invite residents to post ideas to large-format maps. Another example of casual engagement is the Chief Planner Roundtable, a semi-annual public forum, live-streamed to the general public, where several of the city's economic, cultural, and thought leaders participate in an extended discussion with the Chief Planner. The roundtable has a loose agenda, and observers watching remotely are able to submit questions and comments in real-time.

In its search for more inclusive participation venues, initially the Planning Division expressed interest in advisory panels similar to New York City's Community Boards. In the Community Board model, 59 local representative bodies are distributed across New York's five boroughs. Each board comprises up to 50 volunteers, all of whom must live, work, or have "some other significant interest in the community" (NYC Mayor's Community Affairs Unit 2016). Up to 25 of the members are nominated by the local city council member to serve two-year terms, with the Borough President appointing the remaining positions. Though Community Boards' central charge is to provide advice on local planning, zoning, budgetary, and service delivery programs, they are also authorized to develop their own plans. Nonetheless, whether they are assessing the needs of their community or evaluating land use proposals, the Boards operate exclusively in an advisory capacity, unable to make final decisions or give formal directions to agencies.

The breadth of work performed by Community Boards may have been attractive to Toronto, but there were also several problems. First, since members were appointed, it was impossible to guarantee the representativeness of the advisory body. Fusca (2016) said, "We thought that was just not going to actually help us to achieve any of our objectives around 'Growing Conversations'—which was to expand engagement by bringing in new voices who are under represented right now." Second, though Toronto's population is significantly smaller than New York's, it would take considerable human and capital resources to create boards at the same density as New York. Fusca continued, "We don't have the funding—we have 44 wards—to do one of these in every ward. Our thinking was, 'We'll do one. And we'll make sure that there's

representation from each of the districts—the city has four planning districts—and we'll see how that goes.'" By Spring 2015, when the Legislative Assembly of Ontario began debate on amending the Planning Act with Bill 73, "Smart Growth for Our Communities Act," Toronto was well prepared to issue its official RFP for the "Planning Advisory Committee."

<u>Calling for help</u>

The proposed RFP budget range of (CAD) $75,000-$100,000 was not especially large, but it demonstrated the Planning Division's belief that an outside consultant was necessary to implement this type of project. Lintern (2016) said, "Could we have cooked this thing up on our own? Maybe. But we didn't have anyone to do it. We would have gone to school on the whole thing." Shields (2016) expanded:

> When I explained to him [Daniel] that during the Civics 101 [a previous civic education program] that we had recruited all of those members by ourselves and it was an enormous task, sorting through a 1,000 applications of people who had poured their hearts and souls into those applications, and try to find at least some geographic measure of representativeness, male/female, all that kind of thing, was a real different challenge. So I think they made the right call to say, 'Is there a consultant firm to help them do that?'

Lintern noted that a consultant could also provide more than just capacity. Lintern (2016) continued, "they [the consultants] bring a neutrality, as well, to it, which, I think, helps…We sometimes get perceived--not always, but we sometimes get perceived, to have our own agenda. And sometimes we do." Shields (2016) also considered neutrality an important feature for effective public consultation, but for a different reason:

> One of the big challenges that we have is that engagement is quite different, I think, from a government perspective than it is from an NGO perspective or a community-based perspective. The notion is that I don't come with a vested interest in the outcome. In fact, I have to be open to the possibility that I'm going to learn something new from the public, and gain some insight and perspective that I can't bring to the table. I have to be neutral in the determination of what's going to happen in the end; otherwise it's a social marketing activity or a public communication.

Though Toronto ended up receiving two competitive bids from local consultants, one was a favorite. Since its establishment shortly after the 2006 Ontario Citizens' Assembly on Electoral Reform, MASS LBP had been experimenting with what it called "long-form deliberative processes." Inspired by the Citizens' Assemblies of British Columbia and Ontario, MASS LBP offered clients access to what it calls "creative

publics," accomplished by: "creating publics" through civic lotteries that provide representative samples of a population; and, "convening publics" through reference panels in which a relatively small number of randomly selected participants-- typically between 25 and 35 people-- gather over several days or weeks to learn about a specific topic, engage in focused debate, and produce a final recommendation.

MASS LBP had developed its own lexicon for marketing its work. Its suite of services aimed to enhance participants' "democratic fitness," defined as "the readiness and capacity of all people to play an active and empathetic role in the governance and life of their community" (MASS LBP 2016). To elevate participants' "democratic fitness," clients commit to the "devolving out" of "policy choices in order to solicit direction and advice from residents and stakeholders." In turn, they realize the "democratic dividend" of participants' "expanded sense of voice, agency, and personal efficacy" (MASS LBP 2016).

While the British Columbia and Ontario examples were sponsored by provincial legislatures, MASS LBP had been finding many other types of clients were also interested in these types of engagement packages. Initial MASS LBP projects focused on setting health care priorities on behalf of regional health systems (2009 Northumberland Hills Hospital), but soon expanded to the implications of new technology (2010 University of British Columbia Centre for Applied Ethics), municipal budgeting (2011 Regional Municipality of Halton), arts funding (2012 Calgary Arts Development Authority), provincial legislation (2012 Ontario Ministry of Consumer Servicers), public transportation (2013 Metrolinx), and land-use planning (2014 City of Vancouver City Council).

By the time the City of Toronto announced its RFP in Summer 2015, MASS LBP had been responsible for randomly selecting nearly 1,000 Canadians to participate in close to 30 separate reference panels (MASS LBP 2016). It had an established method for re-sorting the initial group of applicants into buckets that matched the client's target characteristics, before administering a secondary selection with balanced pools of each category. In October 2015, after processing the 503 responses to the Planning

Division's invitation to join the Panel, Peter MacLeod, MASS LBP's principal, sent out congratulatory emails to 28 Torontonians.

<u>Organizing the Panel</u>

Among the 14 male and 14 female selected residents were taxi drivers and microbiologists, factory workers and teachers, students and retirees. The 28 residents were evenly distributed across Toronto's four geographic districts, with seven members hailing from each of Etobicoke York, North York, Scarborough, and Toronto & East York. Fully half of the Panel self-identified as a visible minority, including several refugees and Aboriginals, effectively matching Toronto's official self-reported minority figure of approximately 47 percent (City of Toronto 2016b.) Eight of the panelists were under the age of 29, and five were over 65, reflecting recent gains in the youngest and oldest age categories in Toronto's age structure (City of Toronto 2012). Homeowners, the most over-represented demographic in all of Toronto's other engagement activities, were represented on the Panel at an equivalent rate, roughly 50%, as in the general public (City of Toronto 2006). In total, the group possessed more than 800 years of cumulative lived experience in the City of Toronto.

But if the Planning Division now had an idea of how a "Toronto Planning Advisory Committee" might look, its next challenge was to figure out how it could operate. The RFP had not prescribed answers to the most basic questions, including how long a session should last, or the more complex, such as the methods by which the committee would prepare and deliver its recommendations. Instead, Toronto deliberately encouraged a fluid exchange between its selected consultant, the new Panel members, and Planning Division staff to jointly create a "Terms of Reference" document. "Terms of Reference," which are required to develop Toronto official policy, state in writing the vision, guiding principles, and work procedures for city initiatives.

One of the most pressing matters to settle was exactly who was in charge of the Panel. According to the Province of Ontario, which had recently amended its Planning Act to require all municipalities to establish citizen planning advisory committees, a panel should submit to the authority of a local city council. In this "committee of

council" model, citizens provide recommendations straight to elected officials, who then direct City staff accordingly.

While Planning Division officials acknowledged the sovereignty of the Planning Act, they were not willing to cede control to the City Council. Fusca (2016) explained, "We have our concerns around that [a committee of council] because in a smaller municipality that might be appropriate, but in a municipality like Toronto we think it could become very complicated if you have a council advisory body providing advice to Council and then City Planning providing advice to Council, which could be conflicting." Shields (2016) agreed:

> When you have a body of members of the public and Councillors and staff all sitting together, it's unclear to whom the public is giving advice. They will choose strategically to speak directly to the Councillors in the room or to the staff members in the room. Are the Councillors giving direction to the staff? Which we don't do outside our legislative process. A Councillor cannot direct a staff unless it's a formal motion to Council and to committee. So that is kind of a bad model.

The Planning Division's opposition to a committee of council advisory board was not based entirely on conjecture. In the 1990's, Toronto City Council had, in fact, convened a citizen Planning Advisory Committee to offer feedback on initiatives passing through the typical City Council committee process. Lintern (2016) recalled both its original intent and its eventual demise: "It was a model structure that attempted to bring citizens—a more populist, representative level of input into the process... Sometimes it could become its own little club. It's got its own issues, nothing is perfect. And it was politically appointed as well, so maybe it had a different kind of role, where people were there with a political agenda."

Robert Millward, Commissioner of Planning and Development for the (former) City of Toronto from 1987 to 1996, offered several reasons for the Committee's diminished role. Millward (2016) said, "At one point it was a statutory thing, then it became volunteer. People who were on the committee appreciated being heard, but members of the City Council didn't necessarily respect their insight or advice." As a result, Millward (2016) said, "the statutory panel started to become a little contrarian.

Individuals started to have strong views. They became disenchanted because no one was really listening to them, and it was kind of true. At one point their only role was to provide advice on Official Plan amendments. As their scope diminished, they kind of lost interest." According to Millward (2016), the Planning Division had to continue "nurturing [the Planning Advisory Committee] long after Council stopped paying attention to it."

To avoid the same fate for the new advisory panel, the City Planning Division appealed to the City of Toronto Act to circumvent the mandate of the provincial Planning Act. Through this piece of special legislation, which is capable of overriding the provincial Planning Act, the Planning Division could grant itself the option of forming a citizen advisory board under its own jurisdiction. Fusca (2016) stated, "we are fully within our rights within the legislation to strike an advisory body that advises staff. And there's actually very few rules around that; there's lots of rules around Council bodies, but not around this."

Moving from a "committee of council" to a "program advisory body," which reports directly to City staff, was attractive to the Planning Division because it solved questions about the chain of command and also removed constraints associated with the committee of council process. As a result, a clear order emerged: members of the public would provide input to professional staff, who would then deliver plans to elected officials. It also provided greater freedom, Shields (2016) said: "It serves at the pleasure of the bureaucracy rather than Council and so it has a different flavor. It allows us to have a wide-open dialogue on an issue, bring in other experts and lots of research, and play with something, before giving our advice to Council."

Though its previous experience with the 1990's Planning Advisory Committee was not especially encouraging, the Planning Division could look to the recent success of its own Design Review Panel as a more promising example. Like the proposed "Planning Advisory Committee," the Design Review Panel was established in 2007 as a program advisory body in which citizen volunteers provide staff with recommendations for improving projects intended for the public benefit. According to Fusca (2016), "the

Design Review Panel has become kind of a prestigious group that people want to bring their projects to." Unlike the "Planning Advisory Committee," however, members of the Design Review Panel are design professionals who are appointed based on their technical expertise and professional reputation. As a result, members "help raise standards of development, encourage designers to avoid compromising on quality, and help make new development compatible with its surroundings. The expert advice provided by Panel members can improve the quality of even the most complex and refined projects" (City of Toronto 2016a).

Whether lay citizens or professionals, the concept of residents using their lived experience to help staff improve its work made it easier to explain what the "Planning Advisory Committee" intended to accomplish. Lintern (2016) said, "Design Review Panel gives advice to the chief planner, take it or leave it, but it's input. Planning Review Panel will do the same, but non-professional, citizen advice. That's kind of how it was explained to us." In fact, Fusca explained that the nearly analogous function of the Design Review Panel inspired the Planning Division to change the official name of what it had previously called the "Planning Advisory Committee." Fusca (2016) said, "It was in a conversation with Jennifer [Keesmaat, Chief Planner of the City of Toronto] where we were talking about it. I can't remember if she didn't particularly like it [the name] or what happened. It was her idea to switch to Planning Review Panel because she liked the idea of borrowing the prestige of the Design Review Panel."

Chapter 4: What the Panel looks like in action

Training the panelists

On Saturday October 17, 2015, the 28 members of the Planning Review Panel gathered at the Li Ka Shing Knowledge Institute in downtown Toronto for the first of four mandatory orientation sessions. From the moment of its original invitation to the public, the Planning Division had made it clear that volunteer participants would be selected for their interest rather than their expertise, and the random selection of the group made it impossible to predict the knowledge level or character of the group. Fusca (2016) said, "I was worried about the quality of the people who ended up volunteering. Would they have something interesting to say? Would they be people who wanted to contribute something positive to the process or would they just be very negative?"

The four orientation sessions were intended to provide more than a lightning course in current planning topics. Panelists heard from 17 guest speakers drawn from other City departments, as well as academics, journalists, and neighborhood representatives, but the higher objective was to help panelists identify their own principles and priorities to guide them over the course of the Panel's two-year term. And in the course of these conversations, organizers hoped the Panel would start developing perhaps its most important attribute: a citywide outlook.

At each of the sessions, a MASS LBP representative, often Peter MacLeod, would begin by reciting the essential responsibilities of the panelists and of the facilitators.

Panelists would:
- Learn about Toronto, the ways the city is changing, and the different roles that the City Planning Division plays in guiding growth and change
- Understand the different values, perspectives, and priorities of Toronto residents concerning their neighborhoods and the city as a whole

- Work together to provide the City Planning Division with a source for informed residents' perspectives on important planning policies and initiatives

Facilitators would:

- Provide clarity

- Create momentum

- Ensure everyone feels heard

- Make this a productive conversation

Before settling into the regular agenda, panelists would receive one last exhortation: "Your job is to think on behalf of all Toronto residents. This isn't about what serves your needs or even the needs of your family. Instead we have to put ourselves in each other's shoes" (City of Toronto 2016e).

Each orientation session carried a theme, with the first one on October 17th dedicated to "Values," followed by "Issues" (October 31st), "Priorities" (November 14th), and "Guiding Document" (November 28th). At the first session, panelists began by reviewing the civic lottery process that had selected the group as well as the recent history of Canadian citizens reference panels. MacLeod reminded the panelists, "You're special, but you're not the first," as he showed them pictures of past panels in Ontario and British Columbia. MacLeod reviewed the upcoming schedule of meetings and the expected activities of the Panel:

- Provide guidance on new and ongoing Planning Division policies and initiatives

- Receive briefings from Planning Division staff and other experts

- Discuss and provide consensus perspectives to the City Planning Division

- The Panel's perspectives will be included in publicly accessible staff reports

After introducing themselves for the first time, panelists listened to a series of presentations by City staff and invited guests. Lectures were interspersed with prompts

like "What are the common principles we should use to plan Toronto?" and "What makes a city great?" These initial conversations would form the basis of the Guiding Values document produced at the end of the fourth session.

The invited presenters encouraged participants to think about finding equilibrium between the different units, scales, and priorities of city planning. In explaining the fundamental challenge faced by the Planning Division, Keesmaat said, "City Planning is always seeking to balance a citywide vision with the interests of particular neighborhoods and individuals... finding that balance isn't always easy, but it's essential" (City of Toronto 2016e). Heath Priston, Planning Analyst for the City of Toronto, followed with an overview of Toronto's demographic trends, while acknowledging: "The demographics and dynamics of each of Toronto's neighborhoods is distinct-- in fact there is huge neighborhood variation. Remember that what is happening to the city isn't necessarily happening for each neighborhood" (City of Toronto 2016fe).

Participants also listened to perspectives from professionals outside of city government on Toronto's political and economic climate. Joy Connelly, an independent consultant, offered an overview of municipal governance: "One could work at the City for 50 years and still not know everything there is to know. That's because Toronto's government is complex, exciting, intricate – the most transparent, and yet the most confusing of any level of Canadian government" (City of Toronto 2016e). David Hulchanski, a professor at University of Toronto, submitted his analysis of the city's socio-spatial segregation: "As a city we're increasingly divided into high income and low income neighborhoods. The middle has been disappearing... by 2030 there may be no more middle income census tracts left" (City of Toronto 2016e).

The second session, held on October 31st at the Northern District Library, followed a similar pattern of noting the inherent tension between the grand plans and minute details of planning practice. In his explanation to the Panel of the Planning Division's obligation to implement Toronto's Official Plan, Lintern said, "Planning requires reconciling the big picture with the small scale, on the ground impacts. For

example: should we build a transit line? That's the big picture. But also--where should the entrance to the station be? That matters a lot, too, especially to the people who live right there" (City of Toronto 2016e). Harold Madi, Director of Urban Design for the City of Toronto, described the intrinsic role of design in city life as: "Urban design is about how we experience a city. How buildings, streets, and open spaces come together to enhance our experience and enjoyment of space" (City of Toronto 2016e). Niall Haggart, Executive Vice President of the Daniels real estate firm, outlined the conflicted state of the local housing market: "It's nearly impossible to build and the sell housing that is affordable for people with low incomes in Toronto, without government intervention... though more efficient development approvals would help" (City of Toronto 2016e). Ed Levy, founder of the transportation consultancy BA Group, captured the give and take of transportation infrastructure: "A downtown relief line is the key. It is a tragedy that it does not exist. More transit elsewhere will lead to greater demands on an already overtaxed downtown system" (City of Toronto 2016e).

The third and fourth sessions shifted in emphasis from general overviews to more detailed analysis of what is required by Toronto's Official Plan and what the panelists would prioritize in their Guiding Document. Graig Uens, a community planner for the City of Toronto, summarized the relationship between the various layers in planning policy, starting at the base level of zoning by-laws before reaching urban structure policies, land use policies, and secondary plans. Uens condensed the essence of the Official Plan into a series of questions:

- Where should the city grow? And where should it remain stable?
- Where do we want new roads and transit?
- Are there enough parks? Where could we put more?
- How do we protect our heritage resources and environmentally sensitive areas?
- How should newly constructed buildings connect to their surroundings?
- What information should be mandatory in a development application?
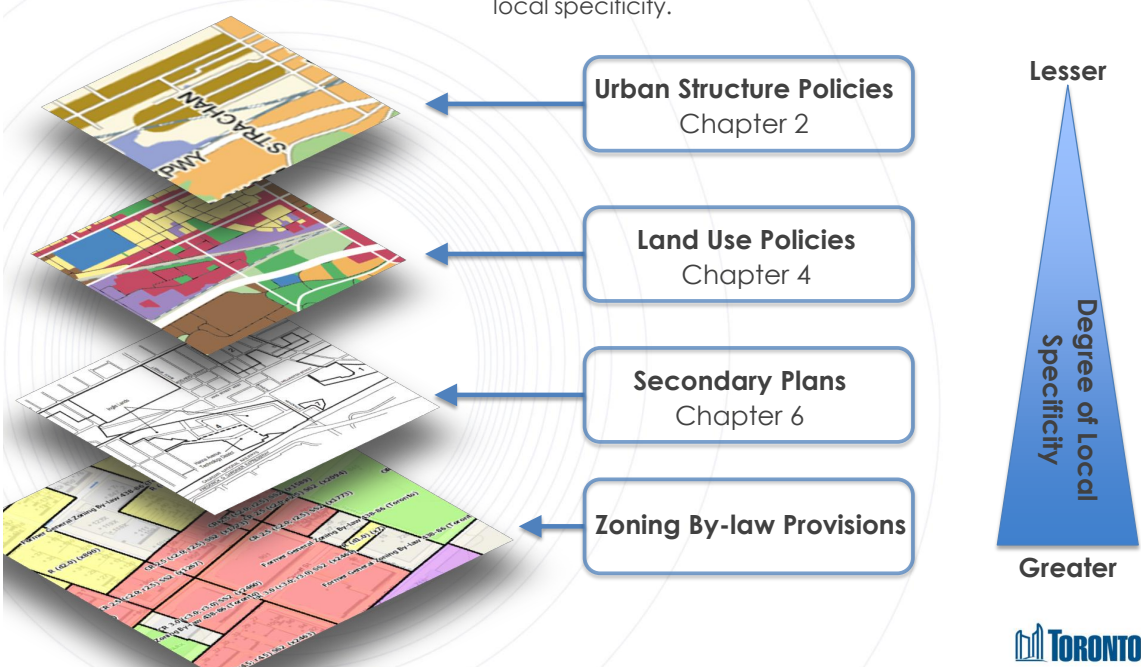
Slide: "Layers of Policy" (City of Toronto 2016e)

Uens went on to provide more technical definitions within each layer. For example, zoning by-laws, in their role as the principal instrument for executing the Official Plan, decide regulations for land use and new building construction, ranging from density requirements to maximum building heights. Secondary plans provide more detailed prescriptions for specifically defined areas. Panelists learned about different land use designations, which govern how certain areas will change, or not, in the future. For instance, all new development in neighborhood areas, defined as "physically stable areas made up of residential uses in lower scale buildings, and small scale commercial uses," must pay special attention to existing character. Mixed use areas, on the other hand, will need to anticipate growth by "create[ing] a balance of uses that reduce car dependence and provide new jobs and homes" (City of Toronto 2016e). Finally, at the urban structure level, Uens distinguished between the various types of areas intended

for growth, including "Avenues," "Centres," and "Downtown," as well as "Employment Areas" and "Green Spaces."

Before concluding his presentation, Uens covered a somewhat arcane, but extremely important, linkage between city and community development: Section 37. According to Section 37, the City of Toronto can negotiate with developers for greater community benefits and infrastructure investment in exchange for permitting development applications proposing exceptional height and density. In the ideal scenario, City staff, City Councillors, and community members agree on community funding priorities, and the majority of the money derived from Section 37 agreements would stay in the community immediately affected by the development. In addition, a Section 37 agreement is intended to only apply in the case of a development application that otherwise meets criteria for good planning; it is not supposed to be used to cover up "core shortcomings" (City of Toronto 2016e). The challenge, however, for both the City and residents, is that there can be a long delay, often caused by waits for building permits or to pool multiple investments in a single project, between an initial agreement and the actual transfer of money.

The final presentations by City staff returned to current and future projects that the Panel might help to evaluate in the near future. Jane Weninger, Senior Planner for the City of Toronto, went over the city's environmental policies, including resiliency planning and green infrastructure. Laura Atkins, from the Forestry & Recreation Division, described the wide variety of park areas and uses in the city, as well as the various citywide plans that affect parks. She singled out specific challenges to ongoing park maintenance and expansion, including densification pressure, budget limitations, and disability access.

Daniel Fusca, Stakeholder Engagement Lead for the Office of the Chief Planner of the City of Toronto, wrapped up the session with a summary of the major initiatives the Planning Division would be working on in the coming year. His presentation highlighted both the volume of work the Planning Division undertakes, as well as the importance of its projects. For a city undergoing tremendous growth, Fusca reviewed

three of the most-discussed topics in contemporary Toronto: transit congestion, downtown development, and neighborhood preservation. He gave a survey of current transportation projects, including the Scarborough subway extension and the new SmartTrack surface rail, intended to combat overcrowded highways and augment existing subway lines, while also recalling how much remains unfunded.

Next, he introduced "TOcore," the City's new plan for setting growth priorities for the downtown region, where the number of residents has more than doubled in the last 40 years (City of Toronto 2016e). He emphasized the cooperation of all the related city agencies necessary for such a plan, ranging from Environment & Energy and Toronto Water to Community Services & Facilities, and also the future opportunities for Panel input into the plan.

Finally, he presented the city's "ResetTO" neighborhood planning initiative, which attempts to shift the city's response to development from "reactionary" to "proactive." In the current "reactionary" state, an application is often evaluated against outdated policy, prompting a drawn-out and contentious round of negotiation. By contrast, "proactive" planning would seek to clarify the entire process through more legible policy frameworks and enforced bylaws. According to this new approach, consensus-based community vision would provide a basis for evaluation, as opposed to site-specific re-zoning and minor variances.

