

Learning from Shaughnessy: The Role of Design Guidelines in Adjudicating Community Conflicts

by Don Alexander



Typical Shaughnessy streetscape

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Executive Summary

This report reviews the recent controversy involving “monster houses” in the affluent Vancouver neighbourhood of Shaughnessy, and the evolution of the “character zoning” known as RS-5. It evaluates the usefulness of this zoning, and the process that led to its creation, from the vantage point of addressing community design conflicts and compares it with other available options, such as standard RS-1 zoning, RS-6, and neighbourhood design panels. The report suggests that RS-5 has been quite successful in its goals, and that the collaborative approach that produced it should be seen as a potential model for resolving community conflicts. It offers further recommendations for protecting the heritage and “sense of place” in existing neighbourhoods, and for extending neighbourhood participation and strengthening pluralism.

The report also attempts to apply the lessons from this experience to the task of reducing the “ecological footprint” of residential neighbourhoods. It makes a number of recommendations regarding how this could occur, and suggests that the full ecological impacts of residential neighbourhoods – along with the issue of affordable housing – have largely been neglected in the debate over design controls and yet are of equal, if not greater, importance.

Glossary

Building envelope - Area of the lot within which a structure must be built.

By-law - A piece of municipal legislation which may be area-specific (i.e. implements a particular form of zoning) or city-wide (such as a tree by-law).

Conditional approval - Where approval of a development permit is conditional on acceptance of specific design guidelines or regulations.

Contextual design - Where the design of a building incorporates features of adjacent buildings or characteristics of the neighbourhood as a whole.

Discretionary - Where approval by planning authorities is subject to an applicant meeting certain criteria.

Ecological Footprint - A concept developed by UBC researchers Bill Rees and Mathis Wackernagel that attempts to measure, in land equivalents, the extent of the ecological "sources" [resources] and "sinks" [waste assimilation capacity] required to support an individual or community's lifestyle. Can be applied to an individual dwelling.

English romantic style - A particular style of architecture and landscaping that is characteristic of certain Vancouver neighbourhoods. Usually involves a lot of architectural detailing and lush vegetation.

Facade - The structure and materials that comprise the outside of a building.

Feng Shui - A Chinese system of geomancy that seeks to manipulate the physical environment to maximize the fortune and well-being of individuals. Extends to the placement of trees and the alignments of various elements in the landscape.

Floor space ratio (FSR) - A building's floor space relative to the lot size or to the building envelope. Expressed as a ratio (e.g. 3:1).

Guidelines - An approach to design control which relies on suggested design features, adherence to which can be rewarded by means of incentives.

Massing - How the form and volume of a building are arranged within the building envelope.

"Monster Houses" - Houses characterized by their large size and box-like dimensions, larger-than-average height doors, and lack of detailing and traditional landscaping features.

Neighbourhood design panels - Panels, typically comprised of neighbourhood residents and design professionals, which have the ability to advise on, or pass judgement in, matters of design.

Neo-Tudor (or Tudor Revival) - A particular style of architecture which echoes the half-timbered construction of Tudor houses in England.

Outright Approval - The granting of a building permit which is not conditional on meeting any design guidelines or regulations.

Regulations - A particular approach to design control which clearly specifies what is or is not permitted.

RS-1 - The standard zoning for single-family neighbourhoods in Vancouver, which is quite permissive with regard to the design features of houses and landscaping.

RS-3 - A particular form of zoning which was developed in Second Shaughnessy through the efforts of local resident, John Pitts. RS-3 became the template from which RS-5 was developed.

RS-5 - A form of zoning developed for a portion of Shaughnessy which relies on guidelines and incentives to achieve more contextual design. It has since been adopted in portions of other neighbourhoods.

RS-6 - A more prescriptive form of zoning put in place in Shaughnessy and elsewhere which specifies various design features by means of regulations.

Setback - The distance of a building from the front and side lot lines.

Xeriscaping - An approach to landscaping which makes use of drought-resistant plants.

Zoning - A planning instrument that deals with the land uses and the physical form of development on individually owned parcels of land within a given area or district. In addition to regulating land use, it usually also specifies how much of the parcel may be covered by buildings, and their massing, height, and degree of setback. It originated in North America about a century ago, and is usually enacted through passage of municipal by-laws.

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"It's sad that this bold forward-looking city, once a hotbed of Modernist design and eager to embrace new ideas, now seeks refuge in soulless, artificial, backward-looking mediocrity.... RS-5 encourages a 'kitschy' attempt to recreate a past we never had." – Robert F. Wilson, letter to the *Vancouver Courier*, 19 November 1997, p. 9.

"The interest in the new zoning reflects the exasperation many Vancouver residents have felt for years over the rapid pace of demolition and rebuilding in their neighbourhoods." – no author listed, "When a Monster is Not a Monster," *Vancouver Sun*, 14 June 1996, p. B1.

The new RS-5 zoning "amounts to an offensive degree of interference with private property." – editorial in the *Vancouver Sun*, 2 November 1995, p. A18.

"Far from 'an offensive degree of interference with private property', [RS-5] is an attempt to meet the common interest of a neighbourhood." – Jacquie Forbes-Roberts, City of Vancouver planner, letter to the *Vancouver Sun*, 9 November 1995, p. A20.

"Can there be any practical solution to the seemingly irreconcilable conflict between the individual right to own and get rid of property and the collective right of a city to its past?" – Keath Fraser, "Sick City Syndrome," *Vancouver Review* 24 (1997): 43.

"The issue of monster homes concerns changing controls to try to maintain architectural and landscape conformity with 'community traditions', and adds in, for increased complexity, questions of intercultural (mis)communication" — Alan Smart and Josephine Smart, "Monster Homes: Hong Kong Immigration to Canada, Urban Conflicts, and Contested Representations of Space," in *City Lives and City Forms: Critical Research and Canadian Urbanism*, ed. by Jon Caulfield and Linda Peake (Toronto: University of Toronto Press, 1996), p. 36.

"Community planning becomes tricky when we have so many different communities." – title of an opinion column by Gordon Price, City of Vancouver councillor [source unknown].

"...the implications of cultural struggles around monster homes raise difficult questions... Do we support local communities in their efforts to control their sense of place? Or is this simply an unacceptable smokescreen for excluding people who are not seen as fitting in with the dominant culture? How can the simultaneously attractive ideals of community control, ethnic tolerance and equality be reconciled in a situation like this?" – Smart and Smart, pp. 44-45.

The following research report was produced between January 1997 and December 1998. It was made possible through funding provided by the Institute for the Humanities (Simon Fraser University) under its "Autonomy, Community, and Authenticity" granting theme. The research setting involves the well-to-do and long-established Vancouver neighbourhood of Shaughnessy [see *Figures 1 and 2*]. Conflict occurred in this neighbourhood in the early 1990s – largely between old-time residents and newcomers – over the demolition of "character" houses built in the earlier part of this century and their replacement by so-called "monster houses," characterized by their large size and box-like dimensions, larger-than-average height doors, and lack of detailing and traditional landscaping features.

Shaughnessy is one part of the 70% of the City of Vancouver that is comprised of single family neighbourhoods which, until recently, had a uniform RS-1 zoning.¹ This zoning regulates the size of the building envelope, massing and building setback, but does not dictate matters pertaining to style. Beginning in the early '90s, calls began to be made for the implementation of some form of "character zoning" to protect what was perceived as a threatened and fragile neighbourhood ambiance. This resulted in the development of a number of variations on RS-1 zoning, but with built-in design control features. These include RS-3, RS-5, and RS-6, each of which has been implemented in different parts of Shaughnessy or in adjacent neighbourhoods, with RS-5 being the focus of the present study. Since their implementation in Shaughnessy, RS-5 and RS-6 have been offered as interim forms of zoning to other neighbourhoods concerned with similar erosion of "neighbourhood character."

The themes of "autonomy, community and authenticity" lent themselves to this research topic in view of the fact the RS-5 zoning was intended as a compromise between those who stressed the rights of the *community* to exercise some degree of control over the streetscape and those who sought to assert the *autonomy* of the property-owner and design professions. Also at issue was the question of what constituted the *authentic* character of a neighbourhood.

In this report, after introducing the topic and the research approach, the history of Shaughnessy and the background to the conflict are briefly reviewed. This is followed by the main findings as they relate to the utility of RS-5 in mediating between conflicting community values, and the value of the process by which this zoning was achieved. How neighbourhood design guidelines or regulations might be used to achieve more explicitly environmental objectives is then considered.

¹ Paul Ohannesian, "How We Saved Shaughnessy From Monsters," *Vancouver Sun* 23 June 1990: D10-11.

