Urban Design and City Government

by

Stephen Lodge-Zaparnick

A Thesis
presented to the University of Manitoba
in partial fulfillment of the
requirements for the degree of
Master of City Planning

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ABSTRACT

This thesis is written for students of city planning who are interested in urban design. The purpose of urban design is to create sense of place. Sense of place is the relationship or feeling of identity which can occur between people and the urban environment. For the most part, urban designers have failed to create sense of place. This failure is the result of a lack of understanding by urban designers of the relationship between the physical environment and people. They focus on the physical environment and do not understand sufficiently the importance of social and cultural factors in shaping that urban environment. In particular, they do not understand the dominant role of market forces and the political system in shaping the urban environment. The thesis presents a new method or urban design which takes into account social and cultural factors. It incorporates the importance of the market place, the role of municipal government, and citizen participation in urban design. It does this in a way which enhances sense of place. Case studies are presented. Vancouver is an example of a city that exemplifies this new method of urban design. Winnipeg is an example of a city that does not examplify this new method of urban design. Recommendations are made for Winnipeg which could facilitate that adoption of this new approach to urban design.

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Finally, in appreciation for their support, patience and encouragement over the past two years, I dedicate this thesis to the two most important people in my life - my wife Maureen and my daughter Ashley.

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CHAPTER 1

INTRODUCTION

I.   THE THESIS: PURPOSE AND PERSPECTIVE

A.   The Purpose

Sense of Place takes place when people identify with
their urban environment. This identification is the result
of designing urban environments that refelct the social and
cultural values of the users. The design method by which
this is achieved may be based upon information about aesthetic
criteria and behavioural responses of people to environmental
stimuli obtained from the social sciences. The information
itself is relative to culture. The urban design may use any
or all of the above sources of information as a basis for
his designs. He may supplement that information by consulting
potential users of the proposed design. Recently, a new
source of supplemental information to the urban design process.
has been put forward. This new source of information is
generated by citizen participation in the urban design
process. All these sources of information are individually
and collectively necessary to create sense of place. The
only effective means of incorporating all these sources of
information into the urban design process is at the political
level. The purpose of this thesis is to present the reader
with an effective mechanism for channeling citizen
participation into the urban design process at the political

level.

B.   Unfolding the Perspective

          Three main issues will be addressed:

     1. By viewing urban design largely as a matter of
aesthetics, the designers of today's cities have lost sight
of what urban design should and has always been concerned
with - people. In order to create quality urban environments
urban design must go beyond being solely concerned with the
design and fitting together of the various spatial elements
that go to make up the urban environment. It must also be
concerned with including citizen participation at the decision
making level in the urban design process. That decision
making occurs at the political level. Citizen participation
in a city's development approval process provides a system
by which the general public could have a say with respect
to the issuing of development permits. It would allow for
the inclusion of the behaviour expectations of potential
users when a City reviews development proposals as part of
the development control process - urban design as a social
art as well as urban design as a fine art.

     2. The goal of creating sense of place for urban
dwellers is not being met. Failure to do so is not the
result of a lack of concern by urban designers with respect
to how the public may or may not respond to the built urban
environment. Urban designers do want their designs to be
identified with by the public. The problem is one of
applying a more workable approach that can better reflect

user needs and values. At present, urban designers rely on artistic intuition, personal experiences, and/or scientific research in the social sciences to predict how potential users may or may not respond to particular urban settings. At times, those approaches can prove successful in creating urban environments that enhance the physical and mental well-being of those people who experience them. However, the chances of being unsuccessful are just as great if: A. user needs and values are not identified directly from citizens, and b. citizen input is not incorporated into the city's development approval process.

To obtain the goal of designing cities that are rich in "sense of place", urban designers must have an approach to urban design that is sensitive to the needs and values of potential users. By using the word sensitive I mean capable of going beyond merely taking into account needs and values with respect to physical design and spatial arrangement. Architects and landscape architects may claim to do the latter. I mean also taking into account more socially oriented needs and values; that is, the inclusion of social, vital, and cultural needs and values into the design program when developing urban settings.

3. The possibility of creating the preceding kind of approach to urban design does exist. In fact, the framework for such a system is being applied to the development of cities on a day-to-day basis. It is a city's development permit approval process. Development approval of any particular development proposal is based on its fulfillment

of certain requirements. These requirements are usually
in the form of zoning by-laws which are deemed necessary
to protect the health, safety, and welfare of the general
public. In representing the general public, city government
is in the unique position of being able to inject specific
urban design standards into the development approval
process. Furthermore, through their city planning departments,
city governments also have the manpower and expertise to
gather information pertaining to user needs and values.
That information could then be applied to the development
or realistic urban design guidelines. These could be
incorporated into the city's development permit approval
process.

It would then be possible for a city to have a set
of urban design guidelines that could be referred to by all
those people involved in designing and developing the city.
By being part of the requirements for development approval,
the guidelines would provide incentive for developers to
seriously take them into account when drafting up development
proposals.

Urban design is best handled at a political level.
I see urban design as being a political process rather than
merely being a physical design process.

4. Unfortunately, zoning is not a viable means of
incorporating urban design criteria into a city's development
approval process. By being based on "rule of law", zoning
lacks both the flexibility and the kind of discretion needed

when doing design work. This flexibility and discretion can be achieved through a development approval process based on British development control. A comparison of zoning to development control based on those two criteria is as follows:

(1) Zoning has no general regulations. All regulations are specific and are set down in advance of the by-law. They regulate specific aspects of proposed development. They are applied to all development proposals universally and uniformly.

(2) Development control has general guidelines. There are no specific regulations set down in advance. Development proposals are submitted prior to regulations of specific features of the proposed development. These features are negotiated on a case-by-case basis. Constraints which apply to one development need not apply to another.

II.   METHODOLOGY: A JOURNEY TO AN ANSWER

This thesis can be seen as being the result of a four year exploration into the area of urban design. While being an academic statement on what I believe urban design is all about, this thesis is much more. It also reflects my feelings and beliefs about the world around me.

A.   Urban Design as a Fine Art

The first part of this journey involved arriving at an understanding of what issues urban designers should address. Reviewing the literature on urban design, I formed the opinion that the problem behind the quality of most

Canadian cities was an aesthetic one. The design and
fitting together of various spatial elements in order to
create urban environment that are cohesive, functional,
and visually pleasing was not being met.

B.   Urban Design as a Social Art

        After reflecting on the position that urban design
is a fine art I began to realize that it was a position
that only partially solved the problem of designing urban
environments. Urban design also addresses important
social issues, such as health, safety,comfort, shelter,
and efficiency. With the latter in mind I went back to
the literature where I found backing for this point of view.
A point of view where urban design goes beyond solely dealing
with the aesthetic structure of the urban environment. It
would also have to take into account more socially oriented
concerns. User needs and values become just as important
as aesthetic values. I had arrived at an attitude towards
the practice of urban design that I felt would prove
successful in designing urban environments having a sense
of place. Urban design went from being a fine art to also
being a social art.

C.   A Sense of Place

        At the beginning of the introduction I mentioned
that the underlying goal of urban design is to create
cities having meaningful place experience. The next stop
on my journey then was to explore the topic of sense of
place and see if a more socially oriented approach to urban

design would be able to take into account the main factors that combined to create sense of place. Reviewing the pertinent literature on sense of place I concluded that when approached as a social art urban design could do just that.

I had now arrived at an important point in my journey. I had arrived at an attitude and approach towards urban design that could go beyond solely dealing with the aesthetic structure and spatial arrangement of the built urban environment. This approach accepted the responsibility of also dealing with more socially oriented concerns of people affected by urban settings.

D.   From Theory to Practice

The next stage in my journey was to take my theoretical viewpoint on urban design and see if it could in fact be applied to the actual day-to-day job of developing the urban landscape. Could theory be made factual by successfully incorporating appropriate urban design criteria into a city's development approval process? To meet that objective I examined the development approval processes of two Canadian cities: Winnipeg and Vancouver. The choosing of these two cities came about as a result of inquiring into the approaches to urban design taken by the major cities in Canada. Winnipeg, as it turned out, has an approach to urban design that:

1. Is at odds with my own viewpoint or urban design being a social art, and

2. Is a prime example of an approach to designing the city that grew out of an historical approach to urban development and land use regulation that is common to most Canadian cities. That being, a. private urban development and its effect on the overall design of the city's urban environment is left in the hands of the private sector, and b. by adhering to the use of zoning to regulate land use it has in place a system of development control that is not conducive to incorporating urban design criteria.

On the other hand, Vancouver turned out to have an approach to urban design that:

1. Best exemplifies my own viewpoint on the topic of urban design, and

2. Has broken from tradition by adopting a system of development control that is unique in Canada. Specifically, a. In order to incorporate urban design criteria into its development approval process the City of Vancouver dropped the use of rigid zoning and replaced it with discretionary zoning. It is a form of controlling land use and urban development that is based on British development control. As mentioned earlier, British development control is a system of regulating urban development that is conducive to incorporating urban design criteria, and b. private urban development and its effect on the overall design of the urban environment is handled as a joint partnership between city council, city administration, the general public, and

the private sector.

Information and viewpoints put forward regarding the two cities are based on: 1. Interviews I conducted with representatives from the public sector and the private sector, and 2. written information pertaining to each city's respective approaches to urban development and urban design.

III.   Structure of the Thesis

In its presentation the thesis can be broken down into four main sections:

1. The first section, covered in chapter two, deals with the issue of urban design: a fine art or a social art. As a fine art, approaches to relating design criteria to the aesthetic structure of the city are discussed. As a social art, the reader is presented with my reasoning as to why urban design must go beyond solely dealing with the aesthetic structure of the city if urban environments are to effectively reflect user needs and values. The main argument is that an approach to urban design is required that is based on greater sensitivity towards social needs and cultural values, as opposed to a reliance on specific urban design techniques, style, and artistic intuition. The chapter points to the lack of a system to developing the city capable of effectively evaluating user needs and values, and channeling them into the urban design process.

2. The second section, covered in chapter three, deals with the topic of sense of place. This chapter puts into

perspective how urban design, when approached as a social art rather than as solely a fine art, is better equipped to incorporate the main components of sense of place when creating urban settings. The reader is presented with a characterization of sense of place, pointing to the fact that it is the result of the interplay between the aesthetic structure of the city and the socially oriented concerns of the inhabitants.

3. The third section, covered in chapters four, five, and six, looks at the practical application of urban design as a social art in the urban development of the Canadian city. Chapter four, examines the City of Vancouver as a case study of a city that has successfully done so. The reader is presented with the mechanics of that city's development approval process. A socially oriented approval process that i. incorporates urban design guidelines based on user needs and values, ii. includes citizen participation when reviewing and approving development proposals, and iii. is a participatory process between city counsel, city administration, the general public and the private sector. The systems shortcomings are also noted. Chapter five, in comparison, examines the City of Winnipeg's approach to approving urban development proposals, an approach that promotes a system of designing the city that is common to most Canadian cities, one that is not conducive to developing the type of approach to urban design found in the city of Vancouver. Chapter six, once again using Winnipeg as a case study, presents the reader with a

discussion as to why a development approval process based on British development control, such as the one found in Vancouver, is better suited to incorporating urban design criteria than one based on zoning, as in Winnipeg.

4. The fourth section, covered in chapter seven, is the concluding chapter. It provides the reader with a summation of the main points put forward in the thesis with respect to what urban design is, what it must try to accomplish, and what is the best means to accomplishing it. Furthermore, the chapter offers a discussion on the future of urban design in Winnipeg.

CHAPTER 2

THEORY OF URBAN DESIGN: ARCHITECTURAL
DETERMINISM AND SOCIAL DETERMINISM

In this chapter and in the next chapter I will look
at theory of urban design. I will look at the various
competing theories of urban design, consider their
strengths and weaknesses, and formulate a theory of urban
design which builds on the strengths and eliminates the
weaknesses. A problem I had was that many of the authors
consulted did not call themselves urban design theorists,
but what they are in fact doing is proposing a theory of
urban design. An additional problem is that some of these
authors may disagree with the method of classification
which I selected. I have chosen the system of classification
that provides the greatest possible insight into the theory
or urban design. In this chapter I will discuss the current
body of theory on urban design. In the next chapter I will
present my own theory.

A major goal of urban design should be to improve
the physical make up of the city, so as to enhance the
well being of its residents, both mentally and physically,
and to preserve their cultures. This means that urban
design can be viewed as a relationship between people and
the urban environment. The way in which the urban designer
sees this relationship will determine the theory of urban
design which he espouses. For analytical purposes I have
chosen to discuss the literature on urban design under

two headings: 1. Architectural determinism, a theory of
urban design which emphasizes beauty. 2. Social
determinism, a theory of urban design which emphasizes
human behaviour. I want to focus the discussion of these
two theories on the following points:

    a.   The view of the relationship between people and
        the built environment

    b.   The role of the designer

    c.   The role of the public

    d.   The importance of human behaviour and motivation.

      Discussion of these theories has been drawn from a
variety of sources. I have chosen to rely most heavily
upon: J. Barnettt, M. Broady, R.S. Cook, G. Cullen, M.
Deasy, H. Gans, B. Greenbie, E.T. Hall, L. Halprin, J.N.
Jackson, S.K. Langer, K. Lynch, W. Michelson, C. Perin,
M. Proshansky, E. Relph, G. Robinette, P.D. Spreiregan,
F. Steele, D. Styliaras, W.H. Whyte, M.R. Wolfe. There
are many authors that could have been selected as
representatives of one school of thought or the other.
I have chosen these because for the purposes of my thesis
they develop their positions in the most concise and
comprehensive manner.

I.   THE THEORY OF ARCHITECTURAL DETERMINISM

      Architectural determinism is difficult to
describe because apparently no designer believes in it.
The term "architectural determinism" was invented by

people who wanted to criticize certain architectural practices that were no longer in vogue, and which lacked a descriptive label. Some theorists of urban design mention its weaknesses as a reference point. They do so in order to validate their own positions. Architectural determinism is a theory about the relationship between design and human behaviour. It is grounded in a stimulus-response (s-r) model of behaviour. The theory of architectural determinism views the built environment as a stimulus that predictably elicit responses from people. The effective characteristic of the built environment which functions as the stimulus is beauty.

The role of the urban designer is to create a relationship between people and their environment. His objective is to create a positive experience. His prediction is that by creating beautiful environments he can create those positive experiences. The role of the public is passive. While the responses of the public are important the public do not need to be consulted. A beautiful design produces a positive response. The beautiful design is the creation of the designer.

II.   THE THEORY OF SOCIAL DETERMINISM

The theory of architectural determinism is false. Proper conduct does not follow predictably from good design. This is a major criticism, but only one of many that could be made. The school of social determinism came about as a

result of the failures and perceived weaknesses of the
theory of architectural determinism. They are both schools
of physical design and they both believe that they can
predict human behaviour. According to the theory of
architectural determinism the purpose of the physical
arrangement of the physical environment is to be beautiful.
According to the theory of social determinism the purpose
of the physical arrangement of the physical environment
is to perform the "functional" role of allowing people
to meet and interact.

The major difference between these theories is in
what they see as being the key factor in the relationship
between people and the physical environment. The theory
of architectural determinism saw the important aspect of
design as being beauty. The theory of social determinism
sees the important aspect of design as being its capacity
to affect human behaviour. This is a shift in focus from
the non-human to the human. In addition to taking into
account the physical aspects of urban design, the theory
of social determinism includes human responses to those
physical aspects as part of its design procedure. They
still believe that response to the physical and social
stimuli is predictable.

The role of the public is still passive. The
urban designer is still the sole creator of the urban
environment. There are a number of things that the social
determinist takes into account that the architectural

determinist does not. The social determinist considers
human responses when designing. He does this by using
information developed by the social sciences. This
information deals with the subjective responses of people
to objective stimuli. He believes he can use this information
to predict human responses.

The meeting and interaction of people with the
urban environment and with each other is the crucial component
in developing the quality of place experience. The social
determinist sees this interaction as shaping or giving the
urban environment whatever qualities of place experience
it may possess. Like architectural determinism the
relationship between urban design and human behaviour is
determined. In this case "design" means design of physical
environments which facilitate/causes certain sorts of
interaction. Physical design is important not for its
aesthetic features but because it functions as a milieu
for interaction. There are two kinds of interaction:
1. between people and the built environment, and 2.
between people in the built environment.

1. Interaction Between People and the Built Environment

Human responses to the built environment can be
emotive as well as physical. The urban landscape can be
symbolic of or mirror human feelings. This symbolic
abstraction can be unknowingly projected on the urban
landscape by the person. (18)

2. Interaction Between People in the Built Environment

Fritz Steele alludes to this kind of place experience when he discusses what he calls "people people" as opposed to "place people". "People people" are most influenced by the people they are doing things with and least influenced by what they are doing and where they are doing it. "Place people" are most influenced by their immediate surroundings. They find satisfaction in the way they relate to those surroundings. Steele clarifies the difference between the two with an example:

> These differences become clear when there is a mismatch, such as a dating relationship between a people person and a place person. The former wants to share experiences and work on the relationship, while the latter often reluctantly agrees to this, provided it can be done in the appropriate setting, such as a nice walk through leafy suburban streets on a spring evening. The people person will feel miffed at the concern about such a "trivial" matter as when they talk, while the place person will feel that the encounter is mushy and sticky and will be a waste of time unless spent in a good location. (37:44)

The people person bases his or her place experience on whatever social interactions take place. So, in a sense the urban environment 'responds' or is shaped by the person's emotions. These are based on or are the result of interactions.