After listening to nearly 20 hours of presentations, the last remaining task for panelists was to decide how they would incorporate what they had learned into the Panel's future work. MASS LBP facilitators and Planning Division staff devoted the fourth and final orientation session on November 28th to working in subgroups to finalize the Panel's "Guiding Document," which in addition to introducing the Panel, its members, and its priorities, would also include a "Terms of Reference" explaining to the public:

- Panel objectives, mandates and meeting agendas
- Panel membership criteria
- Panelist roles and responsibilities
- City Planning roles and responsibilities

- Meeting procedures

Panelists gathered at separate tables, each dedicated to a specific question:

- Why we volunteered

- What we've learned so far

- What more we hope to learn

- What we hope to contribute

The individual tables reported their conclusions to the larger group, and then submitted them to MASS LBP facilitators to edit for coherence and relevance. Members would have the opportunity to edit the document, but final edits and approval were given to Jennifer Keesmaat, Chief Planner for the City of Toronto. Fusca (2016b) said:

> We did not try to sway them in any way with their priorities. They came up with their priorities. What was edited was the language they used to describe them. In some cases we removed a bullet point because it wasn't the responsibility of the Planning Division, like jobs. 'Guys, we can talk about providing space or zoning for jobs, but there's not a lot that we as the Planning Department can do to ensure good jobs.' If they had said, 'We love cars,' we would have left that. But they didn't say that.

Panelists did make changes to wording, including expanding the Panel's official mandate to include understanding "the different values, perspectives, experiences, and priorities of all Toronto residents and commuters — including those who are vulnerable, marginalized, or homeless — concerning their local neighbourhoods and the city as a whole." They also lengthened the time that each session would last, choosing to start two hours earlier than initially proposed by the Panel organizers.

They chose the exact way they wanted to present themselves to the public:

> We volunteered for the Toronto Planning Review Panel because we love this city, want to learn, and want to have a voice in the planning process. We aren't the usual people who get involved in city planning processes. By becoming members of this panel, we hope to become better informed and more engaged. We want to combine the knowledge we gain from experts with our own experiences, skills, and perspectives in ways that contribute to improving Toronto….

We are here to help create a positive future for our city and the Greater Toronto Area. We want to give voice to people's diverse needs, perspectives, and experiences, to help bridge the gap between city government and the general public, and to act as a vehicle for meaningful exchange between these different perspectives (City of Toronto 2016f).

They listed the planning principles they had collectively decided they were committed to upholding:

- Inclusivity

- Safety and Security

- Innovation

- Affordability and Prosperity

- Community Wellbeing

- Functionality

They expressed the specific planning priorities they would seek to promote:

- Parks and the natural environment: Safe, accessible, and responsive to the changing needs of Toronto

- Housing: Diverse styles and price options, constructed with sustainable materials

- Design, Heritage, Built Form, and the Public Realm: Appealing, comfortable, and considerate of current and future uses

- Transportation: Integrated and efficient systems inspired by long-term, realistic, and evidence-based objectives

- Economy: Mixed-use neighborhoods supportive of equitable opportunities for local businesses and residents, particularly youth

Before departing the final orientation session, MASS LBP facilitators and Planning Division staff reviewed what panelists could expect before, during, and after each of the 12 official sessions to follow. Three weeks before a session, Panel organizers would confirm whether panelists could attend the upcoming meeting. Ten days before

the meeting, panelists would receive a briefing package by email with an agenda and background information on the scheduled presentations. And five days before, panelists would receive a reminder call. During sessions, panelists would listen to presentations by City staff as well as outside experts and stakeholders, followed by small-group discussions and question and answer sessions. Panelists would then report back to the larger group the findings at each table, and then attempt to reach consensus agreements on the most important takeaways. Following the meeting, panelists would receive a draft summary of the meeting's events and Panel suggestions, open to edits by all participants before receiving a majority approval by members. The final version of the meeting summary would be posted publicly on the Planning Review Panel's official website within 2-3 weeks of the original meeting.

The orientation sessions left strong impressions with both panelists and presenters. R.L. (2016), a panelist from Toronto & East York District, said, "I had very little expectations, but I wasn't expecting the level of detail that went into the sessions, especially the four learning sessions. Right down from who the speakers were to the timing of when they were brought up. The format was very organized, things were very thought through." J.A. (2016), also from Etobicoke York District, echoed a similar sentiment: "When we had our first meeting session, that's when I realized, 'Wow, I don't know anything about Toronto.' I went home that day and was like, 'I need to learn about the history of Toronto.'" J.T. (2016), a panelist from Etobicoke York District, said, "It was during the orientation process, especially when I got to hear Jennifer Keesmaat speak, that I was like, 'Wow, this is a really big deal. We also got during our orientation a breakdown of some of the trends in Toronto---demographics, how Toronto has changed—it was really eye opening and insightful. I had no idea this was happening in our city. When I got there, I truly understood why I was there." Tran also explained how the topics chosen by invited speakers changed the way she thought of her city. She said:

> Affordable housing came up during the first orientation session. A professor
> from UT [University of Toronto] talked about the 3 cities of Toronto—Toronto

can be divided into 3 cities based on income brackets. Everyone who has potentially higher income is located along the subway track. As you move out, you get to the middle-income bracket. The lower income bracket is farther away. The professor said the middle-income bracket is shrinking, so over the next 10-15 years the lower income bracket is getting larger. The rich get richer and the poor are getting poorer and a lot of the middle-income bracket people are moving out to the suburbs. It had a lot of implications for what Toronto would look like in the next 15-20 years. Affordable housing is one of the reasons for that. How we citizens want to shape or affect that will be determined by affordable housing.

While panelists appreciated the breadth and depth of the lectures, presenters were struck by the panelists' sincerity and commitment. Lintern (2016), from the Planning Division, commented, "I went and spoke at one of their training sessions about planning, and, wow, if that's the result of a random process… they were impressive! For people to put themselves forward like that, and the amount of time that they've invested already, holy [expletive]. I mean, I don't know if I'd do it. We'll see how that works." Two months later, at the first official session of the Toronto Planning Review Panel, staff and panelists would begin to find out.

<u>First official session: January 23rd 2016</u>

On a cold Saturday morning, panelists entered the Metro Hall city office building a few blocks from Toronto City Hall, took a series of escalators to the third floor, and found seats at five round tables. They had each received a 37-page email briefing the week before with an agenda schedule and background materials. In the morning, panelists would first listen to short "Project Previews" on upcoming plans for a downtown Toronto area study and a Waterfront transit planning "reset", and then have the opportunity for a brief question and answer session with the Planning Division staff responsible for each project.

View of the 3rd floor conference room at Metro Hall (Photo by author)

The "Project Previews" were not selected by the Panel organizers to elicit immediate feedback from panelists, but to lay the groundwork for future discussions. By introducing panelists to projects, and Planning Division staff to the group, both sets of participants would become more familiar with the other's overall objectives. As a result, they would both be ready to enter into more meaningful dialogue in subsequent sessions. Shields (2016) commented, "I always feel like a decision has to be very ripe in order to be part of the good engagement outcome. So if you try to push an issue before the public is ready for it or it's not a priority, it's going to fall flat. If you get a

decision but you don't actually have the resources or the political will, it's going to fall flat. If you were unsure about what your outcomes were, it's going to fall flat."

After lunch, panelists would spend an extended period, lasting nearly four hours, analyzing a set of design guidelines for newly constructed low-rise apartment and townhouse buildings. To prepare the group, Panel organizers attached the following:

- A single page review of the city's Urban Design Guidelines
- An 8-page staff report to Council describing the Townhouse and Low-Rise Apartment Guidelines
- Several pages pulled from the Townhouse and Low-Rise Apartment Guidelines
- Three newspaper articles
- A staff summary report on the public feedback gathered to this point
- Two letters submitted by resident advocates to the City Council's Planning and Growth Management Committee
- And a link to the entire 104 page Townhouse and Low-Rise Apartment Guidelines

The cover letter to the packet tried to calm any nervous readers: "We understand you may not be able to get through all (or even most) of it, so please don't feel too overwhelmed. But we wanted to make sure you had a wide range of materials that would help you understand the many different issues and perspectives that are relevant" (City of Toronto 2016g). S.M., a panelist from Toronto & East York District, said that receiving such a comprehensive introduction motivated him. S.M. (2016) said, "I spent hours preparing myself. These people have put in so much effort and time to put these documents out… They compiled it, they sent it. It was beautiful. I liked it-- they covered everything."

Before any presentations by staff, the first order of business was screening the official promotional Toronto Planning Review Panel video. Though the video's intended audience was the Toronto general public, its stars were all sitting in the room. Panelists

had been recorded at previous orientation sessions as well as at their homes to give the viewer a sense of the Panel's objectives and composition. J.A. (2016), one of the panelists who was profiled at her home in Etobicoke York District, worried that she had not given the impression she wanted, saying "I did the interview when I was hungry and had just come from work." Nonetheless, the rest of the group clapped enthusiastically at the conclusion of the video.

Just as they began each of the orientation sessions, the Panel organizers reminded the panelists of the facilitators' role: provide clarity, create momentum, and ensure everyone feels heard. With printed copies of the Guiding Document now distributed at each table, they also reviewed the planning principles and planning priorities previously defined by the group. As panelists leafed through their published biographies and full-color headshots featured in the Guiding Document, the facilitators delivered their final prompt: Your job is to think on behalf of all Torontonians.

Though billed as a presentation on waterfront transit in the initial meeting agenda sent to panelists the week before, the first "Project Preview" was actually a comprehensive review of several current city transit initiatives. And in place of Hilary Holden, Director of Transit & Sustainable Transportation for the City of Toronto, who had been injured in a bike collision earlier in the week, Daniel Fusca, one of the Panel organizers, gave the presentation. Fusca covered two recent project proposals, the Scarborough Transit Network and SmartTrack, seeking to extend rail service to aid commuters. Panelists asked questions about the various SmartTrack configuration options offered, and how each would affect travel speed, the number of stops, and card access.

Next, Fusca introduced the Waterfront Transit "Reset" project as an over-due response to a series of un-coordinated, ad-hoc plans for waterfront transit. Though some plans had been approved and funded, many others had not, leaving significant gaps in coverage. As a result, current transit offerings were not only unable to adequately serve the many new residents who had moved to the areas along the waterfront, but were also unprepared to anticipate future demand. Fusca explained that

the Planning Division had been instructed by the City Council to begin a "Phase 1 Review" to "develop an appropriate vision and strategy for the integration and implementation of a waterfront transit network for Toronto" (City of Toronto 2016e). One of the key elements of "Phase 1" would be extensive public consultation in spring 2016 to determine an "emerging vision" for waterfront transit options. After Planning Division staff integrated public feedback into an initial report to the City Council's Executive Committee in summer 2016, Phase 2 work, pending Council approval, would begin in fall 2016. The final slide contained three questions for the Panel to consider, but, in Holden's absence, the group did not commit significant time to answering them:

- What do you envision for a future integrated waterfront transit network?
- Where are the priority areas?
- What issues or concerns do you foresee that should be addressed as part of this Phase 1 study?

In the second Project Preview, Andrew Farncombe, Project Manager for Strategic Initiatives, Policy & Analysis, presented TOcore, a new area study of downtown Toronto. In his first slide, Farncombe established the central questions the plan would seek to answer:

- How will future growth be accommodated and shaped?
- What physical and social infrastructure will be needed, where will it go, and how will it be secured?

Whereas the Waterfront Transit "Reset" project was just entering Phase 1, TOcore had already progressed to "Phase 2" of planning and analysis. Farncombe described the variety of partners, including eight other Divisions and seven other organizations, necessary for the plan to "align growth with infrastructure." He also summarized public consultation efforts to date, totaling nearly 15,000 people reached across 41 events. He reviewed recent demographic statistics showing that in the past

four years downtown Toronto had grown by 20% in residential population and 12% in employment, with no sign of slowing down.

THE PACE OF GROWTH IS ACCELERATING
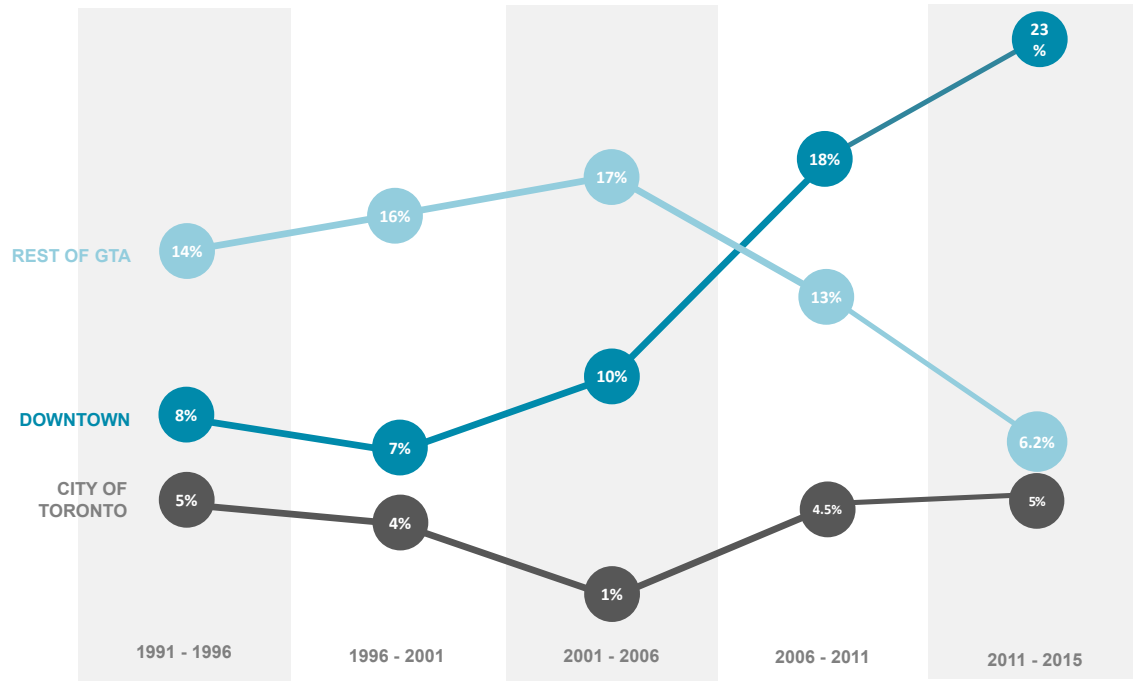
Slide: "The Pace of Growth is Accelerating" (City of Toronto 2016e)

     With downtown's population increasing so rapidly, Farncombe acknowledged that observers might ask, "Why is this happening? Why are we allowing it to happen?" In response, Farncombe explained that downtown Toronto is, in fact, fulfilling its role as an urban growth center set by the Official Plan, and that "90% is going where we want it go—[into] mixed-use areas." Alex Way, from MASS LBP, sensing the feeling in the room, immediately asked, "What about the other 10%?" Farncombe answered by reminding the Panel of the power of the Ontario Municipal Board, where Toronto City Council decisions can be overturned based on its superior jurisdiction. Farncombe went on to describe the variety of ways in which Torontonians experience downtown as a

multi-faceted destination, citing a figure that downtown's overnight population of 245,000 swells to over 830,000 in the daytime.

Farncombe proceeded to outline the specific priorities to be contained in a new downtown plan and upcoming opportunities for public input. Focus areas would include maintaining minimum separation distances between high rise buildings, developing multi-modal transportation strategies, improving public realm amenities, expanding community services, increasing office space, planning for climate change, and enhancing water infrastructure. Though outside consultants would sponsor regular public engagement efforts throughout 2016-2017, Farncombe explained that each of the city Division partners would also be responsible for its own stakeholder consultation program at pre-determined milestone events.

Slide: "Engagement Important Milestones" (City of Toronto 2016e)

Fusca opened the brief follow-up discussion with panelists by reminding the group that *The New York Times* had recently named Toronto the seventh best place to visit in 2016, saying "I thought that was pretty darn good." Farncombe responded, "We're satisfied, but not fully satisfied…the world needs Toronto. [It's] the most wonderful social experiment in city building in the world. If we can't get it right, no one can." Questions from the Panel about gentrification and wind tunnels caused by high-rise buildings, however, were more concerned than congratulatory.

Following a 30-minute break for lunch, the Panel returned to the day's main event: an analysis of the Planning Division's Townhouse and Low-Rise Apartment Guidelines. With the room lights dimmed for another PowerPoint presentation and panelists still digesting their sandwiches, energy in the room was not particularly high, though it would recover during the upcoming small group discussions. Diana Birchall, Program Manager for Urban Design for the City of Toronto, started her presentation with a quick overview of what aspects of new townhouse and low-rise apartment design would be covered by the guidelines:

- Site context and organization
- Street organization and design
- Building organization and relationship to the public realm and adjacent sites
- Private and shared indoor and outdoor amenity space
- Accommodation for families with children (e.g. play space, storage, accessibility)
- Unit and site accessibility
- Building and site services

And before launching into a more detailed presentation, she grounded the questions panelists were to keep in mind:

- Do you agree that the issues we've described are the most important to address? Are there other issues that you believe should be given a high priority in the townhouse and low-rise apartment guidelines?

- Do you agree with the general approach to addressing these issues, as illustrated in the presentation?
- Do you have any other input you think we should consider?

Birchall explained that the guidelines filled a gap in the city's new infill construction handbooks. Toronto had recently published guidelines for mid-rise and tall buildings, but its 2003 Infill Townhouse Guidelines failed to account for large sites or those with more complicated building typologies, such as those built in back-to-back conditions. The new Townhouse and Low-Rise Apartment Guidelines would offer recommendations, though not binding regulations, to encourage new buildings to: relate to their neighborhood context; use better building materials; improve site organization; and, provide more space for setbacks and between buildings.

INTRODUCTION | TOWNHOUSE AND LOW-RISE APARTMENT GUIDELINES

Detached & Semi Detached Single-Family Homes   Townhouse   Stacked Townhouse   Stacked Back-to-back Townhouse

T O W N H O U S E   &   L O W - R I S E

DEFINITIONS

Low-rise, multi-unit residential buildings take many forms:

Townhouses are generally 2 to 3 1/2-storey structures that share a sidewall with a neighbouring unit and have at least three housing bays. They typically have a front and a back.

Stacked Townhouses share a sidewall and have units stacked vertically (typically two or three). Like the townhouse type they have a front and a back.

Back to Back Townhouses share a rear wall as well as a sidewall and have two fronts. Each unit has its own entrance to grade.

Stacked, Back to Back Townhouses share a rear wall as well as a sidewall and have units stacked vertically. This can include three units located on top of each other, two-level units stacked on top of one-level units, or two-level units stacked on top of two-level units. Other layout solutions may be possible. Each unit has its own entrance to grade.

Low-rise Apartment Buildings are less than 4 storeys high and share interior corridors, vertical circulation and entrances, and have multiple units stacked vertically. Typically units are located on both sides of a corridor (double-loaded) and, sometimes, only on one side of a corridor (single-loaded).

Hybrid Buildings combine lower units with direct access to grade as well as upper units that gain access from a shared corridor, vertical circulation and entrance.

The types of residential units described above are typically constructed in rows or blocks. The Official Plan allows these residential forms in lands with Mixed Use, Regeneration and Apartment Neighbourhoods designations. They often fit under the four-storey height limit for residential development in designated Neighbourhood areas but policies regarding neighbourhood fit may impose restrictions. It is important that the more intensive forms of low-rise, multi-unit residential development fit harmoniously within the existing neighbourhood context. (See Section 5 – Bringing It All Together for more detail on the various types of low-rise, multi-unit residential buildings).

Zoning By-law 569-2013

Townhouse and Low-rise Apartment buildings take many forms, but can generally be understood as predominantly residential buildings, up to four storeys tall.

The City-wide Comprehensive Zoning By-law 569-2013, as amended, defines and regulates residential building types within zone categories. Residential building types set out in the By-law that relate to the scope of these Guidelines mainly include Townhouse and Apartment Buildings and to a lesser degree Triplexes and Fouplexes

"Back-to-Back" and "Stacked Townhouses" are not defined residential building types in Zoning By-law 569-2013. However, these popular design and marketing terms are commonly used when reviewing development applications to better describe the types of units and building configurations seen within the low-rise "Apartment Building" typology.

CITY OF TORONTO
2014 / 2015

8

Introduction to Townhouse and Low-Rise Apartment Guidelines (City of Toronto 2016f)

In her summary of existing building conditions, Birchall observed that new developments, in general, were improving, but still struggled in certain areas. She pointed to developments with fewer surface parking areas and more tasteful landscaping as examples of positive changes, but countered that by noting many others characterized by:

- The paucity of desirable shared or private amenity space, located either inside or outside of buildings
- The presence of visible trash receptacles and excessive parking ramps
- The apparent "height creep" from 3.5 to four stories, coupled with reduced separation distance between units, resulting in less sun exposure
- Many apartment entrances lacking sightlines to the street but facing other apartment backs
- Poor building materials

Though the presentation included fairly technical language and diagrams featuring terms like "angular planes" and "main wall heights," panelists focused their questions on more basic aspects of the report. Panelists wanted to know whether the recommendations would be guidelines or bylaws, asking "Where's the teeth?" Birchall responded by explaining that the guidelines were intended to "provide a level field so everyone understands [the city's expectations]…to make better designed buildings in better neighborhoods," but confirmed they would not be enforceable. Other questions concerned parking, accessibility, safety, and whether developers would be held accountable for their developments' aesthetics.

Panelists in conversation with Diana Birchall, second from left, and Alex Way, first from left
(Photo by author)

      Following the question and answer session with Birchall, the Panel organizers invited the authors of the two letters included in the briefing materials to speak to the group. Cathie Macdonald, Co-Chair of the Federation of North Toronto Residents' Association (FoNTRA), expressed her support for the content of the guidelines, but tempered her praise by insisting that the Ontario Municipal Board would disregard the guidelines if they were not reinforced by Official Plan policies and area-specific zoning by-law amendments. Danielle Chin, Senior Manager of Policy & Government Relations at the Building Industry and Land Development Association (BILD), pushed back on Birchall's apparent claim that builders should spend more on good design. She said that BILD was interested in promoting efficiency and functionality but affordability was an important consideration. She told the group, "I think we're going down the wrong path," echoing the sentiment of BILD's letter, which stated, "there is a disconnection

between the purpose of the document and the granular details within it. Our members do not see a balance being created between the protection of stable residential neighbourhoods and the allowance of appropriate infill development and intensification for family-sized housing" (City of Toronto 2016e).

In the subsequent small-group discussions, panelists and facilitators at each table filled in over-sized response cards with answers to the three initial questions by Birchall. Panelists generally agreed with the Planning Division's approach to the guidelines, including the challenges identified and goals presented, but also offered additional suggestions that could be integrated into the guidelines or other official documents.

Slide: Questions for panelists at first Panel session (City of Toronto 2016f)

The majority of the Panel's feedback related to relative points of emphasis, rather than changing specific features. For example, panelists applauded the guidelines' attention to affordable housing options, but remained concerned that they did not go far enough to prevent developers from achieving lower prices by using lower quality materials. And panelists not only wanted to see better designs and materials, but also hoped that developers would consider the environmental sustainability of the specific items as well as the building use over the long-term. Likewise, while the group agreed that the guidelines should include recommendations to make developments more amenable for young families, they wanted to also see more thought given to the comfort of all residents, including the disabled, the elderly, and even pets. The group also offered ideas for related actions, such as paying more attention to connections with nearby public transit, that were not directly related to building design, but could still affect the overall quality of life in new developments.

With regard to the third question, most comments concerned the communication of the guidelines to professionals and residents alike. Panelists suggested using visual cues, similar to health code stickers, to help the general public understand how well a given development has followed the guidelines and to encourage developers to comply with guidelines in the absence of formal regulation. They also liked the idea of including more images in the document so that residents living near proposed development sites could have a better grasp of what good design looks like. Panelists urged Birchall to even consider creating an accompanying checklist sheet so that the most important elements of the guidelines could be conveyed without reading the entire guidelines document.