FIGURE 1: VANCOUVER CITY NEIGHBOURHOODS

[source - City of Vancouver Planning Department]

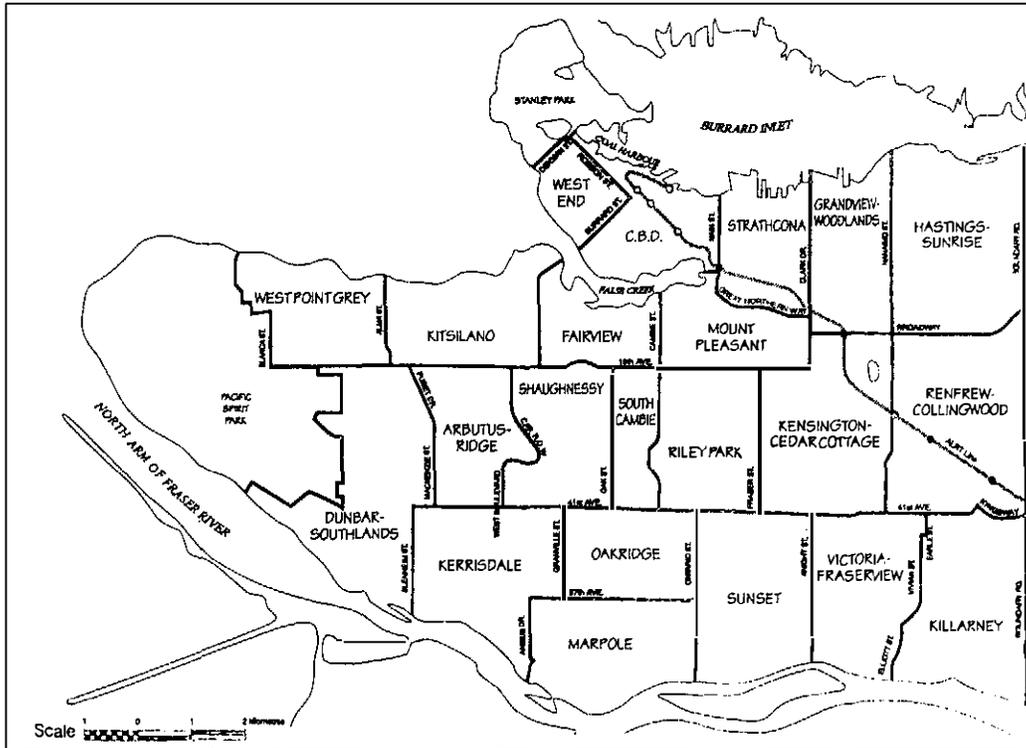
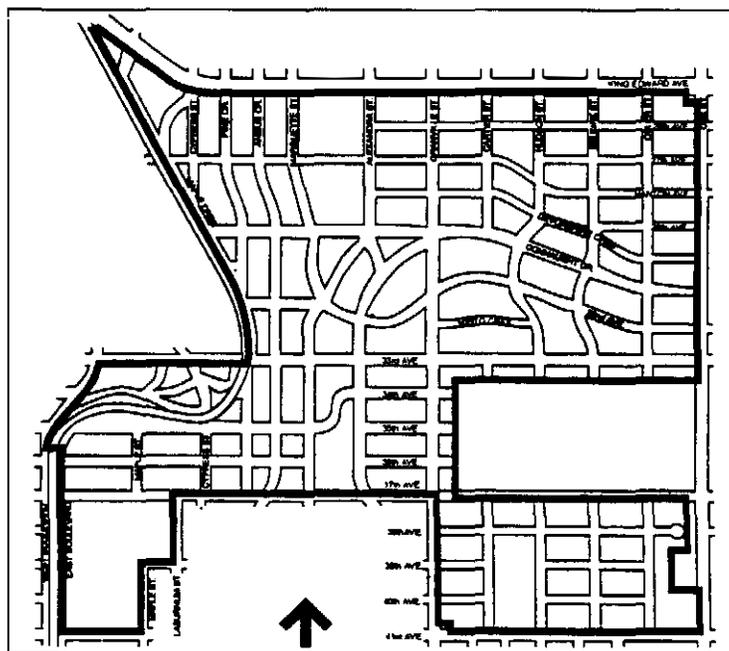


FIGURE 2: BOUNDARIES OF PORTION OF THE SOUTH SHAUGHNESSY NEIGHBOURHOOD TO WHICH RS-5 ZONING HAS BEEN APPLIED

[source - City of Vancouver Planning Department]



In the final section, an overview of the findings is provided, along with conclusions and recommendations, reflections on the research process, and a brief discussion of the implications of the topic for future research.

A. Focus of the Research

This research is concerned with finding provisional answers to the following substantive and procedural questions:

- How well do the RS-5 guidelines balance the desire by community residents to have a “say” over the appearance of their neighbourhoods with the desire by property owners, and the professionals they hire, to express and exercise “autonomy” in matters of taste?
- How useful and replicable was the process that led to the “compromise” solution of RS-5 zoning as a means for adjudicating community conflicts?
- To what extent do design guidelines and neighbourhood zoning lend themselves to achieving residential housing with a reduced “ecological footprint”?
- Is the process that led to the adoption of RS-5 zoning in a portion of Shaughnessy appropriate to the development of zoning with more explicitly environmental goals?

B. Significance of the Research

Woven into these questions, and into the case study which forms the template for their exploration, are a number of themes or issues with wider significance. These include:

- prioritizing community vs. individual rights;
 - the problematic nature of determining what is “authentic” heritage, given that streetscapes and housing styles are constantly evolving;
 - the extent to which conflicts over housing styles and landscaping conceal or express inter-ethnic conflicts, as neighbourhoods experience degrees of demographic “succession”;
 - the issue of whether planning solutions should be evaluated from a primarily *substantive* perspective (do they get the job done?) or a more *procedural* one (do they foster tolerance, participation and citizenship?)?
- and
- where the researcher fits in, and the epistemological basis for his or her perspective, when the issues under study are so obviously value-laden.

C. Methodology

The research techniques employed in this case study were strictly qualitative. The principal source of data was a series of interviews with representatives of the major stakeholders in the drama: planners, politicians, architects, members of the Working Group that brokered the compromise, and representatives of other neighbourhoods where the RS-5 zoning was either adopted or considered. A complete list of the persons interviewed can be found in the *Appendix*. The questions asked of each group explored similar issues, but were modified to reflect their specific experience or role.

In total, 12 people were interviewed. Four of these (City of Vancouver planners) were interviewed in a group format, and one of the latter group was also interviewed on a separate occasion, serving as a "point of entry" for the study. All interviews, but one, were taped, and transcript summaries were produced, from which a more selective series of notes was developed. A draft of the report was circulated to some of the interviewees to give them an opportunity to correct any factual errors or misattributions, and to encourage their comments and reactions. In addition to the interview material, a variety of reports, news-paper clippings, and related documents were annotated and consulted to fill out the background context and to suggest avenues of inquiry.

Background

II.

A. History of Shaughnessy

Shaughnessy has a reputation as being Vancouver's traditionally most exclusive neighbourhood. Named after Canadian Pacific Railway's president early in this century, Sir Thomas Shaughnessy, this suburb was first conceived of by the CPR in 1907. This 101 hectare tract of largely virgin forest was developed by "an army" of 1200 workers, beginning in 1909, at a cost of \$2 million. Shaughnessy was merely a small part of the vast landholdings that accrued to the railway, as a result of its agreement to extend the terminus of its transcontinental line from Port Moody to the new city of Vancouver.

Designed by Montreal landscape architect, Frederick Todd, and intended from the beginning as an exclusive neighbourhood for the rich and powerful, the suburb was laid out in a classic "garden city" style, with tree-lined boulevards, hedgerows and large lots, along with community amenities, such as a lawn bowling club, a golf course, and tennis courts. By the beginning of World War I, 243 families had moved in, and 80% of these were listed in the local social register.

The neighbourhood featured a considerable diversity of architectural styles, including Tudor Revival, English Arts and Crafts, Colonial Revival and Mission Revival.² Ed Starkins gives the following glimpse into the “tone” of Shaughnessy shortly after its establishment:

By 1920 the society pages of Vancouver newspapers were an intimate chronicle of the lives of Shaughnessy residents as they moved through an endless whirl of balls, dances, yacht parties, charity meetings and afternoon teas. Social standing in “CPR Heaven” was often determined by the status of the guests invited to one’s home. At Ardor, Maj. Gen. “Jack” Stewart, a railway contractor with political connections, was host to such notables as the Dukes of Windsor and Kent; Misak Aivazaoff, a Russian émigré, entertained the pianist Sergei Rachmaninoff and members of the dispossessed nobility...³

As noted by Starkins, Shaughnessy was “built out” over a period of twenty years in three distinct stages. The three areas, progressively extending from north to south, have come to be known as First, Second, and Third Shaughnessy. Such was the clout of the area’s inhabitants that they were able to have the neighbourhood’s zoning established through provincial legislation, rather than determined by the municipality (Point Grey) under whose control it nominally fell. The two relevant acts, passed in 1911 and 1922, “prohibited the division of single family dwellings into apartments or housekeeping rooms.”⁴ Significantly, the terms of the original CPR deeds of sale for the most part also forbade the re-sale of properties to Asians and Jews.

