NEGOTIATING URBAN DESIGN:
LOOKING TO PORTSIDE

by

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Abstract

This thesis examines how planners negotiate urban design by examining a case study of a development project that was planned for the waterfront of Vancouver, British Columbia in the 1990s. This project, called Portside, was to be situated on land owned by the federal government, adjacent to the downtown of the City of Vancouver but not under their jurisdiction.

The literatures in urban design and negotiation theory are iteratively searched to find where there is overlap between theoretical writing on related subjects and communicative or collaborative planning. Qualitative methodologies were used in researching this subject with emphasis on interviews of representatives of those parties involved in negotiations. The questions asked in the interviews mirror the progression of ideas in the theoretical underpinnings of the paper and form the framework around which the results are organized. The statements of the interview subjects form the basis of the about what works in negotiating urban design.

High quality urban design is the result of a high quality design process—one that uses effective negotiation techniques and a mixed bag of practical planning tools. The theory of communicative planning acknowledges the importance of negotiation skills and multiple approaches to overcoming obstacles such as those found in the case study.

The importance of visual communication skills, team cooperation, anticipation of problem areas, and flexibility within bureaucratic frameworks for planning professionals are underlined as a result of examining this development project. It is apparent that negotiating urban design happens often in Vancouver. It is also apparent that practitioners are unclear as to how they reach agreement in areas that can be subjective and unquantifiable, only that agreement is usually reached. The literature of communicative planning supplies suggestions as to how "messy" problems, such as negotiating urban design in a multi-stakeholder context, can be successfully overcome. And the techniques put forward in the theory are apparent in practice in this case.

A high-quality communicative planning process, one that made good use of best negotiative practices coupled with effective design-specific communication, led to high-quality urban design for this project. These methods were applied largely unconsciously by the participants as part of a mixed bag of practical planning tools.
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Urban design brings a three-dimensional sensitivity to planning."¹

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¹ Interview participant #12.
DEDICATION

My thesis is dedicated to the well-suited one.
Chapter One

Introduction

Introduction
I began thinking about this research after working for a private company on the Portside project—a multi-million dollar development proposal using a mix of private and public funds for a development project on public land. I wanted to find something from my experience that I could investigate in a thesis. As different aspects of the project took my interest, my thesis changed direction several times. I finally decided on asking how certain specific aspects of the project had been agreed upon between the various stakeholders. My main interest was in the negotiation around deciding the overall urban design\(^1\) for the project.

Briefly, the case study involved numerous planning professionals working together to determine a financially and aesthetically satisfying design solution for a large construction project. The project in question was to be a trade and convention centre on the waterfront in downtown Vancouver, Canada with an associated hotel, retail spaces and public open space.

The planners and related professionals that became the subjects of interviews were, in the order that they were interviewed\(^2\):

1. an architect working mainly on project management;
2. an architect who is a partner at a major architecture firm;
3. a consultant on communication and government relations, particularly development design approvals processes;
4. another architect who is a partner at a major architecture firm;
5. an urban planner working with the City of Vancouver;
6. an engineer and urban planner working with the City of Vancouver;

\(^1\) Urban design is the creation of the texture of built places and the interplay and relationships between elements making up the built environment. The term is used here interchangeably with “design” unless another meaning is noted.

\(^2\) Quotes taken from the interviews are attributed to a number that corresponds to this list.
7. an urban planner working with the City of Vancouver;
8. an architect who is principle of a private architecture firm;
9. a landscape architect who is a partner in a private landscape architecture firm;
10. an architect working as a development manager;
11. an urban planner and urban designer who is principle of a private design firm; and
12. an urban designer who is principle of a private design firm.

Agreeing on the urban design in the case here was necessarily complicated by the numerous parties involved in approvals and design and because of the many user groups who tried to influence design decisions. To find a way of agreeing on a mutually acceptable urban design, negotiations were undertaken. Negotiation is used here to mean working out differences together to find mutually satisfactory solutions.

There is little written directly about negotiating urban design in these circumstances. An answer to the research question "How do planners negotiate urban design?" is sought in existing literature, which is considered in chapters two and three. The research question is asked of urban planners through formal interviews.

As a student of urban planning, I am interested primarily in the work of urban planners. I have broadly defined urban planners as planners and the related professionals they regularly work with and who work as planners: architects, urban designers, landscape architects, and development industry project managers, some of whom are trained and certified as planners.

I will look at a single case study in this thesis. I have justified my work because I found that there has been very little inquiry into this issue:

While the need for increasing integration between the architectural and the social science approaches to understanding the city is gradually being recognized, there are still niches that beg to [be] filled.\(^3\)

While this shows that the author is biased in thinking architecture has special claim to understanding the city it does point out one of my justifications for writing this thesis: how urban design is negotiated is one of many niches that beg to be filled.

Through my classes at the School of Community and Regional Planning, I learned the value of principled negotiation for solving problems in situations like the relationship between elements of the public and private sectors over building

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\(^3\) Ford (1994), page 1.
in urban places. My curiosity to learn more about these relationships was satisfied by examining the case study presented here that brings my introduction to urban design together with my observations of negotiations around planning issues.

I am also interested in the ideas presented by various academics that are found in the theory of communicative planning. While this theoretical paradigm has come under recent criticism it delves into theory related directly to what working professionals do in their day-to-day work. Communicative planning theory is about what planners do and how they go about their daily work of receiving and expressing often complex and value-laden ideas. Until some better way of acknowledging and analyzing the working lives of planners arises, this stream of theory will remain my foundation in planning. In the following pages I bring together my interest in the public-private relationships that result in our urban fabric with my interest in communicative planning practices.

This is a planning problem

My observations "from within" the case study, combined with informal and formal interviews with the planning and related professionals involved in the project's negotiation process helped me to find how planners can negotiate urban design. I hypothesized that using communicative planning practices was the best way to solve the planning problems that arose in the negotiations for the urban design of this project.

Scope

In this thesis I am examining a case study to find an answer to the question: "How do planners negotiate urban design?" To maintain the scope of research that I was willing to undertake I had to limit many possible considerations. I had several reasons for placing these limits. The reasons include: limiting the length of the thesis; attempting to stay focussed on how urban design is negotiated without being side-tracked into complexities about urban design as a discipline and the concept of design itself; and the fact that I only want to look at a single development project.

I have also eliminated analysis of the value of various methods of negotiation and only present what is used in relation to my case study.

A major filter was to use only a proposed expansion to Vancouver's trade and convention centre (the Portside project) as a case study. And in this case study I am looking at a specific time frame of the project: the early development stages from 1996 to early 1999.

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There are other studies to be made of other planning situations but I chose this development proposal for a case study for three reasons. First, I think it warrants examination because it helps answer my thesis question. Second, one major component of the development process was successfully completed relatively recently. Third, I have some personal knowledge of the case, which makes it more relevant for me and made it easier to access documentation and interview participants.

As discussed in the methods chapter, I have used qualitative research methodology in my research. This is a personal choice and is justified in that chapter.

I have consciously tried to limit the scope of my thesis by not pursuing interesting side issues that came up during the course of my research. I do not have time to thoroughly research all the areas touched on here and a Master’s thesis is not the place for exhaustive research on multiple topics.

I recognize that these limitations to my enquiry may be seen to affect the validity of the outcome. I would argue that what I have chosen to consider is a planning process that was effective and, therefore, may be effective elsewhere. And planning that works is no small thing.

Outline

Chapter summaries

Chapter One: Introduction. An overview of the thesis explaining how I came to the point of asking the main question of my thesis and what areas of theory this led me to in searching for answers. The chapter outlines the contents and limitations of my thesis.

Chapter Two: Urban Design. This first part of the framework I established for analysis looks at urban design: what aspects of the subject are of interest here, that there is a particular language of urban design, and that debates about design include “What is good urban design?”.

Chapter Three: Negotiation. The second part of the framework for analysis looks at theory and practical issues around negotiation.

