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THE WATERFRONT DOCTRINE

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THE WATERFRONT DOCTRINE

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Parliament Plaza, Toronto (Sidewalk Labs)

The CulturePlex proposes that the current multi-stakeholder, multi-phase process being used to decide the future and scope of the development of Toronto's eastern waterfront by Sidewalk Labs, is best described as the *Waterfront Doctrine*.

The *Waterfront Doctrine* currently does not exist, but it is in the process of emerging as the stakeholders navigate the complex issues involved in this planning and development project. The CulturePlex has been monitoring this process, and has identified two interconnected structural components that will form the basis for the *Waterfront Doctrine*: First, the very open, consultative and bumpy process of public deliberations and private negotiations. Second, the set of decisions that, as a consequence of that process, are being reached to justify the boundaries of the use of digital technologies in cities in Canada and around the world.

The complexity of the issues at stake and the variety of interests at play have emerged again in the last two

weeks. At the end of February, Waterfront made public the report by the Quayside Evaluation Committee (dated January 16th), which was set up by Waterfront Toronto to evaluate the level of understanding and preparedness of the public corporation. The report praised Waterfront's personnel and recommended that the agency proceed to the final negotiations with Sidewalk Labs about the development of Quayside.

The Quayside Evaluation Committee was formed by three Waterfront's officers, the leaders of two consulting firms, and Sheldon Levy, former President of Ryerson University. The conclusion of the Committee was that the Sidewalk Labs project has sufficient merit to go ahead on the limited, 12-acre Quayside parcel, and that 144 of the 160 innovations proposed by the Google company are worthy of Waterfront's full support.

However, it is the theory of innovation embedded in the letter signed by Sheldon Levy that leaves the most

food for thought for Waterfront’s leaders. Two key ideas of Levy’s theory are:

1. Innovation implies risks, and the willingness to risk the chance of failure.
2. In the development of this urban district, the protagonist (Waterfront) must decide what innovations it can live without.

“*if you want to enable innovation, you must have an appetite for trying new things (new processes, new materials, new ways of structuring a partnership and planning an urban district), and you must be willing to risk the chance of failure.*”

The CulturePlex, believes that these two ideas establish clear guidance about any project that is dependent on new data technologies. These two ideas can also be applied to define partnerships that endanger the powers of public institutions for the sake of radical innovations led by private companies: it is on this issue that the protagonist must know what innovations it can live without. How Waterfront decides to adopt Levy’s ideas will be critical in managing the final balancing act between technological innovation and the encroachment that innovation has on citizen’s rights to privacy.

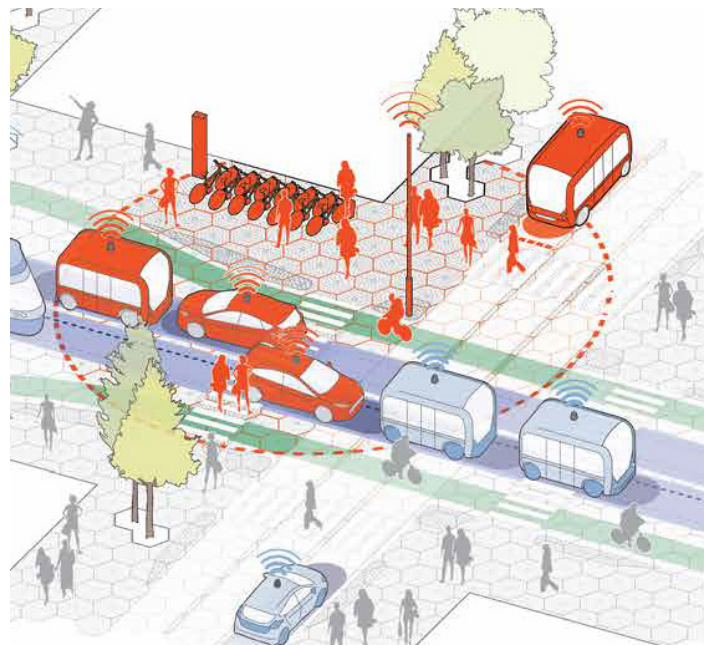
Recently, Waterfront’s Digital Strategy Advisory Panel (DSAP) released its second report to determine if Sidewalk Labs’ Digital Innovation Appendix¹ and the Threshold Issues Resolution letter² have addressed prior concerns and questions by the DSAP Panel.