During the Depression, a number of the grand homes were repossessed by the CPR or sold for a fraction of their original value. In 1942, the Government of Canada issued an order permitting Shaughnessy homes to be subdivided into smaller units, to help ease the housing shortage in the city. Thirteen years later, upon expiration of the order, the local property owners’ association led a campaign to have the pre-war single family zoning re-established. They were successful in getting only those houses that voluntarily reverted to single family use rezoned.

Since that time, while residents have remained wealthier and better educated than the norm, the demographics have slipped somewhat, with the neighbourhood reporting a decline both in numbers of people and in household income. This likely reflects both the aging of the population and the

² Dave Thomsett, City of Vancouver planner, personal communication, 17 February 1998. Hereafter, information gleaned from interviewees will cited in the text only. For a list of interviewees, and their organizational identifications, see the Appendix.

³ Ed Starkins, “Shaughnessy,” in *The Greater Vancouver Book*, ed. by Chuck Davis (Surrey: Linkman Press, 1997), p. 102. Most of the information in this historical section is from Starkins.

⁴ *Ibid.*, p. 103. Point Grey amalgamated with Vancouver in 1929.



Traditional house styles of Shaughnessy

subtle shift in the balance of power held by various groups. In general, it may be said that Vancouver has seen a partial dethroning of the traditional "Anglo" elite, and its replacement by a new wealthy stratum, some of whose members hail from Hong Kong and other Asian destinations.⁵

This shift in the relative power of elites may account for some of "heat" associated with the issue of design controls in these kinds of neighbourhoods like Shaughnessy. As Alan and Josephine Smart have suggested,

a considerable number of migrants from Hong Kong have purchased homes in the most expensive parts of Canadian cities, often areas which previously were neighbourhoods dominated by Anglo upper-middle or upper-class populations. The processes by which this 'incursion' has taken place seem to have threatened the 'sense of place' of the social groups associated with these communities, and led to protests, criticism, and even changes in urban planning rules.⁶

B. Origins of the Conflict

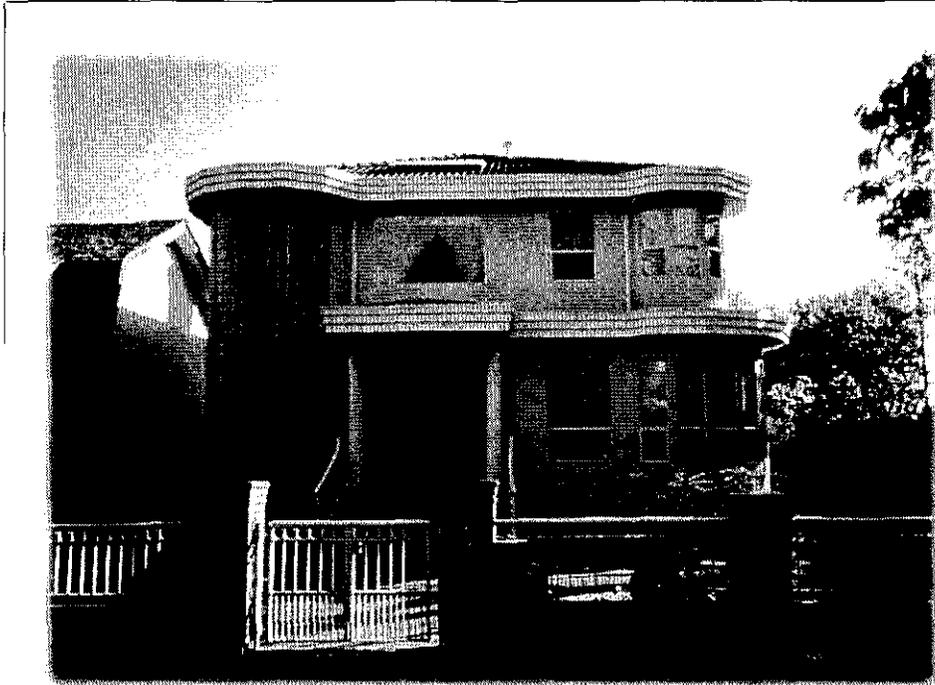
Design issues in neighbourhoods like Shaughnessy have been brewing for over a decade, and are connected with demographic changes which have been taking place in Vancouver on the whole, and on Vancouver's West Side, in particular. By 1986, 67% of new home buyers in Vancouver were Chinese. By 1988, this was up to 82%. Between 1986 to 1988, the percentage of new homes with "monster-house" facades had increased from 18 to 75% in a sample of 76 houses.⁷ These were mainly being built by "spec builders" out of standard plan books, but with some nod to *feng shui* principles to appeal to Chinese buyers.⁸ The motivation on the part of builders for building these

⁵For a description of this shift, see Peter C. Newman, "Master Builder," *Vancouver*, September 1993: 37-42, and "The Bamboo Network: Vancouver's Chinese Establishment," *Vancouver Sun* 31 October 1998: J1-J3.

⁶Alan Smart and Josephine Smart, "Monster Homes: Hong Kong Immigration to Canada, Urban Conflicts, and Contested Representations of Space," in *City Lives and City Forms: Critical Research and Canadian Urbanism*, ed. by Jon Caulfield and Linda Peake (Toronto: University of Toronto Press, 1996), p. 33.

⁷Barbara Ann Pettit, *Zoning and the Single Family Landscape: Large New Homes and Neighbourhood Change in Vancouver* (unpublished doctoral dissertation, School of Community and Regional Planning, University of British Columbia, 1993). See also Elizabeth Aird, "Giant Houses Are a Self-Fulfilling Prophecy for Builders and Buyers Alike," *Vancouver Sun* 2 November 1995, p. B1.

⁸ *Ibid.* The argument that these houses have been foisted on Chinese buyers by spec builders has been criticized by those who argue that such builders would have too much tied up in their construction costs to not research the market and consult with relevant real estate agents on their buyers' tastes. See, for instance, Charles Dobson, unpublished article on RS-6, commissioned for *New City* magazine, 12 December 1996. However, according to Pettit's research, there is no strong evidence to support this view.



Monster houses" – old and new

houses lay in the escalation of lot values to the point where only wealthy people, who desired living in a larger home than was currently on the lot, were in a position to enter the market.⁹

A survey conducted at the time revealed that only 39% of Chinese homeowners found these houses attractive and 22% found them "ugly." Nonetheless, they continued to be purchased – in part, perhaps, because Chinese buyers assumed that these were the "latest" and "best" homes that the real estate industry had to offer.¹⁰ Having invested in them, they were loathe to have them criticized. Speaking about the period of the late '80s and early '90s, Pettit has noted that:

"In periods of strong market activity, the sale of such homes can consolidate poor design as a popular style. The problem was that Asians were practically the only buyers, and their choice in the market was restricted to houses that ignored the local context."¹¹

The clash in styles, and the fact that many "fine" old homes were being demolished to make way for houses to accommodate new residents, generated resentment and conflict. The cutting down of mature trees and paving of lots was also a major sore point, as when a new resident of Kerrisdale hired a company to cut down two Giant Sequoia in his front yard, provoking a storm of protest.¹²

Though describing Kerrisdale, a community adjacent to Shaughnessy, David Ley and his associates appropriately set the stage for what was to come:

[In the mid-'80s], long-term residents of Kerrisdale began to notice the transformation of their setting. Houses were being sold, demolished, and replaced by very large dwellings. Initially, only a few lots were affected by this practice, but redevelopment became pervasive. On a few streets, over half the houses were replaced by the end of the decade. The term 'monster houses' began to appear in the late 1980s; it satirized both the scale and the aesthetic qualities of the new buildings. 'Monster houses' are typically palatial (often containing over 5,000 square feet of living space) and virtually antithetic to the [English] picturesque tradition. Most are clad in brightly coloured brick, and their design emphasizes large window areas and ostentatious entrance ways. The contrast between the English garden style of 'old' Kerrisdale and the landscaping

⁹ Frances Bula, "Building A Better Big House," *Vancouver Sun* 10 November 1995: B1-B2.

¹⁰ *Ibid.*

¹¹ Qtd. in Frances Bula, "How Design Affects Taste," *Vancouver Sun* 10 November 1995: B2. This article offers a good discussion on the role of small "spec builders" as arbiters of housing taste.

¹² David Ley, Daniel Hiebert, and Geraldine Pratt, "Time to Grow Up? From Urban Village to World City, 1966-91," in *Vancouver and Its Region*, ed. by Graeme Wynn and Timothy Oke (Vancouver: University of British Columbia Press, 1992), pp. 234-266.

used for 'monster houses' could hardly be greater. Trees, shrubs, hedges, and flowerbeds are replaced by stark cement, gravel, and grass yards, which are, in turn, surrounded by imposing fences and elaborate gateways.¹³

Although the impacts on Shaughnessy were not as dramatic as in Kerrisdale, discontent began to develop there as well. In early 1990, John Pitts, a resident of Second Shaughnessy, hired two architects and a lawyer to come up with a draft zoning by-law that would protect his and his neighbours from the perceived depredations of these new homes. This resulted, in part, from the dissatisfaction that Pitts and other city residents felt with the Planning Department's attempts to revamp the predominant single family zoning (RS-1) to address design issues.