Chapter Four: Background to Case Study. Introduces the case study—the Portside project—by discussing an important policy document affecting the project site. The stages of project development are outlined through to the stage that is the focus of my thesis, where negotiations around urban design of the project were undertaken.

Chapter Five: Methods. Discusses what methods I chose to help answer my thesis question, how these methods were applied and what difficulties came up while using them.
Chapter Six: Results: The Practitioners Speak. What the interviewees had to say and what light they shed on the planning problem I want to answer.

Chapter Seven: Conclusions. What I think planners and similar professionals in the field bring to light from the planning theory covered earlier. This synthesis is informed by the interviews, my reading and discussions, and reflection. The chapter concludes by bringing all these thoughts together in a way that answers my thesis question.
Chapter Two

Urban Design

To discuss how planning professionals negotiate urban design when there is so little written directly on the subject, I need to discuss urban design and negotiation separately. This chapter discusses urban design and Chapter Three covers negotiation.

Defining urban design

Because there is no established literature on negotiating urban design I have been able to pick and choose the material that I think best suits my case study and my own ideas about how urban design is negotiated. One disadvantage to there being little direct writing on the subject is that I have had to glean references to my subject from many different sources. I have relied heavily for my conclusions on the material provided by my interviews.

As noted earlier, there are many definitions of urban design. Urban design is both the finished product of the designers and it is the act of designing city spaces—a process. This double use of the phrase adds to the confusion. A selection of definitions follows:

- Spaces and the buildings around them define and support the whole—that's urban design.\(^7\) (product)
- “[urban design is]...translating...positive cognitive experiences to a new location in a way that is relevant to its context.”\(^8\) (process)
- “urban design...focuses essentially on issues of design on a city or neighbourhood scale in three dimensions.”\(^9\) (process)
- “urban design is the...process of giving physical design direction to urban growth, conservation, and change. It is understood to include

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\(^5\) For a collection of various definitions of urban design see Schurch (1999).
\(^6\) Thank you to Ray Spaxman for pointing this out and helping to clear up the confusion for me.
\(^7\) Planner #5.
\(^8\) Blackwell (1999), introduction.
landscape, as well as buildings, both preservation and new construction, and rural areas as well as cities."\textsuperscript{10} (process first, then product)

Thomas Schurch (1999) wrote an article in the Journal of Urban Design that examined the definitions of urban design. He says "...there is no well-developed body of theory or agreement as to who practices [urban design, and] professionals in the allied design fields struggle to define the very term 'urban design'."\textsuperscript{11} This makes urban design difficult to define whether it is considered to be a product or a process—a description of the finished product or as a professional discipline. Without consensus in the literature or among interviewees I have had more difficulty in examining details of negotiating urban design than I anticipated.

Despite this uncertainty there is a theme in the various definitions, a theme of comprehensively considering urban space as important and therefore worth designing well. In one of my interviews a planning professional spoke of humans interacting with their environment and the fact that urban design affects that relationship. If for no other reason than wanting to improve the human experience, urban design is worth doing well.\textsuperscript{12} Urban design exists in what we see as built cityscapes, it affects us as city users, and the methods used in creating it are therefore worthy of our consideration.

Through the rest of my thesis I try to make it clear when "urban design" is being used to mean the process or the product. Urban design as a product is important because of the way we relate to our surroundings. My main focus is looking at how the process of urban design works, specifically how urban design decisions are made collectively or negotiated.

In the project, the process of negotiating urban design took a considerable portion of the time spent in meetings between the parties.\textsuperscript{13} Because the decisions about a final built form were constantly changing in the planning stages and because the final product of this design process was never realized (the project was cancelled before anything was built) the process was much more important to my analysis than the product. So for this thesis and because of this case study, I am mainly interested in urban design as a process.

This interest led to me asking interviewees about how the process of urban design differed in the case study project from other design processes they had experienced.

\textsuperscript{10} J. Barnett in Schurch (1999), page 42.
\textsuperscript{11} Page 6.
\textsuperscript{12} Planner #4.
\textsuperscript{13} Based on my observations when working for Greystone Properties.
The urban design aesthetic

Urban design is a practical art. Creating urban space that is aesthetically pleasing and that is integrated with its surroundings makes economic sense. Cities are corporations and, simply put, when they survive and grow, the shareholders (landowners) profit. Creating attractive urban space can help to attract residents and businesses. But there is a lot more to urban design than this sort of determinism. There is more to the city than the rational, systematic performance of it as an economic machine.

Kevin Lynch writes eloquently about what lies beyond the view of city-as-machine by describing something greater than what can be seen:

At every instant, there is more than the eye can see, more than the ear can hear, a setting or a view waiting to be explored. Nothing is experienced by itself, but always in relation to its surroundings, the sequences of events leading up to it, the memory of past experiences.14

Some practitioners, including some of my interviewees, have this very artistic sense of the built form of the city. But there is a large variation of opinion on how to best achieve optimal urban design. Some urban designers (planners, architects, or specially trained urban designers) feel that aesthetically pleasing design requires such a degree of expert training that input from non-professionals is inappropriate. Others see urban design as a more collective act of city-space design and welcome public inputs. In the case study public input was limited by being structured; inputs came through design workshops where responses to professionally designed plans were sought. Other inputs in the case study were received as written or verbal submissions taken at public meetings where the inarticulate would be more likely to de-select themselves from contributing. The validity of such inputs is discussed later.

Everyone has some sense of the city space that surrounds him or her in urban areas. Trained professionals have the vocabulary and references to describe their surroundings in more depth and detail than average citizens do. But everyone recognizes his or her own version of the aesthetics of urban design, whether articulated or not.

This sense and feeling about city spaces is because good urban design can create an aesthetic beauty as well as simple “usefulness” in the city. Wanting to know individual’s perspectives on the aesthetics of urban design prompted me to begin asking interviewees “What is good design?”

Making urban design work in Vancouver

If we can accept that there is something desirable and even needful in well-crafted urban spaces, how do we get these spaces in our cities? Patsy

14 Lynch (1960), page 1.
Healey, known for her studies of planners' daily work, notes that many "planning authorities have had neither the power nor the inclination to ensure that cities develop ‘according to plan’."\(^{15}\) But if there is a will, and the jurisdictional clout, there is a way. Again Lynch is helpful: "Only partial control can be exercised over [the city’s] growth and form. There is no final result, only a continuous succession of phases."\(^{16}\) The city remakes itself constantly through the free will (and capital) of landowners. I would argue that the "partial control" that can be but is not always exercised is the process of urban design.

One interview participant, a planner, said

In the City of Vancouver [with] the charter that governs the powers that the city government has to control what goes on within its boundaries, the Vancouver Charter, the City has a very discretionary regulatory framework, compared to other cities, which... is a conversation that goes on about urban design... And that’s different than most cities that don’t have much discretion.

(Planner #3)

The City of Vancouver may have a little more of that “partial control” than other municipalities but this statement shows that even with "a very discretionary framework" for exercising control, there is still a “conversation” going on. The idea of urban design processes as conversation is important and is expanded on later. Even the City of Vancouver with its discretionary powers has to work together with the landowners and their representatives if they want input on the urban design product. The planning department chooses how it exercises the jurisdiction it has through the Charter; this interviewee explains the City’s involvement as being part of a conversation about urban design.

Controlling urban design as a final product can be done simply through zoning regulations. The process of zoning might be confused with the process of urban design.

...zoning is a process. It is that part of the political technique through which the use of private land is regulated. When zoning is thought of as a part of the governmental process it is obvious that it can have no inherent principles separate from the goals which each person chooses to ascribe to the political process as a whole.\(^ {17}\)

But several of my interviewees pointed out that simple zoning control as a sole means of bringing about comprehensive urban design results in either blandness of design or unworkable solutions.

There are two schools of thought around avoiding bland or unworkable urban design. The first is the view that the designer is the expert and knows best.

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\(^{15}\) (1996b), page 263.

\(^{16}\) Lynch (1960), page 2.