As each table presented its findings to the larger group, one of the facilitators took notes on an easel board at the front of the room. Panel organizers explained that the comments would be organized into an official meeting summary document, which would be distributed to panelists for edits, approval, and ultimate publication in the following weeks. Panelists were also encouraged to send follow-up emails to the organizers with additional concerns. One panelist, Al Eslami, accepted the offer,

submitting the following note, which was published at the end of the summary document:

> I feel the issue of the relationship between affordability and environmental impact, particularly during the current period of an uncertain economic future and the prospect of an environmental crisis, may need more emphasis. We do not live in ordinary times, and things cannot continue to go on the way they have gone before. A fundamental re-thinking of the way we have done things is called for. The Guidelines, which understandably seek to adapt to the current interests and priorities of residential developers, should take account of the new economic and environmental picture as well, including the rising proportion of low-income populations in Toronto.

> Also, faced with the growing climate crisis, a prudent approach is to look for ways to reduce consumption – not only consumption of fossil fuels, but consumption of any and all products. So, an environmentally conscious approach is at the same time an economically conscious approach. The existing economic inequalities should be fought at every turn, both because inequality means excessive consumption by certain social strata, and because inequality exacerbates and expedites economic decline.

> The first priority of housing policy should be to provide housing for all. The Guidelines repeatedly stress quality materials and quality methods. Quality is, of course, an important consideration. However, it often simply implies a higher cost, which can mean provision of quality housing for those who can afford quality housing, and waiving any responsibility towards the rest of society as far as housing is concerned. In other words, the Guidelines should actively seek to counter gentrification. There is already far too much housing for the upper middle class in this city. What we need are guidelines that direct developers to build affordable housing for the working class. In addition, "quality housing" that leads to gentrification is contrary to some of this Panel's basic values, such as inclusivity and affordability. It pushes the relatively disadvantaged sections of society away, instead of bringing them in and including them.

> My overall conclusion in the area of housing is that the highest priority in residential development should be to build affordable housing, because it is good for the environment and good for the economy. Luxury consumption in any form is the last thing we need under the existing conditions. We need an acceptance of, and a liking for, a lower standard of living. A more humane society that is based on a different set of values is essential to saving the planet from a climate catastrophe. If everyone looks only after his or her own interest, it would not be realistic to hope for a collective solution (City of Toronto 2016f).

Just as in the case of the orientation sessions, both volunteer and professional participants felt their time had been well spent at the first official meeting. Planning Division staff immediately noted how the atmosphere was unlike a typical public consultation forum. Birchall (2016) remarked:

> I was really pleased and relieved, I should say, to have it work out the way that it did. I have done a lot of public consultation. This was different than other public consultations in that the group was, first of all, well prepared. So the information they had been given they'd actually looked at, some more than others, and the comments reflect that. A couple of people really read the thing…
>
> I thought when they were forming it. 'Oh, come on! We have a Design Review Panel, we're endlessly going to meetings. We just meet all the time and talk to people all the time and consult all the time. So really, why are you adding another thing to this whole consultation thing?" I didn't get it. But now I do. It's different. I'm a convert.

Farncombe (2016) said, "I thought the process of having a review panel, from out of their own point of reference as individuals citizens, and getting them to understand they had a responsibility to think in terms of what they would perceive to be the public interest. It wasn't like a neighborhood association asking particularly about their park or community center. It was qualitatively different." He continued:

> It's a new experience for all of us here at the city. I thought the group was interesting in the sense they were selected in a unique manner, a civic lottery, that's designed to randomly select people but also to have people then compete to be part of it. I think it's a nice mechanism. It did represent the diversity of our city. I think the group was interesting in the sense that they had already been through some training so they knew about their role and most of them seemed to take it pretty seriously and they understood they would add value. Many weren't talking as individuals. Only one individual was giving his opinion as opposed to putting him himself in the shoes of other citizens.

Fusca (2016) was heartened to see that the panelists had taken to heart their instructions "to think on behalf of all Torontonians":

> I think the major difference was that the discussion was generally quite positive. They were trying to figure out ways to improve the guidelines, rather than find reasons why they were bad. I don't want to suggest that all public meetings are about suggesting why plans are bad. It's obvious to anyone who has attended any meeting, there is a large amount of energy

devoted to that kind of discussion. That did not really happen in the context of that meeting. All of the feedback was how do we improve the guideline. There was no negative feedback about the guidelines themselves.

The other interesting thing about the Panel is they're not thinking about the projects we bring to them solely from their perspective as a stakeholder. They're thinking about the projects from a broader perspective of what's good for the city. It's clear they're thinking about how these projects are going to impact a variety of stakeholder groups. They were worried about low-income groups, they were worried about the environment, safety. It wasn't necessarily because those things were concerning to them, but they felt it was part of their role--to think more broadly. That's very positive.

Birchall (2016) also felt the feedback was actually useful:

Every one of their points in some way, shape, or form is going to make me make changes to reflect them in some way. I think I have to improve the overall approach to safety… We have crime prevention through environmental design. Rather than addressing them specifically, just put together guidelines that address safety in the myriad of ways one would need to address it—overlook views. I realized from reading their comments I had more work to do. Certainly the whole document—it's a common point and has been a common point through the life of the document—that we need to get more pictorial, less words, more user friendly. Absolutely. It takes so much work to get it to one place and then it takes more and more iterations, and more and more drawing time, and it's a very difficult thing to do on the side of your desk without consultants. We will get there, it's evolving.

Nonetheless, Fusca (2016a) pointed out room for improvement:

I think we still have to figure some things out in terms of the format of these meetings, and, in particular, about how we collect feedback. I'm very sensitive to the fact that a lot of the panelists felt we were asking a bit too much of them to evaluate these guidelines that, to them, seemed like they were more or less finished. And they felt a little overwhelmed.

Robert Millward (2016), Commissioner of Planning and Development for the (former) City of Toronto from 1987 to 1996, was not present at the first session, but was impressed by the significance of the projects the Panel was tackling:

Those are big, meaningful initiatives that Planning is working on. Downtown TOcore is good stuff, we're going crazy with development. Are we able to manage it all, across services and facilities? Should we be doing anything different? Townhouse and apartment guidelines has been underway for several years and has been used a lot. Built form is an important part of any analysis. There are strong guidelines and they're always tweaking them a bit.

> The fact that they presented those to the Panel and whatever input I would say it enriches the perspective of people working on those guidelines.

Panelists valued the opportunity to be make active contributions rather than passively sit and listen. J.W. (2016), a panelist from Scarborough District, said, "The orientation sessions I felt like were just 'meet and greet,' kind of like an overview. Not the working sessions. I feel like they're actually getting our knowledge and we're actually giving feedback. [At] orientation we're just downing lots and lots of information, [it's] more download and not uploading information back to the cloud. Whereas here, we're uploading information back to the cloud and actually participating." J.T. (2016), a panelist from Etobicoke York District, appreciated the chance to grapple with the distinctions between policy intention and execution:

> It was very different [comparing the first official meeting with the orientation sessions]. There was a lot more discussion, I think in terms of what we agreed on, what we disagreed on, compared to previous sessions. The first session really brought out that one's priorities or the city's can't be translated to every project that the planning staff bring to us. For example, there was a comment about the cost of building low-rise townhouses and apartments. It doesn't cost a lot to have a high quality townhouse. I agree with that, but it was also pointed out that that argument might not be something through the guidelines we'd be able to address. It wasn't necessarily the best way to address quality versus cost through a set of guidelines. It was more solidified through this process that just because we have a certain set of priorities doesn't mean that we can always implement these priorities throughout every single project we have.

The second official session of the Toronto Planning Review Panel did not begin with a celebratory video like the first one two months prior, but instead with a moment of silence for recently deceased Mayor Rob Ford. Like the first session, the panelists had previously received an email with extensive reading materials in preparation for two Planning Division project presentations. The first, a Complete Streets Guidelines that attempts to help planners consider the social, economic, and environmental contributions of all street types, had already gone through significant public consultation. At this session, Planning Division staff would be looking to the Panel for suggestions on how to best communicate the first draft of the guidelines to the general public and to see if there were any missing elements. The second project, an initiative to integrate public transit fares across different systems in the Greater Toronto Area, had only recently been launched and would be looking for early guidance.

In addition to a meeting agenda, the briefing package included:

- A one-page summary of the Complete Streets project
- A six-page passage from the Complete Streets presentation made by Planning Division staff to the Design Review Panel on March 10, with a link to the full document
- A two-minute YouTube video link on "Complete Streets—Planning 101" produced by the Ontario Professional Planning Institute
- An 11-minute YouTube video link on "Complete Streets: It's About More Than Just Bike Lanes" produced by Streetfilms.org
- A five-page summary of various transit fare systems, including by zone, distance, travel mode, trip length, time of day, or user type
- A one-page history of fare systems in Toronto since 1920

- An excerpt from a Planning Division report reviewing examples of detailed fare structures found in cities across the world, including Paris, Montreal, London, Melbourne, and Washington D.C.
- A six-page report on the fare options currently used in the Greater Toronto Area, prepared by Metrolinx, the region's transit planning agency

Once again, the cover letter offered a message of reassurance: "As always, don't worry if there are terms or concepts you don't understand in these documents. Our presenters will explain everything in more detail, and we'll have plenty of time for questions" (City of Toronto 2016e).

Upon arriving at the same third-floor conference room at Metro Hall as the first session, panelists again took seats at various round tables. Some early arriving members sat in the same locations as they had in January; others took whatever seats they found open. Whether by coincidence or intention, the two tables at the far right and left sides of the room featured entirely separate collections of either older men or a mix of women. While waiting for the session to begin, panelists caught up with each other on their personal lives and current events, with a special interest in the U.S. presidential primaries.

The all-male panelist table, with Daniel Fusca, first from the right (Photo by author)

Panelists mentioned how much they enjoyed these opportunities for informal discussion. D.H. (2016) said, "I really respect everyone there. There are certain people I really like. I would love to hang out with them. I was surprised when I got to talk with them during breaks. I think it's important that we get to know each other when we're not really learning…You want to get to know people who you are going to spend 2 years with." For J.W. (2016), conversations with fellow members reinforced how "Toronto is a very large city. I thought I had been to most places in Toronto—clearly not true. Because people are telling me new places—'Oh, you should check this area. This is what you could do. You could try this type of food.'" R.L. (2016) said:

> I've learned a lot. One thing is they're all different than me. I love that. They all have different perspectives, they come from different places. To understand where they're coming from is important in planning for a city, even in life. I've learned how many different perspectives--until now I didn't appreciate how different they are. At the same time, they're similar because the people there all want the best for their city and that's inspiring.

As the room filled, Daniel Fusca announced a change to the published agenda. He told the group that the fare integration project "wasn't quite ready for prime time yet. We jumped the gun a bit, we hope to bring it you next time." Instead, the group would be the first members of the public to interact with new marketing materials, including a launch video and avatar profiles, developed in support of the downtown TOcore project they had been introduced to at the previous session. After the session, Farncombe (2016a) explained to me his motivation to return to the Panel: "They're not self interested. They're there to make a contribution. So Daniel and I progressed in our thinking and decided we should use them on a regular basis for check-ins because they represent a diversity of opinion."

Before introducing the Complete Streets Guidelines, Fusca laid the groundwork for the session to come. Following the tradition set at the orientation sessions and the first official session, he reminded the group of his responsibility as a facilitator and their tasks as panelists. He thanked the members for their input from the previous meeting, and projected a message from Diana Birchall, the Planning Division staff member who had presented the Townhouse and Low-Rise Apartment Guidelines, for the entire room to see: "My experience with the Toronto Planning Review Panel opened my eyes to the possibilities of public engagement. Thank you." According to Fusca, Birchall said she was acting on all but one of the 13 suggestions made by the Panel, and a summary of the Panel's recommendations would be integrated in full into her final staff report.

Next, he went over all the ways in which the Panel's work could be accessed by the general public, including on the Panel's official web page. Members could also see a profile of themselves in the most recent 2015 annual report produced by the Planning Division as well as on the Planning Division's YouTube page, where the official launch video had been viewed over 1,100 times.

Fusca shared updates on current city planning projects across Toronto. He relayed that Toronto City Council had approved an integrated transit plan, including an extension of the Eglinton cross-town subway, as well as the partial removal of the Gardiner Expressway. Fusca explained that this "Hybrid" option was also the

preference of the Planning Division because it would produce the best public realm outcomes, including the creation of park space underneath the space formerly occupied by the elevated expressway. He also reviewed a new public engagement initiative, named "Growing Up," which aimed to support young families in high-rise buildings. Fusca closed with a final suggestion to panelists interested in learning more: "I do encourage you to attend public consultation events. Go out and see how regular consultation happens because it's very different."

Finally, Fusca took a moment to foreground the three questions that panelists should keep in mind during the presentation:

- What value do you see in the City's proposed approach to street design?
- Is there anything that you believe could improve the City's proposed approach to street design?
- What are good ways to explain these new guidelines to Torontonians so that they can understand how decisions about streets get made?

He also reminded members of the specific planning priorities they had identified in their Guiding Document that would be relevant to consider:

- The improvement of streetscapes so they are safe at all times, appealing, maximize natural light, and minimize wind tunnels.
- Greater accessibility of public and private spaces for people of different abilities, for example those with different levels of mobility, sight, and hearing.
- Greater emphasis in the design process on ways that long-term infrastructure demands can be minimized (i.e. on the city's power, road, sewage, and natural gas systems), in order to extend the life of current infrastructure in the face of continued growth.
- Greater efficiency in our transportation system, with a particular emphasis on shortening commute times and improving access.

- The use of planning tools in ways that support local, community-based businesses — businesses that we believe help mitigate income inequality and provide long-term job stability.

Adam Popper, Complete Streets Project Manager for the City of Toronto, began his presentation by first making a case for "Why Streets Matter." Toronto's 5,600 kilometers of streets account for 25% of the city's total land area, as compared to 13% land area covered by city parks. In addition to providing for safe and efficient travel, they are also shared space for residents to experience their city, merchants to set up businesses, trees to provide oxygen, and even emergency vehicles to save citizens' lives. At the same time, Toronto's streets are struggling to keep pace with the city's rapid expansion.

WHY STREETS MATTER: our city is changing

Toronto is growing and its streets are a finite resource
Eco-boomers are **walking, biking and taking transit more**
Toronto's **population is aging**; seniors want to "age in place", safely

**City of Toronto
Morning Peak Period**

7.5%   2.9%   1.4%   0.7%   0.4%   -1.5%
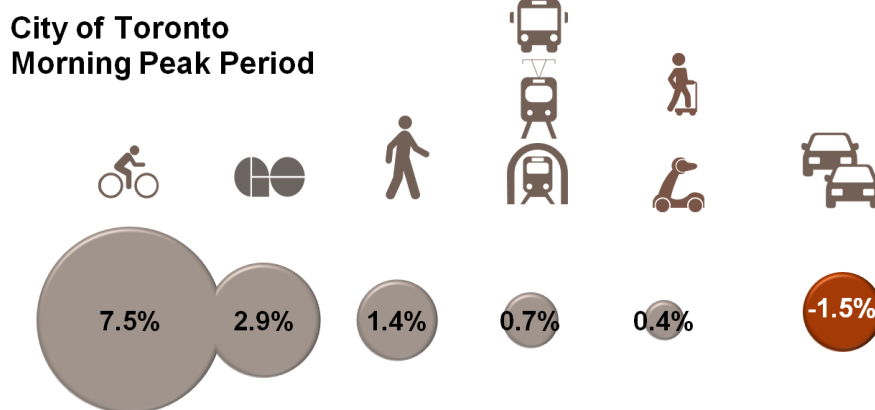
Source: Transpotation Tomorrow Survey, 2011.

Slide: "Why Streets Matter: our city is changing" (City of Toronto 2016e)

As a result, Popper argued, Toronto's expectations for streets need to change in accordance with these new demands. Rather than prioritize only automobile access, streets should serve multi-modal transit goals, as well as support the city's public health, resilience, economy, and quality of life. Toronto City Council agreed, recently incorporating "Complete Streets" into Official Plan policy: "City streets are important public open spaces which connect people and places and support the development of sustainable economically sustainable, vibrant and complete communities" (City of Toronto 2016e). As a follow-up step, the City Council ordered the creation of Complete Streets Guidelines to help City staff, elected officials, and community members apply a more holistic approach to city street design: "integrating all policies, plans, strategies, by-laws, standards and specifications, including incorporating 'green infrastructure', and report back to Council" (City of Toronto 2016e).

Popper then located where the panel's contributions would fit into the overall development of the Guidelines. Staff had already completed a review of current Toronto street design practices, as well as gathered best practices from cities around the world. They had engaged in extensive community consultation to establish guiding principles, and were now drafting an initial draft for the guidelines. In the following year, staff would focus on implementation and securing funding to support pilot projects.

OVERALL PROJECT TIMELINE

PHASE 1
Review Existing Policy & Best Practices

PHASE 2
Develop the Guidelines

PHASE 3
Implementation & Funding

2014 - 2015

2015 - 2016

2016 - 2017

Assessment of Existing Policies and Projects
Undertake a review and gap analysis of existing City street design standards and guidelines

Develop Guiding Principles
Develop a vision and set of guiding principles for the Complete Streets Guidelines document

Improved Decision-Making Process
Institute an improved interal decision-making process for how the City designs, constructs, and manages its streets

Best Practices Review
Review and compare City approaches with international best practices

We Are Here!

Complete Streets Guidelines
Develop a comprehensive and consolidated Complete Streets Guidelines document

Implementation & Funding Plan
Develop and execute an implementation plan that includes directions for a staff training program, a funding strategy, performance monitoring, engineering construction drawings, and 'quick start' demonstration projects

Slide: "Overall Project Timeline" (City of Toronto 2016e)

Many of the best practices described by Popper gave directions for communicating and coordinating the guidelines across different types of street users. Since the guidelines would provide general guidance rather than prescriptive details, recommendations included using images wherever possible, setting goals that could be monitored, and leaving room for constant adjustments. Popper also reminded the group of how the guidelines would need to integrate many related initiatives, from sidewalk café design guidelines to cycling network plans, as well as be legible to a wide spectrum of partner divisions, committees, commissions, external stakeholder groups, and residents like them.
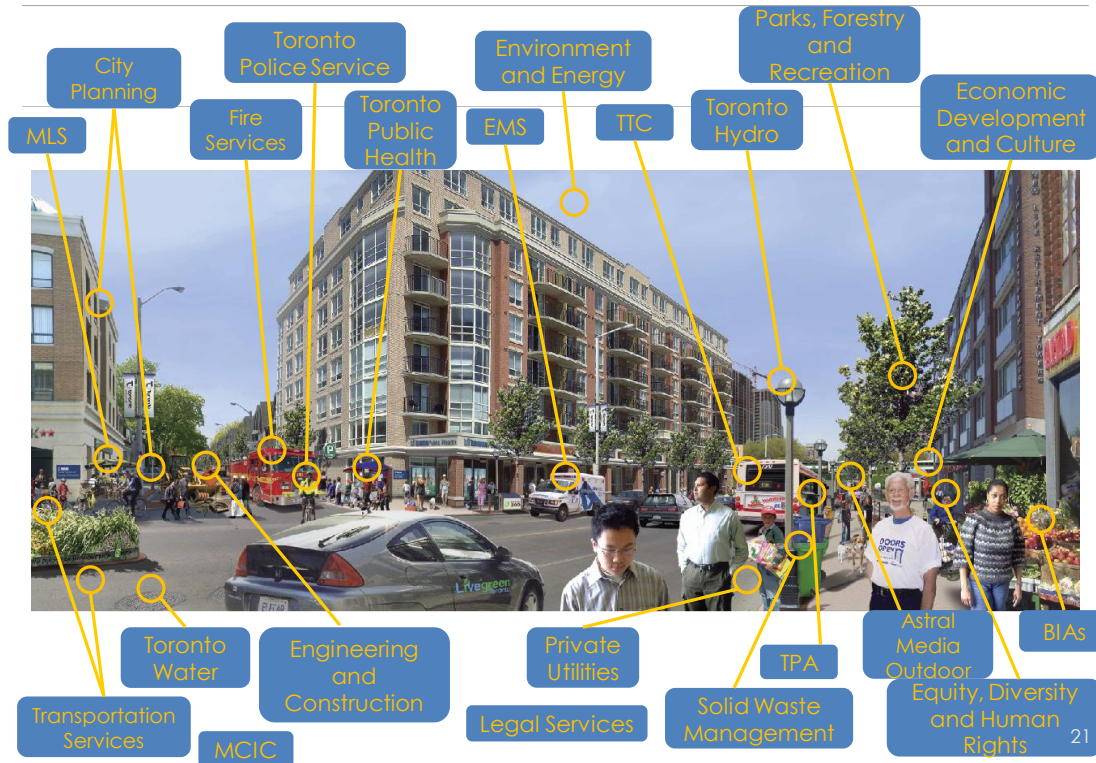
Slide: Complete Streets Guidelines require the cooperation of many stakeholders
(City of Toronto 2016e)

Popper next outlined the three objectives of the draft guidelines he had brought for review:

- A unified vision and guiding principles for Toronto's streets, built on existing polices and best practices
- Institute a clear, transparent, and evidence- based street design approach and process
- Educate and engage the public and key stakeholders

The session's focus, Popper explained, would be analyzing the guiding principles, street typologies, and design directives developed to date. The principles, generally categorized as "Streets for People," "Streets as Places," and "Streets for Prosperity," were intended to offer an overall vision for the guidelines.

"Streets for People" would:

- Improve safety and accessibility for users of all ages and abilities
- Give people choices for how they move
- Connect various travel modes
- Encourage healthy activity

"Streets as Places" would:

- Create beautiful public spaces
- Relate to local context
- Improve the city's environmental sustainability

"Streets for Prosperity" would:

- Support economic vitality
- Promote social equity
- Balance the city's needs for adaptability and cost-effectiveness

To achieve these goals, the guidelines would need to define the many different types of street contexts found in Toronto. Popper suggested measuring the 15 identified street varieties according to two axes: "Place" and "Link." A "Main Street" downtown would score highly on both measures, but a "Park Street" would be a relatively strong "Place" and a weak "Link." With regard to the former, Popper explained, "We have to meet the business requirements as well as the residential, [on behalf of the] people living above, and the people passing through."

If the guiding principles offered a vision for what a street might look like, the design directives would determine how and where particular street zones might be modified. A design framework would be based on the following street elements: place, link, safety, greening, and life cycle cost and maintenance. According to this type of approach, a street's competing demands are analyzed and then matched with its contextual priorities. Not every street belongs to a single category, and, in fact, many overlap. Popper reminded the group, "You can't say that every time we design this kind of street it's going to look the same."

Before closing, Popper tried to synthesize the presentation into a few images. He offered several visual examples from the Toronto area for panelists to grasp how the city is already applying these concepts.

EXAMPLE: Queens Quay, Toronto – East York

Street type: Civic Street

Project context:
-Waterfront seeing high development with increasing demand from all users
- Need to link waterfront attractions

Selected Complete Street Key Directives:
-Vulnerable Users, Desire Lines, Respect Context

Project result:
-Separated users; connected waterfront trail
-Enhanced placemaking through materials, trees and street furniture

Slide: Example of a recent street improvement at Queens Quay (City of Toronto 2016e)

He also provided process slides that showed how each layer of the guidelines figured in the ultimate decision-making process. He said, "This is not our focus for today, but we want you to understand how it all fits together."