In an article in the *Vancouver Sun* by one of the architects, this "one size fits all" approach is rejected in favour of zoning by-laws that take into account the specific characteristics of the neighbourhood.¹⁴ To illustrate his point, the architect cites the fact that, at the time of their work, the RS-1 zoning permitted houses to occupy a considerably larger "footprint" on the lot than was the norm in Shaughnessy, allowing them to occupy as much as 80% of the lot width, whereas the Shaughnessy standard was 50-70%.¹⁵

After the locally-initiated by-law was fine-tuned by city planners, Council authorized a public hearing to gather neighbourhood views and, when no one in attendance spoke against it, it passed what came to be known as RS-3 zoning into law. The adoption of RS-3 in the area, bounded by Granville and Maple and 37th and 41st, led to calls to extend the by-law to the whole of South Shaughnessy. Residents from one area – that roughly bounded by King Edward, 37th, Oak and East Boulevard – came forward, wanting even more stringent guidelines. The City worked with them to come up with possible by-laws, which were well-received at a series of workshops. Council tentatively agreed to consider them and authorized the holding of a public hearing on the issue.

The public hearing turned into six nights of highly acrimonious debate. The community was deeply divided, with an almost equal number of speakers

¹³ David Ley, et al., p. 257. The trend towards "monster houses" may also have been aided and abetted by the existing zoning which had no provisions for discouraging the peculiar massing on the lot represented by that style. (Rod MacDonald)

¹⁴ For its part, the Planning Department, fearing the amount of time and money it would take, was opposed to taking on the task of "customized" zoning and design guidelines, and went on record to this effect. However, it was given no choice by Council but to proceed. See *Policy Report: Urban Structure*, 27 July 1993.

¹⁵ Paul Ohannesian, "How We Saved Shaughnessy From Monsters," *Vancouver Sun* 23 June 1990: D10-11. Typically, the pre-1940 "period revival homes" in Shaughnessy occupied 1900 square feet on a 7000 square foot lot, whereas RS-1 permitted homes of up to 2800 square feet.

on both sides of the issue.¹⁶ On one side were the longer-term home-owners who were seeking to preserve the particular ambiance of their neighbourhood. On the other were the partisans of private property rights – in this case, mainly ethnic Chinese who adamantly defended their right to build houses and landscape their properties as they saw fit, and who lobbied for retention of RS-1. Their viewpoint was that they had bought properties zoned as RS-1 and didn't want to be told how to build their homes. It was also implied that there might be an element of "sour grapes" on the part of those favouring design control, since the latter would probably not now be able to buy into the neighbourhood, given current real estate prices.

The issue had clearly become a focal point for larger concerns. Local Chinese-Canadian radio personality, Hanson Lau, used his medium to make it into a cause célèbre, and Chinese property owners from other parts of the region flocked to the hearings to speak up for their compatriots. The issue began to take on nasty racial overtones.¹⁷

Planners and councillors were taken aback by the fierceness of the debate. In response, then-mayor, Gordon Campbell, directed the two opposing factions to get together to work out a compromise, with the assistance of the Planning Department. A Working Group was formed of representatives from the two opposing organizations – the Shaughnessy Heights Property Owners' Association and the Ad Hoc Committee for South Shaughnessy Property Owners' Rights – and the search for a compromise began. The RS-3 zoning was used as a starting-point and, duly modified, eventually became RS-5.

Over a period of several months, the Working Group, with assistance from the planners, came up with a form of zoning that encouraged house designs to be compatible with adjacent buildings, whether traditional or more modern. If the guidelines were followed, then the zoning allowed a larger building envelope to permit more variety in housing form, greater height to facilitate pitched roofs, and bigger basements. If a builder chose not to follow the guidelines, then he or she was limited in terms of the size of the house they could build. Under RS-5, property owners can pursue a number of options:

- design their house on an outright basis – that is, without having to meet the guidelines – at a maximum floor space ration (FSR) somewhat less than the original RS-1 zoning [16% of the lot size plus 1,400 sq. ft.];
- follow the RS-5 Design Guidelines at a somewhat higher than RS-1 FSR maximum allowance under the conditional or design review process [24% of the lot size plus 1,400 sq. ft.];

¹⁶ According to a poll taken at the time, the division within the neighbourhood proper was approximately two-thirds in favour of design controls and one-third opposed.

¹⁷ See Smart and Smart.



Houses developed under the "outright" formula

- renovate on an outright basis at a somewhat higher FSR than for outright new construction [20% of the lot size plus 1,400 sq. ft.]; or
- renovate on a conditional basis to the same FSR as new development [24% of the lot size plus 1,400 sq. ft.] provided the RS-5 Design Guidelines are followed.¹⁸

When the compromise was brought to a public hearing in June 1993, residents were generally pleased with the results. One councillor characterized Council's reaction as "What happened to you people? That was the largest and most contentious public hearing in the city's history and you're all doing a love-in now!" (Jennifer Clarke). The two organizations that had sponsored the Working Group later won an *Ethics in Action* award from VanCity Credit Union, and went on to sponsor other community events.¹⁹

When a post-zoning review was conducted a year and a half later (in the fall of 1995), residents generally remained pleased, though there were a few critics who felt that the guidelines were too restrictive.²⁰ One of these went on to form a group to advocate for the property rights of homeowners. For its part, the architectural community and its professional organization have been highly critical, feeling that it violates their discretion as professionals.²¹

Shortly thereafter, residents in the adjacent neighbourhood of East Kerrisdale worked with the City produced the more proscriptive, yet flexible, RS-6 zoning, which will be discussed at greater length later in the report [see Table 1].²² Following these successful attempts at introducing "character zoning" into Shaughnessy, other neighbourhoods began demanding similar measures. By mid-1997, two neighbourhoods – West Kerrisdale and Mackenzie Heights – had demonstrated enough support that the matter was referred to a public hearing. Douglas Park, West Point Grey, Clinton Park, and Dunbar were also expressing interest. In view of this situation, the City decided to offer all neighbourhoods in the city the option of accepting RS-5 or RS-6 as an interim

¹⁸ *Administrative Report: To Vancouver City Council From Associate Director of Planning - Community Planning Re Monitoring of RS-5 Zoning and Guidelines* (1 February 1995), p. 3.

¹⁹ "Ethics In Action" brochure (1993) produced by VanCity Savings Credit Union.

²⁰ The administrative report, referred to in footnote 18, found, a year and a half later, that applicants were choosing the discretionary stream at a rate of 3 to 1, that new houses were proving more compatible with neighbourhood character, and that the incidence of renovations had doubled relative to demolition and replacements.

²¹ See Francis Bula, "Architects Fight New Rules on House Design," *Vancouver Sun* 18 January 1996: A1-A2.

²² Frances Bula, "Bylaw Approved To Regulate House Designs," *Vancouver Sun* 28 February 1996: A1; Francis Bula, "Building a Better Big House," *Vancouver Sun* 10 November: B1-B2.

zoning measure until the results of the neighbourhood-by-neighbourhood CityPlan [official plan] process had been concluded.²³ While the process has varied somewhat from neighbourhood to neighbourhood, the process has tended to involve the following steps:

- *Mail survey*: To determine the degree of support in the neighbourhood for review the zoning. If over a quarter of the households in the neighbourhood responds, and a significant majority of them support changes then the process will proceed.
- *Information distribution*: public meetings/ open houses and distribution of detailed information regarding zoning options available.
- *Telephone survey*: A random telephone survey is conducted to gauge neighbourhood support for specific options.
- *Public meeting*: If support is demonstrated for a specific option, it will be reported to Council and they will hold a public meeting and then vote on whether to adopt new zoning in the neighbourhood.²⁴

Finally, while many white residents in neighbourhoods were responding to the perceived aesthetic assault on their streetscapes, a market shift was also beginning to be noted with regard to the size and style of homes. Whether this was in part a response to the threat of design controls is a matter for speculation. While perhaps overstating the new reality, John DeGroot of the Toronto-based Coscan Development Corporation noted that "Nobody's buying monster homes any more.... And those people who bought monster homes ten years ago are having an impossible time trying to sell them." He was also cited as saying that most developers were concentrating on homes in the 1000-2000 square foot range, and that townhouses were making a comeback.²⁵ Planner Bob McGilvary also noted that the market seemed to be reflecting a demand for neo-Tudor, something that was not in evidence when the demand for character zoning first began.²⁶

²³ Alison Appelbe, "More Neighbourhoods Want Design Controls," *Vancouver Courier* 14 August 1996: 11; no author listed, "Zoning By-Law Gives a Voice to Neighbourhoods," *Vancouver Sun* 17 May 1996: B6.