\(^{17}\) Babcock (1995), page 139.
Following the grand plan of a visionary avoids the pitfalls of bureaucratic zoning dictates and the vagaries of public opinion. Of course this method is unacceptable in a pluralistic society.

The second school of thought on how to avoid problems in comprehensive urban design is to expand the number of stakeholders included as much as possible. This line of thinking is that there has to be substantial input from the public as well as accepted “experts” and professionals to achieve memorable urban design solutions. Such is the Vancouver case.

**Designing Vancouver**

Urban design, in a fairly straightforward definition, is “the design of the city and all its visible components.” Architects, urban designers and landscape architects working with regulatory bodies such as municipal planning departments accomplish this work. In some cities, such as Dallas, Texas, there is very little municipal control over land use and development through zoning, unlike in Vancouver. Kevin Lynch, writing a recommendation for how municipal governments can influence urban design as product, seems to be describing the current planning framework for major projects approvals in the City of Vancouver: “The controls employed to achieve visual form at the city scale could range from general zoning provisions, advisory review, and persuasive influence over private design, to strict controls at critical points...”.

It is primarily the “persuasive influence over private design” that the planning department at the City of Vancouver uses to bring about its urban design objectives on major development projects. This is done through comprehensive development or “CD” zoning, where a project is zoned specifically for uses agreed upon between the City and the developer or owner of the site. In this way the City retains a high degree of control over the process of development within its area of influence. The City of Vancouver retains significant control over urban design as product then by participating with landowners in urban design as process.

I use the term “area of influence” intentionally over “boundaries”. The City of Vancouver is a junior level of government; junior to the provincial and federal governments. The City has jurisdiction over land use within most of its boundaries but there are some exceptions. Those exceptions include land owned by the senior levels of government. This lack of control over senior government’s use of land within the City creates difficulties in the design of the city within an overall vision regulated by municipal council through City staff.

Urban design as built form can be the product of a masterful vision or it can be a collective act of creation. In the City of Vancouver the planning environment tends more toward the collective act. Observing this made me

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18 City of Vancouver (2000), introduction.
wonder about whether design was somewhat prejudged because of the City's
design guidelines or if design went ahead on a truly blank canvas. I asked
interviewees if, when looking for design solutions on the Portside project, there
was one "right" answer that a collective search might uncover.

The language of urban design

Like many professions, urban design has a language, or a lexicon of
terminology, that is unique or at the very least shared with few other disciplines.
Urban design is very closely related to the fields of architecture and landscape
architecture. As such it shares many terms to do with urban spaces and three-
dimensional design. A sampling of these terms with corresponding explanations
can be found in Appendix I. While urban design is related to these fields this
technical language is limited to descriptions of outdoor phenomena, unlike
architecture, and would not include all the taxonomic words found in the
landscape architect's lexicon.

Of urban design and the complexities of its terminology Christian Kuhn
says "designers employ linguistic generalizations in problem formulation" and,
quoting Christopher Alexander, "designers are thus 'caught in a net of language
of our own invention'.” So the complex and specialized language of urban
design can be a hindrance to clear communication, especially, as I argue later,
when there are non-designers involved in the discussion.

Trying to understand how the lexicon of urban design terminology—so
important for communicating complex three-dimensional imagery—affected clear
discussion across professional boundaries prompted me to ask how those
familiar with this vocabulary brought those unfamiliar with it into a design
discussion.

Where should urban design be put?

Interestingly, urban design has been placed within the field of planning
while there are often large gaps of comprehension between some planners and
urban designers. Urban design has been claimed in the past by architecture
But Thomas Schurch concludes in his article "Reconsidering Urban Design" that
urban design is properly within planning due to planning's perspective on the
"public realm", the "public trust", and "community"—ideals guided by planning
associations' codes of ethics mandating responsibility towards the public's
interests, unlike architecture.

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21 Knack (1984). Urban design has also be enplaced "in between [architecture and
planning], but belonging neither to one nor the other." (Mackay (1990) "Redesigning
Urban Design", page 42).
I find Schurch's reasoning sound for the reasons he states as well as the fact that urban design typically looks at the city in a scale that architects are not trained to see but planners familiar with urban design are: a scale of over about 1:5000 or that scale at which individual buildings are much less distinct than the overall pattern of the streets, blocks, and the form of buildings as masses together. Alan Jacobs, an architect by training but with much to say about urban design, says

Street and block patterns reflect differences among cities beyond those of scale, complexity, available choices, and the nature of spaces. They relate to the time period when the city was built, to geography, to differing cultures, to city functions or purposes, to design or political philosophies, and to technological demands, to name some of the more obvious. 23

These considerations are areas of interest to many planners and, I would argue, fewer architects. This bolsters the argument that urban design is properly at home within urban planning.

Summary

Urban design as a process, whatever the exact definition, is an important part of shaping the cities we live in. Urban design is not just about realizing the vision, however brilliant, of a single designer. It is a process as much as it is a product. This process, in Vancouver as well as other cities, is much like a dialogue or conversation between regulatory agencies and land developers.

Urban design has a technical lexicon of vocabulary as have many specializations. This “language” has roots in architecture and landscape architecture and both disciplines have claimed urban design as their own. But urban design’s reference to the physical nature of our surroundings while embracing a broad consideration of “community” has made it difficult to categorize within the related disciplines of architecture, planning, and landscape architecture.

Chapter Three

Negotiation

From communicative planning to negotiation: John Forester

As noted earlier, John Forester is one of the few planning theorists to write a significant amount about urban design processes. Forester’s writing falls largely into John Friedmann’s “social mobilization” tradition of planning thought. Friedmann’s 1987 classic Planning in the Public Domain: From Knowledge to Action elaborates on four areas or traditions of planning thought. Of social mobilization he says that in this planning tradition “…planning appears as a form of politics, conducted without the mediations of ‘science’.”

The power imbalances inherent in politics are of interest to Forester and his book Planning in the Face of Power explores the politicized landscape of planning. It is chapter eight of this book, “Design as making sense together”, that was most helpful for me in laying a foundation to understand what was revealed through interviewing participants in the Portside project.

Forester places emphasis on the importance of planners’ experiences as revealed by actual dialogue encountered in studying planners’ everyday work and by stories planners relate. This emphasis on stories to inform knowledge fits into Friedmann’s social learning tradition described as focussing on:

...overcoming the contradictions between theory and practice, or knowing and acting...Theorists in the social learning tradition have claimed that knowledge is derived from experience and validated in practice, and therefore it is integrally a part of action.25

Thinking that Forester seemed to fit into two different planning traditions—social learning and social mobilization—left me in a quandary for some time. Then I read through Campbell and Fainstein’s Readings in Planning Theory where in the introduction to Part VI, “Ethics, Professionalism, and Value Hierarchies”, they note that “like Healey...Forester draws upon Jurgen Habermas’s theory of communicative-based knowledge to examine the shortcomings of traditional scientific knowledge in the quest to understand social

25 Pages 81, 82.
complexity. The reference to Habermas, clearly within Friedmann’s social mobilization tradition, helped me clear up this dilemma. Forester uses planners’ experiences in practice to form planning theory but he “…exhorts planners to develop a set of community relations strategies…”, thus putting him in the company of others including those “…exercising skills in conflict management and group relations…”27, the area of planning most interesting to me in my thesis.

**Other theorists in Communicative Planning**

Of course Forester is not alone in writing in the tradition of social mobilization. Other theorists of interest include Patsy Healey, Judith Eleanor Innes, Charles Hoch, and Jean Hillier.28 These theorists all make reference to Jurgen Habermas and what is called “communicative planning” theory. Communicative planning is also known as collaborative, interpretive, or argumentative planning, but I use the terms collaborative or communicative planning here.

The theory of communicative planning is helpful for understanding planners’ actions.29 I summarize communicative planning theory as a recognition that individuals’ diverse knowledges are built in different ways within various social contexts, and as a call for collaboration and consensus building.30 Forester suggests 11 strategies to complement planners’ technical work should they come to agree with the principles of communicative planning. These strategies include imparting skills in negotiation and communication. The strategies are listed in Table one overleaf.