PROCESS STEPS TO STREET DESIGN

- **Streets For People**
- **Streets As Places**
- **Streets For Prosperity**

- **Street Context**
- **Street Types**
- **Overlays**

- **Design Directives**
- **Establishing Priorities**

Initial Cross-Sections

- **Street Zone Allocation**
- **Street Zone Design Principles**
- **Individual Street Elements**

Refined Cross-Section

Slide: "Process Steps to Street Design" (City of Toronto 2016e)

Following Popper, the Panel invited guest speakers to address the group, just as had been done at the first session. Fusca explained to the Panel, "The purpose of bringing external stakeholders is to give you some alternative perspective from stakeholders involved in a project so you can get a better sense of what the other sides are around the projects we bring to you. We recognize we have one perspective on the projects we're working on, and other people have other ones."

Nancy Smith Lea, Director for Toronto Centre for Active Transportation, began with praise for the Panel. She said, "This is so cool. I'm really impressed…So great to see this being integrated into the city's process." She continued, "We have a vision of vibrant cities of healthy people who are walking and cycling. That vision we have is currently at odds with how the city is currently designing streets... Our vision for where we would like to see the city go is more in line with what the Complete Streets

Guidelines will provide." She emphasized that street design is an urgent safety matter, and Complete Street Guidelines should "not [be] another thing that sits on the shelf if you're interested. We think this should be a critical piece that everyone touching the streets needs to use." Though Lea did not offer specific criticism of any part of the proposed guidelines, she did push for cyclists and pedestrians to be included in the list of vulnerable user groups.

Brian Moore, a blind advocate and accessibility subject matter expert, encouraged members to imagine a street from the perspective of disabled users. He said, "I've seen a couple of street redesigns. The biggest thing I've noticed is, 'let's put in bike lanes.' That's phenomenal--wish we could use them. But the delineation between the pedestrians and cyclists is a painted line, which is great if you know where that is." Moore went on to explain how critical it was to plan for consistent placement of transit stops and street furniture. He offered an example from Washington, D.C., where "Transit stops are prior to the intersection, rather than after. Unless there is a shelter or some other obvious indicator you don't know. Something like a specific kind of pole for a transit sign would be immensely helpful." For many panelists, Moore's presentation was literally eye-opening. One panelist prefaced his response to Moore, saying: "You just assume that you can see everything."

The ensuing group discussion more closely resembled a typical town hall event. The first three questions, all asked by older men, referenced problematic streets in panelists' respective neighborhoods. One panelist exclaimed, "I think you people should try to ride my electric bike once in a while to find out what reality is. I'm 84!" Alex Way, the MASS LBP facilitator, attempted to wrestle back the room, saying: "We're talking a lot about technical knowledge and big, general plans. Citizens know a lot about specific instances, a huge amount of wisdom. Are there ways for people who live on these streets to contribute their wisdom?" Lea, the first guest speaker, suggested that the city could install more pilot projects to get more input. Daniel Fusca tried to re-focus the group: "The whole point of Complete Streets is 'what's good for one user might not be good for another.'"

After the initial question and answer session, members returned to smaller groups at each table to analyze Popper's presentation. Fusca explained, "Adam has asked us to evaluate his presentation so he can improve it." Panelists were given 15 minutes to discuss what they learned about the Complete Streets concept and the diversity of Toronto's street types and contexts. They were also encouraged to write down any topics on which they needed further clarification. Some panelists were initially confused by the request, asking: "What value are we providing to this?" R.L. said to his table, "To me, this all seems pretty straightforward concepts, geared to be obvious. What are the challenges? Why is this challenging to communicate to people? Can Adam tell us what the hard parts are? Where he struggles?"

Panelists also discussed how the guidelines might be received by decision-makers as well as regular residents. J.A. asked, "Where are we going to see this get rolled out?" Stan Tomas suggested that the city use pilot projects as part of a more agile approach to street redesign so that residents could see real-life examples of what the guidelines were recommending. Mark Richardson, a panelist from Toronto & East York District, said: "I assume City Council has zero base knowledge; how can we make it easy for them to justify their support?" One panelist offered, "Safety and economy should be burned in your brain. Explain that with 20% more investment you can get 80% more value." Eventually the group decided that even more pictures and examples could be useful to explain the design concepts.

Panelists then had the opportunity to address specific questions to Popper. One panelist asked, "What assurances do we have this will [make things] more efficient and not just more complicated?" Popper responded: "We need to do both. They can make a project schedule in line with the city expectations, which can be more efficient overall because you won't have to go back each time and re-invent, go over steps again." Popper also confirmed that the guidelines would not be considered mandatory, but that "Council can say it's Council-endorsed, which it gives it more power."

Next, members were asked to return to the original three questions submitted by Fusca at the beginning of the session. Individual tables would then report back to

the larger group to aggregate all ideas. With regard to the first question, "What value do you see in the City's proposed approach to street design?," panelists said they appreciated how the guidelines:

- Humanized streets

- Looked to the future

- Proposed more trees

- Combated the "three cities" conflict by focusing on equity

- Considered all users

In answering the second question, "Is there anything that you believe could improve the City's proposed approach to street design?," tables offered the following suggestions:

- Form a centralized committee to respond to questions, conflicts, improvements, and updates to make sure the guidelines continuously evolve

- More explicit consideration to vulnerable users, especially disabled people

- Anticipate future users and technology

- Use pilot projects as if they were "show rooms" to allow more dynamic input from the public

- Include specific design recommendations for areas where you can predict over-crowding, for example at public transit stops and schools

- Incorporate indigenous heritage

- Use public bathrooms, heating/cooling zones, and seating areas to make users more comfortable

- Provide more garbage and dog waste receptacles

- Install solar lighting

- Place cameras at intersection to record hit and run incidents

- Consider homeless people

- Determine how Complete Streets will function in snow

In answering the third question, "What's the best way to explain these new guidelines to Torontonians so that they can understand how decisions about streets get made?," the Panel's general impression was that "cities never talk about the benefits" of proposed initiatives. The group recommended:

- Showing that this is part of a bigger process, not just a single part that can be changed instantly
- Continuing to use before and after visuals
- Promoting examples of where street improvements have been done as if they were tourist attractions to create buzz
- Producing a video, or even a bumper sticker, instead of a 45-slide presentation
- Using the phrase "Safety First" to communicate that everyone, including drivers, will be safer
- Explaining how projects are funded and how they are selected for improvement
- Using public libraries as information portals

At the end of the report-back, the large note pad sheets at the front of the room had been filled, though from across the room it was not easy to make out what they said. Before ending the discussion and moving on to lunch, Fusca asked, "Is there anything that anyone objects to? Is there anything that is absolutely vital to communicate to Adam?" Panelists then took a deserved 30-minute break.

Upon returning to the conference room, Fusca prepared the group for a more in-depth analysis of the TOcore downtown plan introduced at the first session. He established four questions as a framework for the upcoming discussion:

- How do Torontonians use Downtown?
- What prevents Torontonians from using and enjoying Downtown?
- What should be Toronto's vision for Downtown?

- What's your advice on how we can achieve that vision and make sure Downtown is great for all?

As he did before the Complete Streets presentation, Fusca also displayed the Panel's principles and relevant planning priorities captured in the Guiding Document:

- Active planning that leads to the construction of new parks and facilities that respond to the changing needs of different areas in Toronto.
- A mix of incomes in neighbourhoods and, where possible, in buildings, in order to facilitate diversity and inclusion.
- Planning that ensures neighbourhoods of residents with diverse needs have relevant and available social services and community facilities. This should include consultation with the local community.
- The protection, integration and modernization of heritage buildings in ways that consider neighbourhood history, character, and personality.
- Smart investment in public transit and transportation so that investment drives economic growth and advances equitable participation in the economy.
- Greater alignment of density and growth with transit infrastructure through realistic, evidence-based, long-term planning.
- The growth of mixed-use neighbourhoods where commercial and residential activities coexist, in order to create local jobs, improve safety, and spur economic development.

Andrew Farncombe took over next, quickly reviewing the objectives of the TOcore project he had first presented as a Project Preview at the January session. The purpose of today's presentation, however, would be to receive specific feedback on new communication materials being developing in conjunction with TOcore. First, he showed a "mockumentary" style video that presented downtown Toronto as an anthropomorphic "DT" character. Toronto residents were filmed speaking about how

much "DT," their "friend," had grown up recently and might be in need of advice. The purpose of the video was to encourage viewers to submit ideas the TOcore website and to use a "#DTadvice" hash tag on social media.

Next, he introduced 16 illustrated "avatars" to represent the broad cross-section of downtown users. Farncombe (2016) later explained:

> We're using it as a tool for ourselves to understand the different groups that use the downtown. We're also using it to inspire people to tell their stories. Avatars are based on data, but the stories are kind of concocted to be representative of that data so that people will tell us about their lived experiences. The lived experience piece will really help us to understand the needs and desires of people who use the downtown in a way that's less of a policy conversation.

Each "avatar" included a personal profile matched to a specific market research segment, such as:

- "Mugerwa," a 30-year old young professional, active, commutes, rents, and is a teacher
- "Fred," 67-years old, retired, aging in place, loves books, and keeps active
- "Cindy," 23-years old, single parent, Aboriginal, homeless, and looking for stability
- "Sheldon," 43-years old, newcomer family with two children, apartment dweller, and enjoys museums
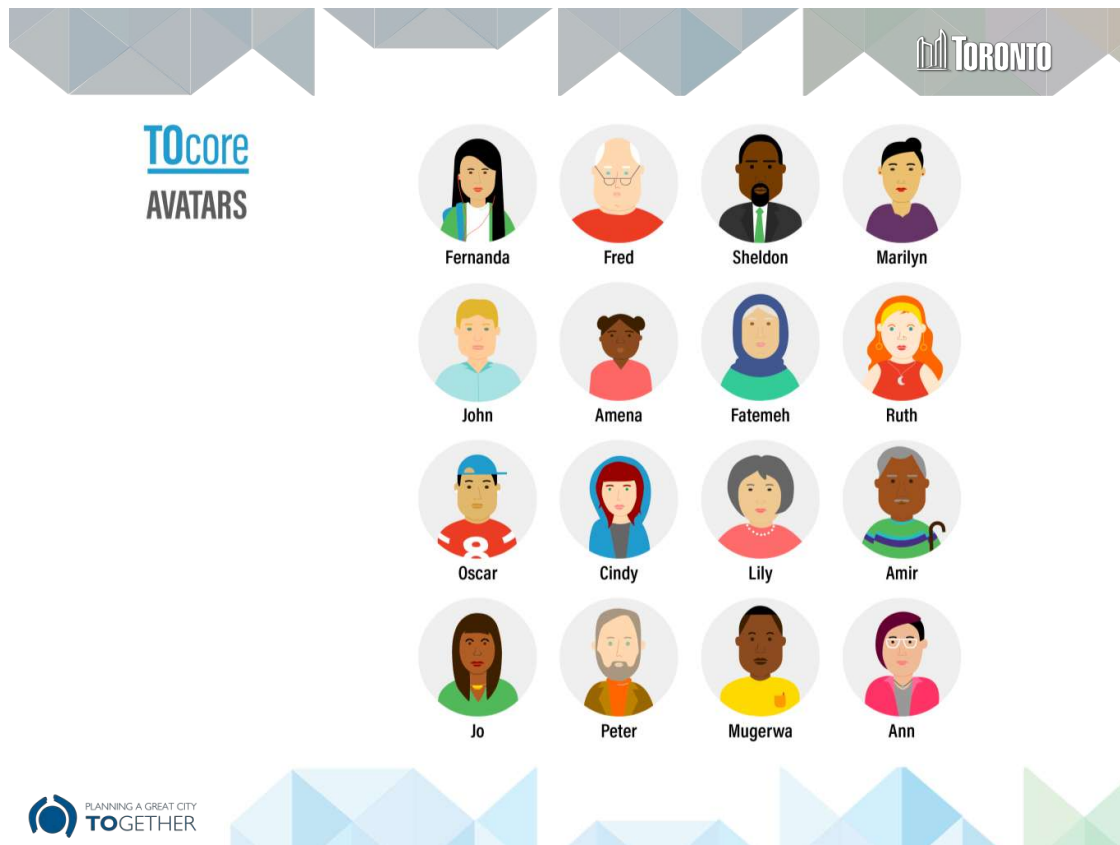
Panelists reviewed the paragraph descriptions for each "avatar" and offered edits. Some were factual concerns: how could an immigrant family from China bring four kids under a "one-child" policy? Others were suggestions for missing population groups, including tourists, the extremely wealthy, and even vegans. One general recommendation was for the avatars to be more explicit about the ways in which they represented not only racial diversity, but also economic diversity.

Fusca, the author of many of the profile descriptions, thanked the group: "I'm glad you had fun with the avatars because I hope that other people will also have fun with them." Next, he explained that one of the goals of the TOcore project was to "Collect people's lived experience to understand how people live and use downtown." Toward that end, he presented four questions for the tables to discuss:

- How do Torontonians use Downtown?

- What prevents Torontonians from using and enjoying Downtown?

- What should be Toronto's vision for Downtown?

- What's your advice on how we can achieve that vision and make sure Downtown is great for all?

By now, the Panel was entering its sixth hour, and panelists seemed tired. Their routine responses matched the nebulous nature of the questions. In answering what prevents residents from enjoying downtown, one reply was simply "congestion." Suggestions for Toronto's overall vision for downtown included "greening." And in their response to the final question on how to make downtown great for all, panelists said "facilitate affordability." Fusca wrapped up the meeting ahead of the scheduled ending time. The Panel still had ten more sessions to go.

Chapter 5: How the Panel performs as a deliberative body

In the previous chapter, I reviewed *what* the Toronto Planning Review Panel has done to date. In this chapter, I assess *how well* it has gone about structuring a process that aims to not only convene a representative group of residents, but also to educate them, and to put them in a position to contribute meaningful recommendations to their city. As explained in Chapter 1, no public engagement process can be perfect, and I am reviewing only the first several occasions of what will ultimately be 12 official sessions. Nonetheless, it is possible to offer preliminary thoughts with regard to:

- The character of the initial civic lottery set-up: the representativeness of citizen jury members, the definition of roles and responsibilities, and the opportunities for citizen and organizational learning
- The standard of discussion at Panel sessions: measured by the distribution of speaking opportunities and the framing of topics

Both the panelists and the Planning Division staff proved to be perceptive observers of the process, and I will rely extensively on their comments in this evaluation. If given more time, I would expand my analysis to consider the demonstrable influence of the Panel's conclusions on official city policy and informal public opinion, but they would appear impossible tasks within the scope of this project.

<u>Initial civic lottery set-up</u>

Participant selection

As described in the Chapter 3, the Panel's demographics very nearly matched those of the general Toronto population according to certain indicators: age, gender, home tenure, visible minority status, and geographic distribution. It is not surprising, then, that many participants were generally satisfied by the diversity of the Panel's members. R.L. (2016) said, "I like that everyone in the room is different and represents a different perspective. Having each person's perspective was the coolest thing. I'm not always fortunate enough to consider so many different perspectives. I think that brings a tremendous amount to our discussion. Definitely people had different opinions and I thought none were wrong, they were all right. That's the point."

But in considering whether any relatively small group could approximate the full range of views in a place as large and varied as Toronto, participants also brought up several questions to consider:

- Should there be any baseline knowledge requirements?
- What biases are introduced by the Panel's self-selecting members?
- Who is missing?

Though one of the specific objectives of the Panel was to attract participants based on their interest rather than their expertise, some participants were concerned that the wide gap in experience and knowledge among panelists could undermine discussions. In fact, of the 28 panelists, a quarter could be described as professionally engaged in some aspect of the real estate, planning, or construction industry based on their Guiding Document biographies. D.H. (2016), a real estate agent, described how she felt upon first encountering fellow panelists: "I think some of the concern was that there were a lot of people who did not keep up to date on issues that affect the city." She continued:

I think women, men, different age groups [are important criteria]. I think that's very important-- everyone should be represented equally, but they also have to look at 'What did you study?' 'What do you do?' 'What do you know?' Let's say we have one real estate agent with an opinion on this side, we have an engineer who has an opinion on that side, we have a housewife with an opinion on that side. 'How involved are you in the city?' 'What do you feel passionate about?' I think that should be one of the questions.

I.R. (2016), a professional architect and one of the oldest members on the Panel, had a different concern:

I think that totally random selection, that way it was done has given us a below average education level on the committee. It almost seems as though, I guess it's because Toronto has grown from people coming to Toronto from other countries, that there is such a high level of membership on the committee that has come to Toronto either as a young child or as an adult. So they don't have that background feel for the city that people who were born here [do]. So I'm just saying there should be perhaps some. I wouldn't be surprised if I were the only person on the Panel born in Toronto.

Other panelists questioned whether previous professional experience was always beneficial. J.T. (2016) said:

One thing I noticed going into this-- by having a civic engagement process like this, especially for city planning, you will invariably introduce bias. A lot of people noticed a significant amount of people are engineers or architects or people in real estate, urban planning. So I think those are the kinds of people you will get on a panel like this. Where a potential conflict could arise is how these individuals in their professional life versus someone just living in the city without any professional affiliation or association with city planning might see things.

Even if participants questioned whether the organizers had captured all of the relevant demographic criteria, they acknowledged that it would still be difficult to collect much more information. For example, an additional criterion suggested by panelists was household income, and other ideas for group membership included people who identified as transgender, as dealing with mental health challenges, or as possessing a criminal record. J.T. (2016) explained:

I think that would be interesting to have, in terms of viewpoints, but a lot harder to solicit information in the way they did it. I'm not sure how many people would be willing to freely admit to that [struggling with mental health]. I can understand why MASS LBP took the approach they did. A lot of

the questions weren't too personal to the point that someone would be uncomfortable listing that information. Household income might be nice to have, but harder from a logistics point of view to solicit and get that information freely.

Panelists and staff alike were particularly aware of the fact that no matter the apparent diversity of the group, it was still impossible to sample a full range of attitudes. Meg Shields (2016), from the City Manager's Office, summed up the challenge:

> I don't think I'm ever satisfied by representativeness. I don't think I could ever replicate Toronto in a room, or perspective or experience. I don't think you could ever do it. I always want to qualify. When I'm reporting out, I would always try to describe where it was coming from, if it was significant. Those who live in the downtown corridor felt very different than those who lived in North York, or how women felt. I would just try to describe it a little. The problem is then you're ascribing something to a gender perspective, or an age or an income that may not hold true across the entire set.

Definition of roles and responsibilities

Panel organizers began each meeting with specific slides articulating the expectations for facilitators and volunteers while they were in session. But if participants had a good sense of how volunteers related to professional staff during the eight hours they spent together every other month, they were less clear about what happened afterward. In particular, they raised the following questions:

- Who is in charge of the general direction of the Panel?

- How will the Panel's input be used?

For many of the panelists, it made sense that the professional staff were responsible for choosing the topics and speakers at each session. R.L. (2016) said, "They're the experts, they're the organizers. We're volunteering for the end goal. They know what the end goal is, they're in charge of the end goal. I respect their authority in the area… I want to provide value, it's up to them to extract as much value as they can out of me." J.W. (2016) agreed:

> Right now I feel like because the majority of panelists are still really new to city planning concepts, we depend on the city planning group to bring the ideas, the stuff to talk about, until the major projects which people hear about. Like the transit integration system, after people heard about it and wanted to talk about it, obviously it's not ready to be talked about yet. At this point because the Toronto City Planning committee, they have all the information, as panelists we depend on them to bring up issues until something major comes up.

S.M. (2016) made peace with the arrangement:

> The agenda is driven by the planning committee. For instance, we have four sessions. Our first session, 'We need your opinion on townhouse and low rise guidelines.' That's it. That's what they give us. They control the agenda because they're the facilitators, they run the meetings. Daniel is the owner of what they feed us. I've accepted that fact. I'm not going to go beyond that because it's what we agreed on.

Some panelists expected that the dynamics could change as the group gains confidence. A.Z. (2016) said, "I think we're kind of following for now, because I'm still trying to take all the information in, and take the early steps to meet the expectations

they have. Right now I'm just following. Anytime I can give a good opinion, I'm giving it. That could change as we go forward." J.A. (2016) agreed:

> I think it's definitely they're in charge and we're just following. Because it's a new process, for now they're going to be bringing to the table what they really need help with right now. But more toward the end they're going to try to get everyone's feedback to figure out what as a whole the group feels is important and they'll give us something to work on. I think it will change in the future, if time permits. It seems like a lot of time, but it's only 6 meetings for the year. It will be interesting to see if it's something they're able to cooperate [on].

While members were still sorting out the long-term arc of the Panel, they also had questions about where their suggestions went in the short-term. J.T. (2016) said, "It wasn't explained so well. It was implied. 'Oh yeah, City Planning staff will talk with City Council. Sometimes City Council will agree with those suggestions and sometimes they won't.' That was explained and implied. It could have been explained better." She continued:

> Will this have an impact? [It's] still too early to say. I think City staff will definitely use the input we provide them with, whether or not it gets translated into something more tangible that people can measure or see is a different question. Will take a lot of time to answer. That's not unique to this group. I think it's something even if you look at research and translating that to actual practice, there will always be that delay. A discrepancy between best practices and the time it actually takes to occur.

> Worst case scenario: I can go through the whole process, I don't think I contributed much and I feel like I wasted 2 years of my term. I'm hoping that of all the meetings, there is one thing I can say that the Toronto Planning Review Panel contributed toward. That I can point something out specifically. I don't know whether that will happen.

R.L. (2016) offered a similar perspective:

> [Impact is] the biggest question mark in my head. The ego part of me would like our opinions to have contributed in some way. I'd like to be able to see the contributions so I know it's not a waste of time. I don't want the city to pay for me to just learn, I want the city to pay for me to contribute. It would be great to see the Panel's contributions somehow in action. I don't know how that is going to play out. I'm skeptical it can actually just because there are so many hurdles in the city to make even the most minor changes. I'm skeptical to see how much of an impact we'll be able to have.

J.W. (2016) imagined his ideal scenario:

> I do feel like they sort of have a responsibility. They need to consider our opinions. We're OK if they look at our opinions and say, 'Oh, this is garbage.' Because at the end of the day, we're not specialized in city planning. Sometimes we get good ideas, but we don't see the whole pictures, whereas they see the larger picture. One thing we want to see as Panel members is, 'We see your concern. Good point, but you're missing this, that's why we're going to cut it.' Or, 'this is a good point, we're going to accept it, and integrate in this way into the report.'

Though the Panel organizers devoted several presentations during orientation to outlining the decision-making process in city government, panelists were still grappling with their place inside of it. J.W. (2016) said, "I thought we had more power. I do understand it was more of a personal opinion. But I didn't realize that we don't factor into the decision at the end of the day. That's something that I thought we had a voice in." He continued:

> Now that I see that we're just a cog in a larger wheel, we may not be able to change the world as quick as I thought. Typical new grads, you come out, 'Yes! I have all this knowledge. I'm going to change the world!' And then you start working, 'Oh. I'm just this tiny little cog.' We can [still] help change the world pushing in a certain way, [maybe] the larger general direction.

Though potentially frustrating, the panelists' general confusion was not surprising to City staff. Speaking before the first official session, Shields (2016) anticipated that it would be a challenge to set clear expectations:

> In the past we haven't done a great job of explaining to members what their role is. We've been much, much clearer and frank about that. I think it's disingenuous to suggest to someone who's on an advisory body that they're going to be directing staff, that they're going to be having program grant money, that they're going to be creating new projects for the city, and so on. I'll be interested to see if the satisfaction and interest level in the Panel continues as people understand more that their role is an advisory capacity, and to staff versus to Council. I find that groups tend to very quickly start to make recommendations, rather than provide advice…
>
> The listening that staff are going to have to do, particularly in the beginning, is to see whether people are clear on their roles, if we've understood their expectations, if we're meeting those expectations, if those expectations are reasonable or unreasonable? Did we assume something that we need to go

back and check? Orientation was great—is everyone on the same playing field? Did we miss something?