Hence, the social determinist sees human activity as being the critical factor in the development of place experience (or sense of place). In this context human activity does not mean the same thing as human interaction. Interaction between people is not a prerequisite for place experience. Place experience can be a very private and

personal experience. The point to be made is that urban settings should be focal points of human activity. The human activity that takes place in urban settings can be private (personal) just as well as public (social) in nature, and it can be just as intense between people and their urban environment as it can between people either on a one to one or group basis.

III.   A COMPARISON AND CRITIQUE OF ARCHITECTURAL
         DETERMINISM AND SOCIAL DETERMINISM

There are similarities and differences between the theory of architectural determinism and the theory of social determinism. The similarities are:

1.   Both theories deal with the relationship between the built urban environment and the human being.

2.   Both theories see that relationship as being a stimulus-response relationship.

3.   Both theories focus on physical design.

4.   Both theories believe that it is possible to predict responses based on proper design.

5.   Both theories see the role of the public as being passive.

6.   Both theories see the role of the designer as that of artist to the subject matter.
The differences are:

1.   Architectural determinism deals with "beauty". The architectural determinist uses information that deals solely with physical design.

2.   Social determinism deals with responses. The social determinist uses information about physical design, but he also uses information about how people may respond to physical design. He gets the information from the social sciences.

The goal of urban design is to create a harmonious relationship between the built urban environment and the people. The architectural determinist sees the relationship in terms of stimulus-response. He believes that beautiful and harmonious urban environments can create beautiful and harmonious behaviour. Experience has shown this to be false. A new approach was needed that could take into account the responses of people to features of the built urban environment. The social sciences are an obvious source of this kind of information. It was still desired that this information could be incorporated into the stimulus-response model. Because he includes this additional information the social determinist believes his approach is better than that of the architectural determinist. However, it is not. Both approaches to urban design fail to predict responses, and fail to create predictably sense of place.

There is no body of knowledge available which allows us to reliably predict human behaviour based upon knowledge of environmental stimuli. The problem is that designers believe that the information borrowed from the social sciences can be used to predict human behaviour. There is a misunderstanding between the designer and the

social scientist as to how the information should be used.

> The contrasts in thinking is marked. Theory derived
> from quantities of data is necessarily a static
> abstraction of the data; designing handles the
> ongoing or dynamic interrelations of real phenomena.
> Theory explaining events must attempt a universality
> under given conditions; each designing effort is
> unique in extent, terrain, and degree. Theory in
> social life seeks to describe tendencies and habits
> as invariant rules or as dependent variables;
> environments are themselves new opportunities and
> change from what has been. Theory in social
> organization classifies as a macroscale across
> the whole of society; designing is mainly a
> macroscale event. Theory in the human sciences
> reflects the organization of the disciplines working
> to discover it and is consequently partial, segmented,
> and fractional; designing by its very nature is done
> with the whole environment in mind, as a system dealt
> with simultaneously. (27:12)

Even though there are findings that support the
belief that the spatial arrangement of the urban environment
is related to some behaviour and unrelated to other
behaviour, the effects of these spatial arrangements and
the application of the findings that go to support those
effects are limited in a number of ways. Two examples of
these ways are scope and time. The problem of scope arises
because certain variables are studied as if they were
independent from other variables when in fact they are
not. The problem of time arises because people and
circumstances change. (25)

1. Scope

Each individual has many characterists. These
characteristics are not independent of each other. They

affect one another because the scope of an individual's character is large, it is impossible to consider all the relevant social factors at once. At best, when several social factors can be taken into account, they are viewed and examined one at a time. The scope of those individual bits of information is limited if they cannot be judged as to how they affect one another. For example, "... what you may assess about a particular family's housing on the basis of its life cycle stage may be altered to some degree when you learn of its values or its social class." (25:196) Life cycle is used by the social scientist in the following manner: "Social scientists find age a useful variable. As a person ages, he progresses through meaningful stages of physical development ... Similarly, social scientists benefit from knowledge of a person's position in or out of the family. But far more meaningful than either of these two notions alone has been a third concept - which binds together the insights of the previous two. It is much more meaningful, for example, to realize that a man is 25 and has a wife and two children, than to know that he is 25 or that he has a wife and two children. (25:95)

The problem of scope can also be applied to environmental design with similar results. "City form is intricate and complex, and so is the system of human values. The linkages between them are probably unfathomable." (22:105) Both Michelson and Lynch see the answer to the problem as being an emperical one. The

effects of urban environment on human behaviour can only
be discovered by observing human behaviour in the urban
environment. It cannot be done a priori.

2. Time

When relating social factors to the physical
environment the researcher and the designer must rely
on a snapshot image of that relationship. This is a
problem because the relationship is dynamic. Some social
factors may diminish in importance when exposed to new
surroundings, while others may become more prominent. This
is hard to predict. Even if certain social factors are
established as important, that prominence cannot be
guaranteed to continue in the future. It is difficult to
gather information as to how people adapt to new urban
environments. It is also difficult to predict how people
adapt to changes in their environment after their first
encounter with the changes. The studies which are done
are always relative to the time in which they are done.
People change with time. The environment changes with
time. The theories which shape our perception of the
relationship between people and the built urban environment
change over time.

IV   THE ROLE OF THE URBAN DESIGNER:
      THE NEED FOR A NEW THEORY OF URBAN DESIGN

The problem that exists in the relationship between
the urban designer and the social sciences is not the fault

of the social scientist. The fault lies with the urban

designer.

> Deciding is a main responsibility for the designer
> and the least responsibility for the human scientist
> ... (the latter) views his research as having no
> necessary connection with impending decisions... But
> in environmental design demands are often made for
> accurate forecasts as a condition of using research
> findings at all, and when the social scientist sets
> limitations on the validity of his findings, the
> designer does not applaud this scientific veracity,
> but instead becomes disappointed and distrustful.
> (27:13-14) Designers, handling so many variables,
> faced with having to emphasize some and not others,
> are continually hoping to find an isolatable and
> accessible key factor. But research that identifies
> some dependent and independent variables does not
> tell the designer what he needs to know about the
> whole situation - his unique concern ... In search
> for substantiation of this kind, the designer is more
> likely than not to turn to himself - his personal and
> professional experiences. (27:25)

When people want to do anything they have a point of view

which tells them what sorts of things they have to do and

what kinds of results they can expect. Whatever the situation,

people want the best perspective of the situation at hand.

The way to judge the perspective chosen is by the success

of the results. If people fail to get the results they

want then there is something wrong with the theories or

there is something wrong with the practice. Then the

theory needs to be changed or the practice needs to be

changed. For example, this is what the social determinist

did to the theory of architectural determinism.

The methods used by the theories of urban design

fail. They fail because the stimulus-response model of the

relationship between people and the urban environment does

not work. Urban designers have adopted a role that is

compatible only with a stimulus-response model. If the stimulus-response model is false and has to go so does the urban designer's role. The real problem is the role of the designer. Urban designers want to be in charge. They want to have power or control over the design of the urban environment. In this chapter two theories about urban design have been attributed to urban designers. If these theories are true the power or control they desire is proper. Despite the fact that the theories are demonstrably false the ideology of urban design has not been changed.

I want to propose a new approach or urban design. The architectural determinist did not think it was necessary to take into account explicit information about the way in which people are affected by the urban environment. They thought that these affects were predictable. These beliefs are consistent with preserving the power of the urban designer over the design of urban environment. The social determinist believes that the failure of architectural determinism to predict successfully human response is a result of its failure to take into consideration the ways in which the urban environment affects people. By obtaining information about the responses of people to environmental stimuli from the social sciences the social determinist preserves the power of the urban designer over the urban environment as part of his theory.

A new theory of urban design is needed. As part of this new theory the urban designer should surrender

some of his power over the urban design process.

> I propose the redefinition of the design program
> in such a way as to create a conceptual scaffolding
> between environmental design and the human sciences:
> the design program should provide the environmental
> designer with a statement of the inhabitants'
> requirements, which his work is to satisfy, that
> has been developed out of research conducted with
> reference to contemporary theory in personality,
> culture, and social organization. A design program
> developed in this way will specify so many previously
> unacknowledged human requirements that the designer
> is challenged to develop responses going beyond those
> presently in the vocabulary of forms. (27:63)

More importantly urban design must not be

> ... simply the individualistic expression of the
> designer who is simply making a design decision
> based on his personal interpretation of community
> goals and aspirations. (42:11) Planning accordingly
> has to be thought of not only as a matter of physical
> design ... but also as a social process of an
> educational kind which seeks to encourage the
> contributions which people themselves can make to
> the improvement of their own social environment.
> (4:19)

The people who are affected by the designs should be

consulted as part of the design process. Some designers

will make the objection that they do consult the people.

My point is that not only should they be consulted but

they should also be given some control over the final

design. Constance Perin solves this problem by regarding

designers of the urban environment as being akin to

policy makers. The urban designer must choose a course

of action, take the initiative in acting upon it, and

accept responsibility for the consequences. Perin sees a

policy as a "best guess" about the consequences of taking

action, and that environmental designers always run the

risk of being wrong, due, in part, to basing their design
decisions on inspirations of their intuitions. (27:13-14)
The best way to attempt to nullify the risks of making a
wrong decision would be to obtain as much knowledge about
how a particular urban design may affect its potential
users.

I want to propose a new theory of urban design
which builds on the strengths of the two theories I have
discussed in this chapter. I plan to incorporate the
aesthetic criteria that were put forward by the theory of
architectural determinism. The purpose of these criteria
is to create beauty and harmony. I also intend to incorporate
the knowledge of human behaviour which is used by the theory
of social determinism. The purpose of this information is
to know how people react to environmental stimuli. I am
going to abandon the stimulus-response model. I am going
to define a role for the urban designer where the power
over the final design is shared with the public.

CHAPTER 3

THEORY OF URBAN DESIGN: SENSE OF PLACE

The purpose of the theory of urban design is to create a method for creating sense of place. The theories of urban design presented in the preceding chapter failed to provide a method of doing that. Both theories saw sense of place resulting from a relationship between people and the urban environment. This viewpoint is correct. They both believed that the relationship could be predicted based on a stimulus -response model. This was shown to be false. Stimulus -response model cannot predict sense of place. Because the response cannot be predicted from the stimulus, knowledge of human responses to the urban environment should be based on empirical evidence. Urban design must be based on empirical evidence. It cannot be done a priori. A new theory for sense of place is needed which overcomes these weaknesses.

The old theories saw sense of place as being a stimulus-response relationship. A new theory sees the relationship between people and the urban environment as being one of identification. Identification takes place when a person feels that the urban environment is part of him. Identification or sense of place is engendered by three components. These components are the aesthetic, the social, and the cultural.

Because the stimulus-response model is abandoned the new theory will be based on empirical evidence. This changes the design process and the role of the designer in the design process.

Even though the new theory is based on empirical evidence this is not going to permit predictions to be made as to how people will respond to new urban environments. This means that urban designers practicing in traditional ways will have difficulty creating sense of place. Experience has shown that co-operation between the urban designer and the public is a process that can help overcome these problems. The new theory must include a new role for both the urban designer and the public. This new role must include citizen participation. This means that the urban design process promotes identification or sense of place.

I will discuss sense of place under the following headings:

   I. Theory of sense of place

      A. The aesthetic component

      B. The social component

  II. The role of the urban designer and the public.

This section will include an examination of culture in establishing aesthetic and social norms for urban design, and the effect this has on the role of the designer and the public.

I.   THEORY OF SENSE OF PLACE

A.   The Aesthetic Component

This section deals with the valuable contribution
that aesthetic criteria make to sense of place. It should
be remembered that the responses of people based on these
criteria cannot be predicted a priori. The responses can
only be known through empirical observation.

The aesthetic aspect is that component of sense of
place which accounts for the environmental stimuli that
arouse a person's senses. Every physical setting evokes
sensations in people. These sensations will range from
weak to strong and negative to positive, depending on the
individual.

> When we refer to the immediate environment we usually
> mean our physical surroundings. For instance,
> wherever you are reading these lines at this moment,
> you are located somewhere that has many fixed features
> that could potentially influence you: spaces,
> furniture, fixtures, patterns and intensity of light
> ... and so on.
>
> The list of physical elements is potentially long,
> even for simple settings; thus, we usually select
> certain features that make it easy to do a messy task
> like mixing paint ... other settings constrain this
> kind of task ...
>
> Physical features affect feelings as well as
> activities. For example, warm colors (reds, oranges,
> yellows) have a stimulating effect on mood, while
> cool colors (greens, blues, greys) generally have
> a calming or action-reducing impact. These are
> general tendencies, of course, and do not hold
> true for all people, or for any person all the time.
> In addition, which effect is 'better' depends on what
> one wants to have happen in a particular setting.
> Other features that consistently affect feelings
> include texture of walls, floors and furnishings;
> levels of natural and artificial lighting; air
> temperature and humidity; and items that tend to

have symbolic significance in a particular culture,
such as gates, fences, or locks as symbols of
security, or original paintings as symbols of
wealth and power. (37:14-15)

Four major design criteria should be taken into
account when looking at the aesthetic structure of the city.
They are: 1. visual criteria, 2. the function of movement,
3. comfort, and 4. urban experience. The four criteria
are not easily separated and should be seen as acting in
a unified manner. The art, then, in urban design becomes
the challenge of forming as harmonious a relationship
between those criteria as possible. The criteria are found
in the literature. For the purpose of this thesis a brief
overview of the four criteria is all that is needed. The
main purpose of this section is to make the reader aware
of what design elements need to be taken into account when
doing urban design as a fine art.

1. Visual Criteria

Traditionally, urban design has been concerned
with visual appearance of the city. Historically, this
dominance of visual criteria was viewed largely as a
matter of aesthetics. However, with the growth of the
social sciences urban design began to take a more
comprehensive view of the built urban environment. To
be more specific, with the inclusion of research findings
from the social sciences on how people perceive, understand,
and react to their urban environment, urban design began
to shift from being solely a process of artistic intuition
to include other sources of information.

The major visual determinant of the city is form. The following design elements come into play: a. size (scale), b. surface treatment, c. urban contour, d. urban space and open space, e. pattern, grain and texture.

a. Size (Scale)

Size is an extremely important element in designing cities. As an art form the underlying theme or urban design is to create urban environments that are spatially unified in character. However, as an art form it has another important function. Like any other art form, urban design wishes to capture and hold the attention of an audience. In this case, the audience is the urban inhabitant.

At times, given the proliferation of "big architecture" it might seem that as an attention getter bigger would be better. However, the word "size" can be misleading. In some instances bigger may be better. In general, the effect of size is relative. The size of anything is important only in regards to how it relates to its surroundings. Size becomes an effective design element through the use of scale. (6:79) Size is relative to what is seen by the observer. It has no absolute terms. (36)

b. Surface Treatment

Colour, facade treatment of buildings, street surfaces, street architecture, and landscaping are important in designing urban environments that are

comfortable and attractive. They are especially important
when applied to the urban spaces and open spaces separating
buildings, landmarks, and nodes (strategic spots or points
in a city). The proper application of surface treatment
can create proper spatial continuity (the avoidance of
gaps and grey areas, and the splitting of urban space
into incoherent fragments). (38:91, 10)

c. Urban Contour

In this instance the word contour means sharpness
of boundary. It can make a building, area, district, or
urban setting stand out - "ask to be noticed". Done
properly it becomes possible to design urban environments
that are legible, making it easier for people to get around
in and, hence, more comfortable to be in. Kevin Lynch
discusses the importance of legibility and the formation
of boundaries through the use of paths, edges, nodes,
and districts. (19)

d. Urban Space and Open Space

Urban design does not only deal with the aesthetics
and spatial arrangement of solid forms when designing the
urban environment. It also takes into account the spaces
created by those solid forms. Urban design can be seen
as creating two kinds of space. Formal or urban spaces
are usually moulded by building facades and the city's
floor. Natural or open spaces refer to nature being made
part of the urban fabric. (36:55, 41, 10)

e. Pattern, Grain and Texture

The pattern of a city is its geometry. It can be regular or irregular and is formed by its routes, urban spaces, open spaces, buildings, and other landscape architectural features.

The grain of a city refers to how various elements of the urban environment relate to each other. The grain of an urban area can vary in degree and be either i. fine grained, ii. coarse grained, iii. sharp grained, iv. blurred grained, or an combination thereof. Grain can apply to urban elements such as activities, timing, residence (social class), buildings and landscape. For the purpose of this section, interest lies in the grain of both buildings and landscape.

i. Fine Grain - A fine grain urban area is characterized by small buildings on small lots that have some unifying characteristic(s) (such as uniformity of height or, in extreme cases, uniform front wall lines), small open space(s), and small urban space(s), and adequate complimentary landscaping.

ii. Coarse Grain - A coarse grain urban area is made up of large buildings covering large blocks, large open spaces(s) and large urban space(s), and lacking in complimentary landscaping.

iii. Sharp Grain - Sharp grain refers to an abrupt transition from a fine grain area to a coarse grain area, or vice versa.

iv. Blurred Grain - Blurred grain refers to a gradual
transition from a fine grain area to a coarse grain area,
or vice versa.