The DSAP recognized some progress in Sidewalk Labs’ Digital Innovation Appendix but still has substantial concerns about the following issues:

1. First, has Sidewalk Labs demonstrated that they are a trustworthy partner? The DSAP’s perceived lack

of trust toward the company stems from Sidewalk Labs’ initial proposal, that exceeded Waterfronts Request for Proposals, establishing and including much more land in that proposal than simply the Quayside, which was the original development footprint. Also, the DSAP notes that in many of the proposed digital solutions, Sidewalk Labs has not released all of the information needed for a robust evaluation to be undertaken by the DSAP.

2. Second, is Waterfront prepared to manage the complexity of the data and digital governance that a project of this nature involves? The CulturePlex, after analyzing Sidewalk Labs’ entire proposal (1500+ pages), thinks that their approach to innovation can be summarized as: *if it cannot be solved with data collection and analysis, it is not an urban problem.* The CulturePlex believes that this approach to innovation is the most significant reason as to why the DSAP wonders not only about the digital governance framework of the project, but also about the sincerity of Sidewalk Labs’s “digital restraint”.



Transitway innovations (Sidewalk Labs)

The extent to which Waterfront’s position is perceived as defending ethical solutions and protecting the public’s

1 Sidewalk Labs initial proposal (Master Innovation Development Plan) comprised 4 volumes containing 1,500+ pages. However, this submission was criticized for the lack of details about the proposed technological solutions. Sidewalk Labs responded, after being asked by Waterfront Toronto, by submitting a Digital innovation Appendix (483 pages).

2 On October 31, 2019, Waterfront required that Sidewalk Labs agreed to solve the threshold issues described by Waterfront and arising from Sidewalk Labs’ Master Innovation Development Plan. These threshold issues referred to the following aspects: the project boundaries; the innovation plan; the partnership; the light rail transit system; the quayside vertical development partner selection process; the methodology for pricing lands; digital governance and privacy; ecosystem development; intellectual property and data ownership; and Waterfront Toronto investments.

interest will be better known once the public corporation finalizes and publishes its Digital Principles (a draft has been developed) and the forthcoming Intelligent Communities Guidelines. These documents will test Sidewalk Labs' willingness to play within the limits of an ethical and public oriented set of solutions to intelligent cities and the use of data in urban environments, because these guidelines will emerge as the constraints within which Sidewalk Labs must develop, plan and implement their vision.

Within what the CulturePlex has identified as the *Waterfront Doctrine*, each move by one of the stakeholders is immediately responded to by the other stakeholders, all with their sights on getting in the best position to the May 20, 2020 deadline, when Waterfront will make a final decision on the project. Essentially, the *Waterfront Doctrine*, can be understood as a complex and nuanced, multi-player, public game of strategy, risk and ethics.

The decisions and the content about the different aspects of this project are setting the tone of how any public agency around the world should approach the partnerships required to build the cities of the future. It is also developing the doctrine that will guide how to balance digital innovations and ethical and legal con-

cerns to protect and empower citizens and cities in a digital world.

Waterfront Toronto's Digital Principles (Draft):

- 1** *Everyone will have the opportunity to access and benefit equally from digital solutions.*
- 2** *Digital solutions will be open, ethical, and resilient.*
- 3** *Everyone will be able to understand how their data is being collected and used, and how organizations can and will be held accountable for their practices.*
- 4** *Strong privacy protections will be in place at all times.*
- 5** *Data and systems will remain under local control and be subject to local law.*

ABOUT THIS ISSUE

The current *DataPoints* is the first of a series of issues about Sidewalk Labs' project in Waterfront Toronto. In the following *Datapoints* we will provide criticism and analysis of the most recent news and public documents related to Sidewalk Labs. Along with the analysis we will provide an overview of the project and the ethical concerns that urban data collection may arise.

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