Opportunities for citizen and organizational learning

For nearly all participants, the most attractive part of the experience has been the possibility of learning something they did not know before. Volunteers appreciated the chance to gain insight into the inside workings of their city. J.W. (2016) said, "It gave me a better impression of what actually goes on. Prior to this, I never understood the multi-layer positions which are needed for city planning. I thought it was just a bunch of people sitting in a room, drafting reports. Like, 'That's a great idea. OK.' And then, politicians [go], 'OK. Whatever. Yes, no.'" For professional staff, it was refreshing to speak with people who typically would not participate in public engagement activities. Adam Popper (2016), the Complete Streets Manager, said, "What's really neat about the Panel is that they bring kind of your 'average Joe,' for lack of a better term, to the table, but in a randomized and yet demographically representative way that I think is really fascinating."

At the same time, both professionals and volunteers were aware that they were engaging in a pedagogical experiment that required them to think about:

- What participants learn?
- How participants learn?
- Who participants learn from?
- The environment in which participants learn?

The contents of the orientation sessions and the email briefings offer a glimpse into what elements of urban planning were deemed essential for the Panel to understand. Yet it was clear that both sides were still struggling to locate the point at which comprehensive information delivery becomes overwhelming.

In reflecting on the length of the pre-session briefing emails, panelists saw both the advantages and disadvantages of including so much material. J.A. (2016), a panelist from Etobicoke York District, remarked that she felt well prepared "because I had read the PDFs they had sent. So even when she [Planning Division presenter] was talking about some of the stuff, I was like, 'OK, I read this already.' I can see why it had

to be done this way, [but] a lot of people prior to the meeting didn't have the chance to read the PDF because they don't have Internet access or the time." J.A. observed others who struggled more:

> The last four orientation sessions, Peter [MacLeod, from MASS LBP] was really clear about who is talking and what to pay attention to. At this [first] session it took a while for people to understand what was happening. From at least my observation, for people who didn't get a chance to read the PDF it took a while to get that she [Birchall] was talking about the PDF and that's what we were going to give feedback on. Next time, they'd prefer a better introduction about who's talking and what to pay attention to, and what we'll need to give feedback to. If I hadn't read the PDF—the email said read it if you have the time—it definitely helps reading it before the meeting.

For A.Z., a panelist from Etobicoke York District, the amount of time necessary to go over all the materials made him nervous that he would not be able to contribute as much as he would like. A.Z. (2016) said, "When they sent the guidelines for the townhomes I wish I was able to take more time to absorb the information. I like to be very thorough, it's something that interests me…I reviewed it, absorbed it, [in the future] I'm just trying to devote more time to the Toronto Planning Review Panel instead of the bare minimum." He understood, however, the Panel organizers' intention: "I think if they're giving us something to look at, they better give us the information we need, even if we have to stay up. If the city is going to review it in the very near future, they have the right. I think they've been very good, clear about you don't have to read it all, but here's what you should look at. I think they've done a good job."

For some panelists, the form of the email briefing was as challenging as the content. A.Z. (2016) said:

> It wasn't the fact that material itself was hard to absorb. It was a lot of volume to get at once... I think having something where you can download a file or whatever that allows you to get the broad strokes while I'm doing something else, have on in the background while I'm driving my car. Instead of having to read the package. Because when things get busy and you have 60 pages to read, I just want to have something to give me the broad strokes.

Panelists' concerns were registered by the Panel organizers. Fusca (2016a) said:

> We'll have to think about whether we mail out the guidelines in advance so they have time to read it. Or if we know well in advance, we can hand it out

at the meeting before. We didn't give them the full guideline documents in advance, we gave them a link. We also have to be cognizant of the fact that these people are volunteers. I don't want to ask too much of them. If I ask too much, I risk turning them off from the project. I don't want to bombard them. At the same time, if they want to have an impact, they're going to have to do a bit of work.

Fusca continued:

I think the package was a great package. It gave them sort of the big picture they needed to think about the guidelines and the use of the guidelines and their utility. I don't know if I would have changed it. Over time, as they becoming more familiar with what guidelines are, what the official plan policy is, it will become easier.

One example of an alternative information delivery system was the Panel's commitment to bringing in external speakers. Fusca (2016) explained:

We don't want to just be bringing them projects and have them hear from our perspective why the project is so great, because that's what we're going to do. We're going to talk about why it's so great, right. But we also want them to hear from other perspectives so they can understand the complexity of the issue. Absolutely [we'll bring in an opponent]. I wouldn't say opponent—they're other stakeholders who have different opinions. And sometimes those opinions are supportive of the work that we do, or in the case of one of the organizations that will be presenting on Saturday, they want us to go further than we're going. And in some cases, one of the other organizations thinks we're going too far. So there's both sides.

Meg Shields (2016), from the City Manager's Office, applauded the effort:

They've [Panel organizers] said, 'We're willing to hearing from [others]. And we're willing to invest in providing you some good information about the city, warts and all.' And one of the ways that they're doing that, which I love, is that they're bringing in city experts. So they're going to have the Chief Planner and senior staff, but they're also going to bring in external experts as well, who are going to critique us. And say, 'Well, maybe you shouldn't look a the budget that way. Or maybe you want to think about transportation differently.' So they're open to the possibility of providing multiple perspectives at the table for the public to consider. Rather than it being a social marketing experiment. 'If the public only understood how hard it was,' that's not what we want. We want to understand all the complexity, but not [just] with our vested interest in mind.

Some members also recognized the value added by the invited guests. S.M. (2016) said:

> The three panelists [speakers] they brought in, I was so happy they brought in Cathy [MacDonald]. She was speaking about how the less affluent citizens are, and the city just rumbles in and makes a decision. One of the things that come out of it, we should simplify the information we're giving these people. Some people don't have access to Internet. Some people need to understand in a very simplified way, even in pictures, not just written--visual more than written.

D.H. (2016) suggested that the combination of more speakers and additional multi-media presentations could help maintain panelists' interest:

> I think what would be really helpful would be a history of the city, little documentary clips instead of reading these huge documents that were sent to us. I think a lot of people don't want to read anymore than we have to. There's a lot out there. I'm a visual learner. Or maybe having more speakers. Whenever we get a lot of passionate speakers, I really think we have a lot more to talk about. Once we had this guy who was really pissed off—he was involved in city planning for like 60 or 70 years and he was retired so he didn't care what he said. We really enjoyed his honesty. I think we need more speakers, more types of learning tools to help people.

While panelists generally understood that guest speakers were invited to provide complementary positions to staff presentations, others remained confused about how to interpret their testimony. Members had not been given any further instructions, beside the letters submitted by the speakers' organizations in the briefing packet, regarding the two speakers' backgrounds or interests. Moreover, it was not apparent to panelists what trade-offs the speakers were proposing, and on what specific matters they disagreed. J.T. (2016) said:

> I felt, as a member of the audience, both individuals there [at the first session] had very different ways of approaching their viewpoints. It almost made me feel like there was a lack of consistency on their part. From the developer's point of view, I was really surprised. We had previously heard from developers, 'there's no such thing as affordable housing—in order to have real affordable housing, government needs to step in with implementation plans.' In this case, the developer person didn't have the same perspective.

> [There was] No meaningful discussion between the two or three groups that were there. That would have been much more helpful for me, to see that interaction. What their conflicts were in terms of the guidelines. One of the individuals asked, 'Who are these guidelines for? What's the purpose?' I think she was presenting from general public, homeowner perspective, who

potentially might want to make adjustments to their home. It would have been interesting for a City staff member to respond.

Fusca, in his reflection several weeks after the first session, agreed that organizers could do more to prepare the group for the guest speakers. Fusca (2016a) said, "Obviously, they [the panelists] made some comments about why we invited those particular people. We need to do a better job of introducing them and why they matter as stakeholders. We need to be clearer on that." Looking forward, Fusca (2016) said:

> It's really important to me that it's as transparent a process as possible because I don't want people thinking that there's anything secret about it, or anything untoward about what's happening. That we're indoctrinating people to provide feedback in a way that is conducive to our thinking and our needs. I'm really, really aware that that criticism is possible. That's also why we want to bring in the opposing voices, the other stakeholders voices, so that we make sure that doesn't happen. That's not what I want to happen. I don't want this to become an extension of the Planning Division.

Shields offered a related concern, which was that systematic attempts to improve or better understand the Panel's learning process could also disrupt the internal dynamics of the group. Shields (2016) said:

> I think it will be important to not have a bystander research effect. Often we have public consultation, and if it's on a very interesting topic, City staff from everywhere want to come. I just don't like to have a whole bunch of lurking City staff hanging around the walls, watching people debate an issue or bring forward their personal perspective. I think it influences people and makes them feel uncomfortable. This group is going to have to nurture itself a little bit first. I think we should take meticulous notes, make information available, but I think you also have to say that this model requires a bit of trust and getting to know each other. Having a whole bunch of researchers taking notes and taking pictures and videotaping the whole thing might not lend itself to the best outcome of success. There's a tension there.

Shields also wondered aloud whether Panel organizers, by selecting all learning materials, might also be tempting a sort of confirmation bias in which participants begin to think more like professionals than like regular citizens. In reviewing the striking congruence between the Guiding Document principles and priorities drafted by the Panel and official Planning Division policy, Fusca (2016b) acknowledged, "I think they're very similar. That was something that surprised me very much. [It was as if] we could

have written the document ourselves." Shields (2016) said that she should would be concerned "if a broader Toronto audience didn't really represent their [panelists'] interests. I don't mean represent demographically-- I just mean that if the intent is to get an idea about how Torontonians feel about something and there was a sense that it was vastly different or removed from that, that would worry me."

<u>Standard of discussion</u>

Distribution of speaking opportunities

   While the number of people in a Panel session at any given time stayed fairly consistent, somewhere around 35 people including panelists and professional staff, the group could feel larger or smaller depending on the particular discussion format. For example, when panelists were answering specific questions posed to them by Planning Division staff, they conferred in small groups at their table, aided by a facilitator. However, in the question and answer sessions that followed each presentation, as well as in the reports back to the larger group after table discussions, panelists needed to speak in front of all the assembled attendees. Without contemporaneous recording or notes that attribute speaker frequency, it is impossible to state for certain that some panelists spoke more often than others. Nonetheless, it was apparent to panelists that some members, especially older men, were more active than others. Toward this end, panelists spoke about several items that could potentially improve discussions:

- How to ensure that less confident speakers can contribute to group discussion?
- Where to build in opportunities for team building among panelists?

   As detailed earlier, the Panel's composition was carefully structured in many ways, but it did not always account for different personality types. Speaking before the first session, Meg Shields (2016) anticipated such a challenge: "Some people learn by being talked at, some people learn by reading, some people learn by discussing, some people love an argument and don't take offense to it, other people shy away from any tension." But in practice, the Panel often operated as if all participants were extroverted and confident public speakers.

   For outspoken members, such as D.H. (2016), the more reserved panelists could be frustrating. She said, "I see a bunch of people who sit there quietly. We need people who are very passionate and whether they disagree with me, I don't mind that. I like

people who disagree with me because it makes me see a new point of view. I like people who are passionate, but willing to look at other sides."

But D.H. acknowledged that the more outspoken panelists could also be better managed:

> There was one girl in the last meeting and she wouldn't let people speak—
> "No, you can't have it this way." I think we have to be careful with people
> who want to speak for the group. I think we need people who are open to
> opinions. Even if you don't agree with it, write it down. I think there also has
> to be some ground rules—we understand we're all different personalities,
> how we can best work together? I don't think they've been established. I
> think all these things should be done in the beginning because we were
> thrown into it. I think when we start, we might butt heads a little. Hopefully
> we will because that will mean we're interested in what we're doing. I think
> we need a little more prep before we started. I think there should have been
> some sort of breaking the ice before we had all this happen. Or maybe in the
> middle of it. So we've spent this much time together so let's have a mingle
> day where we introduce ourselves more.

Other panelists agreed that more contact among group members, whether in person or online, could put everyone at ease. J.A. (2016) said, "Everyone who volunteers looks to make friends—that's one of the reasons they volunteer." J.W. (2016) said, "We need to work as a team, not just as individuals." He continued, "It's nice to see the faces, you get more comfortable talking to people. They gave us a lot of time to interact with the other panelists, so normally I'm a pretty shy, introverted guy so it's hard for me to voice my opinion. After seeing these people more often, I'm more comfortable opening up and speaking up." He proposed, "Maybe have a couple more facilitators. So I feel like having more facilitators would balance the discussion because sometimes when people start debating and get really passionate about something we get off in the weeds. You need someone to reel them back in, to get back on track."

J.W. also suggested that the group could use an online venue for posting information and continuing conversations. He said, "I think we should have a forum or someone we can bounce it to. Have the facilitator to encourage people, 'Hey, I understand there are people who are introverted, a little shy. If you want your opinion, there's no stupid ideas out there. You could bring a concern, here's an email address

you can write to us about the topics.'" In fact, this is exactly what the Panel organizers

did following the first session, though only one panelist, Al Eslami, accepted the offer.

Framing of topics

From session to session and project to project, Planning Division staff were seeking different kinds of responses from the Panel. In some cases, such as the Townhouse and Low-Rise Apartment Guidelines and the Complete Streets Guidelines, the projects had already gone through significant public consultation. As a result, staff were more interested in refinements than in setting new directions. But in the case of the TOcore initiative, questions were much more open-ended. In some cases, this could leave panelists feeling confused and professionals thwarted. Fusca (2016a) said, "I think we still have to figure some things out in terms of the format of these meetings, and, in particular, about how we collect feedback. I'm very sensitive to the fact that a lot of the panelists felt we were asking a bit too much of them to evaluate these guidelines that, to them, seemed like they were more or less finished. And they felt a little overwhelmed."

Certain themes were especially prevalent in interviews, including:

- How to present questions that make sense to panelists?
- How to signal what kind of feedback the panelists are expected to provide?
- How to produce an informed consensus?

Before the first session, Gregg Lintern (2016), Director of Community Planning, recommended following the example of the Design Review Panel:

> When we go to the Design Review Panel, we go to them with projects that are in areas that generally have design guidelines already. So they have an evaluation tool, they're not coming at it with their own whims. They actually are looking at the vision for that neighborhood and they're looking at our project, and they are giving us their sense of how well that projects meets the guidelines. On top of that, we've got three questions. So it's very structured. For example, if we're bringing a new housing policy to these folks, I would assume that one way to do it would be to not only have the three questions, but also give them background what it is that we're trying to do. What's broken or what's the thrust of this policy exercise, so they have a framework. And then they're focusing, they probably appreciate it, a little bit of focus on what it is exactly that you want me to opine on here. They've got a framework and they've got some questions they know in a very focused way how to get their feedback.

But in reviewing the first session, Fusca admitted that staff could have improved

their approach. Fusca (2016a) said:

> I think the questions that we asked were not awesome. The 2nd and 3rd
> questions felt like they were the same question. [It was] inevitable given that
> that project is near the end of its process and they didn't have the benefit of
> seeing the project from the beginning. That's why we made the transit piece
> and TOcore presentations, because we do expect them to be a bigger part
> of those projects through the course of their lifespan. So hopefully they'll feel
> more prepared to provide feedback on those projects because it won't be
> the first time they're hearing about them. So over the course of the Panel, it
> will become easier for us and for them because we won't be springing it on
> them.

D.H. (2016) agreed about what happened at the first session:

> I think a lot of people were unclear about what the city wanted in terms of
> feedback for the guidelines. It wasn't made clear to really give clear, good
> feedback you needed to have taken a good look at the guidelines. That was
> brought up. For some people, felt like we can't give the best feedback
> possible because we haven't read this hundred page manual. I think having
> more clarity in the future would be helpful. Not just clarity in terms of our role
> or what they're looking for, but why some of the speakers were there. It was
> only apparent after.

At the second session, when the TOcore discussion veered toward more of a

focus group, panelists seemed to enjoy the diversion, even if their task was mostly

work-shopping messages. D.H. told her table, "This is the most fun we've had!" But

others at her table, including R.L., disagreed. He said, "I think today's session was the

least valuable [in terms of panelists helping staff]....What happened today? I'm not sure.

Normally, there's a problem and you're asking for a solution." Stan Tomas interjected,

"[It's] not problem solving; [it's] 'what do you think?'" After the session concluded, R.L.

(2016) reflected on the contrasts between the first and second sessions: "In the first real

session it seemed like they were asking for an opinion and then a little bit of direction…

There weren't disagreements. People would present an option or thought and a person

would counter, 'Great, but have you considered that?' Everyone's opinions morphed

based on everyone else in the room. I do remember opinions being swayed."

Fusca defended the organizers' approach by claiming that the purpose of the second session wasn't necessarily to set up a debate. Fusca (2016b) said:

> We weren't looking for agreement because we're at a point in the process where we're casting a wide net and collecting lots of ideas. We weren't asking anyone to agree with us. I think with a project like Adam's Complete Streets, given where it's at, if the Panel had some significant disagreements with the direction of the project it would have been a reflection of the process to date, because they had done public consultation already. But the Panel didn't do that. It was more like refinements and additional ideas.

Popper (2016a) agreed that was not his intention, either. He said, "I think that's partially because we didn't set up the question, 'Do you prefer this or this?', with both having validity. Then we would be asking for different opinions and people would line up behind each. That wasn't the kind of question we asked. I wasn't expecting to come to blows." He continued:

> Whenever you present something that's both sort of high level—what we're trying to achieve with our streets, it's easy for people to stray and say, 'I like street furniture.' Yeah, that's an important element on the street, but not at that level of detail. I don't care if you like street furniture. I'm here to ask you if this makes sense? What do you see as valuable? Not what are your specific needs as an individual. That is a worthwhile question, but I don't think this is the forum for that question. If I was going to ask what are your needs as an individual, that's the kind of thing you want to get lots and lots of responses, and would be better in an online survey. You're looking for some deeper feedback on concepts and approaches. Not 'I think there should be basketball courts on the street.'

Jennifer Keesmaat (2016), Chief Planner for the City of Toronto, agreed: "The objective has never been-- let's get a group and get their opinion. It's about building an expertise in city building and planning from a broader constituency." She continued:

> It's very important to differentiate between getting people's opinions, rather than working in a collaborative manner with them and building knowledge collectively. Shared knowledge that is shared between the Planning Department and constituents, recognizing they have knowledge we don't have, but also we have knowledge they don't have. We're trying to bring those things together in a collaborative way.

Even if panelists did not engage in consensus-building exercises with trade-offs and bargaining initially, Fusca (2016b) was still satisfied:

There probably will be moments when the Panel doesn't agree with things, that's fine. It happens all the time that the public disagrees with the direction we're promoting. Usually those disagreements come because someone's personal interest they're trying to protect. Since the Panel isn't doing that, it makes it a lot easier for them to think about things objectively.

<u>Evaluation summary</u>

There is no doubt that in its commitment to collaboration between volunteers and professional staff, the Toronto Planning Review Panel represents what Zuckerman would call "thick engagement." So far in this chapter, however, I have used the participants' own words to offer insight into how well the Panel functions as an "inclusive" practice, to use Quick and Feldman's term, or as a "democratic deliberation" event, to use Gastil's. In this next section, I synthesize panelists' observations, and also add my own thoughts. For both members and professional staff, the Panel is still very much a work in progress, and both should be commended for their willingness to participate in an experiment in full view of each other. Toward that end, my intention for this analysis is not to point out shortcomings as much as to offer clarifications and suggestions that might help the Panel sustain its positive progress to date.

With regard to the selection of the Panel's members, it is remarkable to see the variety of people who have pledged two years of their lives to an initiative that was completely unknown to all beforehand. As Meg Shields, from the City Manager's Office, observed, no citizen body can ever achieve true representation for the entire Toronto population, but the overall make-up of the Panel demonstrates how a convening organization can gather a diverse group of participants if it actually tries. At the same time, it is possible to wonder how different the Panel would look if participants were compensated by an arrangement that involved anything more than basic transportation costs. One panelist told me at the second session that it took her over an hour and a half to arrive by public transportation; another, in a matter of fact tone, explained how she volunteered to work on Canadian Thanksgiving as part of a work shift swap that enabled her to be available for one of the Panel's orientation sessions. It will be interesting to track whether panelists' motivation for participating remains as strong for the full duration of the two-year term.

Planning Division staff made clear that they did not want the Panel to resemble the typical group of people who attend a public meeting, so it makes sense that they chose to remove any minimum educational or knowledge requirement. But the decision to not gather additional information beyond basic demographics from prospective panelists does not preclude Panel organizers from seeking more information once the Panel is actually assembled. MASS LBP already distributed surveys to panelists that ask broader questions about their expectations for the Panel experience; expanding the anonymous questionnaire to ask more personal questions about members' socio-economic and political positions, whether on amalgamation, congestion pricing, or even bike lanes, could provide Panel organizers with valuable information about exactly who is in the room, as well as how to evaluate the panelists' comments to account for biases associated with their specific backgrounds.

Given that the original impetus for the Panel was the recognition that Toronto is a diverse place with deep divisions across its many constituent municipalities, it is striking that those geographic disagreements have not surfaced more forcefully to this point. If the Planning Division wants to make the argument, however, that the Panel is representative of the larger Toronto population, it would be a powerful statement to be able to show that the Panel members also capture a broad range of attitudes. And if one of the goals of the Panel is to educate panelists, organizers would be well served to find out what members already know so they can measure what, if anything, changes over the course of a particular discussion or the term as a whole.

Without more data, an observer seeking to question the Panel's representativeness would seize on the fact that it remains unclear exactly who or what each member is actually representing. In a consensus-based approach to group formation, Toronto would have identified the stakeholder groups it wanted to participate in the Panel and then allowed each to choose their own representative. Removing the random selection element might result in a familiar set of faces, but one could still envision a process in which the Planning Division allowed the stakeholder groups to make selections with the condition that their choices fit some agreed upon

criteria. I am not necessarily advocating for this change, but include it as an example of an alternative technique for forming a deliberative body.

For the current panelists, it is understandable that early on in the process they would be unclear about the sequence of steps that carry their ideas at individual tables all the way to Planning Division reports to Toronto City Council and back again. Given the numerous presentations already offered by Planning Division staff explaining the decision-making process, it is also clear that it will take more work for the message to reach the panelists. For this reason, it is important that the panel organizers create a routinized way for panelists to keep abreast of ongoing developments as projects wind their way through the policy-making process. For example, at the beginning of the second session, Daniel Fusca told the panelists how Diana Birchall had been inspired by suggestions made at the previous meeting to make changes to the Townhouse and Low-Rise Apartment Guidelines. That was a good first step, but the challenge going forward will be to track not only Birchall's project, but also all the other initiatives that the Panel sees over the course of 12 sessions. Shields (2016) said:

> One of the things they might consider is how you continue to loop back. I think about it a little bit like crocheting or a sewing stitch, where instead of going forward you go back a little bit and then go forward and then back a little bit. There may have to be that kind of built into the system, the check-back. Was there something you thought of after you left the room the last time that we need to consider? Because there's that period in between. Having said that, there is something to be said for the visceral response, which can be a very interesting kind of engagement process as well. Just to get a temperature of the room with something might be helpful, and maybe too much orientation bakes that out of people. I don't know. We'll see once they get a meaty topic on the table.

As the Panel organizers use the staff updates to convey to the Panel that their suggestions are included in official Planning Division reports, they will also have to explain to the Panel the instances in which those recommendations stall once they reach the City Council or when the Planning Division never adopts the suggestion in the first place.

Slightly more concerning is the Panel's complete reliance on the Planning Division, with support from MASS LBP, for organizing all aspects of the Panel. In reflecting on her time with the Panel, Birchall (2016) said:

> Our work [the presentation materials provided by staff] was a really strong part of their [panelists'] foundational knowledge, so still even though we were not trying to control the message, we were very much leading the discussion. And, you know, maybe that might be a discussion with Daniel about what are our obligations in that regard. Do we want to pull back or do we want to lead? For me, it's clear. I have a job to do. I really believe in the benefits of these guidelines. I'm not going to pull any punches if I have a chance to proselytize. Although I try to present different viewpoints, it's not really what I care about.