²⁴ Context Research Ltd., *City of Vancouver Public Involvement Review: Draft Report*, February 1998, p. 31. Both this document, and comments by respondents, offer a lot of interesting information and perspectives on the strengths and weaknesses of this process. However, in-depth discussion of this is outside the scope of the present report. Clinton Park was later rezoned to RS-5 against the planners' recommendations, who felt that insufficient neighbourhood support had been demonstrated. West Point Grey decided against the guidelines for reasons to be discussed below. Peter Burch, personal communication, 13 December 1998.

²⁵ Qtd. in Doug Saunders, "'Monster' Homes Fall Out of Vogue, Developers Say," *Globe and Mail* 12 January 1996: B3. This article was referring to market trends in major centres throughout the country, not just in Vancouver.

²⁶ Frances Bula, "Neighbourhoods Seek 'Charm' Zoning," *Vancouver Sun* 9 June 1997: B3.

TABLE 1: COMPARISON OF RS-5 AND RS-6

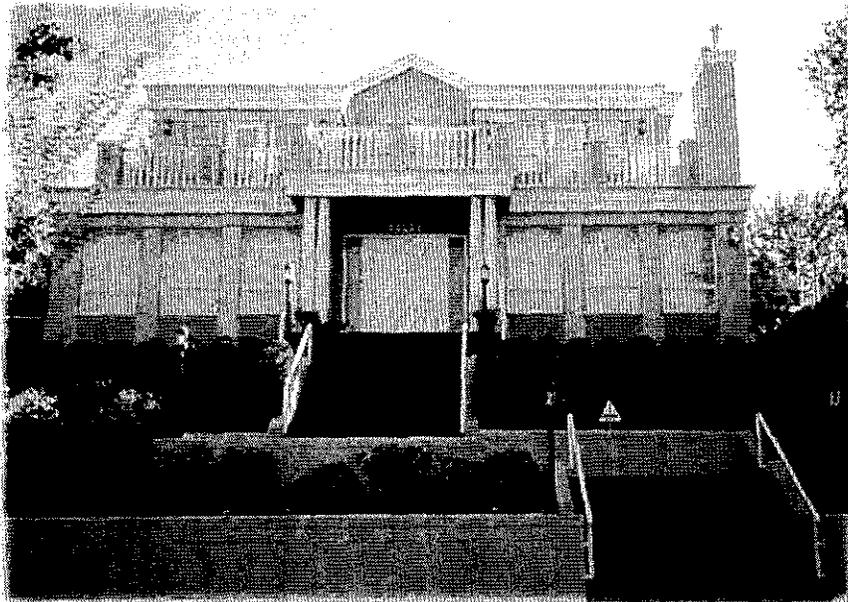
	RS-5	RS-6
how developed	by a Working Group composed of opposing factions, in tandem with the Planning Department.	by a Working Group appointed by and working in tandem with, the Planning Department.
design issues addressed	building-depth and site coverage, parking coverage, roof slope and materials, dormers, gables, front entrances, porches & verandahs, chimneys, balconies & decks, bay windows, conservatories, building facades, windows, exterior cladding, wall colour, skylights, plantings, shrubs, gardens, lot surfacing, driveways, etc.	% of yard in planting beds & permeable, shrubs, front / rear and side yard setbacks, roof slope & materials, building-depth, basement or cellar projections, chimney vent enclosures, entranceways, column and cover entry heights, exterior cladding, window detailing, bay windows, dormers, gables, FSR, etc.
mechanism of design control	some regulations (e.g. height, setbacks, etc.) but main reliance on discretionary guidelines which, if followed, permit a bonus FSR, whereas those seeking an outright, non-discretionary, approval get a reduced FSR; the guidelines encourage applicants to respect the immediate streetscape & derive the basic architectural patterns and landscape elements from adjacent houses, while the detailing and materials used are to be derived from the neighbourhood as a whole.	through a prescriptive and proscriptive set of regulations contained in the zoning by-law itself.
advantages	RS-5 respects the immediate context of the streetscape and provides developers/ property owners with a choice of opting in or opting out.	RS-6 involves a relatively quick process (approx. 3-4 weeks), involves minimal interpretation, provides flexibility with regard to the building envelope and all issues not covered by the regulations.
disadvantages	because of the amount of interpretation involved, it increases uncertainty for applicants; the time required to process (up to 12 weeks), with the increased carrying charges, can cancel out the benefit of increased FSR; does not apply equally well to all neighbourhoods.	RS-6 is not contextual, is not voluntary, and does not apply equally well to all neighbourhoods
who administers	planners	planners
where has it been adopted	South Shaughnessy, Dunbar, Mackenzie Heights, West Kerrisdale, Douglas Park, Clinton Park, a portion of West Southlands and South Kitsilano.	East Kerrisdale, a portion of West Southlands.

C. Strengths and Weaknesses of the Main Positions

As is evident from the quotations in the frontispiece, and from the brief description of how the RS-5 zoning unfolded, the issue of design controls to maintain “heritage” or “authentic” streetscapes is far from clearcut. In the section below, the arguments for and against the two opposite positions – individual and professional autonomy vs. community rights – are briefly reviewed based on points offered in the interviews and relevant literature.

1. Strengths of the “Community” Position and Weaknesses of the “Autonomy” Position

- neighbourhood change should occur at a pace that can be readily assimilated by existing residents;
- people are seeking not only an “investment” but also a “sense of place” when they choose a neighbourhood; this is an important bulwark against alienation and apathy;
- the so-called “relativity” of taste notwithstanding, a majority of people would find turn-of-the-century houses to be charming and “monster houses” to be ugly; to allow indiscriminate demolition of “character houses” robs neighbourhoods of their heritage and aesthetic qualities;
- the rights of private property owners must be balanced against the right of a majority of residents in a given neighbourhood to have some say over the quality of local streetscapes;
- the extent to which the freedom and creativity of architects are being negatively affected has been overstated as most new houses do not employ the services of architects;
- despite their ideologically-based protests, architects stand to benefit from design controls, as their services become more essential to aspiring homeowners under RS-5 or RS-6;
- far from being a power grab by City Hall planners, “character zoning” – as it has sometimes been described – is time-consuming and costly to administer, and reflects a bowing to the will of neighbourhoods by City Council and planners at City Hall.



Modified "monster house" and modern house

2. Strengths of the "Autonomy" Position and Weaknesses of the "Community" Position

- change is a constant in neighbourhoods; the "character" that is being defended is chimerical and represents an attempt by long-time residents to "freeze" the character of the neighbourhood at a certain point in its evolution;
- currently the majority of people living in affected neighbourhoods are Caucasian; they are attempting to impose their aesthetic tastes and traditions on newcomers;
- though cloaked in the language of design, the campaign against "monster houses" is a thinly veiled attack on new immigrants to the Lower Mainland or, at the very least, is an attempt to find a scapegoat for anxiety over broader-scale economic and cultural change;
- in developing RS-3 and RS-5, City Hall was catering to the needs and wants of Shaughnessy residents (who include the mayor and two councillors) because of the influence and wealth of its inhabitants; this represents a gratuitous expenditure of resources given the urgent problems in less affluent neighbourhoods;
- if someone has the money to purchase a lot in an expensive neighbourhood, there is nothing that says that neo-Tudor is the acme of taste; new residents have their own tastes and traditions and these are equally valid;
- design controls run the risk of condemning the city and the architectural profession to a future of mediocrity and homogeneity, and of stifling creativity and innovation;
- design controls represent a "power grab" by planners who are seeking to insure the continuance of their own jobs.

Obviously, one can find truth in both positions. In an op-ed in the *Vancouver Sun*, Holman Wang argues that Chinese-Canadians are being scapegoated for larger societal problems. He notes that

In any of Vancouver's growing suburbs, you'll find endless streets of oversized homes, largely inhabited by Euro-Canadians. Moreover, many of these were built at the expense of huge tracts of forested land.

Why haven't the suburbanites been saddled with the baggage of "monster houses" and treeless lots? Why haven't the yuppies and elderly who buy leaky pink condos been persecuted for the city's esthetic ruin?.... New immigrants are being scapegoated for the vices common to us all. Modesty and conservation are admirable values to uphold, but when they are used to selectively attack a particularly group, the moral ground is shaky indeed.²⁷

²⁷ Holman Wang, "Chinese Scapegoats for 'Monster Houses'", *Vancouver Sun* 10 May 1996: A2.

At the same time, there is something to be said for the pace of change being “assimilable,” for existing residents having some say in the look of their neighbourhoods. When people experience a lack of control over the “little things,” they are apt to abandon hope of doing anything about larger societal trends.

However, perhaps the whole controversy is but a “tempest in a teacup,” in that larger and more important issues are being obscured. It may be useful here to employ the concept of the “metaconversation.” This is when two (or more) people engaged in dialogue or debate step back and consider how they are relating to each other or consider issues outside their immediate frame of reference. To date, the focus has been on what is “beautiful” or ugly in new house design, with some attention being given to the ecological impacts of the new homes, especially as regards their treatment of existing trees and landscaping.