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26 Page 478.
27 Page 269.
30 Healey (1997), page 5.
Table 1

Communicative strategies for planning practice.

1. Cultivate community networks of liaisons and contacts, rather than depending on the power of documents, both to procure and to disseminate information;

2. Listen carefully to gauge the concerns and interests of all participants in the planning process to anticipate likely political obstacles, struggles, and opportunities;

3. Notify less-organized interests early in any planning process affecting them (the more organized groups whose business it is to have such information will hardly need the same attention);

4. Educate citizens and community organizations about the planning process and both formal and informal "rules of the game";

5. Supply technical and political information to citizens to enable informed, effective political participation and negotiation;

6. Work to see that community and neighbourhood nonprofessional organizations have ready access to public planning information, local codes, plans, notices of relevant meetings, and consultations with agency contacts; "specialists" supplementing their own "in-house" expertise;

7. Encourage community-based groups to press for open, full information about proposed projects and design possibilities;

8. Develop skills to work with groups and conflict situations, rather than expecting progress to stem mainly from isolated technical work or from elected officials;

9. Emphasize to community interests both the importance of building their own power even before negotiations begin and the importance of effective participation and negotiation in formal processes of project review; take steps to make expertise available to professionally unsophisticated groups in such project-review meetings;

10. Encourage independent, community-based project reviews and investigations; and

11. Anticipate political-economic pressures shaping design and project decisions and compensate for them, anticipating and counteracting private raids on the public purse by, for example, encouraging coalitions of affected citizens' groups and soliciting political pressure from them to counter the interests that might threaten the public.

There is recognition of difference and appeal for consensus that exists as the basis of communicative planning. This is because planning work is "embedded in its context of social relations through its day to day practices...". Table one clearly shows the highly political nature of planning work when this is recognized. Collaboration is an effective method for overcoming difficulties presented by different outlooks and interests ("social relations") and for overcoming obstacles created by power imbalances. And since "...planning is more than anything an interactive, communicative activity" it is essential to acknowledge the context within which the planning act takes place and work with that reality. Leonie Sandercock sees planning expanding in this direction:

Today, planning is no longer seen as being exclusively concerned with integrative, comprehensive, and coordinating action, and is increasingly identified with negotiated, political, and focused planning, a planning oriented less to the production of documents and more to interactive processes, and to people.

My interest in how communicative planning theory was applied in planners’ negotiative acts prompted me to ask interviewees how they dealt with confrontation and disagreement when discussing urban design. I was looking for evidence that the negotiators relied on social relationships to bridge differences of opinion.

**Consensus and BATNAs**

In the case study the parties agreed to decision by consensus. Consensus can be part of a negotiated settlement—a requirement built into the "rules" of the negotiation—although this is not required. In this case study consensus-based decision making was formalized in a memorandum of understanding (MOU) between the City of Vancouver and the Port authority (represented by Greystone):

...a precursor to the CDA [comprehensive development agreement] was... a memorandum of understanding between the Port, who represented the Crown, and Greystone...and the City. And that was to lay out really how we’re going to cooperate together, what was going to be considered part of past history. Because there [were] some overall planning guidelines in terms of policy statements—which had been done previously—which the Port had been involved in... So this memorandum of understanding that laid down

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32 Of course there are other options such as political activism, legal conflict, and simply refusing to cooperate. These may create as many new difficulties and obstacles as are overcome but certainly can be effective in their own right.

33 Healey (1995a).

34 Sandercock (1999), page 12.
how we were going to do it, the fact that they wanted and Greystone wanted City development permits—they would have to then fall into the City system.  

Consensus relies on what Habermas called an “ideal speech situation”. Habermas developed a consensus model based on this concept. In this model there are four components. First, each participant must be free to speak his or her interests without constraint by intimidation. Second, each participant has equal opportunity to express his or her views. Third, equal power must be granted to the exclusion of all outside power hierarchies. Fourth, rational discussion must prevail: no threats, only reason.

The negotiations were generally conducted on this basis and the MOU appears to particularly emphasize the third component of Habermas’ model:

...our process involved, because of the nature of convention centres, tremendous involvement by government—at all three levels. The politics at the time suggested that the federal government should not be asked right then for complete involvement because the feeling was they would be negative. And for a whole lot of political and other reasons. So we basically set up a process that involved putting the Province and the City together and we got the federal government in as observers. ...the City and the Port came to an agreement on the Central Waterfront [Port] Lands. And they made that [MOU] agreement that the City and the Port would work in conjunction and certain qualifications were placed on both of them and their boards and council eventually agreed to [it]. At the time we started that... had been defined but had not been signed. So...it still went ahead and got signed so that we had a protocol [with] which to work for that particular piece of land. (Liaison officer #1)

Ideal speech fits in with Susskind and Cruikshank’s advice about how best to solve public disputes: “Public disputes can be resolved more effectively (that is, better outcomes are more likely) if the parties voluntarily negotiate an agreement that serves their interests.” For the Portside project the voluntary negotiation started with agreeing to being ruled by the terms of the MOU and the Central Waterfront Port Lands policy statement, despite differing relative levels of power amongst the participants.

Voluntary agreements were put in place that set out decision-making parameters. This fact along with evidence from the interviews convinces me that the stakeholders saw that the circumstances of public and media scrutiny,

35 Planner #2.
36 Sandercock (1999), page 15.
37 Susskind and Cruikshank (1987), pages 80, 81.
38 This policy document is discussed in greater detail in Chapter Four.
difficult scheduling, and the mutual dependence of some stakeholders on one another for various approvals made this the right time and place for a collaborative approach.

Moving beyond agreeing to negotiate fairly, the stakeholders had to try to reach consensus on the broader issues of the project, including urban design. Satisfying more than minimum objectives or avoiding loss where there is little confidence of victory required a BATNA, acronym for “Best Alternative To a Negotiated Agreement.” In other words a degree of commitment or sacrifice beyond which it is not worth going.

Since the project was cancelled for political reasons by the provincial government, the Province’s BATNA was engaged, indicating that a threshold of acceptable political risk had been crossed. For the Port authority, as the landowner, their BATNA was very likely tied to a certain profit margin. Greystone likely had a certain profit margin in mind also but because they had secured development rights for the land from the Port their BATNA may have been to consider other land uses more likely to meet with City approvals should Portside approvals prove too hard to achieve. The City’s BATNA may have been to put their staffing energies into other proposals that might enliven the city as much or more than a new waterfront convention centre. If this were the case they had the least to lose of any of the stakeholders.

Because the decision to use consensus as the basis for progress in the negotiations was made by key decision makers, I asked those decision-makers that were among my interview participants about how they resolved their disagreements when it was up to them to find a way forward. The “consensus buck” stopped with them and I wanted to know how they made consensus work when an inability to reach consensus among their staff brought a problem decision before them.

**Urban design as “Making sense together.”**

Because of the interactive nature of daily planning work and the fact that it is embedded in its social context I look for urban design processes to involve a high degree of interpersonal cooperative effort. This is what Larry Susskind and Jeffrey Cruikshank call consensus building:

> consensus building requires informal, face-to-face interaction among specially chosen representatives of all “stakeholding” groups; a voluntary effort to seek “all-gain” rather than “win-lose” solutions or watered-down political compromise; and, often, the assistance of a neutral facilitator or mediator. Such approaches must be treated as supplements--and not alternatives--to

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conventional decision making. Officials with statutory power must retain their authority in order to ensure accountability.\[^{40}\]

Susskind clearly lays out what he calls a supplemental decision-making process. Applying this to urban design practice means that a consensus-building process is involved and interpersonal but the parties maintain their own identities, as in a high-quality conversation.