Texture is the degree of mixture between fine
grain and coarse grain urban elements. An urban area can
be either uneven or uniform in texture. For instance, an
area having large buildings of various sizes, lacking in
complimentary landscaping, and only one central urban
space would be coarse grained with an uneven texture. If
the buildings had been uniform in size, in the first instance,
the urban area would have been coarse grained with a
uniform texture. (22,36:54-55)

The five design elements that have been discussed
in this section are basic to city form and are important
in any visual survey of any city when evaluating urban
areas for urban design purposes.

2. The Function of Movement

A second major concern of urban design as an art
form is the function of movement. (5:11) As a component
or urban design, "movement" involves co-ordination of
pedestrian and vehicular traffic. The job of doing the
latter has been left to traffic engineers and transportation
planners. The main problem they address is the conflict
between vehicular traffic and pedestrian traffic (i.e.
when either one prevents the other one from flowing
relatively unhindered). Ease of movement is approached
as a technical problem - the building of more roads, the

widening of streets, wider sidewalks, pedestrian overpasses, underground walkways, and more public transit - and too little as an element of urban design. For movement to be an essential element in urban design, the definition of it given above must include aesthetic elements.

> The aim should be to make the most, in townscape terms, of all new buildings and every urban development. For example, if the exercise is street widening or the improvement of a traffic junction, the first question should be how may the engineering and architectural details positively enhance the qualities of townscape? Design must become both the beginning and the end of the process, because the end is where we start from. (15:96)

Movement should be no longer merely be concerned with getting people from point A to point B as quickly and easily as possible. Now movement should also be concerned with making the trip from point A to point B as aesthetically pleasing as possible.

The inclusion of "movement" as a design element may seem out of place. One can argue that movement is not actually part of either the physical/spatial structure or the environmental make up of the built urban environment. If, however, one takes into account the fact that man is part of his surroundings, movement does take on an important role in designing urban settings. Cities are built for people to live in and to move around it. Just as the more prominent an urban setting is the better its chances are of being noticed, the greater the pedestrian traffic flow is in and about an urban setting the greater its chances are of being noticed. Kevin Lynch points out

that a "highly developed art of urban design is linked to
a creative and attentive audience." (19:120) For the
latter to happen the urban design of a city must be
visually pleasing enough to catch the eye of the passerby.

   3. Comfort

   Cities should be as environmentally comfortable as
possible. Inhabitants must be provided with urban
environments that ensure qualities such as adequate sunlight,
the prevention of wind tunnels formed by building placement,
the avoidance of too much noise, protection from the rain,
and protection from extremes of heat and cold. However,
as was the case in the preceeding section on movement,
comfort should not be approached merely as a technical
problem. The job of creating comfortable urban environments
should go beyond merely providing people with open spaces
and urban spaces that provide adequate sunlight, or
merely providing protection against wind, rain, snow,
noise, heat and cold. It should also make these technical
solutions for creating comfortable urban environments as
aesthetically pleasing as possible. (13, 30)

   4. Urban Experience

   The three major urban design criteria discussed to
this point - visual criteria, the function of movement, and
comfort - combine to make up urban experience, the fourth
major urban design criteria. The built urban environment
must offer a variety of visual stimuli so people are
presented with the opportunity to create "sense of place".

One of the most important functions of the city is to offer
the potential for "sense of place", and to create it people
must be able to experience the urban environment in an
active manner. The latter can be achieved by designing
urban settings having a variety of visual stimuli, a wide
choice of activities, and adequate urban and open spaces
(for both active and passive recreation).

B.   The Social Component

This section deals with the valuable contribution
that social criteria make to urban design. As in the case
of aesthetic criteria, it should be remembered that the
responses of people based on these criteria cannot be
predicted a priori.

The second major factor pertaining to sense of
place is the social aspect. It is comprised of all those
rules or norms of society which act as a guide to how
people should or should not act, when encountering various
physical settings.

> Social climate refers to the system of rules,
> norms, values, expectations, and all other factors
> that provide the guidelines, supports, and constraints
> for how people relate to each other in a given
> setting ... Physical features help to create this
> climate, but a good portion of it is maintained by
> the ways that the social system impacts on the
> people with its norms, rules, policies, expectations,
> and management style. (37:70-71)

The social sciences are a prime source of
information as to how social criteria can influence a
person's place experience or sense of place. This
information can be valuable to the urban designer. As

examples of the contribution that the social sciences can make to urban design I will examine the concepts of private space (territoriality) and public space.

1. Private Space (Territoriality)

Unlawful trespass on another's property is a punishable act in much of the Western world. A man's home is his castle. "So deeply is this acceptance of individual rights ingrained in our consciousness that we will defend a neighbour's rights even when he is unknown to us." (7:60) Individual rights are not only defended by the structures of law, they are embedded in the public's consciousness and conscience. The concept of private space or territoriality reflects this belief in individual rights. The concept is relevant to a discussion of man's relationship to his physical surroundings.

Most of the literature about territoriality draws heavily on the work of animal psychologists or ethologists (scientists who study animal behaviour and the relation of organisms to their environment). While the rules of animal behaviour cannot automatically be applied to human behaviour there are similarities. Territoriality in animals is usually discussed in terms of the defence of a nesting area or a foraging range. It is usually defined as behaviour by which an organism lays claim to an area that it will be defined against members of his own species and other species. It has been assumed that man too will lay claim to an area he will defend against intruders. (12)

The institution of private property is an example of territoriality. However, man's sense of territoriality goes beyond the concept of property rights. For instance, in any large city many people do not own real property of any kind. Yet, if we are to include the concept of territoriality as being part of sense of place, they too must have some form of territoriality; and they do.

> Whether we speak of a man's home, the turf of the
> streetcorner gang, a secretary's desk in an
> administrative office, or the locker given to an
> elementary school teacher for her belongings, we
> find evidence of behaviour that can be subsumed
> by the concept of territoriality. (28:179)

Territoriality can be related to personal identity, which in turn can be related to experiencing sense of place. "The simplest form of sense is identity, in the narrow meaning of that common term: a sense of place." (22:131) So, personal identity (or sense of place) can come about as the result of possessing "private" property - that is, the physical and/or mental acquisition of places and things. Proshansky does a good job of summarizing what has been said:

> Territorial behavior in humans involves the concept
> of private property ... What function does
> territoriality serve? Another way of putting the
> question is to ask under what conditions territorial
> behavior may arise ... The development and maintenance
> of an identity in the individual does not depend
> entirely on how others react to his behaviours,
> skills, and achievements. It is also a matter of
> places and things, and the acquisition of both
> serves to define and evaluate the identity of the
> person for himself and for others. The loss of
> valued objects or places, or unwilling separation
> from familiar physical settings for long periods
> of time, may contribute to the blurring or even
> loss of identity ... Territoriality is thus one

means of establishing and maintaining a sense of
personal identity. This may in part explain why
under conditions of social isolation, territorial
behaviour will manifest itself. (28:179-180)

2. Public Space

There is a basic conflict between man's need for
privacy and man's need to socialize. One viewpoint is that
the city is a large community which calls forth the highest
possible expression of human nature, and has the responsibility
for the development of mankind. This is the classical
viewpoint of the city as polis, as espoused by people
such as Lewis Mumford and Kevin Lynch. The opposite point
of view is that cities make community life difficult due
to the fact that large numbers of people who are strangers
to each other hold no sense of responsibility for each
other's welfare and, as a result, remain isolated from
one another and take actions in disregard for the needs
and wants of others.

> The need for small-group identity will not go away,
> all attempts to eliminate it are doomed to failure
> and will add rather than reduce the sum of his
> miseries. The second part of the hypothesis is that
> we also have the capacity to transcend, under the
> right conditions, compulsive small-group loyalties
> and territorial defensiveness. The opportunity to
> make this transcendence is essential to the full
> flowering of human personality. Provision for the
> right conditions is the main historic function of
> cities. (10:109)

In the city public spaces provide the opportunity
for people to socialize. When people socialize they use
their personal space in a public way. The study of the
social use of spaces is called proxemics. (12) Physical
design effects the use of personal and public space.

Using the information provided by proxemics, public spaces can be designed that respect personal space while providing opportunity to socialize. As a tool proxemics is a way of creating identity or sense of place.

II.   THE ROLE OF THE URBAN DESIGNER AND THE PUBLIC

In the last section of the preceding chapter I said I would do the following things:

- propose a new theory of urban design using the strengths of the two theories of urban design discussed in the chapter

- abandon the stimulus-response model

- define a new role for the urban designer and the general public

I have accomplished the first two of the three points stated above. I have not shown that by creating a new theory of urban design that I have also created a need to develop a new role for the urban designer. A critic could say two things. Firstly, if predictability is the key to the creation of sense of place then the new theory is not any better than the old theory. The new theory does not take predictability into account. Secondly, even if the new theory is better than the old theory there is no reason to have a new role. If the key factor is predictability then the old role is just as acceptable as the new role.

The criticisms miss the point. They are correct

in pointing out that none of the theories can predict how people will respond to the urban environment. The point they miss is that the basis of urban design is to create sense of place. Although the new theory does not permit predictions to be made, it does promote sense of place. If it can be shown that the role of the urban designer and the general public and the urban design process can be altered to promote sense of place, the need for that new designer's role is established.

If the critic feels that he can use the new theory without changing his role, how can he take into account the problems of designing public space for multi-cultural use. The application of aesthetic and social criteria to the design of public spaces does not permit the urban designer to predict the occurance of sense of place. The responses to the physical design of public spaces is influenced by culture. For instance, orderliness and hierarchical quality of the German culture are communicated through the handling of space. A German, will strenuously object to poeple cutting in front of them when they are standing in line, or to people who "get out of line", and the like. On the other hand, some cultures do not seem to mind if people cut in line. The Poles, for example, actually view queuing as blind obedience to authority. They will actually crash cafeteria lines just to "stir the sheep". (12)

Americans and Germans differ in their handling of

furniture while at someone else's home. When invited into a room and asked to make themselves comfortable, both the German and American will sit down. Nevertheless, most Germans and Americans will exhibit differences in the general response of sitting. Americans do not seem to mind if people hitch their chairs forward to adjust the social distance between themselves and others. Those people that do mind would not think to say anything, for to comment on the manners of others is impolite. (12)

Suppose the urban designer wanted to solve the problem of line jumping when queuing up by using physical design. Taking into account his knowledge of aesthetic criteria and social behaviour the designer tries to design a check-out counter at supermarkets that prevent cutting in line. His goal is to spare customers unnecessary stress and frustration. Unfortunately for the designer, it will have the opposite effect on Poles due to their cultural tendency to jump in line.

Designing public spaces for people having a homogeneous cultural background is relatively uncomplicated when compared to designing public spaces for people having a heterogeneous cultural background. (10, 12)

When the urban designer creates sense of place he does it by getting in touch with the needs and values of the people who will be affected by his design(s). Needs and values are always mediated by culture. But so are the designer's artistic intuitions. The design process

works out better if the designer's needs and values and the needs and values of the people who may be affected by his design proposal are shared. If the designer does not interpret correctly the needs and values of those people he will probably not create sense of place. If the designer's artistic intuition is based on cultural values that are not different from those people he is designing for his chances of creating sense of place are high. The risks of failure are great if the designer is the Wayne Gretzky of urban design. How many Wayne Gretzkys are there? The whole point of the process is to take into account all of the needs and values of all the participants. That reduces the danger of conflicting cultural values between the designer and the people he is designing for.

All things being equal, the talented designer will do better work than other less gifted designers. The preconditions of good design are an accurate understanding by the designer of the needs and values of the people who are going to be using the proposed space(s). The best way to get that understanding is to have those needs and values brought out front in a co-operative design process where both the designer and the public participate.

Urban design is totally public in nature. The ultimate goal would be to design urban settings with all potential users in mind. In theory this is an admirable goal. In reality it is difficult to achieve. In the area of design there is no absolute standard. The values and tastes of one group are not shared by everyone. The difficulty that an urban designer can run into is the

problem of specifying commonly held values, and

consequently he may often find himself in a position of

conflict.

> The members of the community are not always agreed
> on goals. Thus it is necessary to decide on goals
> ... it is necessary to decide whose goals are to be
> implemented,whose are to get set aside, and, where
> possible, whether conflicting goals can be combined
> in some way so that as many as possible are achieved
> ... (9:80) and perhaps most important ... what I
> call priority values, that is, values which allow
> planners and decision makers to determine which
> values - and the goals that result from them - have
> priroity, so that they can decide which goals must
> be sought first and which can be postponed and how
> scarce resources can be allocated. (9:91)

From these conflicts in priorities and goals

arises the potential for urban designers to become vital

contributors to the process of city planning. That is,

in addition to creating urban forms, the urban designer

contributes to the planning for the creation of the

interaction of various styles of urban life. M.R. Wolfe

describes the new role of urban designer in the following

way.

> It follows that there are also new roles for actors
> in urban design doings ... there is a new analyst
> emerging who plays a part in the urban design team
> in that he is engaged in deliberate inquiry. He is
> being deliberately systematic and deliberately
> documentative insofar as is possible (as against
> being completely intuitive and completely end-
> oriented). There is also the new activist designer
> who ... is conscious of client input and sensitive
> to the critical points in the decision making
> process. The new urban design leading to new
> actor's roles has also provoked new techniques,
> which, in the last analysis, contemplate potential
> environments and the development of steps leading
> to them. (42:43)

Therefore, urban design can be summarized in the following

manner.

> If we accept the following: (a) that urban design
> is a social art, (b) that there is a commitment to
> many clients with varied goals, (c) that often only
> general rather than precise ends can be conceived,
> and (d) that there is a necessity to communicate
> with the design recipient, then we may consider that
> urban design is client modified - in other words,
> "consumer sovereignity reigns". (24:43)

Urban design should no longer be regarded as dealing solely with the physical design of the city. To do so places too little emphasis on human values. To be truly public in character, urban design must consult users as to their needs and wants. The creative spark that creates the "vision" about what a particular urban setting will look like should not come solely from the artistic intuition of the designer. It should also come from the people who will inhabit and frequent a particular urban setting. This public approach to urban design must not be misconstrued as taking away the designer's imagination and creativity and placing them in the hands of the public. The creative problem the urban designer faces is to combine buildings and spaces in such a manner that the resulting spatial relationships are approved by the inhabitants who often have conflicting wants and tastes. Therefore, public input into the urban design process should not be based merely on aesthetic preferences but also on how people respond to the design of a particular urban setting.

> When the question put to the user asks him to
> describe his purpose and the means available for
> achieving them, he will more like have ideas about
> missing or alternative means than he will be
> likely to have abstract preferences for what he

has no experience of. The designer has rights too: his "behavioral" satisfactions come from excerising his imagination and creating anew out of a wider understanding of design possibilities than the layman has, and it is inappropriate to put his well-worked ideas about physical forms to a test of preference in the abstract. (27:113)

Therefore, in order to design urban environments that can create sense of place, the urban designer will have to find out how the residents may react to a particular design. This can only be done by consulting the residents (users) themselves. Once the concerns of the residents are obtained they must somehow be interpreted and translated into design criteria which can be applied to the design of the urban environment.

The urban designer should either have a working knowledge of social sciences such as psychology, sociology, economics, and political science and how they relate to the urban environment, or access to someone who does. The best way to ensure that social concerns are incorporated into designing the built urban environment is to incorporate the urban design process into the city's development approval process. The city planning process is part of the development approval process. A city's planning department can offer the urban designer the needed expertise in the social sciences that are crucial for "proper" urban design.

The 'city and regional planner' as the other type included in the generic term 'environmental designer' (the other being an architectural designer) ... is more likely to have had his undergraduate work in the social sciences - economics, sociology, anthropology. (27:8)

The new approach to urban design can be referred to as a social art, as compared to being a fine art. As a social art, urban design changed from being solely intuitive and end oriented to being more comprehensive in nature and process oriented. Whereas with architectural determinism and social determinism the urban design process evolved from a desired end product (the built environment), with the new approach the desired end product evolves from the urban design process.

The transition of urban design from a fine art form to a social art form is not so much one of change as one of growth. The urban designer's job reaches more greater heights than it ever could as merely being a fine art form, "his job of creating order out of human values is a much deeper challenge than that of creating order out of physical disorder". (27:80)

In retrospect the problems with the traditional methods of urban design and with the traditional role of the urban designer is not that they cannot create sense of place but that they do so on a hit and miss basis. Their success relies solely on talent. The talent permits the designer to accurately translate the needs and values of the people he is designing for into physical design. His chances of success are limited by his talent and his cultural biases. The limitations can be off set by a theory of urban design that includes aesthetic criteria and knowledge of human behaviour provided by the social

sciences. The potential clash of user needs and values
in a multi-cultural society can be overcome by an urban
design process where the needs and values of users are
made public, and by which they are incorporated into the
design. The aesthetic, social, and cultural factors
mediated by an urban design process that respects user
needs and values greatly enhances sense of place. The
best way to carry out this process is by including it in
the development approval process of Canadian cities.
I will look at the development approval process of a
couple of Canadian cities to see if the theory can be put
into practice.

CHAPTER 4

CASE STUDY I: VANCOUVER

This chapter and the next chapter will examine two
case studies of the development approval process in
Canadian cities. The case studies are the City of Vancouver
and the City of Winnipeg. After preliminary research on a
number of Canadian cities I picked these two because
Vancouver's development approval process best reflects
my approach and attitude to urban design and Winnipeg's
does not. With the exception of Vancouver and Toronto,
Winnipeg's approach to urban design is typical of the
approach to urban design of the majority of Canadian
cities.