From the latter vantage point – as Holman Wang points out – the phenomenon of “monster homes” in Shaughnessy, or other West Side neighbourhoods is by no means the most disturbing example of what is clearly a wider trend. While monster homes are less environmentally-friendly than traditional homes – because of increased site coverage, the construction and demolition waste produced, and the possibility that their design makes them more pervious to rain damage²⁸ – of possibly greater import for the environment is the lack of density in these neighbourhoods. City staff have themselves acknowledged this point. In a relevant policy report, it was noted that

The proposed [RS-5] zoning encourages retention of existing buildings and trees, and encourages planting new trees and other foliage. However, the proposed zoning further enhances the single-family character of the area, making it a less likely candidate than other areas for further introduction of pockets of residential density.²⁹

On this issue of relative priorities, one respondent commented that

Incompetence in the structure is a much more profound issue than the shape of the house.... The City should enforce ecologically sustainable building forms. It is much more important to have guidelines that discourage demolitions and replacements, and that encourage recycling of houses, than to control the shape of the roof. – Helen Spiegelman

²⁸ The environmental benefits of smaller houses and more vegetation include: fewer raw materials used, a reduction in run-off, an increase in recharge, a better carbon/oxygen balance, provision of habitat for wildlife, and the temperature-moderating and air conditioning effects of trees and shrubs, resulting in a reduction in energy demand.

²⁹ *Policy Report: Urban Structure*, 11 March 1993, Appendix A, p. 11.

If environmental objectives were paramount, design elements of an entirely different order might come to the forefront. The debate to date has been altogether too anthropocentric, ignoring wider questions of environmental ethics.³⁰

In addition to the actual physical impacts of different styles of houses and landscaping on the environment, there is the impact on what might be called the “ecological sensibility” of city residents. The implicit message of completely paved over lots and chainsawed trees is that the natural environment can be manipulated at will and is of no intrinsic importance. While the “balance of people and nature” that some residents see as being exemplified in traditional neighbourhoods is largely illusory, heavily treed streets and verdant gardens do more to establish the worth of the ideal than do lots and houses where “man’s mastery over nature” seems complete.

This is not a minor issue. While we clearly need to reduce the “ecological footprint” of the built environment to achieve greater degrees of urban sustainability, we also need to foster a change in attitude and sensibility vis-à-vis the natural world. This can only be achieved by encouraging a more “natural” aesthetic in all aspects of urban planning and design.

Also being overlooked is the issue of equity and affordability. While well-to-do whites and Asians dicker over house design, a majority of potential homebuyers remain frozen out of the real estate market or are forced to buy and commute in from the suburbs. Columnist Elizabeth Aird quotes the author of a previously mentioned Ph.D. study as saying “Those neighbourhoods [like Shaughnessy and Kerrisdale] were created to protect rich whites. Now the worm has turned. I’m saying it’s wrong [to create enclaves for the rich], whether they’re rich white or rich Chinese.”³¹ The author in question, Barbara Pettit, advocates opening up West Side neighbourhoods for duplexes, triplexes, and other diverse forms of housing, thus making it possible for people of all ages and of diverse family types and incomes to establish themselves:

If a greater variety of people were able to buy in rich single-family neighbourhoods, we would get a greater variety of housing forms. “If you can open up the market so that all sectors are represented, you’re not just building for one single cultural group.”³²

³⁰ In West Vancouver, where design controls have been adopted in the neighbourhood of Lower Caulfield, the motivation seems to have had a stronger environmental component. See Brian Morton, “Lower Caulfield Residents Prefer Natural Look,” *Vancouver Sun* January 1996: B1-B2. See also Douglas Todd, “The Tree Debate Is About More Than Esthetics,” *Vancouver Sun* 31 August 1998: C2.

³¹ Qtd. in Elizabeth Aird, “Giant Houses A Self-fulfilling Prophecy for Builders and Buyers Alike,” *Vancouver Sun* 2 November 1995: B1.

³² *Ibid.*

Ironically, while Pettit argues that the rapid pace of change is injurious to neighbourhood sensibilities, the measures she advocates would provoke a far more violent reaction from the neighbourhoods in question than the monster house issue has. In Dunbar, attempts to build four-storey mixed commercial and residential buildings on main arterials have been bitterly opposed and, in West Point Grey, RS-5 was turned down because it would have allowed a slight increase in height and building envelope, which was seen as inviting in increased density. A proposal to build townhouses and two apartment buildings on a two-acre parcel in the middle of that neighbourhood has also been opposed by the vast majority of residents.³³

Main Findings

III.

A. RS-5 As A Means of Addressing Issues Related to Autonomy, Community, and Authenticity

To ascertain the extent to which RS-5 zoning is a useful tool for addressing issues of autonomy, community and authenticity, a list of evaluative criteria was developed [see Table 2]. However, because this is a tool being employed by planners, other features useful in evaluating tools, such as cost and ease of implementation, were included as well. The rationale for each of these criteria is offered below.

The table is preceded by a brief discussion of "ideal types" of tools, and how the forms of zoning and design control under discussion – RS-5, RS-6, neighbourhood design panels, and RS-1 – correlate with these more ideal types.³⁴ RS-3 zoning, which to date has not been "exported" to other neighbourhoods, was not included in the comparison, nor was zoning that would be developed on a neighbourhood-specific basis, since it would not be possible in advance to ascertain its characteristics.

Broadly speaking, there are at least four approaches to managing design issues. The first makes use of guidelines and incentives/ disincentives, in association with zoning, to achieve its desired aims. Its outstanding characteristics are that the guidelines are subject to interpretation, and adherence is ultimately voluntary: one is "rewarded" for accepting them and "penalized" for not, but they are not mandatory. This is essentially the approach taken by RS-5.

³³ Gudrun Will, "Zoning Poll Reveals New View," *Vancouver Courier* 28 May 1997: 12.

³⁴ See also Frances Bula, "Building A Better Big House," *Vancouver Sun* 10 November 1995: B1-B2.

The second type employs regulations. In this zoning, a clear list of what can and can't be done is communicated to builders and property owners. These are not negotiable; they are an inescapable part of the zoning. At the same time, there is less interpretation involved as the "do's" and "don'ts" are laid out quite clearly. Outside of the regulations, property owners and builders are free to design the houses and lots as they see fit. This is the approach taken by RS-6.

The third option, neighbourhood design panels, would involve a team of local residents, usually assisted by design professionals, which would make decisions on design issues associated with development applications. Even more than RS-5, this approach requires considerable interpretation on the part of those making the decisions. It also takes much of the discretion out of the hands of planners and puts it into the hands of citizens. This approach has been advocated by the Architectural Institute of B.C. and by some citizens.³⁵

At present, the only neighbourhood design panel that exists in the city is the First Shaughnessy Advisory Design Panel. It was established in the early 1980s and its membership is comprised of seven residents, two architects, two landscape architects, one Real Estate Board member, and a representative of the Vancouver Heritage Commission. First Shaughnessy is also one of the only residential areas in the city which is governed by an official development plan (ODP). Legally, neighbourhood design panels poses challenges as the City is not allowed, under its legislative charter, to grant municipal decision-making authority to private citizens. Consequently, the First Shaughnessy group has strictly advisory powers.³⁶

The fourth type is the "laissez-faire" approach. Outside of some fairly "neutral" issues, such as heights, setbacks and massing, it does not dictate taste in matters of design or aesthetics. Until recently, as embodied in RS-1 zoning, this was the norm in single-family neighbourhoods throughout Vancouver.

³⁵ During the controversy over RS-6, the Architectural Institute of B.C. employed students to conduct a survey of residents in the neighbourhood being considered for RS-6 zoning. They surveyed more people than the Planning Department had been able to, and found that residents preferred neighbourhood design panels to RS-6 by a two-to-one margin. However, this option was not offered to them by the City. Charles Dobson, unpublished article on RS-6, commissioned for *New City* magazine, 12 December 1996.

³⁶ Patricia St. Michel, planner, City of Vancouver, personal communication, 15 December 1998.

TABLE 2: MATRIX FOR EVALUATING DESIGN CONTROL SYSTEMS

(For the reasoning behind the criteria, see the next page...)

	RS-5	RS-6	RS-1	NEIGHBOURHOOD DESIGN PANELS
EVALUATIVE CRITERIA				
1. protect overall neighbourhood character?	1= not necessarily	3= if appropriate for neighbourhood	0	2= speculative
2. respect context of street?	3	2= though not necessarily	0	2= speculative
3. ensure quality, rather than homogeneity?	2	1	1= does not necessarily avoid homogeneity*	2= speculative
4. not discourage innovation or promote overly static view of "heritage"?	1	1	1= does not discourage or encourage	1
5. encourage tolerance and mutual co-existence between groups?	2	0	3= more laissez-faire	1= could create conflict with neighbours judging neighbours
6. permit some measure of flexibility, discretion for homeowner and architect?	2= possibly more in theory than in practice	1= to a degree, after satisfying basic controls	2= less flexible on some issues	2= speculative
7. encourage consistency of treatment?	1	3	2	1= speculative
8. encourage neighbourhood involvement & citizenship?	1= not in implementation	1= not in implementation	0	3
9. decision-makers representative or accountable?	1	1	1	2= possibly
10. relatively easy to administer and not overly consumptive of resources?	1	2	3= relative to the others	1= relatively inexpensive, but likely slow and inefficient
TOTAL	15	15	13	17 [SPEC.]