John Forester likens design practices to conversational processes of making sense together. This fits in well with the practice of “managing” urban design generally as it is done in the City of Vancouver. In designing together there is the shared language of any effective communicative act but Forester says there is also a similar process to that of other communicative acts. Just as a conversation has natural ebbs and flows but no pre-determined ‘right’ end, urban design processes are pieced together from the contributions of the stakeholders and the result is something created together, not found.\[^{41}\] Negotiating urban design is not about optimal solutions existing in some “solution space”, waiting to be found, but comes from all interested parties working together using many different skills and creatively solving planning problems.

To re-state his concept of design as making sense together-through conversation-like processes, by conversation Forester intends us to understand not the more circumscribed conversations we all engage in daily but a much broader application of the term. Large groups meeting formally in public (or semi-public) settings to discuss urban design still engage in a type of conversation, albeit at a larger scale than we might be used to thinking of, and this is the sense in which he uses the word.\[^{42}\]

It is clear that urban design as a process is an act of communication—an elongated conversation—between the parties involved. These involved parties are known as stakeholders in the terminology of negotiation to which we now turn.

**Negotiation**

Negotiation is a process that is basic to urban planning. It may not be acknowledged by the participants to be occurring\[^{43}\] nor does it have to be highly structured but the give-and-take of negotiation is part of finding answers to the problems planners face.

\[^{40}\] Susskind and Cruikshank (1987), page 11.
\[^{41}\] Forester (1989), pages 120-121.
\[^{42}\] Ibid, page 125.
\[^{43}\] Several preliminary interviewees denied that they had been negotiating during the CDA process despite describing a negotiating process. I think this may have been due to a perception of negotiations as highly structured, adversarial processes involving professional negotiators but “...people negotiate even when they don't think of themselves as doing so.” – Fisher, Ury and Patton (1991), introduction.
In their now-standard works, Fisher and Ury's, and Susskind and Cruikshank's examinations of negotiation describe the work of many planners.\textsuperscript{44} Negotiation as a planning process is a means to an end. Planners do not enter into negotiations without a reason. The end being sought is generally participatory planning within the larger framework of participatory democracy.

Fisher and Ury define a wise agreement as "...one that meets the legitimate interests of each side to the extent possible, resolves conflicting interests fairly, is durable, and takes community interest into account".\textsuperscript{45} Such a wise agreement is a legitimate goal of planners working within the context of pluralistic democracy. And for urban design, as with other planning functions, participation of all stakeholders is taking community interest into account, thus creating a wiser solution set. This is certainly not the opinion of planning professionals who see their role as more visionary and as one of leadership rather than as provider of expert opinion in a broadly inclusive process.

In a planning context of pluralistic democracy most planners accept the conventional wisdom of participatory planning practices. Finding the wise agreement as defined by Fisher, et al in this context requires a "wise process", to coin a phrase. A wise solution set is reached by engaging in a process that is inclusive. High quality negotiative processes around urban design are that wise process.

In the case study the negotiative process may be seen by some to have been a failure as the project was cancelled. However the negotiation was clearly not at fault. In fact, the project would not have reached the advanced development phase it did had not the negotiation process been of high quality. The reason the project was not built was clearly political, not because the parties could not agree or move ahead with development.

Writers in the field of negotiation stress the need to engage all those affected by the outcome in the process of deciding that outcome.\textsuperscript{46} This engagement of stakeholders is an important part of making the process a wise one and is critical for the negotiative process to be of good quality. Having all affected parties present for negotiations whose outcome affects them makes it much more likely that a design decision will be sound and the stakeholders in agreement about it.

Seeking evidence of planning professionals' engagement in ongoing dialogue-based relationships, I asked interviewees about how relationships changed as the negotiations progressed. I was also interested in how they dealt with confrontation and disagreement when discussing urban design.

\textsuperscript{44} Fisher, Ury and Patton (1991) \textit{Getting to Yes} and Susskind and Cruikshank (1987) \textit{Breaking the Impasse}.

\textsuperscript{45} (1991), page 4.

\textsuperscript{46} Fisher, Ury and Patton (1991), Rusk and Miller (1993), and Donaldson and Donaldson (1996).
Planning theorists on negotiation

Planning theorists have also written about negotiation. Patsy Healey, Jean Hillier, Judith Innes, Charles Hoch, and John Forester have written about negotiation, negotiative methods, and communicative planning methods in public participation and community involvement—all related to negotiation in planning.\(^{47}\) Negotiative processes are obviously part of many non-planning situations but are nevertheless an integral part of modern societies' broadly inclusive urban planning situations.

Forester describes what he calls a progressive planning model that is a practical and politically sensitive form of planning practice.\(^{48}\) To Forester all models of planning acknowledge power in one form or another with the progressive planning model seeing information as a source of power "because it not only enables participation of citizens affected by proposed projects... but it also calls attention to the structural, organizational, and political barriers that may unnecessarily distort the information that citizens have and use to shape their own actions."\(^{49}\) [his emphasis]. The progressive planner is trying to stay ahead of immediate events (planning ahead) by anticipating flows of and barriers to flows of information so that urban form or policy is created from a truly participatory democratic process.

The engagement of all stakeholders with equality of access to information is the goal of the progressive planner. This engagement by all stakeholders on an equalized footing is the basis of communicative planning theory.

An important part of communicative planning is about negotiating and doing it well. This theory fits with the ideas on negotiation presented by Roger Fisher and William Ury in *Getting to Yes:* regarding people, "separate the people from the problem"; regarding interests, "focus on interests, not positions"; regarding options, "generate a variety of possibilities before deciding what to do"; and regarding criteria, "insist that the results be based on some objective standard."\(^{50}\)

Communicative planning is also about getting beyond positions and personal antagonisms that cloud possible solutions to real problems. This is the essence of a high-quality negotiative process: flexibly dealing with the vagaries of a given negotiation situation to creatively find a solution that works for everyone.


\(^{48}\) 1982, page 33.

\(^{49}\) Forester (1989), page 69.

\(^{50}\) Pages 10, 11.
A single answer doesn’t always work. The solution to a given problem varies with the circumstances, as in this example:

Social objectives do not always have the same relative values. One objective may be highly prized in one circumstance, another in another circumstance. If, for example, an administrator values highly both the dispatch with which his agency can carry through its projects and good public relations, it matters little which of the two possibly conflicting values he favors in some abstract or general sense. Policy questions arise in forms which put to administrators such a question as: Given the degree to which we are or are not already achieving the values of dispatch and the values of good public relations, is it worth sacrificing a little speed for a happier clientele, or is it better to risk offending the clientele so that we can get on with our work? The answer to such a question varies with circumstances.\(^5\)

Patsy Healey writes in Collaborative Planning that the communicative approach to planning points out some neglected areas of governance and goes beyond “familiar debates about the competences of different levels of government” into other areas of governance that emphasize types and styles of social interaction in arenas of governance.\(^2\)

While the ideas in communicative planning have been around for some time, they are becoming more useful and more used as planning is acknowledged to be inherently political. I use political in the sense of there being sides taken in a controversy. Taking sides is natural but not the most useful way of solving problems. The dominant planning paradigm up to now, instrumental rationality, ignores other ways of knowing, including the idea that inter-relationships (and politics) affect knowledge and action. As theorists recognize and practitioners reveal through daily experience that knowledge and values are not simply objective but are “actively constituted through social, interactive processes”,\(^3\) the reality of politicized planning landscapes loosens instrumental rationality’s hold on the planning mindset.

The result of this freeing of planning thinking is that new approaches can be taken to solving planning problems. Acknowledging the pressures surrounding a negotiation process, for example, allows the planner, and other professionals, to deal with the process more flexibly than might otherwise be the case.

Negotiation is a planning process. This fact is acknowledged in the literature and by professionals.\(^4\) However, as Patsy Healey says in Negotiating

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\(^{52}\) Healey (1997), page 28.

\(^{53}\) Ibid, page 29.

Development, "Few studies have given much attention to these issues of...negotiation...[to do with urban development]." In Healey’s study, significant variations existed in how the complex relations of the “negotiative net” were addressed. It stands to reason that in the Portside project there would be a different way again of addressing this inter-related net of developers, financiers, landowners, special interest groups and government departments. However, Healey’s studies do help to shed light on the processes involved.