Participants seem comfortable with the arrangement at the moment, but it would be smart for the Planning Division to anticipate how the Panel might evolve in the future toward what Quick and Feldman (2011) call "inclusive" practice. One element of "inclusion" is that public engagement actively changes, rather than reproduces, the power dynamics of stakeholders. Another is that engagement organizers should shy away from designating "designers" and "participants" because it "reinforces boundaries between the parties, confining opportunities to build connections that are important to building community capacity for ongoing policy-making work. Separating the control of process and content also fails to tap the generative possibilities of engaging them side-by-side" (Quick and Feldman 2011: 284). Quick and Feldman (2011: 285) continue:

> When deliberation is part of an inclusive orientation, the emphasis is less on whether a particular program or policy sticks than on building a community that can work together to adapt to implementation challenges and pick up new issues. This is not about a community sticking together in terms of maintaining their unity behind a policy, but rather their sustaining a platform for ongoing deliberation and dialogue.

In the case of the Panel, as the members become more comfortable with the general process and more confident in their city planning knowledge, it is likely that at some point they will request, if not demand, more of a say in determining the projects brought to the Panel. The Planning Division could start thinking about ways to

gradually devolve some authority to the panelists in providing a vision for not only what projects they see, but also how the Panel learns and from whom. Panelists have already made suggestions about alternatives, including podcasts and other media forms, to complement the large email briefings. It might also be helpful to streamline the total volume of reading material so that panelists are all working from the same base of evidence, with the goal of avoiding moments where one member is referencing a 100-page manual that no one else at the table reviewed. And though the guest speakers present an interesting wrinkle, if the only preparation panelists receive is a copy of the speaker's official biography it remains unclear to members where the speakers' positions are coming from and exactly how their perspectives differ from the Planning Division's.

To ensure that the materials provided by the Planning Division do not simply project all of its existing practices on the Panel, one idea could be to appoint an independent commission that oversees the selection of topics, guest speakers, and Panel members. In the Oregon CIR example, a "Citizens' Initiative Review Commission," comprised of former volunteer participants and civil society representatives, some of whom are appointed by state elected officials, serves such a function. Especially in the Panel's first meetings, when members are perhaps less confident in articulating specific concerns, an independent group could hold both the planning staff and panelists accountable. Of course, the Panel itself already represents one example of a commission; to add yet another might create an endless cycle of commissions. It might also put the Panel at risk of subjecting itself to a "Hawthorne effect" of excessive supervision. As covered in the Chapter 1, these tensions may not be easily resolved.

For a process so consciously managed, it was surprising to see how haphazard the process was for arranging how panelists interact with each other. This was most clearly seen in the seating arrangements, where at the second session two of the tables were completely segregated by gender. In the bigger group settings, it was also apparent that older men were the most likely to ask direct questions to presenters. In

the smaller groups, facilitators did a better job of drawing out quieter members, but the Panel could still benefit by incorporating other ways of contributing ideas. Only calling on people who raise their hands will not capture all the knowledge in the room, so it will be important to provide opportunities for panelists to offer ideas by writing them down, drawing them, or even submitting them through an interactive online interface. It would also be a good idea to take attendance at some point during each session to confirm who is actually in the room.

Likewise, whether through a random seating rotation or some other process, getting panelists to talk with unfamiliar colleagues will help expose them to more views and aid in the overall community building effort of the Panel. Already panelists refer to the group as a "team"; it might be worthwhile for the Panel organizers to think about how to further shape the group's identity through events and other moments in between sessions. Panelists suggested the idea of setting up an online forum discussion for the group or even sponsoring social activities in the interim space between meetings. No matter the forum, Panel organizers will need to be thoughtful about how to promote healthy personal relationships among members without creating a "group think" mentality that makes dissenting opinions feel unwelcome. Shields said:

> One of the challenges that we have overall in terms of advisory bodies… [is that they] tend to get over time very isolated and insular. Although the premise is to be a representative group… they do tend to become a small, closely-knit, talk short-hand with each other, bring their own pet projects to the table. And the engagement from those groups back outwards tends to be more limited. So I think the challenge will be for the planning process, as I say to all advisory bodies, is to keep that fresh.

Perhaps the most crucial aspect to consider in evaluating the Panel is to review how well organizers and panelists position themselves to make what Fung and Wright (2003) call "empowered" contributions that result in change and not just talk. But it is also important to note that the Planning Division's goals for the Panel do not have to align with what academic theory states is best practice. From the beginning, the purpose of the Panel has been more about refining staff reports than re-directing them. Jennifer Keesmaat (2016), the current Chief Planner of the City of Toronto, said that she

expects the "Panel will provide perspective and feedback to city planning staff as they move through the planning process, as opposed to providing a hard recommendation on a specific issue. It's not, 'You should do this,' as much as a recommendation: 'Please give consideration to…' We are not looking for position statements; we're looking for input. Those are very different."

Yet these distinctions were sometimes lost on the panelists. Members seemed confused, if not frustrated, when professional staff presented vague prompts, such as "What should be Toronto's vision for downtown?" In the future, planning staff could be more explicit about what they are looking for: is the purpose of the discussion to weigh trade-offs, negotiate, and ultimately form agreements? Or is it just to find out what people think? In the case of the second "TOcore" presentation, it seemed as though the Panel was used as a focus group to not just represent public opinion, but to shape it through their advice for how the Planning Division could best communicate its message to the public.

More specific questions that emphasize problem solving might help focus discussion, as would clearer ground rules for how facilitators expect the Panel to generate decisions of any kind. S.M. (2016), a panelist from Toronto & East York District, said:

> In meetings some people go out of focus, they ramble all over the place. You need to bring them down, what we need to do is focus. They're [Panel organizers] not asking you to do the building, just your opinion on the guidelines. You can roll your eyes sometimes…Ok, let's come back to reality. What do we want to accomplish here? What does the City Planning committee want?

Daniel Fusca (2016a) agreed: "We know we need to do some better work, more work in training people for that purpose [facilitating]."

Chapter 6: Examining the motivations behind the Panel

It is not common to find people, whether they are professionals or volunteers, who willingly choose to devote an entire Saturday to appraising work that has already been, and will continue to be, reviewed by many other sets of eyes. In this chapter, I examine the specific reasons panelists, Planning Division staff, and Planning Division leadership offered for why the Panel appealed to them. I find they generally match well with Fung's three criteria-- social justice, effectiveness and legitimacy-- for judging governance initiatives, but I provide additional analysis that takes into consideration the local political context. While I present evidence to show the Panel's contributions toward social justice and effectiveness strengthen the legitimacy of staff reports, I also argue that the Panel's popular element could eventually serve to validate the entire Planning Division.

For many panelists, the opportunity to contribute to their city was a primary motivation, but so was the chance to represent groups who they felt were not typically considered in government policy. Professionals appreciated that members of the panel neither looked nor behaved like the "usual suspects." As a result, Planning Division were nearly unanimous in their agreement that they expected to hear different and potentially better ideas that reflected a citywide perspective not commonly found in other forms of public consultation.

In some cases, the simple act of a personal invitation was enough to convince panelists. J.W. (2016) said, "To be honest, I was going through a phase where I was just willing to try anything new. I signed up for a whole bunch of things, and this was just one of the things which came in the mail, and I just signed up for." R.L. (2016) told a similar story: "When I saw the invitation for the planning committee, I thought it was the perfect opportunity for me to get involved, volunteer. I've been fortunate to get a lot from the city. [This was an] opportunity to give back."

For more recent Torontonians, the Panel represented an opportunity to connect with their city on a deeper level. S.M. (2016) said, "As an immigrant, you're split between different priorities. I came to Canada in 1983, more or less I had transplanted myself. [A] sense of belongingness, it's not easy to get it. I've always been longing." J.A. (2016) said, "It's hard because so many people who come to Toronto aren't sure if it's there home or just passing through. Live here for a few years and then go home. I can see why it's really hard to get citizens engaged. One of the reasons I never thought to get involved was I wasn't sure if I was going to be here. Is this home or just a temporary home?"

In the self-written biographies they published in the Guiding Document as well as in later interviews, panelists were adamant that they wanted the Panel to consider the viewpoints of Torontonians not typically included in the formation of public policy. Examples from the biography section include:

- Peta-Gaye Ebanks: "Coming from a multicultural background, my sense of the history here and connection to this city was deeply affected when I attended a First Nations tour of Toronto. Learning about the history of this city and the literal meaning of "Toronto" changed my perspective. I hope that city planning decision-making processes continue to integrate all stakeholders to create a dynamic and inclusive city" (City of Toronto 2016f)
- Al Eslami: "I am particularly concerned about the fact that Toronto, in its effort to become 'world class,' has turned into a place that tends to exclude the lower socioeconomic strata of the population in every arena of social and cultural life" (City of Toronto 2016f)
- Simone Hodgson: "While I know change is inevitable, especially in a city as rapidly growing as Toronto, I hope that we are able to preserve the amazing quality that allows us to remain accepting and open to what is initially considered 'different' or 'foreign'" (City of Toronto 2016f)
- Ivorine Phillips: "I also attend several groups at my local hospital and have joined several community groups in order to take part in activities, share experiences and encourage other Torontonians to be better citizens. One issue that I care deeply about in planning is housing for seniors" (City of Toronto 2016f)

In interviews, panelists expanded on how their individual backgrounds could inform discussions for the purpose of advancing social justice initiatives. D.H. (2016) said, "I thought maybe I could contribute my experiences living in different parts of the city…I've lived in government subsidized housing, so I thought I could give my opinions on things like that and commuting and transit." S.M. (2016) said:

> I live, for instance, in a housing co-op, so my perspective about housing is quite different from the growth and market notion of condominium development and townhouses and all these things. Everything was about market, market, market. We suddenly start seeing condominiums cropping up right, left, and center. Where is the money coming from? Who can afford

it? The prices are astronomical. My focus is on mixed-use developments, rather than just outright market-driven development…

One of the things I would like and I keep stressing is homeless representation, people with disabilities, because our concept of accessibility is overlooked. One thing we know from one of the panels, a University of Toronto professor, he explained to us how the city is based in terms of the economy. Toronto is a funny place. We have a central business district, the wealthiest people live in the core, the rest live far away and live in rental homes and they're [still] within Toronto. They're in the service industry, minimum wage salaries. How to make the economy to grow so people will have a decent income?

Panelists also felt strongly that their collective range of backgrounds could strengthen their ability speak to these issues. J.A. (2016) said, "The group on the whole, I was surprised by how diverse it is. Some of the Panel members, you wouldn't think this is someone who is interested in giving their time or that they would have better things to do with their time. But they're also excited to help and give their feedback." She continued, "I think it's really important they get a diverse group because when they make changes they need to care for everyone, the older people, the younger people who are always on the move, working people, people who work outdoors. I think it's really important." J.T. (2016) said, "I think that if you don't have a representative group, it defeats the whole purpose of having a civic engagement panel. You need to have the perspective of a student or someone who is middle income. Because in the future those are the types of people who are going to live in Toronto." She continued:

We have a lot of diversity—people who have physical disabilities or have family members with disabilities—who you wouldn't necessarily see from a city planner or official point of view. Someone mentioned they had been homeless before. I think that's a perspective that needs to be brought to the table. I think among us there is a huge diversity and the people who we interact with.

As Fung's democracy cube demonstrates, however, it is one thing to have a conversation about social justice, and another to authorize decisions based on it. As part of their desire to achieve social justice outcomes, panelists debated about how their input should be weighed as part of the decision-making process. Stan Tomas, in

his Guiding Document biography, said: "I volunteered for this Panel to be a part of city planning decisions. I hope to contribute to these decisions in a meaningful way" (City of Toronto 2016f). Others were less sure about whether the Panel needed to directly participate in decisions or whether members would be satisfied if the Planning Division listened to their ideas without acting on them. D.H. (2016) said:

> I think I would be OK with it [the Planning Division not taking the Panel's suggestions]. I would appreciate it if they heard it and maybe discussed among themselves. I want them to take it seriously, but at the same time I don't expect them to take everything we say and then make it into a bylaw or whatever. I just feel like there are so many different aspects to city planning, this is just one tiny piece of it. It might change the way they look at things. That's the most important to me—to have something that would make them say, 'Huh, I never would have thought of it that way.' To have them look at things a little different.

Panelists were also aware that Planning Division staff needed to balance the Panel's perspective with all the other forms of input they receive. J.A. (2016) acknowledged the Planning Division's challenge:

> I think they definitely have a great responsibility to use what we come up with, but if they have better data or information that says otherwise, I wouldn't hold them to taking input from us over that. Even though we're a diverse group, we're still a small number. If there is data saying otherwise, I think they should definitely go with what the bigger data says [rather] than our input.

J.T. (2016) agreed that the Panel did not have a monopoly on good advice:

> It's always nice to inform City Planning stuff, but I think that information can come in various sources, not necessarily from a panel. It could be a community group or a meeting to advise a City Planning report, but to have a panel like us to go through this for two years, it would be nice to see something more tangible. [To be able to] say, 'This is something we contributed to.'"

R.L. (2016) argued that Panel's training and citywide perspective put it in a special class:

> The thing about this Panel, when they [City staff] hear from other citizens, those other citizens are generally going to provide an opinion or perspective focused only on themselves. And it would be an uneducated opinion because they don't have the knowledge the city has spent the time to teach us. And informed opinion is always better than a opinion I would always err

on the side of the informed decision, whether it's us… It could come from us, but it could also come from citizens who are as informed from other avenues. We're not the only ones who are informed about the city.

As did A.Z. (2016):

I think they should prioritize the Panel, [it should be] more of a priority than the other feedback they get. I think it should be a very valid source-- get the opinions of the public through the Panel. I think it would be a very good source of information.

I.R. (2016) remained optimistic that the staff would recognize the Panel's value:

I would hope they're [the Panel's recommendations] going to be used by the planners, seeing the process as an objective group in the middle commenting and reasonably knowledgeable. [We're] not nearly as trained as the planers are, but still being able to feel for the neighborhood. Quite often what is decided in the end is overly influenced by the neighborhood with very little or no influence given to the city as a whole. I don't believe there is any legal responsibility for the city to respond, but putting as much into this training process as they have, I would think the City and the Planning Department are going to take note of what's been proposed by the Panel.

<u>Planning Division staff's motivation: Effectiveness</u>

If panelists were still wondering about whether their suggestions would matter, Planning Division staff were also wrestling with the proper way to treat the Panel's advice. On the one hand, the entire reason for the Panel was to produce a better consultation experience. Popper (2016a) said:

> These are folks who have been brought up to speed to a certain degree on the city's policy and practice, and are encouraged to see the process through that lens. Right away there is a step up in knowledge. Therefore, what I presented to them was in the context of that knowledge. Whereas if that didn't exist, I probably would have paused longer on the official plan slides and explained what the Official Plan is and how it's connected to this particular project. Because I was confident that they know what the Official Plan was, and all I needed to do was connect it to street design. It allowed for more emphasis on some more details later on.

Jennifer Keesmaat (2016) believed that the Panel would help staff produce more sophisticated planning outcomes because "our participation has been more sophisticated." Fusca (2016) said, "I think it's just the quality of the feedback. It's not really a change in how they [planning staff] work; we always go to the public. It's the quality of the feedback we're going to get." Gregg Lintern (2016) added:

> I think this then provides a venue for a little bit of insurance. That if we do have a major initiative, we've got a lens here that has actually been randomized and structured to give us, I'm not going to give us scientific, but I think a little more scientifically-inspired feedback. Which makes your policy development more robust and by its very nature higher value.

On the other hand, staff recognized their professional responsibility to gather as much information as possible, using their personal discretion to sort through it all. Fusca (2016) explained:

> I don't know that I want to put it into any hierarchy at all. It is just one tool, it's just one amongst many. I don't know that we've put any particular emphasis on one over another. Certainly, we will refer to the feedback that we get from the Planning Review Panel specifically in reports, but we also refer specifically to feedback we get through regular consultations. I guess you could say that there is a bit more emphasis on what we hear from the Planning Review Panel only in the sense that it will have a specific section in

the reports. There will be a dedicated section of the reports: Feedback from the Planning Review Panel. But then there will be a 'Feedback from the Public.' I don't know that either will get any weight or another. All the input gets considered equally.

Farncombe (2016) agreed that the Panel's input would be treated like any other public consultation:

> It represents a certain way to engage, but we have an infrastructure for managing input around a number of baskets. It would be categorized and then analyzed. It would enrich our work. When you're working on a large project you've got thousands and thousands of comments. There's different ways of doing that. You can do it quantitatively: how many people talked about needs for dog runs in parks, you can measure that.

Fusca (2016) pre-empted any discussion of over-reliance on the Panel. He said, "That's something we've been really clear about. This is not replacing any engagement. We're not saying, 'Oh, because this went to the Planning Review Panel, it doesn't need to go to the public.' No, it's just another level of engagement, another level of due diligence." Popper (2016) added: "The limitation, of course, is that you can't replace other forms of public engagement. And so the questions that I have that I won't be able to investigate tomorrow [at the second session], but they'll linger on, are, 'Is this added and above? Is this more?' Do you do this in addition to, or in what ways can it replace?"

If the Panel was simply additive, and potentially even redundant, then why go through with it? I.R. (2016), one of the panelists, wondered:

> I think the staff seems extremely motivated to make this go well. I'm surprised. It's almost as though they're giving up some sort of their power to the committee [the Panel] and they're working so hard to teach the committee how to use that power. I've never seen anything like that happen. People usually operate in their own interest. And I think this seems like the opposite of that. Operating in the interest of the city, I don't know who started this. I'd be surprised if it was the mayor, but anything is possible. Somebody seems to be pushing this from behind because the amount of time and effort put in by the staff has been really remarkable.

In fact, none of the three professional staff members who presented projects to the Panel for the review at the first two sessions said they heard anything for the first time. Nonetheless, they still left very pleased with the experience. But staff explained

they were not looking for new ideas as much as suggestions for where to place relative emphasis in their reports. Birchall (2016) said:

> I would say nothing was original, I can't think of one [new suggestion]. I can't find one that hadn't been mentioned before or hadn't been included in our discussion. But that's not what I consider the most important thing. That they decided they wanted to emphasize meeting the needs of people who are aging or with physical disabilities, that the group thought it was important. We had debated about having accessible units and this type of housing is exempt from that, so do we really want with the guidelines to start to tell developers that they should provide this. It's kind of difficult, and yet important, so we'll put it in. There are many examples of that.

Before presenting at the Panel, Popper (2016) had a similar expectation:

> I'll be honest with you. I've been working on this project for a couple of years. There's not a lot new under the sun. People have different experiences and different opinions based on those experiences. And I always find it fascinating to hear what those are. But I am still able to understand points and counter points, and part of this project is making those balances. So when someone says, 'Have you considered this?' We can say, 'Yes we have, and we consider it within the context of these five other factors. And it depends on X, Y, and Z for us to decide which of those takes precedence on a particular project'….

Afterward, Popper confirmed that he had not heard anything revelatory. Popper (2016a) said, "I've been working on it for a long time. There weren't any ideas I hadn't already come across already." But he continued:

> It did provide me the opportunity to sharpen my responses and understand different perspectives and where people were coming from. For example, the woman who said if we turned all our streets into one-way streets, we'd have all this extra space. I forget that that's a common response. Experience shows that's not actually the best way to create good streets. It's important to remind ourselves that's a response out there.

Lintern (2016) thought that the Panel's ability to consider the entire city, as opposed to a specific ward or neighborhood, would be helpful: "I'm thinking we'd really want to take advantage of their breadth, their representativeness. Making sure that whatever we're putting to them has appropriately responded to a citywide lens, that we're not being too parochial in our policy development." Birchall (2016) agreed that speaking with the Panel offered her a more efficient consultation method:

I think it's just done me a huge favor. We've always been wondering how we would do a proper citywide stakeholder consultation. It's easy to talk with developers and staff, but to get a representative viewpoint of Toronto citizens, what we would normally do is have these drop-in centers or meetings. Because Toronto is so big we would probably have one in each district and we would have a bunch of staff on hand, and we would advertise it in every way we could think of, and 3 people would show up. And they'll talk about traffic. So we go, 'Oh my god, we just spent all this time and what have we achieved?' In one fell swoop on a Saturday afternoon I get to talk to all these thoughtful, caring intelligent people. That's awesome!

Popper (2016a) shared a similar perspective:

There always is a risk of self-selecting engagement when you're doing this kind of project. What's efficient about this is you can get a citywide perspective in one meeting. Whereas it's pretty common for citywide policies to have 4 meetings, one in each district. Sometimes you get a huge turnout in one and not another. Sometimes there's interest in one but not the other. I'm not saying Panel can replace those other methods but it could provide certain efficiency.

Meg Shields (2016) also saw the Panel as an opportunity for staff to improve their own practice:

I think [the] Planning [Division] is going to get more from it than just hearing advice on a particular question. They're going to get a lot out of, even during the orientation, the questions they get after the orientation may point out we have the wrong public information, we're doing not a good job telling our story. There's a lot of confusion about what level of government does what. 'We thought we could bring this topic to the group, clearly they're not ready or clearly we're not ready.' I think that's all helpful stuff, that may not be a linear piece of advice that they get, but the listening in will be a benefit as well.

In particular, Shields (2016) believed that the Panel experience could strengthen staff's communication skills:

I'm always trying to get City staff to describe the work that they do in clear language, and it is so impossible. It is infuriatingly impossible, and I think all these opportunities to present ourselves to the public and have them ask challenging questions gets us to refine that information in a way that's not simple but clear. I think that is a really valuable thing for the city to have. You look at our service descriptions—you could take out the name of the service, and I think pretty much it would represent lots of different city services.

Panelist J.T. (2016) agreed:

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What will inevitably come out throughout the process, some of the terms or jargon that's being used might not be used in every day lay person language. I think learning to make city planning language understood by more people is going to be something that will emerge sooner or later. I think that's a good thing because if you want to plan for a city, and you want to see what Torontonians want, you have to speak a common language.

Adam Popper (2016a) affirmed that was his experience:

What I did find valuable was confirming some notions that we already had about how to best communicate these sometimes abstract principles. That's through examples, the before and after photographs, they're worth 2000 words. When that resonated with them, it was confirmation for our team to say, 'This is how we need to communicate Complete Streets, to internal audiences, external audiences, and Councillors.' It's so experiential. People can wrap their minds around change when it's put right around them. It's hard when you walk on a street and you don't have a really strong recollection of what it used to look like. Confirming that's useful for them, meaning we should put more effort in that…. It's important to give the 'why' and the benefits when you're talking to the public. That's one of the things they told me that needed to be clear. One of the things that I came away with was the city is not that good at telling the benefits.

But Popper (2016a) also singled out a different intended audience:

Certainly the more diverse mechanisms and methods we use to engage the public--we summarize those in our engagement and consultation report that will be amended to the guidelines-- the more City Council will hold it up as a good process and practice. Will I be putting extra emphasis on the Planning Review Panel feedback as part of that report? Probably not. Only because we have to do a lot and pretty broad consultation on a design project of this nature. It would be one of many, but it definitely adds to that chorus. The recommendations won't be only summarized, it will be a separate page or two in the summary of the engagement process.

Planning Division leadership's motivation: Legitimacy

For all the work that the Panel and Planning Division staff do on their own, Planning Division were extremely cognizant the Toronto City Council is the body that makes official policy. Yet City Council can be inscrutable to outsiders. Meg Shields (2016) said:

> Councillors are involved in all sorts of boards and agencies and commission and blue ribbon panels and public consultations. They have to figure out how to interpret that information all the time. Will it get me re-elected? Where is the public sentiment on this? It that cost-effective? Where will the rest of Council line up on this? Do we have a policy on it? Does it require any wholesale change of our policy? I don't know what goes on in the heads of Councillors, to be honest with you, after being here a quarter-century.