This chapter looks at the City of Vancouver which
has produced an open flexible development approval process
that places a high priority on urban design quality. The
latter has been accomplished through the use of a mixture
of fixed and flexible zoning and development guidelines
referred to as "descretionary zoning". This chapter is
broken down into three sections:

   I. The factors leading to "discretionary zoning" and
   the Development Permit Board.

   II. A description of the approval process and the
   parts played by those involved.

   III. Viewpoint of the private sector.

I.   A BRIEF HISTORY

On June 25, 1975, the City of Vancouver officially created a branch of civic government called the Development Permit Board (DPB) whose duties and functions are to receive and approve or disapprove development permit applications.

The DPB, consisting of the Director of Planning, the Director of Social Planning, and the City Engineer (or their representatives), has become one of Vancouver's most influential bodies in regards to making decisions affecting the city's quality of life. Every two weeks, on Monday afternoon, the DPB, supported by advice from City staff and the community or public at large, determines the fate and character of all major developments in Vancouver and of smaller developments in certain designated areas including the Downtown Area, the Central Broadway Area, the West End, Fairview Slopes, False Creek, Chinatown, Gastown, and Central Broadway. All other development applications go to the Director of Planning for final approval.

The DPB, with its format of open public meetings, was the result of an ever growing dissatisfaction on the part of the developers, architects, the public in general with the development approval process that had been in use prior to its inception. Under the old system any major variations from the zoning by-law had to first go through a re-zoning process, with City Council giving final approval. Second, once the re-zoning was granted, a development permit

application would have to be submitted to a group of senior officials called The Technical Planning Board. In secrecy, this Board would either approve or refuse to issue the development permit.

An opinion common to many architects and developers in Vancouver was that the approval system under The Technical Planning Board was an unworkable one because you never knew how or by whom decisions were being made. (53) Another major concern of architects (and developers) was that the inflexibility of the rigid zoning by-law limited the possibilities of innovative designs. (53) Aside from the fact that the rigid zoning by-law hampered innovative designs, another major complaint of the development industry was that decisions to either allow or not allow new developments were too political in nature. The development community felt that the fact that most major development proposals ended up before City Council either because a project was too large, too controversial, or for some reason required a re-zoning, brought into play unpredictable "calculations" based on political connections, the trading of favours, or political influence of some kind. (60)

Citizens also expressed concern about development approval being conducted in private and residents not learning of new development projects until excavation and construction had already begun.

In response to the growing dislike for the way in which development applications were being decided upon, Vancouver's

City Council created the DPB and a development permit approval process based on "discretionary zoning". The process is based on the appreciation that no two sites, clients, or neighbourhoods are exactly the same. The DPB was set up to take the latter factor into account by being delegated discretionary power when applying Vancouver's Zoning and Development By-law in its regulation of development in Vancouver. While the DPB came into being in 1975, the By-law itself was amended in 1976 to include flexible zoning regulations and guidelines to encourage and allow more innovative designs. These innovative designs are arrived at through negotiations between City staff, the public, and the applicant prior to being presented to the DPB for final approval. Basically, two things happen:

1. Basic development requirements or fixed controls as set out in the Zoning and Development By-law such as yard requirements, building heights, building envelope requirements, floor space ratio (FSR), or daylight angles can be relaxed allowing more discretion in approving projects than under traditional rigid zoning regulations.

2. In certain districts "bonusing" clauses in the By-law allows the City to ask a developer to include social, cultural, or recreational amenities in his project in return for permission to exceed the normally permitted densities.

II.   THE DEVELOPMENT APPROVAL PROCESS

A developer has the option of applying for a development permit in two stages:

1. A preliminary application which is basically a breakdown of spaces, massing, and uses to give the DPB a general idea of the overall concept of the project.

2. A complete application which requires detailed drawings and plans of the project stamped by an architect. The advantage of going through the preliminary stage is that it can save the developer time and money. Any major design problems that arise when going through the preliminary stage can be addressed prior to submitting a complete application. Furthermore, the DPB tends to approve projects at the preliminary stage that it would otherwise refuse at the complete stage. By the time a preliminary or complete application reaches the DPB for approval (which is approximately 8 weeks for either form of application) the plans of the project have been scrutinized and reviewed by the major City departments that deal directly with development proposals, by members of the development community, by members of the design profession, and by anyone from the general public who may be interested.

While the three City departments represented on the DPB evaluates the overall quality of each development proposal they also tend to pay particular attention to their respective areas of concern.

1. The City Planning Department

The Planning Department checks plans to see if they comply with the Zoning and Development By-law and urban design guidelines where applicable in order to evaluate them for:

a. Amount of "neighbourliness" of a development or how well the project will be accepted by the people who live and/or work in the area.

b. How well the project contributes to the overall attractiveness or appearance of the neighbourhood it will be situated in and to the city as a whole.

The Planning Department addresses specific issues such as will the development block views or cast unwanted shadows, or will the architects concept harmonize with the character of the particular neighbourhood its proposed for.

2. The Social Planning Department

This department is particularly interested in the social impact of a project on neighbours and the people that will be using the development. To make developers aware of its concerns the Social Planning Department provides them with an amenity check-list of items that should be taken into account when drawing up plans. The check-list is made up of three main public amenity catagories:

a. safety and security measures.

b. convenience and functional measures.

c. consideration of recreational, social and cultural
amenities. (A sample check-list is provided in Appendix
1.) The first two categories are considered mandatory by
the Social Planning Department for development approval.
Although the third category is not considered mandatory,
developers are encouraged to include recreational, social
and cultural amenities in development proposals through the
provisions of "exclusion" and "bonusing" clauses in the
Zoning and Development By-law.

The "exlcusion" provision permits specific amenity
facilities to be excluded from the total floor space ratio
provided that the area of such excluded facilities does not
exceed a specified percentage of the total allowable floor
space or a set maximum total square footage, whichever is
less.

Under the "bonusing" provision of the DPB, subject
to prior approval from City Council, may increase the
permitted floor space or density of a building where the
need for any public, social or recreational facility is
demonstrated to the DPB. The application of the "bonusing"
provision is negotiated between the City Planning staff,
the Social Planning staff, and the developer.

3. The Engineering Department

Engineers review development proposals paying
special attention to the provision of basic municipal
utilities and related items, checking plans for things
such as: the provision and arrangement of garbage disposals,

that the correct amount of parking space is provided, the hook-up of water supply and waste disposal, and vehicular access and loading.

Once City staff has examined a development application and has met with the developer or his architect to address any problems which may have arisen or to negotiate any changes or additions to the proposal, staff minutes with a recommendation to either approve, refuse, or defer the application are set to the Development Permit Staff Committee. The Development Permit Staff Committee, made up of senior members of the Engineering, Social Planning, City Planning, Permits and Licenses, and Health Departments, goes over the City staff minutes and makes its own recommendation to the DPB to either endorse the City staff's recomemendation, make a completely different one, or endorse it with some changes.

Two advisory groups - the Urban Design Panel and the Development Permit Advisory Board - also scrutinize development proposals and make their respective recommendations to the DPB.

The Urban Design Panel, an eight member group of design professionals, comments on design issues relating to how well the building(s) of a proposed development will relate to its surroundings. The Panel pays attention to things such as kinds and types of amenities to be included, uniqueness of design, character of the building at street level and appropriateness of scale, colour and form.

The seven member Development Permit Advisory Board, made up of two representatives from the design profession, two representatives from the development industry, and three representatives from the general public, provides the DPB with representative viewpoints from the three major groups who are part of and will be affected by any proposed development.

Furthermore, the general public can make written response, attend, or make representations at DPB meetings regarding any development application. To ensure that the general public is aware of proposed developments the City requires the developer to place a suitable size sign on the site, and, in addition, the applicant may be required to notify surrounding property owners and tenants or insert an appropriate advertisement in the daily newspaper(s).

Once the DPB has heard from all interested parties, at the DPB meeting, the three voting members decide to either give outright approval, outright refusal or conditional approval to a development permit application.

Outright refusal of a development permit application is very rare since applicants, through consultation with City staff, will clear up any problems which may arise at the DPB meeting and usually end up with a development concept that pleases all concerned parties. If the application does happen to receive an outright refusal by the DPB the applicant can appeal the decision to the

City's Board of Variance. Legally, the Board of Variance can reverse any development permit decision, but it is not very often that this appeal board will reverse a DPB decision.

A development permit application can be referred to City Council for advice in the following instances:

1. If a proposed development is very large or controversial.

2. If City staff wishes to apply any "bonusing" provisions.

3. If one of the members of the DPB strongly disagrees with the consensus reached by the other two members regarding an application he or she may use their veto option and have the issue referred to Council.

III.   VIEWPOINT OF THE PRIVATE SECTOR

It is safe to say that for the most part Vancouver's system of development approval has improved the quality of new development in that city. Generally speaking, developers, architects, and City staff like the system's flexibility and openness. The private sector, however, does have some concerns about how the system operates. The major concerns are as follows:

A. The private sector sees a very real problem in maintaining a minimum standard of design in development proposals. An architect pointed out, "I think that's one of the problems at the moment with "discretionary zoning" ...

one has to set a minimum standard and level that development should attain before it is allowed to be approved, and I've gone through experiences where the client and I have worked very hard to respond to what we saw to be the intent of the By-law and the design guidelines, and I've also watched other groups of architects do what I believe to be good work. But within the same blasted zones and working under the same discretionary process I come across more projects where I think how in the dickens did the City let that get through. This is unfortunate because as soon as you establish a sub-standard minimum level then a large segment of the development population will say hey that's as far as we have to go, that's all we're going to do. You must have a minimum standard but you must keep your minimum very high." (55)

B. Most architects and developers felt that the Urban Design Panel should limit its comments to issues relating to design quality and not voice an opinion on whether or not a proposal warrants a floor space ratio bonus. That should be left to the City to decide. (53)

C. Architects also voice concern regarding the Urban Design Panel's bad habit of disagreeing with the design guidelines. "The Urban Design Panel if they don't like the guidelines bring them up as objections to a particular design. So someone might have been working with City staff on a project, following the guidelines as best as possible, and then the Urban Design Panel gets it and they say we

don't agree with the guidelines or we don't agree with
that interpretation of the guidelines so we don't
recommend that this particular project be approved." (51)

    The private sector feels that if the Urban Design
Panel does not like a particular set of guidelines, for
whatever reason, it should advise the Director of Planning
of its concerns. Those concerns should not effect the
project under consideration. Architect Terry Hale's response
to the Urban Design Panel, when it expresses dislike for
a particular proposal simply because it does not agree
or like the design guidelines followed, is: "Keep your
bloody mouth shut as far as this project is concerned." (55)

    D. A common complaint among developers and architects
is that it takes too long to go through the approval process.
Not only do they feel the length of time to get a permit
should be shortened, they also feel that the amount of
time it will take should be predictable.

    E. An architect felt that a concern common to both
architects and developers is that City staff will almost
immediately try to improve on a project. "But almost
immediately they will start to redesign the project
automatically, it doesn't make any difference what it is
they will start fiddling with it. For instance, they
will say maybe you should try brick instead of stucco."
(58) This can lead to trying to improve good projects as
well as poor ones.

    F. As an offshoot of the above concern, architects

and developers see the Urban Design Panel and City staff
tending to be too picky when evaluating proposals - voicing
opinions such as the developer should use brick instead of
stucco as a finish, or handrails should be square or round
or black or white.

Although its development approval process may have
some problems with the way it functions, the private/public
partnership which has been established between the private
development industry and the City of Vancouver to serve the
public interest in urban development has been very successful
in improving the quality of new urban development.

A senior urban designer with the City of Vancouver,
views this private/public partnership as a "... joint
partnership because we are in trust of the environment.
We are safeguarding the public who don't own any property
but who live in the city and enjoy the city, and the
developer happens to have money to build on the land." (57)
Associate Director of Vancouver's City Planning Department,
is a bit more specific in his reference to urban design:
"... the responsibility is a joint responsibility of the
developer's architect and the City to make sure that the
building is a public delight because it's part of the
public realm. And that is what our development permit
process is meant to do...." (49)

The City of Vancouver regards urban design as a
public and social art form that is essential to creating
a high quality urban environment for its citizens. To a

senior urban designer "discretionary zoning" and the
development approval process is "a new type of philosophy
that says on a site you may do this or that, not thou shalt,
but you must respect a number of objectives and urban
design principles." (57)

CHAPTER 5

CASE STUDY II: WINNIPEG

The quality of the physical urban environment is
what the field of urban design is conerned with. The kind
or quality of urban design a city gets is dependent upon
or influenced by a variety of actors (such as architects,
planners, land developers, real estate agents, and land
development investors), and variables (such as climate,
topography, culture, and economics). However, one
overriding factor ultimately decides the end product, and
that deciding factor is city government. Planning is a
function of city government. Through its development
approval process the City has the final decision as
to what will get built, what will not get built, and where
what will get built will go. It is city government that
makes the final decision as to what shape and appearance
the city will have. In the end, it is city government that
is the real "urban designer" of the city. All other
participants, either implicitly or explicitly, take on
an advisory position.

Evaluating the quality of a city's urban design
is not so much a matter of performing a critique of what
has been built. It is more a matter of examining the
municipal planning process that permits the kind and
quality of urban development that takes place. That is
the approach adopted by the author to evaluate the City

of Winnipeg's approach to urban design.

In the following chapter the author intends to
show that while the City of Winnipeg does address the
issue of urban design, for all intents and purposes, its
approach can be judged as being 1. ineffectual with respect
to creating quality urban design (i.e. urban design as set
out in Chapters 2 and 3) and 2. "toothless" as a means of
urban design review of private development. The chapter
is divided into the following sections:

I.   Zoning as a means of regulating urban design

II. Citizen participation in the development approval
     process

III. The role of the public sector and the role of the
     private sector with respect to urban design.

I.   ZONING AS A MEANS OF REGULATING URBAN DESIGN

A common tactic used by municipal governments to
regulate urban design through traditional zoning (such
as Winnipeg's) is to legislate zoning regulations that
are very restrictive. It is a "low ball" approach to getting
urban design discretion included into a City's development
approval process. A city wanting to have some form of
urban design control or urban design discretion in order
to protect its urban environment against inappropriate
development design "low balls" its zoning (i.e. legislate
zoning regulations that are much more restrictive than
need be). Then, when a developer wishes to go beyond those

very restrictive minimum standards the City can introduce
urban design discretion through the "back door", so to
speak, by forcing the developer to go through either a
re-zoning process or a variance process. Therefore, a
re-zoning or a variance approval is conditional upon the
developer meeting the urban design demands placed upon
him by the City. (49)

A.   Winnipeg's Approach

Whether or not one agrees with the ethics behind
the use of a tactic such as "low balling" as a means of
introducing discretionary power into a form of development
control like zoning that is not meant to be discretionary,
is a moot point. The fact of the matter is that the City
of Winnipeg does not even utilize "low balling" as a means
by which it can make use of its zoning by-laws to regulate
or maintain some form of urban design control over private
development. The reality of the situation is that the
City of Winnipeg's approach to zoning is quite the opposite
from "low balling". Take Winnipeg's downtown area as an
example.

More often than not, it is the downtown area that
creates a city's image. The downtown area is a city's
heart and soul. Without it you really do not have a city
at all. So a City, at the very least, should have some
form or urban design control over its downtown area to
ensure that a quality urban environment is not only
maintained but created. The City of Winnipeg's approach

to the latter is both unusual and unsuccessful; albeit
not surprising in light of "its historical support of
business ... and (desire) that the downtown would remain
a strong commercial zone." (40:vii)

The chances of the City of Winnipeg using either
re-zonings or variances as a means of urban design control
over private development in its downtown area is negligible
to impossible for the following reasons:

1. The only planning power civic officials have to
regulate development is zoning (Winnipeg has no urban
design controls). Winnipeg's downtown area has been
zoned in such a manner that very few land use changes
(i.e. re-zonings or variances) are applied for by
developers. Therefore, the City of Winnipeg's Environmental
Planning Department has very little, if any, discretionary
power to influence developers to take into account specific
urban design issues when drafting up their development
proposals.

2. Instead of applying a restrictive or "low ball"
approach to zoning in its downtown area the City of Winnipeg
did just the opposite and "high balled" the area in an
effort to attract development at the expense of any
effective design control. Winnipeg's downtown zoning by-law,
through its height and bulk or yard requirements, has
provided developers with a set of development regulations
that allow for urban development that can have a very
negative impact on the urban design quality of Winnipeg's

downtown area. Two main things can occur:

i. A developer has the right to abut his building(s) right up against the city sidewalk without any setbacks. If he or she chooses to do so, the City has no legal say with respect to how the design of the building(s) will be handled, either interiorly and/or exteriorly (at street level at the very least).

ii. Floor area ratio is obtained when the area of the floors of the building(s) on a site is divided by the area of the site. A developer can build to a floor area ratio of ten in downtown Winnipeg. For all intents and purposes, what means for a developer is that he or she can build as high as needed. The City asks no questions as to what effect the height and/or bulk of a particular development will have on the public realm with respect to adjacent sites and the public in general.