John Forester has shown that urban design is a process of “making sense together”-finding a solution that meets the interests of the stakeholders. This is clearly negotiation as defined by Fisher et al. Healey’s ideas about communicative planning processes, while not specifically addressing urban design issues, help me to understand the social processes behind negotiation in planning.

Healey refers to the social interactive processes that are part of planning in general as ways of finding meaning. And the search for meaning is a collective search, a shared effort, a conversation between the parties involved. Since the success of the process is variously defined by how the agreement and obligations flowing from it affect the various stakeholders I avoid using the term ‘successful negotiation’ preferring instead to focus on the quality of the process of finding meaning.

One of my interview participants defined a good urban design process as “a high quality conversation based on clearly codified technical analysis.” To understand how negotiation processes are a form of conversation we must look into details about communication.

Communication

Communication is vital to planning. In the next sections I discuss several aspects of communication in planning that I have found to be important ingredients in urban design negotiations for Portside. Urban design literature has little to offer about communication and this may be because there is a valid concentration on ideas in the urban design field to do with the creative process and the legitimacy of design. Aesthetics and design as a creative act are very important considerations but design as a collective process is an equally valid area of interest and is the process by which urban design is worked out in the City of Vancouver. Urban design does not happen here without a lot of communication between stakeholders.

59 Planner #3.
John Forester writes about communication in urban planning in *Planning in the Face of Power*. He notes that "...all practical communication requires skillful attention to both content and context." Understanding content requires a common language; in my case study this is the language of urban design. Understanding context requires an appreciation of 'other'—that which is outside but potentially affecting the communicative act.

Social and political relations and shared history form the context within which the planner works. The effective planner is aware of the setting in which the communicative act takes place. He uses it to his advantage or works knowing its limitations.

**Content**

Effective communication in planning takes the content and the context of the communicative act into consideration. Content is what is being communicated. It is the message sent, although not necessarily the same message as is received. Obviously a shared lexicon of common terms is required but this shared "language" goes beyond the native language of those interacting. The language, or lexicon, of urban design is as specific to the trade as any other language is to its profession. For effective negotiation of urban design elements there must be a mutually understood lexicon of terms and ideas used by all parties.

Communicating content is not only about referring to objects using common terminology but is about being able to talk about the factors affecting the objects in question. The content of practical communicative action, as Forester puts it, has two parts. The first is that a factual claim is made, such as that the street trees in a developer's proposal are 15 metres apart. The second part of content is that a rhetorical or comprehensibility claim is made, such as that the trees are "too sparse". An equally valid way of expressing this but with a different rhetorical value is to say that tree spacing is "generous". This second component of a comprehensibility claim adds a value dimension and expresses facts in a different way. This can also be referred to as "how things are put".

**Context**

Just as context in what we might call 'normal' conversation is important, so too in the "high-quality conversation" that brings about high quality urban design. Context within conversation is most valuable to my research when the concept of communication is not just what is said; it is written words in reports and memos, TV ads and messages, magazine and newspaper articles, in fact it is any way of communicating a concept or message.

See Appendix I

conversation is applied to negotiating design rather than when more narrowly applied just to spoken conversation.

As stated earlier, effective communication in planning takes both content and context into consideration. Context is the situation within which the communication takes place. This mediates the message and can distort it. The communication situation is bounded by the history and social relations between the parties and the political setting in which it takes place. The planner in negotiations talks in a particular way. This talk is framed by social relationships, draws on historical references shared with the other parties present and is bounded by the political framework of the organization resulting in a manner of communicating that could appear absurd outside that context.64

Understanding the intentions of the speaker, their expression of themselves, and their personal stance also provides context. Planners can understand others’ emotions and motivations when they speak and so gauge their intention, thus placing their words in context.65 Of course misunderstanding can occur with varying results. Forester notes that up to 1989 no one had studied how planners are able to make these judgments of others’ intentions.66

**Bricolage**

An important part of collaborative planning is the collaborative process itself. Collaboration is an important part of consensus-based decision making.67 The planning model being discussed here relies entirely upon the creative, cooperative inputs of all concerned parties to reach decisions by consensus.

Judith Innes and David Booher have defined consensus building as a role-playing exercise and what they call ‘bricolage’.68 Role-playing is discussed in the next section. Innes describes in another article how the process of bricolage is more a creative design process than a process of logical deduction.69 They define bricolage as a gathering of concepts and practices in a ‘toolbox’ of methods for problem solving. The word is related to a French word for a handy-person with various tools and parts that are used intuitively for fixing small

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64 See: Forester (1996); Healey (1992), (1996a) and (1996b).
65 Forester (1989), page 146.
67 There are five key characteristics of a collaborative process. These are that “...the stakeholders are independent; solutions emerge by dealing constructively with differences; joint ownership of decisions is involved; the stakeholders assume collective responsibility for the ongoing direction of the domain; and collaboration is an emergent process where collaborative initiatives can be understood as emergent organizational arrangements....” Gray (1989) cited in Watchorn (1998) pages 26, 27.
68 Bricolage is a problem-solving method involving assessing the problem-solving tools at hand and applying them in a “tinkering” process that shapes the solution as the process works itself out. Innes and Booher (1997).
69 Innes (1996), page 15.
problems. Innes and Booher's idea of bricolage is a helpful way to understand how agreement is reached on a program of urban design; in the case study the urban design for a large development project.

Consensus building broadly describes many kinds of collaborative endeavours. These processes are long-term, face-to-face discussions where representatives of various interests seek agreement on plans or actions. Bricolage is a "kind of collective, speculative tinkering" process rather than any substantive element. The concept of bricolage is integral to my argument of how planners negotiate urban design. Tinkering with the planning problem collaboratively in an attempt to reach consensus is an important description of how design was negotiated in the case study. I use the concept of bricolage more loosely than Innes and Booher. This is discussed further in the final chapter.

Role play

Innes and Booher say that role-playing is an integral part of consensus building. Participants in negotiation must move between the various roles they might play in representing one or more groups or that are part of their own personae. In building the consensus that is part of a principled negotiation participants become role-players. Applying Innes and Booher's concept of role playing to participants in a negotiation process whose job it is to represent stakeholder groups means that the negotiation participants are pretending at some level to "be" that group. They present the communicative content of their message in the voice of their group or personae. Their job is to represent as best as possible (or in a way they see as fitting) the interests of their group as a collective whole.

The role of a group member is particularly important as trust is built and maintained between involved professionals even when the group is having difficulty coming to agreement on the issue(s). Even when disagreement arises participants can still have trust if they have already developed a level of trust.

Participants also bring to the table what they themselves are: parents, cyclists, investors, commuters, city dwellers, bird-watchers, etc. This affects what goes on and what gets said or is left unmentioned during the negotiation process. To some degree people will incorporate their personal views into their positions, sometimes regardless of what their official stakeholder position might be. And all participants are also involved in other 'role-playing' events that are part of their

70 Innes (1996), page 11.
71 Ibid, page 12.
72 Role play as used here is representing the viewpoints of others one wishes to represent or that must be represented in a negotiation process.
73 Innes and Booher (1997), page 1-6.
work or personal lives that may even be in conflict with the roles they play in the collaboration process.\textsuperscript{74}

Summary

The lack of a clear body of literature in my area of research complicated my analysis of the subject. This lack is an indication that few see negotiation as an integral part of the process of urban design. My observations as part of the planning team for the Portside project were that the opposite is true: high-quality negotiations are important in achieving high-quality urban design.

Urban design has many facets and simply trying to reach a consensus on its definition would be a challenge. Vancouver has a distinct method for approaching private-sector development in the city that is effective. This method is participatory and while not perfect, is effective.

Urban design has a lexicon of terms unique to the discipline. This fact can make communication about urban design difficult for non-specialists.