[3= strongly fulfills criteria; 2= fulfills somewhat; 1=only weakly fulfills criteria; 0= does not fulfill criteria or has a negative rating. Although the three forms of zoning score almost equally overall, the utility of RS-1 for the preservation of heritage and character is minimal. It would fare badly if non-heritage criteria were removed.]

* In some RS-1 neighbourhoods in Vancouver, there are whole streets dominated by houses with almost identical facades.

ASSUMPTIONS BEHIND THE EVALUATIVE CRITERIA [for Table 2]

- 1.** The assumption is adopted that it is desirable to protect neighbourhood character and that, as a “public realm” issue, this should take precedence, to some degree, over private property rights.
- 2.** The assumption is made that there is a delicate balance between protecting the “part” of the neighbourhood and the “whole.” The whole of the neighbourhood is made up of discrete parts; however, some parts are more representative than other parts. Where a conflict arises between protecting the part or the whole, the whole is favoured, though this weighting is not reflected in the table.
- 3.** The assumption is made that it is possible to have quality buildings and landscapes that employ a variety of styles, and that complete homogeneity is not a desirable goal.
- 4.** It is assumed that one should not seek to arrest the evolution of neighbourhoods nor forbid innovation in design, but encourage sensitivity to context – though exactly what means will always be subject to controversy.
- 5.** Preserving the heritage and “sense of place” for existing residents must be achieved in ways that promote tolerance and encourage mutual understanding between culturally distinct groups.
- 6.** While the principal goal is to achieve protection for the streetscape, this should be done in such a way as to minimize inconvenience for the property owner and preserve their freedom of action to the greatest degree possible.
- 7.** In a spirit of fairness, it is desirable that the chosen approach to design control be one which facilitates consistent treatment of applicants.
- 8.** In addition to achieving heritage goals, the chosen method should foster competence, commitment, and a willingness to take responsibility on the part of city residents.
- 9.** Ideally, decision-makers should be representative of the diversity of a particular neighbourhood, or at least accountable to it.
- 10.** An important criterion for evaluating planning tools must be the relative ease with which they can be administered and their relative cost-effectiveness.

B. Value of the Process In Addressing Community Conflicts

On the whole, the process whereby the “compromise” RS-5 zoning was developed by opposing community factions was deemed a success by our respondents. It brought about reconciliation and cooperation on the part of protagonist organizations, and the resulting guidelines were well-received in public meetings. As City Councillor Jennifer Clarke put it, the process resulted in

a greater understanding between the two groups; many friendships developed out of it, cultural and community events have been happening and there is no longer division in the neighbourhood. That is the very positive long-term results that we’re all very thrilled with.

Clarke also feels that it resulted in more outreach by the Planning Department to new Canadians, and Asian residents in particular, in subsequent exercises.

While putting the onus on community members to work out solutions, it was paradoxically quite costly in terms of staff resources and time, as it required planners to play a crucial technical support and facilitation role. Given the current allocation of resources, this limits its applicability to other neighbourhood issues. However, should encouraging local citizenship and fostering neighbourhood empowerment become a higher priority – as it is in cities like Seattle and Portland – then this might be seen as a worthwhile “investment.”

Though it was seen as resolving the original conflict, not all participants and observers feel that its implementation fully reflects the spirit of what was intended by the Working Group. Architect Kingsley Lo, member of the Working Group, who claims that he originated the proposal that applicants be given a space bonus for following the guidelines, argues that planners are interpreting the guidelines in an overly conservative and prescriptive way: “Even if the neighbours have no objections, the planners will interfere with you.... Every time I [have] tried to do something a little more creative, I [have] been rejected.”

Lo feels that only neo-Tudor designs are being approved, something the Planning Department hotly disputes.³⁷ This leads, in his view, to architects no longer even attempting anything innovative or interpretative. He hypothesizes that the strict interpretation of the guidelines results from a fear, on a part of the planners, that being “lenient” in one case will bring charges of inconsistency or favouritism from other applicants. The planners respond that they do allow for precedents, but that these must be understood in their respective contexts (in terms of the immediate streetscape), and that these are not necessarily transferable to other locations.

³⁷ This charge does not seem to be supported by a perusal of new construction in the neighbourhood.



Examples of "contextual" houses in Shaughnessy

C. How Neighborhood Design Guidelines and Zoning Might Be Used to Achieve Environmental Objectives

It is clear that neighbourhood design guidelines and zoning can be deployed to serve environmental objectives, but attempts to do so will likely encounter significant opposition. This is because greater density in single-family neighbourhoods is one of the issues that needs to be addressed, and neighbourhood intensification is strongly opposed by many in Vancouver, especially on the West Side.³⁸

Another issue is how to implement such a program. One respondent felt that the concept of making a site analysis, based on architectural context, could be extended to include environmental factors – “where the windows should go to get the most light, considering location of trees, and how the site will grow...” (Keith David Benjamin). By requiring builders to hire an environmental design professional to make an analysis as part of the application process, the result might be a “building that responds in the best way possible to the environment, the context.” In this, a “fitness” is achieved that goes beyond mere “drive-by notions of what houses should look like” (Keith David Benjamin). Issues that could be addressed through such an analysis, and through zoning more generally, include:

- demolition and landfill fees
- recycling on construction sites
- more stringent controls on paving lots (using minimum standards or bonuses)
- more stringent tree-cutting by-laws (and means to encourage new plantings)
- encouragement of indigenous plantings, xeriscaping, and permaculture.

The zoning would need to be area-specific. Other measures could only be implemented by means of city-wide by-laws. In addition, changes to the building code and various incentive and education programs could be used to encourage:

- pesticide/ herbicide-free gardening and the use of rainbarrels
- composting and waste reduction
- a decrease in water and energy use, and
- more energy-efficient and less water-permeable buildings.

³⁸ There is always a tension between attempting to minimize the impacts of urban sprawl through densification, and enhancing ecosystem attributes – including permeability – in existing neighbourhoods by maintaining and improving green space. This tension between two approaches to urban sustainability – “the city in nature” vs. “nature in the city” – expresses an ongoing debate. Environmental zoning should aim, in varying proportions, at maximizing both of these objectives through skillful design. For more on the two approaches, see Norwegian Minister of the Environment, “The Challenges Facing European Society, etc.” [presentation at the 10th Session of the European Conference of Ministers Responsible for Regional Planning (CEMAT), Oslo, Norway, 6-7 September 1994] (European Regional Planning Report No. 57), pp. 23-33.

How the zoning, guidelines, regulations, and incentives could be applied remains to be worked out. A number of approaches are possible. Experimentation with a variety of measures should be encouraged. These include:

- a prescriptive approach (as with RS-6)
- a site-by-site approach (as with RS-5)
- an “equivalency” or performance standard approach, where targets are set, and builders are free to meet them by whatever means they choose.³⁹

The mechanisms that could be used to encourage compliance range from space bonuses, allowing bigger additions (in cases of renovations), fines, tax breaks, and awards.

In addition to these substantive goals, efforts should be made to increase the opportunities for “social learning” around these issues. As activist Helen Spiegelman, has argued that “The City needs to share [its] expertise so that citizens could improve our own quality of life ourselves.” The goal is not simply to achieve “better results,” but to foster a change in awareness and attitudes on the part of urban residents.

D. Suitability of the Process for Achieving Environmentally Suitable Zoning

The process that resulted in the successful development of RS-5 zoning for Shaughnessy is appropriate for developing environmental zoning and other measures. However, in this new context, it would not have the benefit of clearly defined “stakeholder” groups with well-defined positions. Thus, formation of a working group would have to be preceded by a series of information meetings and mailings, as has been used to lay the groundwork for possible rezoning in neighbourhoods considering the RS-5 and RS-6 options.

Clearly, if residents are going to have some sense of ownership over environmental zoning, or other measures, they have to be involved in their development. It has to represent a “made in the neighbourhood” solution. At the same time, to ensure that each neighbourhood does its share, it would be desirable to have goals or targets established city-wide by Council and the Planning Department, preferably after a consultation process like the City’s recent CityPlan program.⁴⁰ Each neighbourhood would then be entrusted with

³⁹ For a discussion of targets and performance standards in the context of sustainable urban development, and their deployment in various jurisdictions, see Sheltair Group, Inc., *Visions, Tools and Targets: Environmentally Sustainable Development Guidelines for Southeast False Creek* (submitted to Central Area Planning, City of Vancouver, 18 April 1998).