In Toronto's weak-mayor governance system, where the Mayor and the Public Service are the only ones with a mandate to think about the entire city, Councillors' priorities are often more local than general. Robert Millward (2016), Commissioner of Planning and Development for the (former) City of Toronto from 1987 to 1996, captured the essential dilemma: "The challenge at Council level is they think they know what they're doing. They [Councillors] get elected on a geographic level so they have to keep their constituents happy, so they will often say, 'I know best what's good for my community.'"

Fusca (2016) explained how the imbalance affected the relationship between the Toronto Planning Division and Toronto City Council. He said:

> It's really important to us that our work is informed by good participation and solid feedback from the public. When we feel like we have that, obviously our recommendations have more weight and more legitimacy when that is the case. Not in every case will Council see it that way, and I can talk to you about examples where we had great public engagement process and Council didn't care. I think it's incumbent upon us to make sure that we do have better recommendations and are informed by all that. The better informed they are, the better the recommendations are, and that's up to Council to accept them or not.

Traditionally this meant that the Planning Division was forced to react to Council's whims rather than empowered to shape them. Adam Vaughan, a former

downtown Councilor and now member of the Ontario legislature, said, "City staff were rendered irrelevant by [Mel] Lastman [pre-amalgamation Mayor of North York from 1973-1997], professionalized into silence by [David] Miller [post-amalgamation Mayor of Toronto 2003-2010] and scarred into silence by [Rob] Ford [Mayor of Toronto 2010-2014]" (Landau 2015). Fusca (2016) described his perspective as a current bureaucrat on the current environment:

> We have a very unique structure at the city, which is most different than American cities, where, for example, the commissioners are political appointments. In Toronto, they are not. There is a distinct separation between the political governance and the bureaucracy. They're distinct entities and in theory do not influence each other, do not interact in the same way as in other cities. Council can direct staff through Council directions, to do certain things, to study things, report back, but once that's happened, staff do that independently of Council. The relationship shouldn't be so close that there is a political influence on how staff report back on an issue, which is why there can be conflict at some point.

Under Jennifer Keesmaat, current Chief Planner of the City of Toronto, the Planning Division has begun to strike a different tone. She has been quoted as saying, "While on paper the role of staff is very clear, the practice and the relationship between politics and planning is pretty cloudy. This has implications on how city planners go about doing their jobs" (York University 2012). In a recent keynote speech given at the Ontario Professional Planners Institute, she encouraged her colleagues to stand up to elected officials:

> If [the Chief Planner is talking] about ensuring that planners uphold their professional opinion and stand by the integrity of their professional opinions regardless of what may or may not happen on the floor of Council, I think that's what they should do. They should always adhere to their core planning principles, recommendations informed by good planning, regardless of what direction the political winds may send them in.
>
> In some instances, we've gotten so used to [the professional-political divide] that we don't even begin with recommendations that are rooted in the idealism of creating great communities, we've actually become a bit trapped. We lessen our own aspirations for our city, for our planning work, because we don't have the confidence, the belief that the gulf between professional practice and politics will ever be bridged (Gordon 2015).

And in her nearly four years as Chief Planner, Keesmaat has not backed down from her words. Just last year she directly confronted the Mayor and Toronto City Council in a polemical series of tweets and interviews on the topic of the potential demolition of the Gardiner East Expressway. This was a near-repeat of an incident in 2012, when in the middle of a City Council meeting, Keesmaat (2012) tweeted, and then deleted: "Now that half of council is considering running for mayor, the speeches at council are....insufferable. Did I say that out loud?"

Some observers have accused Keesmaat of already running for mayor herself. Mayor John Tory's former campaign strategist, Nick Kouvalis, recently received attention for a series of tweets attacking Keesmaat that ended with, "I look forward to her name on the ballot (which I believe has been driving her public campaign to brand herself) in 2018" (Kouvalis 2015). Keesmaat has responded from an opposite perspective, saying that if planners bend to politicians too much, "We begin [as planners] to resemble politicians. Politicians have a critical and important role in our democratic process, but it is not [a planner's] role. If we're going to act political instead of acting professional, we might as well be politicians, we might as well run for office" (Gordon 2016). Robert Millward, the former Toronto Chief Planner, acknowledged that Keesmaat has an exceptional public presence: "She is the only bureaucrat that citizens of Toronto can name…Planning, because of Keesmaat, gets a lot of media attention. Planning is much more visible than it has been in the past, through appearances on the radio, interviews on TV. They write articles about her in the papers."

It is possible, however, to imagine the Planning Review Panel as a potential vehicle for bureaucrats to inadvertently gain the authority of elected officials without ever seeking a vote. It is not necessarily intentional that the very characteristics--a representative body committed to social justice and effectiveness-- that make the Panel helpful to staff reports are also winning qualities when it comes to supporting planners' claims to professional expertise. But the benefits, even if unplanned, are no less welcome. Liora Zion (2016), an independent consultant, said that she could imagine how useful it would be if Planning Division staff could confront opponents by saying,

"Look, we've got people from all over the city, including the suburbs. If we just spent some time explaining the issues, they'll see we're right." On a basic level, that is exactly how Keesmaat (2016) described the Panel's objective:

> My hope is that the Panel becomes recognized as a very legitimate and important voice in the planning process. In the best-case scenario you can imagine debating an issue at City Council and Councilors say, 'It's important to note that the Planning Review Panel has stated blah blah blah.' That they would recognize the Panel as an important voice in the planning process.

> Success is that when we write in a report the perspective of the Panel, that that's something Council gives a significant amount of legitimacy to. That Council recognizes that that input has some weight and is given more weight than the one random person who comes to the public meeting and doesn't know what they're talking about. It's the challenge of the democratic process—it gets hijacked by the uniformed. This is about ensuring the informed are really playing a substantive role and influencing the process. Success is that Council sees that value, recognizes value, and gives it weight.

As a final thought, Millward (2016) attempted to place the Panel in its appropriate context:

> The more I think about the Panel, it's a bold idea. I've been in Toronto for years now. There's a notion there's a legitimacy to public input that has been built in for a long time. Most planning officials believe in that. I think all of us who have preceded Jennifer took that as a serious commitment to reach out, find ways to do that.

> I think the politicians accept that kind of input very differently. That's the nature of the political process and the things got shattered quite severely when the amalgamation happened in 1998. It was kind of unilaterally announced by the then premier, and so a lot of people lost the capacity or concern, 'Oh my gosh, our normal communication mechanisms, no one is listening to us,' because it's a big city. It's true the city kind of scrambled and it still doesn't work perfectly. How do you build mechanisms in big massive cities where people can have meaningful input? With increasing diversity there's a large part of the population that's not reached by the traditional techniques. In time, the Councillors will say that's a good idea.

Chapter 7: When democratic theory shapes planning practice

<u>Theoretical underpinnings</u>

In the past twenty years, democratic theory has moved away from the traditional "pluralist" view, in which democratic politics are shaped by the ability of various interest groups to exert force on elites to further their own interests (Dahl 1998). In the 1990's, scholarship passed through a "deliberative turn," when academics looked to "mini-publics" as potentially fruitful venues for small, representative groups to have meaningful conversations. And as theorists have come to a general agreement about the aims of modern democracy--that it depends on the exchange of reasons more than the aggregation of mere interests, and that the reasons given for public policy in liberal democracies should be more democratic (Kahane et al. 2010), a new interest has emerged in the field of "deliberative systems" (Mansbridge et al. 2012).

Whereas previous analysis focused on specific sites of deliberation, whether in legislatures or in other small gatherings, the "deliberative systems" approach considers the inter-connected nature of democratic engagement across a range of scales and settings, both formal and informal. In certain ways, it recalls Habermas's (1996) two-track model, where public opinion passes from the public realm (first-track) to elite decision-makers (second track) through social movements, elections, and popular media (Hendriks 2016).

Instead of focusing attention on finding the singular example most supportive of the highest quality of deliberation (Thompson 2008a), the "deliberative systems" view argues that there is no one-time group discussion nor one series of discussions with the same participants that can justify a full range of democratic policies (Mansbridge et al. 2012). As a result, individual instances of deliberation, contained within particular institutions, should be evaluated within the context of the larger democratic system in which they exist. An entire "deliberative system," in turn, can be judged by how well it promotes three objectives (Mansbridge et al. 2012):

- Generate preferences and outcomes through decision-oriented conversation grounded in facts and reasons

- Support mutual respect among participants

- Include many positions, perspectives, actors, and voices

According to this approach, it is not only possible to reconcile the "mini-deliberative mechanisms" of talk with the "macro" political system of decisions (Goodin and Dryzek 2006), but also to think about the relative strengths and weaknesses of the many elements that comprise the system. Thus, the work of deliberation can benefit from a division of labor over several distinct modes.   Although each may be deficient in some way, they may all be able to contribute to a healthy system if they complement each other; likewise, ostensibly excellent deliberative practices can cause harm when they displace other valuable deliberative institutions (Mansbridge et al. 2012).

Perhaps most importantly, it provides a framework for viewing "mini-deliberative mechanisms" as deliberative features located at distinct positions in the overall hierarchy of policy formation. In some instances, the "mini-public" can, as in the case of the 2004 British Columbia CA, create actual proposals that are voted on by the general public. In the BC example, the provincial legislature not only convened the group but also committed from the start to sending its findings to a public referendum.

But observers note that it is relatively rare to see a "mini-public" so formally integrated into the highest level of a political system. It is much more common that a "mini-public" is used to generally inform decision-makers, with no official promise of any follow-up action, such as in the case of a citizens' jury or Deliberative Polling®. In these cases, a project's high deliberative standard might contrast with its relatively low authority, but it can still serve as a "focal point" for raising consciousness in the larger system (Goodin and Dryzek 2006). The upshot is that "What might be considered low quality or undemocratic deliberation in an individual instance might from a systems perspective contribute to an overall healthy deliberation" (Mansbridge et al. 2012: 12).

At the same time, "deliberative systems" offer a new approach for thinking about the relationship between a "mini-public" and decision-makers. Traditionally there has been significant debate over the difference between mere participation and "empowered" deliberation (Fung 2004). In the narrower view, "The point of deliberative democracy is not for people to reflect on their preferences, but to decide, in light of reasons, what to do" (Cohen 2007). In the broader conception, a deliberative forum itself does not need to demand binding decisions if it is "systematically connected to authoritative democratic decisions" (Chambers 2013: 57).

Hendriks (2016) considers the apparent gap between "mini-publics" and decision-making sites, and responds with a "designed coupling" approach to link discrete sites of deliberation within a system. Hendriks builds on the definition offered by Mansbridge et al. (2012: 23) in which separate institutions are connected by "processes of convergence, mutual influence and mutual adjustment" toward the end that "each part would consider reasons and proposals generated in other parts." Rather than leave these spaces between institutions to be filled haphazardly, where they can be vulnerable to the priorities of elites (Papadopoulos 2012), Hendriks (2016: 45) proposes conceiving a system that "encourages a cross-fertilization of ideas between different venues with multiple actors, rather than enclaves of the like-minded."

Hendriks (2016) distinguishes "coupling" from the related concept of "transmission" by emphasizing its ability to account not only for information flows and blockages, but also for power dynamics that join sites of public deliberation and elite decision-making in inter-dependent and multi-directional relationships. Whereas Mansbridge et al. (2012: 23) qualifies the desired level of "loose coupling" so that is neither "tight," restricting sites' capacity to defend against co-optation, nor "decoupled," where "good reasons arising from one part fail to penetrate into others," Hendriks (2016) is agnostic about the strength of the "coupling" as long as it promotes mutual influence and adjustment.

Hendriks (2016) suggests that legislative committees, more inclined to "active, cooperative work" (Goodin 2005: 188) than their parent legislative assembly, are

promising partners for "mini-publics" because their strengths and weaknesses are relatively complementary. Unlike "mini-publics," legislative committees are empowered to draft legislation, yet their deliberative quality remains "fairly limited" (Bachtiger 2014). Empirical studies have shown that legislative committee members prioritize their personal interests, defined as either those of their constituency or as those that promote their career prospects, above the needs of the general public (Hall 1996). Moreover, Hendricks contends that the opportunities that exist for public participation in legislative committees are often dominated by well-resourced special interests (Hall and Wayman 1990). The resulting "coupling" would enable the committee to hear from more diverse actors, and the "mini-public" would have more direct engagement with decision-makers.

Moffitt (2014) seizes on the same idea of multi-directional information flow between the public and decision-makers, but applies it to a bureaucratic setting and reveals additional positive outcomes. Moffitt argues that a bureaucracy's ability to access information increases its knowledge, and therefore its power. Moffitt writes, "While information sharing may seem insignificant or insufficient from a grassroots perspective, it can be monumental from a bureaucratic perspective" (Moffitt 2014: xiii). For additional support, she points to Weber's famous line: "bureaucratic administration means fundamentally the exercise of control on the basis of knowledge" (Weber 1947: 339).

For Moffitt, creating two-way information exchanges between bureaucracy and citizens are desirable for two reasons: first, they ensure that the outcome of participation remains fluid, rather than pre-determined; second, they produce conditions in which the bureaucracy not only learns from the public, but also becomes accustomed to learning in public. As a result, bureaucracy spreads information in such that a way that its contents continue to flow long after a decision is made or a meeting adjourned, achieving John Dewey's aim (1956: 25): "knowledge is no longer an immobile solid; it has been liquefied; it is actively moving in all the currents of society itself." This distribution of knowledge not only keeps the specific agency accountable to

the public, but also presents a transparent delineation of the responsibilities of all relevant partners in and out of government.

According to Moffitt, public participation can promote both bureaucratic administration and democratic accountability when it reinforces the quality and legitimacy of the agency's work. Moffitt (2014: 7) states:

> When participation is bureaucratic, it supports competent policy implementation consistent with the core elements of bureaucratic reputation: unique agency expertise and diverse support. When bureaucracy is participatory, the scope of participation and policy decisions are fluid, not perfunctory means of rubber-stamping an agency decision or manipulating the masses.

To reap the benefits of what Moffitt terms "participatory bureaucracy," she advises that bureaucracies should look to include the public not in simple tasks, but in those that are so expansive that they exceed the agency's typical domain. In these cases, where an agency not only has relatively low information but must also rely on external agencies for implementation support, a bureaucracy has a real incentive to invite public participation. Moffitt (2014: 14) contends, "Rather than curtail agency autonomy, public participation creates room for government agencies to frame policy issues, shape alternatives for the public agenda, and cultivate favorable agency images." The result is a form of engagement that "reframes the bureaucracy-democracy relationship as in tension but not necessarily as a zero-sum trade-off" (Moffitt 2014: 7). Moreover, "participatory bureaucracy" softens the lines between the "experts" and the "public," legislators and agency executives, because each group is seen as potentially complementary to "permeable bureaucratic policy-making" (Moffitt 2014: 14).
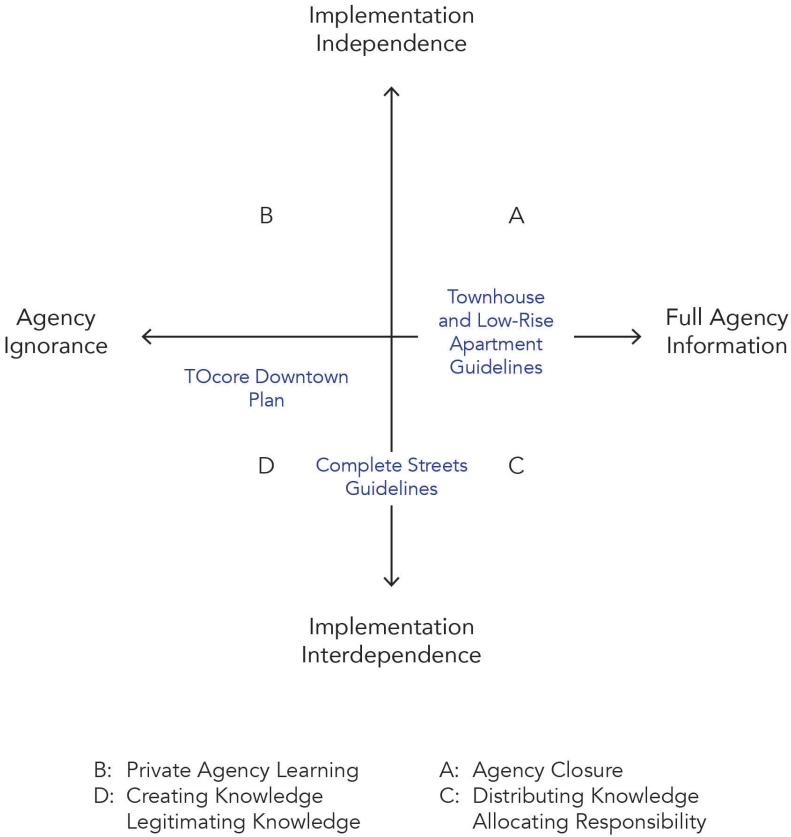
When I first encountered the Toronto Planning Review Panel, during its initial launch in Fall 2015, I was confused. It seemed that the Planning Division already had an extremely robust community engagement program, including initiatives specifically targeting young people and minorities. Yet the Planning Division was enthusiastically investing significant resources trying to reimagine something it already did well. When viewed as a "designed coupling" between the Planning Division and the public inside the broader Toronto "deliberative system," however, the Toronto Planning Review Panel's form and function became clearer.

Consider the current economic and political climate in Toronto: the city is rapidly expanding, by residents' choice in downtown Toronto, and by law, in the case of amalgamation. Developers have become emboldened by appeal victories at the Ontario Municipal Board to build as they wish, and an increasingly fragmented Toronto City Council has made it extremely challenging to push through citywide planning initiatives that require tradeoffs and bargaining between the downtown and suburban areas. Josh Matlow (2016), a current Toronto City Councilor representing Ward 22 St. Paul's, admitted, "Ultimately the system isn't working. It's an inequitable system, developers have more money to make better arguments, [and] win the day."

In this political landscape, the Planning Division not only struggles to be heard, but might also lack the capacity to be an active and respected participant in the debate over Toronto's future. And while general levels of public participation may be high as measured by Twitter responses and community consultation attendees, from the perspective of the Planning Division it is possible to view the quality of deliberation at empowered decision-making sites, whether at City Council or elsewhere, as relatively low. Robert Millward (2016), Commissioner of Planning and Development for the (former) City of Toronto from 1987 to 1996, said, "It's probably true that the system is not as accessible to people from the far reaches of the city, or minorities. This advisory

committee is probably more representative. The Council is not that representative of the larger public, in terms of minorities, women."

What Toronto has done, in the creation of the Panel, is precisely what Moffitt (2014) anticipated in her description of the motivations for "participatory bureaucracy." Just as Moffitt predicted, the projects selected for review by the Panel were all broad-based initiatives that included many implementation partners far outside the reach of the Planning Division. As a result, members of the public gained an appreciation for the complexity of their city as well as the Planning Division's limitations. R.L. (2016), a panelist from Toronto & East York District, said, "One of the things I've learned is how much politics drags down a good city plan. The City Planning Department can come up with the greatest plan ever, but politics can kill it."

B: Private Agency Learning   A: Agency Closure
D: Creating Knowledge   C: Distributing Knowledge
   Legitimating Knowledge   Allocating Responsibility

Panel projects graphed on Moffit's (2014: 9) axes of "participatory bureaucracy"

(Figure by author)

From this perspective, it suddenly makes sense that the concept of the Panel, whether by deliberate intent or casual evolution, could be one step toward re-calibrating the role of the Planning Division inside the larger Toronto system. In an environment like Toronto's, which normally boasts a strong civic culture grounded in de-politicized public consultation directed by professional civil servants, a proposal for something like the Toronto Planning Review Panel is not immediately seen as disruptive or threatening to the legitimacy of conventional public institutions. Instead, it could be viewed as something normal and complementary. Gregg Lintern (2016), Director of Community Planning for the City of Toronto, said:

> What's going to be interesting is how much attention and how much traction this gets. The Design Review Panel initially was the new shiny object, but now it's just part of the process, and it does its job and adds value. There's no threat there, there's no challenge, the odd bump in the road. But it's kind of fallen into the culture. I don't know about this one.

But if a public agency can unilaterally create its own constituency through the formation of mini-publics, the potential fusion of technocracy and democracy could invite charges of "hothouse" democracy (Lee 2014). Moreover, "mini-publics" can acquire an "instrumental" logic, meaning they are deployed as a means toward achieving public officials' vision of the common good (Dahl and Soss 2014). Dahl and Soss (2014: 501) state:

> Instrumental conceptions of governance, regardless of how they include the public, provide notoriously precarious foundations for democracy. Because democracy is defined by the open-ended nature of political con- testation, it cannot guarantee outcomes that are more just or effective. It holds no claim to superior performance in the production of end goals. Thus, instrumental uses of democratic forms to achieve governing ends differ fundamentally from modes of governance that are valued intrinsically for their democratic character. Once the latter is subordinated to the former, the valued ends provide grounds for judging the relative desirability of democratic processes on a case-by-case basis. They underwrite the management of democracy itself, reducing it to a tactic for producing outcomes that can often be achieved more efficiently and effectively through other means.

In his analysis of "governance-driven democratization," Warren (2008) calls attention to the perils of elite-driven public engagement capable of creating and dissolving "peoples" under a broad mandate and without any electoral accountability. As a result, elites "can frame agendas in ways that simply fail to capture the issues" and "are most responsive to well-organized stakeholders rather than to all affected, thus biasing constituency definition toward those with wealth, education, and power" (Warren 2008: 12-13). Warren (2008:14) continues:

> So even if potentials for new forms of representation exist, on average the rise of governance-driven democratization threatens more rather than less inequality. The more points of access there are to government, the more advantaged are those with organization and resources. Thus, a key challenge for democratic theorists will be to identify alternative forms of representation that would balance these tendencies, and then figure out why elites should want to adopt them.

Just as Robert Moses found alternative forms of consolidating power in New York City by using commissions and authorities, one can imagine a competition among relevant stakeholders, both in and out of government, to see just how much authority each can acquire through the vessel of a citizens panel. Of course, it will take more than two sessions to see whether the Panel actually changes the way that the Planning Division relates to other elements of the Toronto system. Daniel Fusca (2016b) said:

> It's hard to say because it hasn't happened yet. I haven't spoken with Councillors about it directly. I don't know what will happen. We've done robust and amazing consultation and Council has ignored it. And sometimes they hold up the consultation we do and they point to it as justification for the way they're going to vote. It's usually a very political thing. It has to do with what they're hearing from their constituents. It goes back to the situation about wards. Regardless of what we hear when we go to the city as a whole, if they hear something from people who speak the loudest in the wards and whose opinions are contrary to what we think the general mood of the city is.
>
> I think the bigger opportunity it provides us as planners is to respond, react, to feedback provided by the Panel. So at least we know the recommendation we're making is one that is reflective and takes into account the needs of different populations and groups. Whether or not Council takes it that way, it's neither here nor there. Sometimes good planning influences it, sometimes it doesn't, [you] never know when it will or won't.

Shields (2016) added:

> I'll just say from our experience, for example, when Council directs us to do a public consultation, for example, they'll say, 'We want you to hold four public meetings, we'll need you to do a survey and we need to do a poll.' I send that information forward and they read it. Does that influence them? Only if they believe in the quality of the process. Only if they align politically with what our findings were. I don't know how they're interpreting that data. What did their last constituent call them up and tell them?

At this point, however, very few people outside of the Planning Division are even aware of the Panel's existence. Fusca (2016) was confident that would change: "I think there is certainly some suspicion on the part of people who haven't been exposed to the Panel yet, in terms of what value it might bring to the planning process. Once people meet them they seem to change their minds. I've had that comment from virtually everyone."