As an example which illustrates just how little the City says under its present zoning system regarding the design of development consider the case of the Trizec development at the corner of Portage and Main. This corner is seen by some people as being the most well known corner in Western Canada. When the Trizec corporation was presenting its proposal a city councillor suggested that Trizec be required to be more specific about its project. The president of Trizec responded, "that the council should be reminded that under present zoning regulations, his

firm could build a solid wall up against the sidewalk as high as it wanted; therefore, councillors should be happy with any innovative proposal." (40:20)

By using zoning as a means of attracting development to its downtown area, the City of Winnipeg has pushed for economic growth at the expense of any real control over the form or the design of downtown development.

Even in those instances where developers do request land use changes the City still does not provide itself with an effective tool for urban design. With respect to its community areas, the City of Winnipeg has not created any forward thinking policy in the form of urban design guidelines that would lay down effective urban design standards. Winnipeg's attitude is to leave the physical design of private development in the hands of the private sector. This attitude the City has given rise to:

1. A lack of effective citizen participation in the development approval process, and

2. A partnership between the public sector and the private sector with respect to urban design that is unsuccessful. The next section will address the first point while Section III addresses the second point.

II.   CITIZEN PARTICIPATION IN THE DEVELOPMENT
        APPROVAL PROCESS

The following section examines the role played by Winnipeg residents in creating their city's urban design.

These issues will be discussed:

    A.   Citizen participation is inconsistent.

    B.   Representation by the members of the general public
is not guaranteed at the community level when the
City reviews development proposals with respect
to either a re-zoning or a variance application.

    C.   Variance appeals can negate public input.

    D.   The re-zoning process can negate public input.

    E.   Citizens are not made aware of urban design issues.

A.   Citizen Participation is Inconsistent

The opportunity for citizens to review development
proposals is inconsistent. If a developer submits a
development proposal for development permit approval, and
the proposal in question complies with the applicable zoning
regulations, then the application is processed "in house"
at the City's Environmental Planning Department. It never
need be presented for public scrutiny. On the other hand,
if a development proposal were in need of a re-zoning or
variance, before the developer could make application for
a development permit approval, it would at least be open
to public scrutiny at the community committee meeting.
(A re-zoning guide and a variance guide are provided in
Appendix 2.) Therefore, public input into the City of
Winnipeg's development approval process is inconsistent.

B.   Representation by Members of the General Public
          is Not Guaranteed with Respect to Either a Re-zoning
          or a Variance Application

In addition to its Development Permit Board meetings

being public meetings, the City of Vancouver provides its citizens guaranteed or permanent representation from the general public on its Development Permit Advisory Panel. Unlike Vancouver, the City of Winnipeg does not provide its citizens with any guaranteed or permanent representation from the general public, who could then act in an advisory capacity when the city's Community Committee decide whether or not any development proposals presented are worthy of being granted either a variance or a re-zoning. As things stand now, the City of Winnipeg requires that a developer advertise or give proper notice that he or she has applied for either a re-zoning or a variance (one Winnipeg city planner refers to it as running it up the flag pole). If the notification attracts any concerned citizen fine, but if it does not there is not much anyone can do about securing representations from the gernal public.

The above can have strong implications with respect to the issue of urban design or the quality of urban development in Winnipeg. By not having any enforceable urban design guidelines that it can refer to when reviewing the quality of a particular development proposal, the City of Winnipeg relies on both the initiative and the "political" power of the public to either voice any concerns it may have regarding the quality of a particular development to its developer(s), or back up any concerns that their Community Committee may have with respect to the quality of a particular development. The public voice can be a

powerful tool for persuasion in the hands of politicians wanting to serve the public interest. "The public is the best safeguard, because no matter what political party you have, if the public wants it (quality urban design) they will get it." (57) Winnipeg's city council, however, has not chosen to secure the general public as its best safeguard against inappropriate urban design. Instead, it has made the decision that the private sector knows what is best for the community and can be trusted not to design urban developments that are inappropriate to any community effected.

C.   Variance Appeals can Negate Public Input

At present, urban design conscious members of the general public can attend Community Committee meetings and recommend that a particular application should either be refused or only granted on condition that the applicant make recommended changes to improve its acceptability. In agreeing with the citizens' recommendations, the councillors making up the Community Committee can pass an order either refusing the application or granting it conditionally. However, the applicant can subsequently appeal the decision to the City's Variance and Conditional Use Committee.

I believe that there should not be an appeal on variance decisions. It is not that the idea of having an appeal on variance decisions is inherently wrong. It is the City of Winnipeg's variance appeal process itself that

poses the problem. To be more precise, Variance and
Conditional Use Committee metings are not public meetings.
Citizens cannot make personal representation and be heard
at these meetings. They can only make the appeals committee
aware of their views in writing. The head of the Codes
Branch of Winnipeg's Environmental Planning Department
pointed out that because citizens cannot be heard at variance
appeals it leads to two occurrences that can prove to be
very frustrating to citizen participation:

1. the ability and practice of councillors to speak
and vote one way at Community Committee and then change
their opinion(s) and speak and vote another way at Variance
and Conditional Use Committee.

2. the planning department's advice, which may not
agree with the citizens' recommendations, may also be heard
at the variance appeal; and hence, be influential in
having the Variance and Conditional Use Committee decide
to reverse the Community Committee's original ruling (or
order). (83)

Therefore, the variance appeal process can negate
any positive urban design recommendations that urban design
conscious citizens may feel are important to the acceptability
of a particular development to their neighbourhood.

D.   The Re-zoning Process can Negate Public Input

While not having an appeal option the problems
and frustrations that citizens can run into during the

re-zoning process are the same as those found in the
variance appeal process.

After the general public has had the opportunity
to submit or make recommendations at the Community
Committee public meeting the application continues along
the re-zoning process. Four more recommendations which
have no public input are drawn up before Council makes
the final decision to either approve or refuse the re-zoning
application. The recommendations are as follows:

1. Community Committee recommendations to Committee
   on Environment

2. Environment Planning Department recommendations
   to Committee on Environment

3. Committee on Environment recommendations to the
   Executive Policy Committee

4. The Executive Policy Committee recommendations
   to Council.

Any recommendations made by the general public at
the Community Committee public meeting may be rejected or
accepted only in part through any one of the above
recommendations. So, the re-zoning process, like the
variance appeal process, can ignore any urban design input
that citizens may make with respect to a development proposal
that requires a re-zoning.

E.   Citizens are not Made Aware of Urban Design Issues
        Unless a citizen is educated or knowledgeable in

the area of urban design and can judge the acceptability or "neighbourliness" of a proposed development accordingly, chances are that any applicable urban design issues will not be raised. The City of Winnipeg has not conducted urban design surveys of neighbourhoods or areas of the city. These surveys could be used to gather information for the purpose of drafting urban design guidelines. Citizens could be made aware of these guidelines and could refer to them when any development proposal is presented for public scrutiny at a public meeting.

Citizen participation is ineffectual for three main reasons:

1. The City, through its zoning by-law, does not raise the issue of urban design when reviewing a development proposal for development permit approval.

2. Without urban design guidelines the only time urban design issues will be raised with respect to private development is if concerned citizens with some knowledge of urban design step forward.

3. Even if supported by Community Committee, citizens have no guarantee that any recommendations they may put to Community Committee will be accepted.

In order to achieve what I believe to be good urban design, city government must incorporate user needs and values into its development approval process when judging the acceptability of development proposals (at

least for all major development applications). The latter is definitely not the case in Winnipeg.

III.   THE ROLE OF PUBLIC AND PRIVATE SECTOR WITH RESPECT TO URBAN DESIGN

The following section will examine the respective roles played by the City of Winnipeg (public sector and private sector) in creating Winnipeg's urban design. Through the urban design branch of its Environmental Planning Department, the City carries out specific urban design programs pertaining to public properties. Private urban development, is basically left in the hands of the private sector.

The above approach to achieving quality urban design for Winnipeg however, is both unacceptable and unsuccessful because:

A. Winnipeg's urban design department is virtually powerless. Urban design control is random and infrequent. Its role is to attract private development.

B. By exercising design control over only part of Winnipeg's urban environment, the City ends up not having any control over urban design.

C. Contrary to what the City may believe, the private sector cannot be expected to show interest in urban design on its own initiative.

The remainder of this section will look at the above three points in more detail.

A.   Urban Design Control through Winnipeg's Urban
          Design Department

The head of the Urban Design Branch of Winnipeg's
Environmental Planning Department believes it is important
that he keeps pushing for more urban design input into
Winnipeg's urban development. He feels that his influence
regarding the impact that proposed private development
will have on the quality of urban design of the surrounding
urban environment is random, too infrequent, and "toothless".
(67)

When the city started the urban design branch it
did not provide them with a definition or explanation of
what their job would entail. So, the urban design branch
basically "winged" it. The job of the urban design
department evolved to where it addresses essentially two
things:

1. To try and enrich the design quality of Winnipeg's
downtown streets through the provision of streetscaping
and urban parks. Secondarily, it is occasionally called
upon by the planning department to review the urban design
quality of particular development proposals with respect
to issues such as the setbacks of buildings, shadow and
sun requirements, and at times, the facade treatment of
buildings in relation to neighbouring structures. (67)

2. To try and enrich or enhance heighbourhood qualities,
especially on community mainstreets, through the provision
of streetscaping, urban parks and maintenance programs

(e.g. government funds for the cleaning and for painting of building facades). As outlines above, the urban design branch regards its job as: a. a necessary counteraction to the City's Engineering Department that tends to sterilize streets, and b. providing an attractive urban setting (at street level) in order to attract private development to the city. (67)

As mentioned above, the urban design branch is occasionally called upon to review specific urban design aspects of particular urban development proposals for Winnipeg's downtown area. At first glance, the latter may seem to be an attempt on the part of the City to serve the public interest by attempting to maintain some acceptable standard of urban design quality. If one takes a closer look at this process of downtown urban design review, one would have to conclude that in real working terms, it is a "toothless form or urban design control" (67) for the following reasons:

a. As a form or urban design review it is infrequent and random. It is infrequent because the design review itself only takes place at the request of the city planner(s) in charge of the downtown area. Not every development proposal is subject to review. It is random because, for all intents and purposes, whatever downtown development is selected for review is basically done at the spur of the moment and on an ad hoc basis. Selection is not based on any legally enforceable urban design policy or guidelines

but is at the discretion of the downtown planner(s). (67)

b. The city has not provided the urban design branch with any legal backing or support, either in the form of urban design guidelines or enforceable by-law(s) that can be referred to. These guidelines could be useful if the urban design branch meets with a developer and suggests that specific changes and/or additions be made to the design of that developer's development proposal. Because there are no guidelines a developer does not have to make any design changes to his or her proposal, that the urban design branch may feel are necessary. (67)

c. It has been the urban design branch's experience that, in the majority of cases, the only time developers are willing to listen to any suggestions they may have as to how the quality of their respective proposals can be improved upon is to convince them of two things:

i. any urban design recommendations will not give rise to costly time delays, either when submitting the development proposal for permit approval, or reaching a desired construction/completion date. For instance, a developer would not willingly agree to send his/her architect back to the "drawing board" to make any substantial time consuming changes or revisions to a particular development proposal. (67)

ii. Any design recommendations will not impose additional costs to carrying out the proposed development program. For example, the recommended exterior finish on a proposed

building will not cost anymore than the exterior finish in the original development program, give or take a few dollars. Furthermore, this all but excludes asking for public amenities (such as a day-care centre). (67)

However, meeting the above two points is no guarantee that a developer will listen to or accept any urban design recommendations the urban design branch may make. It is totally non-mandatory.

Therefore, except for occasionally being in a position to offer financial incentives (i.e. grant money), the urban design branch does not have any fixed form of leverage which cna be used as a bargaining tool when negotiating with developers regarding urban design issues. According to the urban design branch all they can do is to sit down with a developer and try to sell him on any urban design recommendation the department may have. It is a "toothless" form of urban design control relying on salesmanship skills. (67)

B.   The City of Winnipeg Addresses only Part of the
        Urban Design Issue

By not having any legally enforceable form of urban design control over private land development, the City of Winnipeg has created an approach to producing Winnipeg's built urban environment that is not very conducive to generating good urban design. On the one hand, the City is in charge of and has design control over one of the two major parts of the urban context (i.e. the street area extending from city property line to

city property line). On the other hand, except for minimal
design control by the City through zoning regulations, the
responsibility for the urban design quality of the other
major part of the urban context (i.e. the land development
of privately owned property) is left in the hands of the
private sector. This separation of street area from private
development is completely at odds with what I feel is one
of the basic rules of urban design. The designer should be
able to approach the designing of an urban environment as
a unified whole, comprised of all the human, spatial and
physical factors that go to make up an urban setting.

Private development is very much a part of a city's
total urban context. To view what is constructed or
developed by the private sector on private property, as
being separate from and unaffected by what is constructed
or developed by the City on public property, and vice versa,
is a mistake on the part of the City of Winnipeg if it is
seriously concerned about the quality of Winnipeg's urban
design. "Private development is very much part of the total
urban context. You cannot look at the street and say there
is a street and there is a building; and the building has
nothing to do with the street. That is a bunch of 'baloney'.
The building really creates the street. When you are standing
on a street in Vancouver, Washington or New York, the only
way you can tell you are on a different street (all other
things being equal), is by the difference in buildings,
because a street - is a street - is a street." (57)

The City of Winnipeg's approach to urban design must change. Some form of mandatory review or control should be established that takes into account the total urban context (i.e. private development as well as what is done by the City at street level). Therefore, the City should review the urban design quality of private development proposals (at the very least major development proposals) in order to provide the public with some concrete assurance that urban settings will have a high degree of urban design excellence.

C.   The Private Sector Should Not be Counted on to take into Account Urban Design Issues, on the Public's Behalf, when Preparing Development

Each time the City of Winnipeg issues a development permit, it is also approving the design of a particular development and hence, approving the urban design quality of that development. By not being based upon or gauged against any guidelines, this approach to urban design has placed responsibility for the urban design quality of private development in the hands of the private sector. Responsibility however, for the quality of private development can no longer be left in the hands of the private sector. Not because the private sector is somehow against the idea that urban design quality is desirable when developing a city's urban environment, but because the City of Winnipeg's system of controlling urban development is not conducive to having the private sector take urban design issues into account. Whether realizing

it or not, the City of Winnipeg has developed a system
for creating Winnipeg's urban design that does not represent
or protect the public interest, but rather represents the
private interest.

There are three main reasons why the private
sector working in Winnipeg cannot be counted on to take
urban design factors into account when preparing development
proposals:

1.   The tendency of the private sector to become
"creatures" of whatever development approval system they
are working under.

2.   No control over adjacent development sites.

3.   The problem of which or whose urban design criteria
should one be concerned with.

1.   The tendency of the private sector to become
"creatures" of whatever development approval system they
are working under .

To leave the quality of Winnipeg's urban design in
the hands of the private sector is fine if one can somehow
be assured that developers and architects will make these
issues part of their development programs. The chances
of the latter occurring without some form of enforceable
urban design review or control being built into the City's
development approval process is highly unlikely. The
development industry is a very competitive money intensive
business. A developer cannot be expected to do any more
than is required by law as set out in municipal by-laws

or regulations. Developers are more concerned with how to weave their way as expeditiously as possible through any legal obstacles presented to them rather than concerning themselves with the nature of those regulations. (60, 75) For the private developer to voluntarily incorporate urban design criteria into his development program merely creates unnecessary time or money consuming obstacles when obtaining the development permit. If urban design criteria are not included in the development approval process, developers will tend to view urban design as nothing more than "icing on the cake" and not a necessary part of the cake itself. This could relegate it to the very bottom of their list of priorities.

Expecting the practicing architect to take on the job of making certain that urban design issues are part of some hidden agenda when working on a design program for a developer is not feasible. Nor is it fair to place such a burden solely on the shoulders of the architectural professional. Without the support of some form of urban design controls it is hard for a practicing architect to convince an unwilling client to take specific urban design issues into account. In addition it is near to impossible for the architect to pin down either what their role is as urban designer or why they should even attempt to take on that role. This can be referred to as the WHAT? WHY? and HOW? problem:

i. Without any guidelines to refer to at the City

level, what are the urban design issues that he is supposed
to take into account on behalf of the public; or WHAT is it
that he is supposed to do in his role as urban designer? (81)

ii. WHY should he take on the role of urban designer
if his client is not interested and not willing to pay him
for his extra time and effort. After all, it does cost
money to run an architectural firm.

iii. As an architect his first responsibility is to please
his client. So HOW can he include specific urban design
issues into his client's development program if that client
does not want them included. (81)

For practicing architects, the WHAT?, WHY? AND HOW?
problem does not arise:

i. He knows WHAT desing issues he must address at the
public level (i.e. as set out by the municipal by-laws and
the building code), and he knows what design issues he
must address at the private level (i.e. the carrying out
of the client's development program or brief). (81)

ii. He knows WHY he does his job. Aside from any
personal gratification, the bottom line is that he will
receive cash payment for services rendered, by which he
can a. pay any employees he may have, and b. run his
architectural firm profitably. (81)

iii. He knows HOW to meet the design demands and issues
as laid out in a development program or brief by means
of his architectural skills and experience. (81)

Both developer and architect play the development

game according to whatever system or rules are laid down by a city's development approval process.

2. No control over adjacent development sites

Urban design is not a single site phenomenon. To a very large degree, the quality of a particular development site is only as good as what is built next door. Why should a developer go ahead and take the extra time and effort to take into account specific urban design issues if he has no assurance that a developer building on an adjacent site will be just as urban design conscious.