⁴⁰ For background on the CityPlan exercise, see Ann McAfee, “When Theory Meets Practice,” *Plan Canada* 37, no. 3 (1997): 18-22.

implementing the goals and targets. Perhaps, various “perks,” such as additional funding for community facilities, could be offered for neighbourhoods that exceed the targets. Or, perhaps, they could opt out of some provisions in exchange for exceeding targets in other areas of performance.⁴¹

Conclusions and Implications

IV.

A. Overview of the Findings

This report has reviewed the recent controversy involving “monster houses” in the affluent Vancouver neighbourhood of Shaughnessy, and the evolution of the “character zoning,” known as RS-5. It has evaluated the usefulness of this zoning, and the process that led to its creation, from the vantage point of addressing community design conflicts and compared it with other available options, such as standard RS-1 zoning, RS-6, and neighbourhood design panels. The report suggests that RS-5 has been quite successful in its original goal, and that the collaborative approach that produced it should be seen as a potential model for resolving community conflicts. Below further recommendations are offered for protecting the heritage and “sense of place” in existing neighbourhoods, and for extending neighbourhood participation.

The report also attempted to apply the lessons from this type of zoning to the task of reducing the “ecological footprint” of residential neighbourhoods. It made a number of recommendations regarding how this might occur, and suggested that the full ecological impacts of residential neighbourhoods – as well as the issue of affordability – have largely been neglected in the debate over design controls and yet are of equal, if not greater, importance.

B. Conclusions and Recommendations

One possible recommendation would be to establish design panels in interested neighbourhoods to adjudicate design conflicts, with the assistance of the Planning Department. For the time being, these would have to be nominally “advisory” in nature as the Vancouver Charter does not permit municipal decision-making functions to be exercised by citizens.⁴² However, given that pressure is increasing for citizens in neighbourhoods to exercise a more direct role in municipal governance, now would be an appropriate time to lobby for the requisite changes in the City’s legislative charter.

⁴¹ I am indebted for some of these ideas to Kathryn Cholette.

⁴² At the same time, residents of a given neighbourhood should be apprised of some of the disadvantages of design panels: their potential for arbitrariness, their potential for being hijacked by an unrepresentative sample of the community, and the length of time it would likely take for them to process development applications.

Such panels should maintain records which document decisions taken, and the reasons for these decisions. An annual report to the community should be produced, with City assistance, and should be discussed at an annual assembly of the neighbourhood, where design panel members would be available to answer questions and challenges concerning the fairness and wisdom of decisions taken. New members to the panel should be elected at such assemblies (possibly on a staggered basis to permit the mentoring of new by more experienced members), and prospective candidates should make public the philosophy and orientation they intend to bring to the position.

To make the panels' operation less arbitrary, some sort of zoning and broad design guidelines or regulations should be in place. There can and should be a diversity of approaches, as exists now with RS-3, RS-5, and RS-6. Any attempt to prescribe a uniform "character" to a neighbourhood, except perhaps where particularly historic representative streetscapes are at issue, should be avoided. At present, it seems that the RS-5 guidelines are encouraging an emphasis on quality of design rather than uniformity. This should be strengthened. For instance, city-wide awards could be given for the most aesthetically pleasing examples of neo-Edwardian, Mediterranean, and "modernist" designs. Rather than treat some ethnic traditions of architecture as being intrinsically more "tasteful," efforts should be made to encourage proponents of different styles to apply more rigorous standards of excellence.⁴³

At the same time, within neighbourhoods, surveys could be undertaken to discover which styles of house design are most favoured within a particular neighbourhood, and these results could be lent some, but not too much, weight in the work of the design panels.⁴⁴ The idea would be to permit neighbourhoods to pursue different trajectories, but not to so rigidly as to exclude non-dominant groups. It would also be useful to promote respectful city-wide debate and discussion as to which house styles are apropos of this unique place, aesthetically and ecologically. For instance, are Mediterranean and Californian designs really the most appropriate in a temperate coastal rainforest? Taking account of indigenous styles and traditions should also be encouraged, where this is supported by local First Nations.

In addition to continuing to address "character" issues in a way that promotes tolerance, a spirit of citizenship, and neighbourhood empowerment, we must begin to develop zoning, and regulations or guidelines, that explicitly

⁴³ Somewhat useful in this connection are Gary Hack's "Ten Commandments of Design Review" [<http://www.citycomfots.com/hack.html>].

⁴⁴ A similar approach has apparently been taken in Helena, Montana where the views of more than 500 residents have been surveyed regarding photos of typical street scenes. [news item], *Urban Ecologist* 1 (1998): 16.

seek to reduce environmental impacts and enhance the environmental benefits of residential neighbourhoods. Possible steps in this direction might include:

- beginning a City-wide educational process that would raise for discussion the relationship between zoning, housing and landscape patterns, density, and environmental impacts;
- incorporating these issues into future neighbourhood “visioning” processes of the CityPlan exercise, using the environmental goals of the plan as departure point;
- with support from interested residents, developing a pilot project in one neighbourhood to develop appropriate zoning and guidelines/regulations to address these issues which, once “road-tested,” could serve as a model for other neighbourhoods;
- encouraging property-owners and renters to adopt measures – such as enhancing backyard habitat and biodiversity values – which do not require a change in zoning;
- changing by-laws city-wide to facilitate the more naturalized treatment of lots; and
- incorporating the proposal for environmental site analysis as an integral part of the building permit process.

C. Reflections on the Research Process and Implications for the Future

At the conclusion of this report, I would like to offer some brief reflections on the epistemological challenges facing the researchers in exploring this value-laden topic. In framing the research questions, and compiling and interpreting the data, we found ourselves wearing three hats: that of “objective” historian, moral philosopher, and planning-related policy analyst.

As historians, we were attempting to chronicle a recent and still-unfolding “story” involving the interface between (conflicting) community values and planning processes and tools that are the prerogative and responsibility of the local municipality. In this role, we were attempting to ascertain the “facts” – what happened when, and what was at issue – and to record, as “objectively” as possible, the perspectives of the main players in the drama.

As philosophers, we attempted to evaluate the claims and justness of positions advanced by the various parties, and to use our own perspective to judge the efficacy of the solutions and procedures adopted and to suggest possible future directions. And, as planning-related policy analysts, we were attempting to document a specific planning case study, with a view to enhancing the substantive and procedural understanding of theoreticians and practitioners alike.

These substantive, normative and procedural roles are not easily separated. For instance, how is one to evaluate the efficacy of planning tools and procedures apart from the specific norms that one seeks to entrench and advance? And how is one to establish the facts when these can hardly be said to exist independently of the interpretations of the players – except in relation to such mundane matters as names, dates, and the wording of the design guidelines themselves?

Further, we have found the issues considered in this report to be extraordinarily complex. Our engagement with them has reinforced our belief that the “truth” of such planning episodes is highly contextual, and depends on the experience and vantage point of the specific individual or interest group. Recognizing that the issues explored are not a matter of direct experience or investment for us, we treated our “distance” as researchers as a source of strength and weakness – strength, because we can hear from a variety of perspectives and, to some degree, transcend the limitations incumbent on each. And weakness, because we lack the “lived” experience with this issue that gives the perspectives of the major players their force and credibility.

While we did not have the opportunity to do so, we feel it would be useful for other researchers to investigate how well neighbourhood design panels have worked in other contexts, to collect information on situations where environmental zoning has been deployed (and the resulting problems and prospects), and to evaluate where the greatest gains can be made with respect to the various planning tools currently in use. For instance, is zoning the place to start, or can more impact be achieved by seeking a change in, and more vigorous enforcement, of building codes? On these and other matters, we in the Social Change Institute would like to hear from other researchers who have experience with these matters.

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APPENDIX: Individuals Interviewed for the Study

- **Peter Burch**, planner, Community Planning, Planning Department, City of Vancouver, 14 August 1997.
- **Dave Thomsett**, senior planner, Land Use and Development Division, Planning Department, City of Vancouver, 17 February 1998.
- **Kingsley Lo**, architect; member of the RS-5 Working Group, 27 February 1998.
- **Helen Spiegelman**, former president of the Dunbar Residents' Association; community activist, 27 March 1998.
- **Patricia St. Michel** (planner, Community Planning), **Anita Molaro** (planner, Land Use and Development), **Bob Adair** (facilitator, Development, Information and Application Centre), and **Peter Burch** (as above), Planning Department, City of Vancouver, 29 April 1998.
- **Rod McDonald**, director, Douglas Park Community Centre; director, Douglas Park Residents' Association, 29 April 1998.
- **Jennifer Clarke**, resident of Shaughnessy, member of the RS-5 Working Group, Vancouver city councillor since 1994, 4 May 1998.
- **Keith David Benjamin**, former active member of the Dunbar Residents' Association and its planning committee; architect, 7 May 1998.
- **Al Dexter**, president, West Point Grey Residents' Association, 8 May 1998.
- **Bill Farish**, member, West Kerrisdale Residents Association; co-chair, West Kerrisdale working group on zoning issues, 6 June 1998.