The question of how visible to make the Panel remains unsettled. Exposing the Panel to greater publicity and contact with outside actors might leave it vulnerable to manipulation, but continuing to insulate the Panel could undermine the Panel's ability to influence real decision-makers. Councilor Matlow said, "Their role in the planning process has not been introduced to Council in any substantive way. For example, no representative of the Panel has introduced themselves. There's not been any reference in any report that's gone to community Council. I think it would be opportune at the right time, once they form and gel as a group, to introduce themselves in some substantive way to Councillors." J.W., a panelist from Scarborough, welcomed the opportunity: "I'd like to hear thoughts from the city representatives. And see what they're seeing. Again, even though the City Council sees a larger picture, maybe they don't see the entire picture. Whereas if we are able to talk with officials, then they would have an even larger picture."

If the first step is raising awareness of the Panel, the second will be explaining how exactly the Panel relates to the formation of the Planning Division's recommendations. If the Planning Division expects that the Panel's input will make staff reports more persuasive, the Planning Division might need to do more than devote a

section in its staff reports to the suggestions made by the Panel. It will need to demonstrate that the Panel is, in fact, an "empowered" body (Fung 2004) whose deliberative process includes "weighing the reasons relevant to a decision with a view to making a decision on the basis of that weighing" (Cohen 2007: 19). This could range from authorizing the Panel to request specific learning materials and guest speakers to permitting the Panel the ability to weigh in on projects of their choosing, but it will require granting the Panel some level of agency. Councilor Matlow (2016) said, "Until they [panelists] have any significant power, I don't know how much Councilors will reverse their considerations. It will be up to the members of the Planning Department to figure out if it will be a debate club or something relevant to the decision making process."

The final, and potentially most challenging move for the Planning Division, will be to confirm its claims that as a result of its random selection and training, the Panel is able to give better input than what it typically found at other public meetings. It was noteworthy that Planning Division staff felt, as Farncombe (2016) said, that panelists "weren't talking as individuals. Only one individual was giving his opinion as opposed to putting him himself in the shoes of other citizens." But how can such selflessness be measured? It is conceivable that the Planning Division could run simultaneous engagement processes, one with the Panel and one with regular town hall events, to compare the quality of feedback, but the results might not be conclusive. Millward (2016) said, "I think it's a pretty good claim that they certainly will get different feedback. I don't know if it will be better. I'm hard pressed that different input is necessarily better." Paul Bedford (2016), Chief Planner of the City of Toronto from 1996 to 2004, was intrigued by the Panel's ability to complement other existing processes: "Some may say, 'Why do we need this? From my perspective, they're all working on different projects, so it's OK. Committee of adjustment does appeals, Design Review deals with design, [the] Planning Review Panel could be the glue."

To this point I have described the conditions through which the establishment of the Panel could potentially affect the Planning Division's position within Toronto's

deliberative system, but not all observers are convinced that Toronto's other deliberative forums will be receptive to such a change. Many believe that it is likely that the Toronto City Council will be receptive to Panel-backed staff reports when they are convenient, and disregard them otherwise. Joe Mihevc (2016), the Toronto City Council member representing Ward 21 St. Paul's West, acknowledged, "We are so parochial as City Councillors. It will be used when it's helpful to be used and when it's not useful it will not be used." Councillor Matlow (2016) coincided: "It depends on the Councillor, how reasonable the Councillor is. It depends if the Councillor is evidence-based or blindly populist." Robert Millward (2016), Commissioner of Planning and Development for the (former) City of Toronto from 1987 to 1996, was cautiously optimistic:

> We all start with the idea that we should get input. I think everybody accepts that, even the politicians. Some get a little more cynical about it than others. The very fact that Planning Growth Management [Committee] hears from 4 or 5 people on an important issue and 2 of them are people they see every meeting, they have to believe that finding some other approach isn't a bad idea…I think it will be appealing to some Councillors to hear that people in their community will have voice in other ways. Some Councillors will just say it's unnecessary.

Going forward, it will be revealing to see if the Planning Division abides by the traditional separation of politics and planning when the Panel presents a contrarian perspective to what members of the City Council want to hear. Daniel Fusca (2016) defended the Panel's purity:

> I think the process was what was important to us. That's all political stuff [whether or not the recommendations are accepted]—it's bound to happen. The politicians don't have to accept the recommendations of anyone. They're responsible to their constituents and they're going to vote the way they want based on what they think their constituents want. I'm not really concerned about that. What I'm concerned about is that we make the best recommendation that is informed by as many perspectives as possible. That's our job. I can't control Council.

Andrew Farncombe (2016a) captured the nuanced relationship linking individual members of the Toronto City Council, the Toronto Planning Division, and now the Toronto Planning Review Panel:

Council are the decision makers. They make policy, we recommend. We have an established procedure for doing that. I think it works. It's also about the personal relationships with the Councillor and staff, depending on the project you're working on. Most people who are doing effective work as planners have relationships. I think the Councillors are interested in the Planning Review Panel, but Councillors represent a ward in many cases. Whereas this is a citywide thing. I think we have to learn as we go along how we can get Council, first of all, to understand what the Panel is here to do, and the value they bring. And that's going to take time, naturally, when you start doing this different way of doing engagement and trying these techniques.

But if the Panel is perceived by outside observers to be parroting the Planning Division's established positions, rather than serving as a true barometer of public sentiment, the effort could backfire. Meg Shields (2016) cautioned:

> I wouldn't want anyone to assume that this group represents all the views and values of Toronto. They're an entry point, they're a perspective, they're a lens into Torontonians. But that's why I think you always have to have this transparency of your process, to make sure you're confirming with the broader community as well…
>
> I wonder about the Ontario Citizens' Assembly, all their materials and resources were posted, but did they show some of the arguments that happened? Maybe that would have been of benefit to the public—just seeing how people actually roll up their sleeves and debated some of the stuff, rather than just producing the end result. I don't know what's most beneficial to learning from the process itself? Would you get people to agree to participate in the process if we said, 'We're going to videotape warts and all of this discussion?' That would be hard. Would people want to ask what they assume to be a dumb question during orientation? I don't know. So what does transparency mean in this environment?

Yet Jennifer Keesmaat (2016) maintained that one of the main tests of the Panel was to see if members agreed with what staff presents to them:

> The best language is to think about them as collaborators. It hasn't been set up to be something that is oppositional. There might be times when their position is fundamentally misaligned with ours and we'll agree to disagree. But if that happens 90% percent of the time, we've done a poor job of framing and positioning the work we do in the Division.

Questions about the Panel's independence did not diminish Fusca's (2016) zeal for the overall undertaking:

> If you want to look at their [panelists'] experience so far, it's been a resounding success. We brought new people into the process, most of whom had not been engaged in the process before, most of them didn't know half the things that we taught them about the city in terms of its demographics, in terms of its history, in terms of the way City Council works, in terms of all these different things we trained them on. And if you want to talk about the desire for people to be engaged, the number of people who responded to our invitation was not unprecedented, but close to the highest they've ever had. Considering it's a 2-year time commitment—we were worried, 'What if we don't get people who want to do this?' So far, in all these different measures, it's been a huge success.

No matter what follows, the Toronto Planning Review Panel is an important and interesting case to consider in the broader field of participatory governance models. By reviewing projects across multiple phases of policy formation, it melds aspects of several of the random assembly approaches outlined by Gastil and Richards (2013). The Panel considers the broad range of topics covered in a Priority Conference, but within the small group intimacy of a Design Panel or Citizens' Initiative Review. Yet, as a purely advisory body, it lacks the ability to make decisions like a Policy Jury or to answer a singular question like a Citizens' Assembly. Meg Shields (2016) said:

> I think the thing that Daniel is doing which is different than those other assemblies is instead of saying, 'We have this single issue that we need the public's input on,' instead what they're saying is, 'As things come up, we're going to have this body, an informed, educated body, to take this information to.' Which I think is a very unique thing to evaluate. To me, that makes a big difference.

Indeed, throughout the course of my research, I have found no other examples of any city agency that has launched a "mini-public" for such an extended period of time and to cover such a broad array of topics. In its purpose, construction, and ambition, the Panel currently appears to be one of a kind. But developing a forum like the Panel is exactly what any other city agency might attempt in the future when it realizes that for all of its engagement with the public, the full thrust of its programs is still not landing with the audience capable of enacting its recommendations. Though still in its early stages, the Panel has already demonstrated its potential for achieving high-quality democratic deliberation, at least within its own discrete venue. The value of

its "coupling" within the broader "deliberative system," however, will depend on its ability to establish strong multi-directional influence with regard to decision-oriented discussion, mutual respect, and broad inclusion with other deliberative sites. As of now, Toronto has committed to running the Panel indefinitely, with a refreshed group of members set to enter in 2018. I do not expect that it will be a rarity, in Canada or beyond, for much longer.

Appendix

<u>Interview list</u>

<u>Name</u>	<u>Title</u>
J.A.	Panelist, Etobicoke York District
Paul Bedford	Chief Planner, City of Toronto (1996-2004)
Diana Birchall	Program Manager, Urban Design, City of Toronto
Andrew Farncombe	Project Manager, Strategic Initiatives, City of Toronto
Daniel Fusca	Stakeholder Engagement Lead, City of Toronto
Archon Fung	Professor, Harvard University
John Gastil	Professor, Pennsylvania State University
D.H.	Panelist, Scarborough District
Jennifer Keesmaat	Chief Planner, City of Toronto (2012-present)
R.L.	Panelist, Toronto & East York District
Gregg Lintern	Director, Community Planning, City of Toronto
Michael MacKenzie	Assistant Professor, University of Pittsburgh
Rachel Magnusson	Director, MASS LBP WEST
Josh Matlow	City Councillor, Ward 22
Joe Mihevc	City Councillor, Ward 21
S.M.	Panelist, Toronto & East York District
Robert Millward	Commissioner, Planning & Development (1987-1996)
Adam Popper	Project Manager, Complete Streets, City of Toronto
I.R.	Panelist, North York District
Meg Shields	City Manager's Office, City of Toronto
Robyn Shyllit	Senior Public Consultation Coordinator, City of Toronto
John Stapleton	Consultant, Open Policy Ontario
Lawrence Susskind	Professor, Massachusetts Institute of Technology
J.T.	Panelist, Etobicoke York District
Alex Way	Director of Strategy, MASS LBP
J.W.	Panelist, Scarborough District
A.Z.	Panelist, Etobicoke York District
Liora Zion	Independent Consultant

Toronto Planning Review Panel invitation

TORONTO

Only 12,000 households in Toronto have been randomly selected to receive this invitation

We need you to volunteer for the City of Toronto's new Planning Review Panel

**Deadline
October 6
Respond Today**

174

TORONTO

September 4, 2015

Dear Toronto Resident,

The City's Planning Division needs your help to make sure we are creating a city that is prosperous, livable, equitable, and environmentally responsible.

This letter is a special invitation to apply to be part of the new Planning Review Panel, and to add your voice to Toronto's planning process. If you are 18 years of age or older and live in Toronto, you can apply — no experience is necessary.

Whether you're new to Toronto or a long-time resident, you know the city is changing fast.

New buildings and infrastructure are being constructed to meet the needs of the 20,000 net new residents who each year decide to make Toronto their home. This makes Toronto one of the fastest-growing and most dynamic cities in North America.

The City's Planning Division is responsible for ensuring that this growth enhances the city we share — from Steeles Avenue to the waterfront, and from Rouge River to Etobicoke Creek.

This means thinking about the long-term impacts of growth, while balancing the different interests, needs, and priorities of the city's 2.8 million residents. **We need your help to get this balance right.**

The Planning Review Panel is a new way for City Planning to hear the perspectives of Torontonians like you. As a member of the Panel, you will learn about your city and provide input and local expertise on important planning issues shaping Toronto. These issues could relate to transportation, zoning for new homes and businesses, neighbourhood density and character, historic buildings, and the locations of libraries, community centres, parks, and other neighbourhood amenities.

Membership on the panel is open to any Toronto resident who receives this letter and is 18 years of age or older. From among the pool of applicants, 28 members will be randomly selected to ensure broad representation from across the city. You do not need to be a Canadian citizen, and there is no cost to participate.

The Planning Review Panel will meet six times each year, following a special orientation program this fall. Each member will serve on the Panel for two years.

Joining the Panel is a great way to:

- Learn first-hand about your city and the planning process;
- Contribute your perspective and learn about the views of other Toronto residents; and
- Provide insight to the Planning Division concerning important issues shaping the city.

You do not need to be an expert to participate. It's your perspective as a Toronto resident that matters most.

Please turn over ➘

**Deadline
October 6
Respond Today**

Members of the Planning Review Panel will meet from 9:30 a.m. – 4:00 p.m. on the following Saturdays this fall. You must be able to attend each of the sessions, as well as 10 of 12 additional meetings that will occur over the next two years (see the *Frequently Asked Questions* sheet for further details).

Saturday, October 17, 2015	Saturday, November 14, 2015
Saturday, October 31, 2015	Saturday, November 28, 2015

To volunteer for the Planning Review Panel, please phone 1-844-711-8186, mail in the enclosed form, or register online at www.toronto.ca/planning/tprp by Tuesday, October 6, 2015.

I believe our City's planning process will be strengthened by creating new ways for Torontonians to learn and contribute to the decisions that affect them.

Toronto is an exciting place to live, and it's important that we all have a hand in shaping it.

Whether you are new to Toronto or a long-time resident, I sincerely hope you will volunteer to serve on Toronto's first Planning Review Panel.

Sincerely,

Jennifer Keesmaat

Chief Planner and Executive Director
Planning Division
City of Toronto

A MESSAGE FROM THE MAYOR OF TORONTO, JOHN TORY:

"We are all passionate about the city we live in and want the best for Toronto. The City is looking at more and better ways of bringing you to the table when making decisions that affect you and your family. The Planning Review Panel is an excellent, thoughtful and direct way for you to give City Hall the advice we need to make good choices about the future of our city. Whether you just moved to the city or have lived here your entire life, I encourage you to volunteer. Let's work together to turn a good city into a truly great one."

How to register as a volunteer for the Toronto Planning Review Panel:

There are three quick and easy ways you can register:

1. Phone 1-844-711-8186 to register by phone (or ask questions about the selection process);
2. Complete the enclosed Candidate Response Card and mail it back using the enclosed envelope; or
3. Register securely online at www.toronto.ca/planning/tprp

Please ensure you register in one of the above ways by Tuesday, October 6, 2015. If you are selected for the Panel, you can expect a phone call on the evening of Wednesday, Oct 7, 2015.

The Planning Review Panel will meet on the following dates between 9:30 a.m. and 4:00 p.m.: October 17 and 31, and November 14 and 28. You must be able to attend all of the sessions above and 10 of the 12 additional meetings held from January 23, 2016 to November 18, 2017 (see the *Frequently Asked Questions* sheet for further details). Please check and hold all dates until the evening of Wednesday, October 7, 2015, when the members of the Panel will be notified.

If you are unable to participate, please encourage members of your household 18 years of age or older to volunteer.

Can anyone from my household volunteer?

Yes. This invitation is transferable to anyone living in your household. If you are unavailable, please pass this invitation to any member of your household who is 18 years of age or older.

How will the members of the Planning Review Panel be selected?

Members will be chosen by randomly selecting names from among the pool of volunteers who respond to this letter — a process we call a Civic Lottery. We will make sure the panel is as diverse as Toronto itself, with equal representation of both men and women, as well as people of all ages, homeowners and renters, and people who identify as visible minorities. The Panel will also include at least one Aboriginal member.

How do I become a member of the Planning Review Panel?

First, you must respond to this invitation no later than Tuesday, October 6, 2015. You can register over the phone at 1-844-711-8186, online at toronto.ca/planning/tprp or by using the enclosed prepaid envelope. Then, on Wednesday, October 7, 2015, we will randomly select members of the Planning Review Panel from among those who have registered as volunteers. If you are selected, you will be notified by phone.

I am unsure whether I can attend all sixteen meetings, can I still volunteer?

It is very important that all members of the Planning Review Panel attend each meeting. We realize, however, that this is a significant commitment. At minimum, members must attend the four orientation sessions this fall, and ten of the twelve meetings in 2016 and 2017. Please consider and confirm your ability to participate before volunteering.

The four Saturday orientation sessions will run from 9:30 a.m. to 4:00 p.m. on the following dates. You must be able to attend all four of these sessions:

October 17, 2015	November 14, 2015
October 31, 2015	November 28, 2015

The twelve additional meetings of the Planning Review Panel will run from 11:30 a.m. to 4:30 p.m. on the following Saturdays.

You must be able to attend, at minimum, ten of the twelve meetings:

2016 Meetings:	2017 Meetings:
January 23, 2016	January 14, 2017
April 2, 2016	March 4, 2017
May 14, 2016	April 22, 2017
September 10, 2016	June 10, 2017
October 15, 2016	September 16, 2017
November 26, 2016	November 18, 2017

Will I get paid to serve on the Planning Review Panel?

We are asking you to donate your time and volunteer as a member of the Panel. Lunches and snacks will be provided, and basic travel costs, including parking, will be reimbursed. Childcare and eldercare will be made available (or an equivalent subsidy) if requested. However, we do not provide an honorarium or any additional compensation. There is no cost to participate.

Will the Planning Review Panel have translation services?

The Panel's meetings will be in English and simultaneous translation will not be available.

I have a physical disability. Can you assist me in participating?

If you would like to be a member of the Planning Review Panel, but are concerned about potential barriers to participating, please call 1-844-711-8186. We are committed to assisting all members of the Planning Review Panel so that they can participate successfully, and will do our best to accommodate your needs.

If I do not get chosen for the Planning Review Panel, can I still be involved in city government?

Absolutely. The City of Toronto hosts a variety of public consultations each year on a range of local and city-wide subjects. A list of upcoming consultations can be found by visiting www.toronto.ca/involved and clicking on "Consultations."

How to register as a volunteer for the Toronto Planning Review Panel:

There are three quick and easy ways you can register:

1. Phone 1-844-711-8186 to register by phone (or ask questions about the selection process);
2. Complete the enclosed Candidate Response Card and mail it back using the enclosed envelope; or
3. Register securely online at www.toronto.ca/planning/tprp

Please ensure you register in one of the above ways by Tuesday, October 6, 2015. If you are selected for the Panel, you can expect a phone call on the evening of Wednesday, Oct 7, 2015.

The Planning Review Panel will meet on the following dates between 9:30 a.m. and 4:00 p.m.: October 17 and 31, and November 14 and 28. You must be able to attend all of the sessions above and 10 of the 12 additional meetings held from January 23, 2016 to November 18, 2017 (see the *Frequently Asked Questions* sheet for further details). Please check and hold all dates until the evening of Wednesday, October 7, 2015, when the members of the Panel will be notified.

If you are unable to participate, please encourage members of your household 18 years of age or older to volunteer.

Frequently Asked Questions

Toronto Planning Review Panel

What is a Planning Review Panel?
A Planning Review Panel is a group of residents brought together to learn about, discuss, and provide input to City Planning staff on important city planning issues. Twenty-eight randomly selected Torontonians will be appointed to the Panel as volunteers for two years. The Panel will develop its input as a group and will work to reflect the interests of all Torontonians.

Why have a Planning Review Panel in Toronto?
Toronto is changing fast. Each year 20,000 net new residents make Toronto their home, and they all need places to live, work, and play. This means we need to build or upgrade new and existing buildings, public spaces and infrastructure to meet the city's changing needs. The Planning Review Panel will be a new way for residents to share their perspectives on how best to direct this growth and change. The City of Toronto's Planning Division believes the input of residents like you, and the expert knowledge you have about the communities you live in, is essential for good decision-making. The insights and local expertise of the Panel will complement other forms of community consultation and help to ensure that growth occurs in ways that reflect the values and priorities of Toronto's residents.

But I am not an expert — can I still be involved?
Absolutely. We do not expect you to have any specialized knowledge about city planning. Your perspective and experience as a Toronto resident is what matters most. Each member will have enough time to learn everything they need to make an informed contribution to the Planning Review Panel.

What is the City of Toronto's Planning Division?
The City Planning Division provides advice to City Council that helps guide growth in neighbourhoods across Toronto. We shape how the city looks and feels, and develop plans that ensure residents can work, live, play, and move throughout the city. We review applications for new buildings; promote well-designed streets, parks and open spaces; guide how buildings are located, organized, and shaped; plan transportation; work to transform Toronto's waterfront; and undertake in-depth research used by other City Divisions on land use, housing, community services, and the environment.

What would be my role as a member of the Planning Review Panel?
Between October 2015 and November 2017, members of the Planning Review Panel will meet 16 times. As a member of the Panel you will:
- Learn first-hand about the city and its planning process from independent experts as well as City staff;
- Contribute your perspective and learn about the views of others; and
- Provide input to the Planning Division on important issues shaping the city.

The Planning Division will request input from the Planning Review Panel on issues such as transportation plans, the desired density and character of different neighbourhoods, the importance of historic buildings and public art, and the location of new community amenities like parks, libraries, and community centres.

What will be done with the Panel's input?
The Planning Review Panel is intended to be an influential body and an important source of input that will help the Planning Division provide effective advice to City Council. The panel's perspectives, insights, and priorities will be referenced in reports to Council and published on the City of Toronto's website.

How was I selected to receive this invitation?
Your address was one of 12,000 households across Toronto randomly selected by Canada Post to receive this invitation.

Who is eligible to serve on the Planning Review Panel?
To be a member of the Planning Review Panel you must be 18 years of age or older and a current resident of a household that received this letter. You do not need to be a Canadian citizen to participate. Only one volunteer per household will be eligible for membership on the Planning Review Panel. Employees of the City of Toronto, contractors working for the Planning Division, members of other official City of Toronto Advisory Bodies, as well as elected municipal, provincial, and federal officials are ineligible to serve as members of the Planning Review Panel.

Please turn over

Deadline
October 6
Respond Today

Candidate Response Card

Please complete your candidate card by checking all that apply:

1) ❏ I own my home   ❏ I rent my home

2) I identify as: ❏ Aboriginal   ❏ Visible Minority

3) I am available to attend all four orientation sessions of the Panel: ❏ Yes   ❏ No

    October 17, 2015   October 31, 2015   November 14, 2015   November 28, 2015

4) I am available to attend at least 10 of the 12 subsequent meetings of the Panel in 2016 and 2017.
Please refer to the enclosed Frequently Asked Questions sheet for the list of subsequent meeting dates.

  ❏ Yes, I've read the list of dates and can attend   ❏ No, I've read the list of dates and cannot attend

TORONTO

NOTICE OF COLLECTION: The personal information requested here is collected under the legal authority of the City of Toronto Act, S.O. 2006, Chapter 11, Schedule A, s.136 (b) & (c) and the Planning Act, R.S.O. 1990, Chapter P.13.

Your personal information will be used for the purpose of forming the Toronto Planning Review panel and will not be shared with any other parties or for any other purpose than the creation of this panel. Questions about this collection can be directed to the Coordinator Stakeholder Engagement & Special Projects in the Office of the Chief Planner by calling 416-392-3812, or by e-mail at dfusca@toronto.ca.

Deadline October 6
Respond Today

Please turn over

Candidate Response Card

❏ **YES, I would like to volunteer as a member of the Toronto Planning Review Panel**

❏ *No, I do not wish to volunteer on the Panel but I would like to receive further information*

First name: ☐☐☐☐☐☐☐☐   Last name: ☐☐☐☐☐☐☐☐☐☐☐☐☐

Gender: Male   Female   _____   Age: 18 – 29   30 – 44   45 – 64   65+

Primary Phone: ☐☐☐ – ☐☐☐ – ☐☐☐☐   Secondary Phone: ☐☐☐ – ☐☐☐ – ☐☐☐☐

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Office use

Volunteer by October 6

Please turn over

Return Address

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**Response required by:
Tuesday, October 6, 2015**

Registering online **ensures** your response is received by the deadline

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