3. The problem of which or whose urban design criteria should one be concerned with

Even if two developers separately owning and developing adjacent property try to implement urban design standards, but happen to base those standards on different urban design criteria or goals,there is no guarantee that their respective developments will be compatible. The two completed developments could very well end up not relating to one another with respect to urban design criteria (i.e. not relating in a harmonious or neighbourly fashion), and all the efforts of the two developers to create urban settings having quality urban design standards will have been in vain.

In order to avoid the above problem some set of urban design goals or guidelines should be established so that a developer can refer to them.

Without any formal guidelines, an approach to urban design has developed in Winnipeg that is not conducive to creating a quality urban environment for its residents. The private sector cannot be relied upon to take urban design issues into account when preparing development proposals. By not acknowledging the latter as being true, and counteracting the problem by creating a new system of development approval, the City of Winnipeg is displaying a laissez-faire attitude to something that is vital to producing the highest quality urban environment possible for its citizens.

If the City of Winnipeg, however, did decide to create a development approval process that included urban design criteria, what format would the process have, and how successful would it be? The next chapter will address these very questions.

CHAPTER 6

SPECULATION: URBAN DESIGN AS PUBLIC POLICY IN WINNIPEG

The following chapter will examine why, of the two
primary forms of land use control (i.e. zoning and development
control), development control is best suited to encourage
and provide the flexibility and variety needed if the City
of Winnipeg were to decide to have urban design review as
mandatory in its development approval of all development
proposals - be it from the public sector or the private
sector. (Sections of The City of Winnipeg Act referred to
in this chapter are provided in Appendix 3) (Note: It is
beyond the scope of this thesis to provide the reader with
an in depth analysis of either zoning or development
control. There is no shortage of information regarding
the latter, and the author strongly recommends the Cameron
Harvey text for a complete analysis of the pros and cons
of zoning and development control; from both an abstract
perspective and a historical perspective. (14)) The
chapter is broken down into the following sections:

I.   Zoning is incompatible with urban design.

II. Why the City of Winnipeg would not, in all likelihood,
adopt a form of development control as a means to regulating
urban development.

I.   ZONING IS INCOMPATIBLE WITH URBAN DESIGN

In addition to providing enabling legislation to

control the use, height, bulk, location, size and floor area of buildings (development) (areas of control that have become characteristic of zoning by-law). (14:168) The Province of Manitoba, through The City of Winnipeg Act, has provided Winnipeg's city counsel with the statutory power to control the external design, character, and overall architectural detail of buildings that go to make up private development through zoning; if it wished to do so. (94:Sec. 448, 598 (1), 600 (1)) As S.M. Makuch points out, however, attempting to regulate the form of development through zoning can lead to unwanted standardization of design:

> ... the result of such regulations are standards that are not drafted to apply to indivdual projects of development such as an office or apartment complex; but rather the results are meant to apply generally to all development within the zone ... The results of this kind of regulation of development can be seen only too well by driving city streets where set backs, lot size, design and heights are identical throughout the area. Monotony and sterility can be the result ... and all variety is lost. (23:230)

The above is due, in large part, to the fact that zoning is based on "rule of law". S.M. Makuch provides a definition of "rule of law" in the following statement regarding fairness and equity in planning with respect to the development control:

> These questions raise fundamental issues regarding rule of law values, fairness and equity in planning. One goal of the legal system is to insure those persons subject to legal rules - be they zoning by-laws, tax legislation, or contract law, have an opportunity to know what the rules are and to have the rules apply uniformly. If this happens then individuals will not be granted favours or have inordinate burdens placed upon them. This value is clearly the basis of zoning.

> Zones are supposed to be set out in advance.
> Regulations are to apply uniformily to all property
> owners in a zone, and development occurs not
> because of blackmail or favouritism but because of
> the uniform application of zoning laws. The imposition
> of requirements on a case by case or negotiated
> basis ... runs sharply against this value. (45:8-9)

Therefore, the uniform application of zoning by-law with

all detailed regulations being made prior to a developer

coming forward with a specific development proposal is, by

its very nature, restrictive,   inflexible and hence foreign

to a creative area such as urban design that needs a land

control device that is both unrestrictive and flexible.

What is needed is a form of development approval where

decisions made regarding the specifics of development

proposals are negotiated on a case by case basis after

submission for development approval. Development control

provides just such a system.

> It is (also) clear that negotiations dealing with
> developments on a case by case basis are an
> important part of planning today ... Moveover,
> virtually all provinces have provisions for
> development control. This technique enables
> conditions to be imposed, not on a uniform basis,
> but rather on a case by case basis. Agreements
> containing the conditions which vary from development
> to development can be entered into by municipalities
> and developers. Development control powers ... all
> anticipate, to varying degrees, the discretionary
> negotiations of conditions that will be imposed on
> development on a case by case basis and that
> uniform rules or standards for approving developments
> are inappropriate.

> Such an approach is not "bad" even though it runs
> counter to the rule of law value mentioned earlier.
> It provides and encourages flexibility and variety
> in development that zoning would not allow.
> Moreover, it enables individualized discretion. The
> demands placed on different developers should not
> necessarily be the same. To impose the same
> conditions on all developments - for example, the

requirement to build a day-care centre or provide
road widenings in all cases, when such a centre
or road widening is not needed would be foolish.
Different developments create different demands.
The conditions imposed should, therefore, be
individualized and not uniform.   (45:9)

Over the years variations on traditional zoning
have been created to add the flexibility needed to have a
system of development approval that will provide and
encourage variety and creativity in development.   There
seem to be three main variations: A. the use of re-zonings
and variances   B. the use of "bonus"   C. the use of
"aesthetic zoning".

A.   Re-zonings and Variances

As pointed out in Chapter five of this thesis,
neither the re-zoning process nor the process of variance
approval are effective approaches to providing the design
flexibility needed to successfully incorporate urban
design criteria into a city's development approval process.

B.   The use of "Bonus"

The use of "bonus" (as discussed in this thesis
in the chapter on Vancouver) also fails to provide
flexibility and variety in development when grafted to
zoning by-law.

The bonus provision is intended to encourage individual
developers to incorporate into their development
features such as pedestrian ways, courts, plazas and
set backs ... Bonuses, however, work best if they
can be negotiated for specific needs of each development
rather than being set out in by-laws where they again
may function to encourage uniformity and are not able
to create much flexibility or control ...   (23:234)

C.   The use of Aesthetic Zoning

The purpose of aesthetic zoning is "to achieve
compatibility, either in terms of a desirable level of
conformity or an acceptable degree of variety." (14:192)
Sections 488, 598 (1)(0), and 600 (1)(c) of The City of
Winnipeg Act provide city council with the power to enact
the two types of zoning by-laws generally associated with
aesthetic zoning. One is referred to as "look-alike"
zoning by-laws and the other is referred to as "no
look-alike" zoning by-laws. "Look-alike" zoning by-laws
are used to preserve or promote a certain architectural
flavour or a specific external design. The use of this
type of zoning is understandable in certain situations
such as maintaining the design atmosphere around a city's
legislative building or around an historic area. However,
if used matter of factly it too can lead to standardization
and monotony. "No look-alike" zoning by-laws as a means
to achieving flexibility and variety in development are
usually unsuccessful because like all zoning by-laws it
should be based on "rule of law" and, therefore, all
regulations are to be precisely set down ahead of time and
uniformly applied to all applicants." (14:192-196) To
be more specific:

> Under the legislation ... all that is enabled is a
> general objective bylaw which might stipulate, for
> example, that insofar as residential developments
> are concerned no more than 20% of the houses can be
> of the same external design. What then results if
> farcically trivial changes to the external design
> to avoid or comply with the bylaw, and every fifth
> house is identical. (14:195)

Therefore, aesthetic zoning falls prey to the same problem
that effects the usefulness of all zoning by-law with respect
to urban design. That is, "monotony and sterility can be
the result, the standards which are supposed to be minimums
are in fact maximums and all variety is lost." (23:230)

For the City of Winnipeg to use zoning as a means
to incorporating urban design issues or criteria into its
development approval process would only lead to the creation
of standardized urban design regulations that would apply
uniformly to all applicants. This approach to urban design
fails to produce a development review process having the
discretionary flexibility to discuss or negotiate the
design particulars of each development proposal on an
individual case by case basis.

The City of Winnipeg, through The City of Winnipeg
Act, has been provided with the enabling legislation to use
development control as its means of controlling urban
development (94:Sec. 623-636(2)) All of the problems
mentioned with respect to zoning are handled quite nicely
by development control (Note: the author is not interested
in providing a detailed analysis of why development control
is more suited to handling urban design issues. All he is
concerned with is the fact that it is far superior to zoning
as a form of land use control. For an in depth analysis
the author refers the reader to the Harvey text pp. 209-243.),
and if the City of Winnipeg were to change its attitude of
leaving the urban design quality of private development

almost totally in the hands of the private sector and were
to make it a form of public policy, where mandatory urban
design review would be made an integral part of its
development approval process, development control would be
a much more effective administrative tool for carrying out
that urban design policy than zoning.

The next section, however, will point out that in
all likelihood the City of Winnipeg would not adopt development
control as a means of incorporating urban design criteria
into its development permit approval process, but, instead
would make the mistake of using zoning.

II.   DEVELOPMENT CONTROL: WHY NOT IN WINNIPEG

I believe that there are three main reasons why the
City of Winnipeg would choose to retain zoning over development
control if it did decide to review and control the urban
design quality of private development:

A.   zoning is the fairest form of land use control since
it is based on "rule of law".

B.   what city council sees as being its role as municipal
government.

C.   city council's fear of losing power to civic
administration.

A.   Why Zoning over Development Control

The City of Winnipeg feels that the fairest and best
means by which to control the development of the city is
through zoning. The latter seems to be the case in light

of the fact that even though the City has had the enabling
legislation (through The City of Winnipeg Act) to use
development control instead of zoning as its major form
of land use control since 1970, it has not chosen to do so.
A district planner for the City of Winnipeg feels very
strongly that if city council ever did decide to directly
control the urban design quality of private development
it would chose to regulate it through zoning. The main
reason being that a city's approach to city planning and
the controlling of the development of its urban environment
should be based on "rule of law", which zoning purports to
do, rather than being based on a case by case discretionary
approach such as development control. (79) To be more
specific, Winnipeg's planning department regards the City
of Vancouver' system of development approval as being a form
of "extortion". The rules are not uniform but are negotiated
on a case by case basis. It is a discretionary approach to
controlling urban development and open to abuse. By not
setting out detailed rules and regulations ahead of time,
development control is a system of land use control that can
lead to extortion or blackmail. Specific design changes or
the inclusion of public amenities that a developer may feel
are unwarranted may be extracted from him in return for
development approval. (79)

Is zoning free from discretion and is development
control open to unwanted discretion or extortion? The
answers to the latter questions are: 1. zoning is not

always free of discretion, and 2. while development control
is open to unwanted discretion it does not have to be.

1. Under zoning, if a developer decides to develop a
piece of property all he need do is refer to the applicable
zoning by-laws in order to find out what he can or cannot do.
Once the developer has completed his development proposal
he submits it to the appropriate civic body for review. The
City checks to see if it confirms to the rules and regulations
as set out in the zoning by-law. If it does then approval
is granted. In this situation the person(s) reviewing the
development proposal would be performing a job that requires
a check-list mentality. No real discretion comes into play.
However if the developer happened to find that his proposed
development did not comply with the rules and regulations
as set out in the zoning by-law, and he had to apply for
either a re-zoning or a variance appeal, the development
approval process would no longer be non-discretionary.
Specifically, before municipal approval would be granted
for a re-zoning or a variance the development proposal in
question is reviewed by civic departments such as the
Enginvironmental Planning Department and the Engineering
Department. At their discretion, these departments can
request changes or additions to the proposal that are not
listed in the original zoning in return for a recommendation
that city council approve either the re-zoning or grant a
reversal on a variance decision. Therefore, by making
approval conditional to making specific alterations to the

development proposal in question, city council is practicing a form of land use control that is open to the same kind of unwanted discretion possible under development control.

2. As pointed out earlier, development control is a form of controlling urban development that is not based on "rule of law" but on discretion. Each proposal is reviewed on a case by case basis with reference to generalized plans and/or guidelines, with any specific detailed planning decisions being made or negotiated after the proposal is submitted for approval. Therefore, the developer does not have a high degree of certainty that what he is proposing will be accepted. He has a degree of predictability in that he can rely on his own talents and experience, and those of his architects, that what he is proposing fulfills the intentions of the plans or design guidelines; but final acceptance is still at the discretion of the administrative body that reviews development applications. Unwanted or unwarranted discretion, then, can occur, but it does not have to if the approval process is handled properly - that is, as in Vancouver, it must open to public scrutiny to avoid unfair discretion.

> ... because a system of discretionary control is open
> to abuse, the imposition of conditions should only be
> done in accordance with the provisions of an official
> or municipal plan and as much information as possible
> should be made public before and after a deal is made.
> This would insure public knowledge information,
> especially after the negotiations are completed, will
> not jeopardize negotiations when they occur and yet
> insure that decision makers justify the conditions
> they impose to the public and to the other developers.
> Moreover, the availability of information as to
> conditions being imposed will encourage the imposition

> of similar conditions in similar situations and
> help rule of law values.
>
> In conclusion, negotiations, the imposition of
> conditions, and the treating of different developers
> and developments differently is in itself not wrong.
> These powers are important aspects of discretionary
> planning control although they do not reflect rule
> of law values ... It is important, however, that
> these controls, since they are open to abuse, are
> exercise within the scope of planning legislation
> and adopted plans and in an open and accountable
> manner. (45:9)

Therefore, the argument that zoning is a fairer means of

controlling land development does not hold water.

B. The Role of Municipal Government

The use of zoning in Winnipeg, to control development,

however, runs deeper than the "rule of law" argument. The

fact of the matter is that the use of zoning falls in very

nicely with what city council sees as being its role as

municipal government. Winnipeg's city council has assumed

and maintained a role that is traditional to most cities

in Canada (except for Vancouver and Toronto). There are

two ways city government can be viewed. The traditional

role of municipal government is being a housekeeping

administration that is mainly concerned with issues such

as the processing of applications for development approval,

the regulation of land use, the creation and enforcement

of zoning by-law, and the provision and maintenance of

municipal services such as sewer and water, streets,

garbage, and so on. This role is passive or reactive.

As a government whose role is active or intervetionist, in

that it initiates policies and programs and carries out

those programs and policies as a means of both encouraging
and controlling future development in the city. This role
is active or interventionist in pursuit of these goals.
(93:3-6)

"The cities of Canada all tend to be distributed
towards the housekeeping administrative end of that spectrum,
although there are some differences in their position.
Winnipeg is perhaps among the cities which are closest to
the housekeeping administrative end of the range." (93:6)
While Vancouver is probably the closest to being at the
interactionary end of the spectrum. This traditional
approach to municipal government is reflected in the City
of Winnipeg's relationship with the private sector with
respect to urban development. It is a laissez-faire approach
to urban development where the private sector (the developer)
initiates the development process to which the public sector
(city council) reacts or responds. (83)

It seems unlikely, then, that the City of Winnipeg
would adopt development control as its primary form of
controlling urban development since it would have to assume
a dynamic policy making role, which is vital to reviewing
proposed development on a case by case basis as opposed to
its present static-reactive approach of administering
zoning by-law.

C. Loss of Power

No government, indeed no group or corporation or
institution, will change its role or its form, or
surrender any of its power or authority or status,
unless compelled to do so. (92)

The above statement is applicable to Winnipeg's city council. City council likes it administrative role. The councillors understand zoning and the creation and administration of by-law, and hence have control over the civic bureaucracy. Therefore, they would not willingly agree to adopt development control as a means to reviewing the form or urban design of development, because it would require the hiring of experts in the field of urban design and the relinquishing of some of its power or control over city development to its administration. (83)

Winnipeg's city council likes to keep its civic administration or the city bureaucracy in a purely advisory position and would be leary to give up some of its decision making power by delegating its responsibility for development approval in order to include urban design review in its development permit approval process (such as Vancouver did when its city council delegated control of development approval to its planning department).

Unfortunately, zoning seems well suited to the City of Winnipeg's role as a passive or reactive government, and, at this point in time, the author is at a loss as to what it would take to change city council's attitude and approach to urban development so as to:

A. change its role to that of being an interventionist form of city government.

B. replace zoning with development control as its primary form of controlling urban development, and

    C.   incorporate flexible urban design controls into a development approval process that,like Vancouver's, is truly public in nature.

CHAPTER 7

CONCLUSION

1.   THE PURPOSE RESTATED

The purpose of the thesis was to present the reader
with an effective mechanism for channeling citizen
participation into the urban design process at the
political level. In the conclusion I want to examine and
assess the development of the thesis under the following
four categories:

I. Sense of place: The theory.

II. Case studies of Vancouver and Winnipeg: The reality.

III. Can it work in Winnipeg?

IV. What do students of city planning who are interested
in urban design need to know about development control in
Canadian cities.