The planning theories that make up communicative planning combined with ideas about fundamentals of urban design make up the foundation of my thesis. I want to know if use of the ideas of communicative planning's advocates is at the root of high-quality urban design negotiations. The ideas presented by Forester, Healey and Innes and Booher are particularly useful. Because I see design as a type of conversation as espoused by Forester, context in negotiating design is as important as, if not more important than, the content of messages shared over the negotiating table. And the concepts of bricolage and role playing as descriptive of what happens in collaborative negotiative processes help us understand the methods used in the negotiations of the case study.

To help me understand what made the negotiations of high quality, when interviewing participants I looked for evidence of attention to context as well as content. I also asked a general leading question about "tools of the trade" used in negotiation that led to specific inquiries about consensus and collaboration, strategizing, BATNAs, and representing interests.

\textsuperscript{74} Innes (1996), pages 15, 16.
Chapter Four

Background to the Case Study

Introduction
The Portside project was cancelled in 1999 after three years of direct development work that cost taxpayers over $70 million. The anticipated cost of the project would have been over $800 million with cost sharing between the two senior governments and private investors.

But work began long before this. The work that began was laying the policy groundwork for what form development of the property outlined in Figure 1 overleaf might take. This policy groundwork was formalized in the Central Waterfront Port Lands Policy Statement (the acronym CWPPS is used in City of Vancouver documents).

Central Waterfront Port Lands Policy Statement
The Portside project officially started when it was accepted as the successful proposal to build expanded trade and convention facilities in Vancouver. The Central Waterfront Port Lands Policy Statement (CWPPS) was adopted in 1994.

The CWPPS is a joint statement of the City of Vancouver and the Vancouver Port Corporation (VPC) that was adopted by city council on February 17th, 1994 and the Port corporation's board of directors on February 22nd, 1994. VPC is a federal Crown corporation that by authority of the Canada Ports Corporation Act of 1983 owns and manages most of the land along Burrard inlet on behalf of the federal government.

Like the development plan for Solihull, Britain, that Patsy Healey critiques, the CWPPS "structure[s] the agenda of debate within the ongoing conversation between planners and developers...".\(^{75}\)

\(^{75}\) Healey (1997), page 276.
What is most important about this joint policy document issued by these two parties is that it outlines a cooperative planning process to guide development on the central waterfront port lands site. The CWPPS was embarked upon in October, 1992 as the schedule for development of the central waterfront port lands. The CWPPS establishes the amount of development and standards of public amenities permissible in relation to the site but allows flexibility in accommodating detailed plans.

The alternative to having the CWPPS might have been litigious, acrimonious and more expensive arguments about the basic rights and responsibilities of the stakeholder groups. The following quotation shows that the CWPPS did not foresee every eventuality and potential disagreement but did provide ‘wiggle room’ for negotiations:

A specific example [of a disagreement] was on the [hotel] tower height and the situation there was that there was a City policy around height that went to a city view cone that originated at Science World\textsuperscript{76}. And that city view cone was not translated directly into the... Central Waterfront Port Lands Policy statement. It should have been. It was an oversight. ... it should have been picked up and put into that policy statement... we said "We think that there's a way to adjust the tower form that meets the interests of the hotel people and Concert and respects that view. And we're going to try and work towards that." ...two things happened: we adjusted the... profile.... But we also then went back and got council approval to adjust the view cone at the other end.... So there was movement on both sides, which is classic to negotiation—which made the issue go away. (Planner #1)

Not only is this classic to negotiation, it is typical of how the negotiations on this project were worked out.

The site

The central waterfront port lands site is a 38 hectare (94 acre) plot consisting of both land and water approximately bounded by Howe and Main streets, Waterfront Road and the "harbour headline" (the boundary of the harbour).\textsuperscript{77} It is important to note that neither the plot of land described above nor the CWPPS policy document applies to the neighbouring plot occupied by Canada Place ('The Sails'). The cooperative planning process agreed to in the CWPPS does not therefore apply to any changes to Canada Place.

\textsuperscript{76} View cones are conically shaped viewing corridors from very specific city locations towards valued views—in this case the view of the Lions mountain peaks from the pedestrian esplanade in front of Science World.

\textsuperscript{77} City of Vancouver and VPC (1994), page 3.
Because the central waterfront port lands are federally owned, and the City does not have any jurisdiction over federally owned land to apply zoning controls, the City had to cooperate with VPC if it wanted any say in development. But this situation was not all one-sided. VPC had to cooperate with the City because city permits are required by financial institutions as surety that projects are good investments. City inspections are accepted as a standard by financial institutions for showing that all due diligence has been completed and risks are minimized for their investment. These potential antagonisms aside, there seemed to be good will at work in the project’s development, thanks to the cooperative planning process laid out in the CWPPS.

Existing Facilities

The Vancouver Convention and Exhibition Centre (VCEC)--formerly called the Vancouver Trade and Convention Centre--is Vancouver's first dedicated trade and convention facility. The building, on Vancouver's northern waterfront, extends into the waters of the Port of Vancouver and is known as 'Canada Place' or 'The Sails'. The building, built in 1986, opened as the Vancouver Trade and Convention Centre in 1987.

By the mid-1990s the VCEC was the second-most popular destination in North America for conventions and conferences. Because Vancouver was turning away a lot of potential convention business due to lack of space but increasing interest, BCPavCorp, VCEC's operator, undertook a review of facilities at VCEC with an eye to expansion. This review was the catalyst for the expansion project.

History of the Proposed Expansion to VCEC

Three reports, one commissioned by the Province of British Columbia and the other two by BCPavCorp, concluded that Vancouver needed major additional convention space with an accompanying large hotel (1000 rooms).

The studies were focused on putting expansion of VCEC on the Federal, Provincial, and municipal agendas. Based on these studies the Province began a process to select a site for expansion of convention facilities and to determine the program for any such expanded facilities. Concepts for anywhere in the region were to be considered.

The provincial government decided to pursue an expansion to the VCEC. The Province decided to cooperate with the City of Vancouver in a process that was to "identify potential expansion sites; refine the programme of spaces;"

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78 Francis Wong, July, 1998. Personal communication.
entertain innovative financing proposals; select a site/developer based on predetermined criteria; negotiate a financing package; and build the project.\(^{\text{80}}\)

To accomplish these objectives, the Province and the City established a three-stage process co-chaired by both levels of government. Stage I was a call for expressions of interest—an early review of developers who might be interested in the project. Stage II was a request for proposals to address conditions for the project and provide financing proposals. This stage ended with the selection of a 'preferred proponent'—Greystone Properties\(^{\text{81}}\)—as developer of the central waterfront port lands on behalf of VPC. Stage III involved detailed negotiations with the preferred proponent. Stage IV was to be a contractual agreement that would have allowed construction to commence. The provincial government, the primary financial backer, has subsequently canceled the project.

**Stage I - Expressions of Interest**

This first part of the combined Provincial-City process began in November, 1995 and ended in February, 1997. Criteria for the Stage I selection included:

- that the developer control the land to be used for the expansion;
- that the land be able to accommodate the required building program;
- that the project include an 800- to 1000-room hotel;
- that the relation to VCEC at Canada Place be identified.

There were three responses to this call for expressions of interest that advanced to be considered as serious proponents. Responses came from Greystone Properties, Ltd. (in partnership with Marriott International, Inc.\(^{\text{82}}\)) for the development on the east side of Canada Place, Marathon Realty Ltd. with their property on the west side of Canada Place\(^{\text{83}}\), and Concord Pacific Ltd. with a site they partially owned adjacent to GM Place near False Creek.

Initial evaluations to these responses were mainly focused on City concerns regarding building massing on the individual sites. Each proponent was given a list of deficiencies and concerns that they needed to address should they proceed through the selection process. It is as early as this stage that unofficial negotiations began regarding urban design impacts of the projects.

All three respondents to the Stage I call for expressions of interest were accepted as proponents and proceeded to Stage II.

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\(^{\text{80}}\) Greystone, 1998.

\(^{\text{81}}\) Greystone Properties, Ltd. has since changed its company name to Concert Properties, Ltd.