I.   SENSE OF PLACE: THE THEORY

When considering urban design, most people fall under
one of two schools of thought: 1. The school of architectural
determinism. 2. The school of social determinism. However,
there is a third school of thought that sees urban design
as being a process that is identical with a city's development
control process. Development control is the process of land
development which builds cities. It is created by an act
of municipal governement or by statute. This process is
political. Usually the political process of urban development

involves elected officials, civic administration, and land developers. Normally it does not include those members of the general public who are directly affected by the proposed development. My belief is that urban design should include all three schools of thought with the provision that members of the general public affected by the proposed development are included. Then, this process could create sense of place.

II.   CASE STUDIES OF VANCOUVER AND WINNIPEG: THE REALITY

Vancouver has a development approval process that is sensitive to the concerns expressed in my theory of sense of place. In particular it allows the process to address the aesthetic concerns, the social concerns and the cultural conerns, as well as the views or opinions of the members of the directly affected public. Politicians, land developers, businessmen, and private citizens all agree that this is a good system. However, they all pointed out some shortcomings with the process. In spite of the shortcomings, the development approval process in Vancouver exemplifies an approach to urban design which could create what I have chosen to call sense of place.

In order for sense of place to be created the development approval process must integrate the concerns of the developer, the politician, the civic administration, and the members of the general public affected by the proposed development. This interaction of concerns does

not take place in Winnipeg. It is the view of politicians

and administrators in Winnipeg that the business of urban

development (urban design) is best left up to the private

developer. As mentioned in the chapter on Winnipeg, to

leave the quality of Winnipeg's urban design in the hands

of the private developer is fine if one can somehow be

assured that developers will make urban design issues part

of their development programs. The chances, however, of

the latter occurring without some sort of enforceable urban review

or control built into the city's development approval

process is highly unlikely. Developers should not be

expected to do anymore than is required by law. They are

concerned with weaving their way as expeditiously as

possible through any obstacles presented to them in the

form of development regulations. They are not concerned

with the nature of those regulations. If urban design

criteria are not included in the development approval

process, private developers will tend to view urban

design as nothing more than "icing on the cake" and not

necessary to obtaining development approval. Provisions

are made in the statutes for input by the affected public.

It is not, however, encouraged and in practice it may be

discouraged and obstructed. The process of land

development in Winnipeg is not conducive to creating

sense of place.

III.   CAN IT WORK IN WINNIPEG

Although there are differences in the statutory regulations pertaining to development control in Vancouver and Winnipeg, the major difference between the two cities is an attitude.   In Vancouver, they have a positive attitude towards a process of development control which emphasizes a balanced input between the politicians, the civic administration, the developer, and the members of the general public affected by the proposed development. This process is aimed at producing sense of place. Winnipeg lacks an attitude towards balanced input from those four potential participants. It lacks an interest in producing sense of place. Why this difference of attitude exists is really hard to say. It could be due to climate, terrain, proximity to oceans, proximity to mountains, proximity to other large urban centres, or a combination of any or all these things. I can say that twenty or twenty-five years ago there was a sudden increase in the redevelopment of older areas in Vancouver. This redevelopment was met with fierce and widespread citizen opposition. This opposition led directly to the current development control process in Vancouver. Until recently Winnipeg had not experienced any such widespread citizen opposition to proposed development. Within the last few years citizen groups have organized to oppose successfully the expropriation, for the purposes of redevelopment, of North St. Boniface, North Logan, and the Sherbrook-McGregor

corridor. If widespread citizen opposition to proposed redevelopment is related to the positive attitude that Vancouver has towards balanced participation and towards sense of place, then Winnipeg may be on the way towards developing that attitude.

IV.   WHAT CITY PLANNING STUDENTS NEED TO KNOW

Many students who enter the department of city planning, at the University of Manitoba, are interested in urban design. They believe the city is ugly and that the problems of the city can be eliminated by redesigning the physical urban environment. This belief is made manifest through studio design projects. These projects redesign parcels of land that are already occupied by buildings and are used by people. However, the approach to these projects is to pretend that there are no buildings or that there are no people using them. At one time I thought that this type of exercise was valuable. The value was in terms of stimulating and developing the creativity in urban design. It was also a means of learning urban design techniques. However, these benefits can be acquired by using imaginary pieces of land in imaginary settings. Then urban design techniques can be applied to real situations. To use an existing piece of developed land for imaginary purposes may cause unnecessary anxiety and suffering to people who use, own and occupy that land. It may also create in the student who does

the exercise a lack of respect for buildings and for the
people who own, occupy, and use those buildings and the
land on which they are located. That kind of attitude
is examplified in the approach to urban renewal which
can best be described as "slum clearance". This approach
is not conducive to the creation of sense of place.
Ideally, the urban designer should be involved in a
development control process which creates sense of place,
and which incorporates and balances the interests of all
involved parties. Vancouver, through its development
approval process, makes this possible. Because of the
development control process in Winnipeg, the urban
designer cannot play out that role. The role of the urban
designer in Winnipeg is that of lobbyist and educator.
The urban designer must actively try to educate the
politican and the civic administrator to 1. see the
importance of sense of place, 2. realize that urban design
is a process that is identical with the development approval
process, and see that in order to create sense of place
the development approval process must integrate the
concerns of the developer, the politician, the civic
administrator, and the members of the general public
affected by proposed developments.

People usually participate when their needs and
interests are directly affected. You cannot motivate
people to do what they are not interested in doing. For
example, consider the public participation program for

Plan Winnipeg. The remarkable thing about this program
was that there was virtually no citizen participation. This
lack of participation could have been caused by two things:
1. lack of interest on the part of citizens and/or 2. the
participatory program was poorly administered. For a more
detailed discussion of the relation between citizen
participation, citizen interest in participation, and
government sponsored programs of citizen participation see
Citizen Participation: A Primer, by Fred Curry. Even if
you have a well administered citizen participation program
it will not work if the citizen interest is not there. If
we assume that it is there, there are a number of things
you can do:

    1. Pass by-laws allowing citizen participation in the
development approval process. (Refer to my chapter on
Vancouver).

    2. Need to develop a planning capacity to run such a
program. Planners need to understand urban design and
understand citizen participation and to make it part of
his job.

    3. Need the good will of the politicians. They need
to see that it is in their political interest to have
citizen participation in urban design. This is a problem
in Winnipeg. a. There does not appear to be an overwhelming
interest in urban design by the public. Most citizen
participation in the political process is ad hoc.

Participation deals mainly with zoning, variances, conditional use permits, and housekeeping. b. If there was a strong public interest in urban design, civic politicians would take urban design criteria into consideration when they are passing and amending by-laws. However, they would want to make the final decisions themselves based upon advice from the planning department and input from citizens. They will not share power with the citizens. Public input is guaranteed in The City of Winnipeg Act by requiring that citizens be allowed to appear at meetings of standing committees, community committees, and city council. The councillors would point this out and say that citizen interest are adequately protected by these regulations.

In Vancouver, aldermen have a hands-off approach to development approval and place it in the hands of the planning department. This approach permits citizen participation in the development approval process and permits it to be carried out in such a way that does not threaten the political jurisdiciton of the alderman. In Winnipeg, councillors have a hands-on approach to development approval and reserve the final say for themselves. If you are going to have an urban design process in Winnipeg that approximates what is done in Vancouver you have to either adapt Vancouver's process to Winnipeg's political culture or change Winnipeg's political culture. Obviously, changing Winnipeg's political culture is not a viable option. The choice to be made is to adapt Vancouver's approach to urban design. I pointed

out in the chapters on Vancouver and Winnipeg that citizen participation in the urban design process relied more on an attitude of acceptance of both urban design and citizen participation than it did on legal structures. There are two additional problems in Winnipeg: 1. citizens show an apparent lack of interest in urban design. 2. Politicans show a lack of interest in both urban design and sharing power with citizens.

The way to overcome the general lack of interest in urban design in Winnipeg is through public dialogue, political lobby, and a more action-oriented administration. It may be possible through a dialogue with citizen groups who are involved with the City in a dispute over proposed developments to incorporate urban design criteria as part of their political agenda. If there is enough interest on the part of the citizens in urban design criteria, politicians are naturally going to be interested in them as well.

APPENDIX 1

CITY OF VANCOUVER - SOCIAL PLANNING
CHECKLIST FOR DEVELOPMENT PERMIT APPLICATION

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City of Vancouver

SOCIAL PLANNING CHECKLIST
FOR DEVELOPMENT PERMIT APPLICATIONS

D.P.A. NO. _____ ADDRESS _____

PRELIMINARY _____ ZONE _____

COMPLETE _____ _____

DESCRIPTION OF PROPOSED DEVELOPMENT _____

_____

***

APPLICANT _____ TELEPHONE: _____

ADDRESS _____

****

INSTRUCTIONS TO APPLICANT

This checklist has been prepared to assist in the processing
of your Development Permit Application, and comprises four
sections lettered A, B, C and D. Sections A - Safety and
Security Measures and B - Convenience and Functional Measures
are considered highly desirable for inclusion into the
proposed development. Items specified in Section C concerning
social, recreational and cultural amenities are strongly
encouraged considering your project's proposed location, size,
context and use but are not mandatory. Additional comments
and/or considerations are stated in Section D if applicable.

Please address only those items marked with an "X" and dis-
regard all other unmarked items. Items marked with an
asterisk (*) indicate those conditions have already been
satisfied as per drawings submitted.
****

A. SAFETY AND SECURITY MEASURES

1. ___ Provision of an overhead security door for the under-
ground parking area.

2. ___ Physical separation of the residential parking area
from the public and employee parking area.

3. ___ Provision of controlled elevator access to the
residential portion of the development.

4. ___ Provision of separate elevators serving the residential

and commercial portions of the development.

B. **CONVENIENCE AND FUNCTIONAL MEASURES**

1. __ Provison of a minimum of 200 cu. ft. of usable storage space for each dwelling unit. At least 100 cu. ft. of total space must be provided for the storage of bulky items, e.g. winter tires, ski and barbeque equipment, excess furniture, etc. below grade in the parking area. The remaining space may be provided en suite.

2. __ Provision of laundry facilities either en suite or communally. If communal laundry facility is provided they should be a minimum of one washer and one dryer for every twenty dwelling units.

3. __ Provision of lockable bicycle racks in an enclosed storage room.

4. __ Provision of a dry, secure and visually accessible bicycle storage rack in the plaza area, with a minimum of 5 stalls.

5. __ Provision of wheelchair disabled access to the main floor.

6. __ Provision of public seating in the plaza area and/or along pedestrian walkways.

7. __ Provision of landscaped roof gardens or decks with seating areas.

C. **CONSIDERATION OF RECREATIONAL, SOCIAL AND CULTURAL AMENITIES**

1. **Physical Fitness and Exercise Facilities:**

__ Provision of shower and locker facilities for employees.

__ _____

__ _____

2. **Social Amenities:**

__ Provision of a furnished lunchroom/lounge area with kitchenette.

__ Provision of a furnished meeting, workshop or hobby/crafts room.

__ _____

__ _____

3. **Cultural Amenities:**

__ Provision of a sculpture, fountain or other appropriate amenities in the plaza area.

__ _____

__ _____

APPENDIX 2

CITY OF WINNIPEG - HOW ZONING CAN BE
CHANGED, STATUTORY AND REGULATORY
REQUIREMENTS   AND   OBTAINING A
ZONING VARIANCE, STATUTORY AND
REGULATORY REQUIREMENTS

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CITY OF WINNIPEG

HOW ZONING CAN BE CHANGED

Statutory and Regulatory Requirements

GENERAL BASIS

To change the zoning classification of any tract of land,
a Zoning By-law must be enacted by Council.

FEES

a   Application fee: $150.00
b   Advertising fee (newspaper line rate) to be paid before
    the actual advertising.

STEPS LEADING TO THE APPROVAL OF A REZONING

1.   THE APPLICATION

A standard form is available from the Development Applications
Branch, First Floor, 100 Main Street.

Documentation Required:

a   Proof of ownership (copy of certificate of title).
b   Survey certificate with legal or other acceptable
    description.
c   Written authorization from the owner if applicant is
    other than the owner.

2.   THE EXAMINATION AND APPROVAL PROCESS FOR A
        PROPOSED ZONING CHANGE

A   Codes Branch drafts necessary maps and proposed zoning
    change which ultimately will become the basis for a
    rezoning by-law.
b   District Plans Branch reviews all data and prepares
    report for consideration at a Public Meeting by the
    Community Committee.
c   Development Applications Branch announces the Public
    Meeting by a newspaper advertisement and by notices
    posted on the site for at least two weeks before the
    meeting, during which period anyone may review all
    related materials at specified times and places.
d   At the Public Meeting, any person may make a submission.
    All proceedings are tape recorded. A written transcrition
    is provided on request, for a fee, to anyone who makes a
    submission. The recording is kept at least a year, and
    may be heard by arrangement, up to three months after
    enactment of the by-law, by anyone who made a submission.

e   The Committee on Environment considers the findings and
    recommendations of the Community Committee and a report
    from the Department of Environmental Planning, and
    forwards these, with its own recommendations, to the
    Executive Policy Committee.

    i.   If the Committee on Environment rejects the recommen-
         dations of the Community Committee, or accepts them
         in part only, the Committee on Environment must
         provide written reasons to all persons who appeared
         and made representations at the Public Meeting.

f   The Executive Policy Committee makes a recommendation
    to Council.

    i.   If the Executive Policy Committe rejects the
         recommendations or accepts them in part only,
         written reasons must be supplied as under 2.(e)
         (i).

3.   ENACTMENT OF THE ZONING BY-LAW

a   Council's adoption of a rezoning report may require
    several steps that the applicant must comply with prior
    to the enactment of the zoning by-law as follows:

    i   Enter into a zoning agreement pursuant to Section
          600(1) of The City of Winnipeg Act to be registered
          as a caveat against the land;
    ii   Make a 10% dedication by a payment of a sum of
          money to the City in lieu of the requirement for
          land for open space park and recreational use
          based on the increase in the market value of the
          land; (the value of the 10% evaluation may be
          appealed to the Committee on Environment);
    iii   Enter into a servicing agreement with the City;
    iv   Dedicate land for road widening purposes; and
    v   Enter into such other agreements that Council may
          deem necessary depending upon the nature of the
          zoning change.

b   Upon compliance with Council's adopted report COUNCIL
    MAY ENACT THE ZONING BY-LAW.

                  SPECIAL NOTE: ADDITIONAL ZONE

Fundamentally, the procedure for applications regarding
lands in the Additional Zone cannot proceed to a Public
Meeting unless the Council of the Municipality in which
the land is situated has by resolution not opposed the
propsed zoning change. The Public Meeting is conducted
by the Committee on Environment.

CITY OF WINNIPEG

OBTAINING A ZONING VARIANCE

Statutory and Regulatory Requirements

GENERAL BASIS

To change a zoning regulation that injuriously or unnecessarily affects a person or his property of his rights, a Variance order is required to be enacted by a Community Committee.

FEES

Per Single-family and/or Two-family dwelling
    $40.00 per dwelling unit requiring a variance
                        and/or
    $40.00 for each additional site to be conveyed from a
    larger holding requiring a variance.

Use variance and/or density variance . . . . $ 200.00
All others not set forth above . . . . $ 150.00

    Maintenance of a variance in existence but not lawfully authorized at the date of the application shall be double the otherwise applicable fee.

Advertising fee:

    Prior to advertising for a Public Meeting to consider a Variance, a line fee as per line fee paid to the newspapers shall be charged.

STEPS LEADING TO AN ORDER FOR VARIANCE

1.   THE APPLICATION

The ZONING DEPARTMENT will supply Variance application forms to be completed and submitted to the DEVELOPMENT APPLICATIONS BRANCH. Both Branches are located on the First Floor, 100 Main Street.

Documentation required:

    a   Proof of ownership (copy of the certificate of title).
    b   Written authorization from the owner, if applicant
         is not the owner.
    c   Survey certificate, legal description or other
         acceptable description of the land.

2.   THE EXAMINATION AND APPROVAL PROCESS

a   The Development Applications Branch receives, records and
     supplies all application data to the District Plans Branch

and the Community Committee.

Note: The question of whether the Community Committee has
jurisdiction to deal with the application must be decided
first, in general. the Community Committee is deemed to have
jurisdiction if the requested variance conforms to existing
planning policy and does not adversely affect other lands
and is a minimum variance to accomplish the applicant's
purpose.

b   The District Plans Branch reviews all data and prepares
    a report for consideration by either:

    i   The Committee on Environment to rule on the
         jurisdiction of the application, i.e.: is it a
         variance application or a re-zoning application;

                              OR

    ii   The Community Committee at a Public Meeting on the
         variance application.

c   The Development Applications Branch

    i   Notifies the applicant of the time and place for the
         public meeting to hear representations on the variance
         application;

    ii   Gives the applicant notices that must be posted at
         least 14 days prior to the public meeting, on or near
         the land or structure concerned; and

    iii Advertises the Public Meeting for the variance
         application two times in the Free Press and Tribune.

d   The Community Committee conducts a Public Meeting on the
    variance application

    i   To hear anyone who may wish to make representations
         on the subject matter; and

    ii   To make a Variance order based on a majority vote,
         either rejecting or approving the variance applica-
         tion. The applicant and all who made representations
         are advised of the variance order by registered mail.

3.   PROVISION FOR APPEAL

a   Any time within 14 days after the Community Committee's
    Variance Order is sent, the applicant, or anyone who made
    representations, may launch an appeal by sending notice
    by registered mail to the Variance and Conditonal Use
    Committee.

b   The Community Committee, the applicant, and all persons who made representations, are advised by registered mail of the time and place for hearing of the appeal by the Committee on Environment.

c   The Committee on Environment makes a final and binding Order either dismissing the appeal or confirming the Community Committee's Order as originally made or with amendments thereto. This decision by the Committee on Environment is final and binding on the City and all persons.

SPECIAL NOTE:

Should the Variance application refer to land in the Additional Zone, the Public Meeting for hearing representations is conducted by the Council of the Rural Municipality affected. Notifications. advertising   and conduct of the public meeting and appeals follow the terms outlined above.

APPENDIX 3

SECTIONS OF THE CITY OF WINNIPEG ACT

Power to prohibit certain types of buildings.
488   The council may, by by-law, prohibit the erection in
the city and the additional zone or in a designated part
thereof, of any type of building that would, in the opinion
of the council, vary in appearance from the usual types of
buildings to such an extent as to lessen the desirability
for building purposes of land in the immediate vicinity.
    S.M. 1971, c. 105, s. 488.

ZONING

Zoning by-laws.

598(1) The council may enact by-laws having force in the
city and the additional zone, or in any area or areas in
either the city or the additional zone, or both, with
respect to,

a   prohibiting the use of land for or except for such
     purposes as may be set out in the by-law;
b   prohibiting the erection or use of buildings or
     structures for or except for such purposes as may
     be set out in the by-law;
c   prohibiting the making or establishment of pits
     or quarries;
d   prohibiting the removal or movement of soil or
     other material;
e   prohibiting the removal of trees or vegetation;
f   establishing the minimum dimensions and area of
     lots or parcels of land that may be used in any
     designated locality, for a permissible use;
g   establishing, for any designated locality, the
     number of buildings, and the maximum and minimum
     floor area of each building, that may be erected
     or placed on any unit of land of such area as is
     specified in the establishing by-law;
h   prohibiting the erection of any building or other
     structure on land that is subject to periodic
     flooding, or in respect of which, because of poor
     natural drainage or other natural features,
     i   the cost of providing an adequate water supply
          system, sewage disposal system, or drainage
          would, in the opinion of the council, be
          excessive; or
     ii   the provision of such facilities would, in the
          opinion of the council, be unwise;
i   regulating the location, height, dimensions, and
     cubic contents of any building or other structure
     erected, constructed, reconstructed, altered,
     repaired or placed after the enactment of the
     regulating by-law;
j   regulating the amount of land that, in any designated
     locality, may be covered by buildings, the maximum or
     minimum amount of land uncovered by any structures

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that must be adjacent or appurtenant to any building, and the maximum or minimum size, or both, of yards, gardens, lawns, courts, or other open spaces adjacent or appurtenant to any building;

(k) specifying the minimum distance that must exist between any window in any building and any other building or any obstruction, in order to ensure provision of sufficient air and light and fire protection;

(l) requiring the owner, lessee, or other occupant of buildings, or other structures erected, placed, or used for a permissible purpose after the enactment of the requiring by-law to provide and maintain, on property owned and occupied by him, any loading or parking facilities appurtenant to any such building or structure that are deemed by the council to be necessary;

(m) prohibiting public outdoor display in any form or manner of advertisements, or regulating the nature, kind or size, description, and contents, of any such advertisement permitted to be displayed;

(n) establishing classes of use for the purposes of subsection (2) of section 605;

(o) regulating and controlling the architectural and other details of buildings, except residences, to be built or remodelled in certain specified districts as created by by-law, and for regulating and controlling such details in respect of apartment blocks to be built or remodelled in any part of the city, and to appoint a board, to the approval of which any such building and the plans and design thereof shall confirm; and

(p) prohibiting the use of land or the erection or use of buildings or structures for such conditional uses as may be set out in the by-law unless specifically approved in accordance with the by-law.

Application for Enactment.

600(1) Where an application is made for the enactment of a zoning by-law, the council may require the owner or the application entitled to be registered as owner of the land, building or structure to which it will apply, as a condition to its enactment, to enter into a zoning agreement with the city in respect of that land as well as contiguous land owned or leased by the applicant dealing with;

(a) the use of the land and any existing or proposed building or structure;

(b) the timing of construction of a proposed building or structure;

(c) the siting and design including exterior materials of a proposed building or structure;

(d) traffic control and the provision of parking;

(e) landscaping, the provision of open space and the grading of the land;

(e.1) the construction by or at the expense, in whole or in part of the owner, of a system, works, plant, pipeline, or equipment for the transmission, delivery, or furnishing of electricity and water and the collection and disposal of sewage, or any one or more of them;

(e.2) the payment of a sum of money to the city in lieu of the requirement under clause (e.1) to be used by the city for any of the objects referred to in clause (e.1);

(e.3) the conveyance of land or payment of money in lieu thereof to the city or where the land is in a municipality in the additional zone to the municipality in which the land is located, by the applicant or the owner, where the application is for a zoning classification to permit a multiple residential use, commercial use or industrial use, or any one or more of them, and and the land conveyed shall be used for public purposes other than highways or the money paid shall be used to purchase land for public purposes other than highways, as the case may be; or

(f) any one or more of them, provided that an agreement dealing with any of the matters referred to in clauses (e.1) and (e.2) shall be in accordance with a by-law passed pursuant to section 637.1.

Am.S.M. 1972, c.93. ss. 76.1 & 77: S.M. 1974. c.73, s.48 & c.74, s.34.

DEVELOPMENT CONTROL.

Development control area designation map and by-law.
623   In this part,
  (a) "development control area designation map" is a map
      or maps on which are identified the development control
      area or areas designated by the council from time
      time; and
  (b) "Development control area designation by-law" has the
      meaning assigned to it by section 626.
          S.M. 1971, c.105, s.623.

Meaning of "development" and "use".
624 (1) For the purposes of section 623 to section 636
inclusive, unless the context otherwise requires,
  (a) "development" means the carrying out of construction,
      building engineering, mining or other operations in,
      over, or under land, or the making of any material
      change in the use of any building, structure or other
      land; and
  (b) "use", in relation to land, does not include the use
      of land for the carrying out of any building or other
      operations thereon.

What is not development.
624 (2) Subject to the provisons of a by-law enacted pursuant
to section 631, the following operations or uses of land,
buildings or structures shall be deemed not to involve
development:
  (a) The carrying out of an operation for the maintenance
      or improvement of any building or structure, its
      exterior colour or decoration.
  (b) The carrying out by the city of any operation for the
      maintenance or improvement of a public work including
      the inspection, repair or renewal thereof.
  (c) The carrying out by a utility of any operation for
      the purpose of inspecting, repairing or renewing any
      main, pipe, cable, power lines, poles, or other
      conduit.

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  (d) The use of any building or structure on a parcel of
      land for any prupose normally incidental to the use
      of the principal building for the purpose of a
      dwelling or dwellings.
  (e) The use of any land for the purpose of agriculture
      and the use for the purpose of any building or
      structure occupied together with the land so used.
  (f) The use of any land for the purpose of growing
      thereon trees, bushes, plants and other vegetation.
  (g) A change in the purpose for which land, a building,
      or a structure is used, for one purpose to another
      within the same class specified in a by-law enacted
      pursuant to section 631.
  (h) A change in the tenure or ownership of any land,
      building or structure.

Material change in use.
624 (3) For the avoidance of doubt it is hereby declared that
the following are deemed to involve a material change of use:
  (a) The use as two or more separate dwellings of any
      building previously used as a single dwelling.
  (b) The deposit of refuse or waste on land notwithstanding
      that land is comprised in a site already used for that
      purpose if either the superficial area of the deposit
      is thereby extended, or the height of the deposit is
      thereby extended and exceeds the level of the land
      adjoining the site.

Initiation of development.
624 (4) Development of land, a building or a structure shall
be deemed to be initiated
  (a) if the development consists of the carrying out of
      operations, at the time when those operations are
      begun;
  (b) if the development consists of a change in use, at
      the time when the new use is instituted; and
  (c) if the development consists of both the carrying out
      of operations and of a change in use, at the earlier
      of the times mentioned in clauses (a) and (b).
          S.M. 1971, c.105, s.624: Am. S.M. 1977, c.64,
          s.103.

Operations or uses deemed to be "development".
625   Without restricting the generality of the definition
of "development" in subsection (1) of section 624, the following
operations or uses shall be deemed to be development:
  (a) A change from one class of use to another designated
      in a by-law enacted pursuant to section 631.
  (b) A reconstruction or an alteration of the size of a
      building or structure.
  (c) A change in the intensity of the use of land, a
      building or a structure, including an increase in

the number of businesses, manufacturing establishments, offices, or dwelling units on land, or in a building, or in a structure.
- (d) The commencement of mining, or excavation on land.
- (e) The commencement of a pit or quarry on land.
- (f) The demolition of a building or a structure.
- (g) The removal of trees from land.
- (h) The deposit of refuse, fill, solid or liquid waste on land except where it is not deemed to involve a material change in the use of the land under subsection 624(3).
- (i) The location or change of location of an advertising structure on land and the location or change of location of an advertising sign or notice on the external walls or roof of a building or a structure.
- (j) The alteration of a shore, bank or flood plain of a river, stream, or pond.
- (k) Departure from the normal use for which development permission was granted.
- (l) Failure to comply with any condition subject to which development permission was granted.
        S.M. 1971, c.105, s.625; Am. S.M. 1977, c.64, s.104.

Development control area.
626(1) The council may enact by-laws to designate an area or areas in the city to be an area or areas of development control, but it or they must be located in a community with respect to which there is an approved community plan under this Part.
        Am. S.M. 1977, c.64, s.105.

"Development control area designation by-law".
626(2) A by-law passed pursuant to subsection (1) or an amendment or repeal of such a by-law is referred to in this Act as a "development control area designation by-law."

By-law and map.
626(3) A development control area designation by-law may establish, alter, or repeal the development control area designation map or any provision thereof.
        S.M. 1971, c.105, s.626; Am. S.M. 1977. c.64, s.105.

Procedure on development control area by-law.
627   Section 584 to 592 apply mutatis mutandis to the enactment of a development control area by-law.
        En. S.M. 1977, c.64, s.106.

Effect of designation of development control area.
628 (1) Subject to the provisions of this section, when an area has been designated as a development control area,
    (a) development permission required for the carrying

out of any development of land;
(b) within that area, all zoning by-laws, so far as
they are applicable to that area, cease to have
force and effect; and
(c) development permission shall be obtained prior to
the commencement of development of land with that
area.

Effect of by-law on agreements.
628(2) Notwithstanding the designation of an area as a
development control area, agreements made as a condition
of the enactment of a zoning by-law pursuant to section
600 continue in force and effect.

Retention of building or structure established without
development permission.
628(3) The power to grant development permission includes
the power to grant such permission for the retention of
land of a building or a structure, constructed or erected,
or a use of land, a building, or a structure established
without development permission having been granted, or
in breach of a condition subject to which development
permission was granted.

No effect on registered building restriction caveat.
628(4) No grant of development permission cancels, rescinds,
or affects the right of any person to enforce any restriction,
interest, or covenant, notice of which is given by a building
restriction caveat affecting any land or the use of that land,
and registered against that land in the Winnipeg Land Titles
Office.
S.M. 1971, c.105, s.628.

Temporary use when area designated.
629(1) Where land, a building or a structure, was being
used temporarily for a purpose other than for which it was
normally used when a development control area was designated,
development permission is not required for the resumption of
the use of the land, building or structure for the last-
mentioned purpose, if immediately before the designation
of the area such use was lawful.

Unoccupied land, building or structure when area designated.
629(2) Where land, a building or a structure was unoccupied
when a development control area was designated, development
permission is not required in respect of the resumption of
the use of the land, building or structure for the purpose
for which it was last used before the designation of the
area, if immediately before that time the use could have
been lawfully resumed.

Development permission deemed to be granted respecting
non-conformities.
629(3) Where a building or structure, or the use of land,

a building or a structure was lawfully in existence at the date of the enactment of a zoning by-law and would continue to exist notwithstanding that it did not confirm to such by-law, development permission is deemed to have been granted in respect of it, if such building or structure or use of land, a building, or a structure continued to be lawfully in existence until immediately before the designation of the area in which it is located, as a development control area.

S.M. 1971, c.105, s.629.

Resumption of use where temporary development permission granted.
630(1)   Where development permission has been granted for a limited period, development permission is not required for the resumption at the end of that period, of the use of the land, building or structure, for the purpose for which it was normally used before the first-mentioned permission was granted, if that use was lawful.

Resumption of lawful use where unlawful development occurs.
630(2)   Where development prohibited by this section has occurred, development permission is not required for the use of the land, building or structure for the purpose for which it could lawfully have been used if the unlawful development had not been carried out.

Illegal use, building or structure continues to be illegal after area designated.
630(3)   A use of land, a building or a structure, or a building or structure which did not conform to a zoning by-law immediately before the development control area was designated and which was illegal, continues to be illegal, notwithstanding the designation of the development control area.

S.M. 1971, c.105, s.630.

By-laws deeming development permission to be granted.
631   The council may enact by-laws applicable to a development control area or areas or to provide that development permission for development of any class specified in the by-law is deemed to be granted for the purpose of section 628.

S.M. 1971, c.105, s.631.

Scope of development permission.
632(1)   The council may grant development permission for a temporary period or indefinitely, and either conditionally or unconditionally.

Temporary development permission.
632(2)   If development permission is granted for a temporary period, on the expiry of that period the permission ceases

for all purposes.

Conditions attached to development permission.
632(3)   Notwithstanding subsection (1), conditions subject
to which development permission is granted may be concerned
only with,
    (a) the use of the land, building, or structure in
       respect of which the application is made;
    (b) the time of the development;
    (c) the siting and design including exterior materials
       of the proposed building or structure;
    (d) traffic control and the provision of parking on the
       land in respect of which the application is made;
    (d) landscaping, the provision of open space, and the
       grading of the land in respect of which the
       application is made;

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    (e.1) the construction by or at the expense, in whole or
       in part of the owner, of a system, works, plant,
       pipeline, or equipment for the transmission, delivery,
       or furnishing of electricity and water and the
       collection and disposal of sewage, or any one or
       more of them;
    (e.2) the payment of a sum of money to the city in lieu
       of the requirement under clause (e.1) to be used
       by the city for any of the objects referred to in
       clause (e.1); or
    (f) any one or more of them, provided that an agreement
       dealing with any of the matters referred to in
       clauses (e.1) and (e.2) shall be in accordance with
     a by-law passed pursuant to section 637.1.
       Am. S.M. 1972, c.93, s.81.

Development permission granted on condition agreement be made.
632(4)   Development permission may be granted on condition
that the owner of the land, building, or structure enter into
an agreement with the city dealing with all or any of the
matters in respect of which conditions may be imposed pursuant
to subsection (3).

Application of 600 (2) & (3).
632(5)   Subsections (2) and (3) of section 600 apply to
agreement referred to in subsection (4).
      S.M. 1971, c.105, s.632: Am. S.M. 1972,
      c.93, s.81.

Consideration on grant of development permission.
633(1)   In exercising the power delegated by subsection (1)
of section 632 the council shall have regard to any material
consideration, and shall conform to, the Greater Winnipeg
development plan, the provisions of the community plan, and
the relevant provisions of the action area plan, if any, for

the area in which the land, building or structure in respect of which the application for development permission is made, is located.
                    Am. S.M. 1977, c.64, s.107.

Application for development permission.
633(2) An application for development permission shall be made by the owner of land, a building, or a structure, or by a person authorized in writing by him, and shall in such form and accompanied by such supporting material and the payment fo such fee as the council deems advisable.

Procedure.
633(3) Subsections (2) to (5) and section 609 and sections 610 to 615, 617 and 620, apply mutatis mutandis to an application for and the grant of development permission.
                    Am. S.M. 1977, c.64, s.108.
                    S.M. 1971, c.105, s633: Am. S.M. 1977,
                       c.64, s.s.107 & 108.

Determination of need for development permission.
634(1) If the owner of land or a person authorized in writing by him proposes to carry out any operations on land, or to make any change in the use of land, building or structure, wishes to have it determined whether the carrying out of those operations, or the making of that change, would constitute or involve development, and, if so, whether an application for development permission in respect thereof is required, having regard to the provisions of this Part or a by-law passed pursuant to section 631, he may, either as part of an application for development permission, or without such application, apply to the council to determine that question.

Form of application.
634(2) An application under subsection (1) shall be in such form and accompanied by such supporting material and the payment of such fee as the council deems advisable.

Procedure.
634(3) Subsections (2) to (5) of section 609 and sections 610 to 615, 617 and 620 apply mutatis mutandis to an application for and the grant of relief pursuant to subsection (1).
                    Am. S.M. 1977, c.64, s.109.
                    S.M. 1971, c.105, s.634; Am. S.M. 1977,
                       c.64, s.109.

Amendment of development permission or condition.
635   The council may amend a development permission which has been granted or any condition attached thereto and sections 632 and 633 apply mutatis mutandis to an application for an amendment and an amendment.
                    S.M. 1971, c.105,s.635.

Revocation of development permission.
636(1)   The council may revoke development permission which
has been granted and is in force and effect for a building
or structure; provided that at the time of such revocation
a permit for the construction of the building or structure
had not been issued.

Application of 104(2) to (4).
636(2)   Where the council acts under subsection (1),
subsections (2) to (4) of section 604 apply mutatis mutandis.
             S.M. 1971, c.105, s.636.

                                              July, 1981.

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