\(^{\text{82}}\) Marriott International, Inc. withdrew from involvement in the project before the comprehensive development agreement was complete.

\(^{\text{83}}\) Currently (2001) under development for a trade and convention centre expansion.


**Stage II - Request for Proposals**

In February 1997 a formal request for proposals (RFP) was issued to begin Stage II of the selection process. This stage was needed for the proponent's responses to the City of Vancouver planning department's conditions arising from Stage I discussions, for discussion with the Province of initial financing options, for beginning early refinement of the required program of spaces and for advancing initial designs of components of the project. Stage II is when serious negotiations for urban design and other design features began.

An evaluation team (made up of representatives from the provincial government and the City of Vancouver with a Federal representative as an observer) was established to consider the following main areas: site and community context; design and marketability of the facility; financial considerations; and the qualifications of the proponent and their partner(s). Based on these elements the Province and City would select a 'preferred proponent' with whom to move to further negotiations. By the submission deadline of April 25, 1997 only Greystone had submitted a Stage II proposal.84

Despite the fact that the evaluation team now had only one proponent to consider, the evaluation process was carried out as planned. After several months of evaluation, the Greystone proposal was approved as acceptable under the established criteria and Greystone was selected as the "preferred proponent" for Stage III.

The following is a list of stakeholders involved at this point:

- Greystone Properties, a private company that acted as project managers on behalf of the provincial government.

- the provincial government, owners of the trade and convention centre who also financially backed the development process in partnership85 with the federal government.

- the federal government, owners of the land on which the trade and convention centre is built who were represented mainly by the Vancouver Port Corporation.

- the Vancouver Port Corporation (VPC), a Crown corporation in charge of (among other things) development of federally owned land in the port area.

- The City of Vancouver, represented mainly by the Central Area Planning division86 who were asked by the Provincial government to be

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84 A fourth proposal was brought forward after the deadline but was not considered.

85 The problem of this on-again off-again partnership is what finally led to the project's cancellation.

86 Now called Current Planning.
part of the decision-making process in all the stages of the development.

- Others, including: the general public, insofar as they might feel positive or negative impacts of the project; BC Transit (now TransLink), as the SeaBus terminal was to be relocated and eventually integrated into the project and because transit in the area would be affected by the proposal; the Tourism Board of Greater Vancouver, as one of the driving forces behind an expanded trade and convention centre; and Helijet Airways, whose floating heliport was to be relocated during construction and eventually rebuilt as part of the project.

**Stage III - Detailed Negotiations**

Stage III began on November 19, 1997 and substantially ended on December 8, 1998 with the City council unanimously voting to accept the Comprehensive Development Agreement (CDA) between the developer and the city. This stage involved the final negotiations between the Province and Greystone as the project developer, the City of Vancouver's process for approvals under the CWPPS, and commitments from other stakeholders.

The list of stakeholders now included the Federal government, the Vancouver Port Corporation, Marriott International, British Columbia Transit, Canada Place Corporation, the City of Vancouver, and BCPavCorp, as well as some others.

Prior to signing the CDA there was much negotiation about terms for fulfilling the development program as well as details about the design of buildings and the overall urban design of the project—how it was to fit into the city fabric and what kind of spaces it would create. The terms upon which negotiations were to occur were spelled out in a memorandum of understanding that clarified how problems arising out of the CWPPS were to be solved.

Stage III actually continued after the CDA was signed with further details being worked out, but this goes beyond the scope of my thesis. Negotiations for final details in Stage III were still underway when Portside's major financial stakeholder, the provincial government, canceled the project. Successful completion of negotiations would have led to the final stage, Stage IV, a contractual agreement, when construction could have commenced. Regardless of what a change of government or a new mandate might bring at a future election, the CWPPS still stands and will govern development of the site.
Chapter Five

Methods

Choosing qualitative research methods

I have chosen qualitative research methods over quantitative research methods for my thesis. I have found through my Master's studies that I am more attracted to the methodologies of qualitative research and that I am impressed with its acknowledgment of the fact that the researcher cannot help but have an impact on observed phenomena simply by their presence as an observer. In my chosen case study I was part of the development team of professionals working on the project. While my role was not that of a primary decision-maker, I had a degree of influence on the outcome of some negotiations through interpersonal discussions, choice of material presented to decision-makers, and casual conversations. I appreciate a research methodology that recognizes that I am a part of the process I am examining.  

I also chose qualitative research because of the nature of the available material regarding the negotiations in the case study. There were meeting notes, transcripts of comments made at public meetings, my discussions with participants regarding their interpretation of events, and, once my research path had been chosen, transcripts of formal interviews with stakeholders. This type of information lends itself best to inquiry called phenomenology. Phenomenology is about what the participants experienced, how they interpreted the issues as they unfolded, and their explanations of the phenomena associated with the negotiation of urban design in this case. The other type of qualitative research, positivism, is undertaken through statistical analysis of surveys, demographics and other de-personalized information.

In qualitative research "the object under study is the determining factor for choosing a method" unlike quantitative research where studies are limited to objects with clear cause-effect relationships thereby creating a situation where the methods determine the subject. Since I chose the case study first and then sought appropriate means to examine it, qualitative research has proven to be the right choice for this thesis.

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87 This is a generalization about qualitative research theory. Some qualitative research theorists maintain that an observer can be unbiased and not affect outcomes through their presence.


89 Flick (1998), page 5.
The theorists I have consulted also had a bearing on the choice of qualitative over quantitative research. Much of their research was accomplished either through direct observation of planners' activities, including negotiations, or by 'exit interview' strategies where participants are interviewed immediately after an event to get their input about the process and its results. This direct involvement can have an influence on what happens in the observed event and qualitative research methodologies acknowledge this.

An iterative process

My thesis process has been an iterative one with several repeating 'loops' of inquiry and discussion. I began, while deciding on a topic for my thesis, by finding the case study. It was a planning project that interested me. I had done contract work for nine months on a development project that offered many areas for potential examination in a thesis. Through course work I was introduced to many innovations in planning communication, including negotiation, and to theories and practice in the field of urban design. With my interest sparked in these areas, I chose to try to find out how planners negotiate urban design using my chosen case study.

My thesis has followed this progression:

1. Determining where the general ideas in the thesis came from.
2. Determining how to ask a planning question from these ideas.
3. Defining a planning question and deciding what method to use to answer it.
4. Reading specific planning literature about my thesis topic.
5. Interviewing planning practitioners and related professionals about the case study.
6. Synthesizing theory and practical experience, resulting in an answer to my question.
7. Discussing important consequences of this synthesis.

My thesis follows this process and presents it in a format that takes the reader through the progression of ideas and processes to a conclusion. The process has been iterative—some steps have been revisited several times—but

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90 In such cases the interviewer may or may not have been present during the planners' activity under examination.

91 University of British Columbia School of Community and Regional Planning courses entitled "Innovations in Multistakeholder Processes for Land and Sectoral Planning" and "Negotiation, Facilitation, and Mediation in Planning" taught by Anthony Dorsey both had heavy emphasis on innovative tools for planning communication.

92 Urban design courses included: "2nd year Planning Project: site analysis and planning", "Urban Design", and "Residential Site Planning" parts I and II.
where I have looped back, I have followed through succeeding steps again to stay on track.

The way in which my thesis process became iterative was this: preliminary informal interviews and discussion with my advisory team determined literature to be considered; I then read planning literature that informed my pursuit of the thesis question and spoke with working planners and other related professionals informally to fill in my knowledge about how they dealt with planning problems. Finally in each 'loop' of the process I reflected on what I had learned and then returned to the literature to seek out matching ideas in planning theory.

At the beginning of the process, preliminary exploration of literature led to further questions I needed to ask of some key informants. This process was repeated several times as I narrowed the focus of my thesis. Early drafts of my chosen path of analysis showed areas needing further research from appropriate literature. Finally, an adequate literature review led to formulation of scenarios and questions to draw out information from formal interview participants to help me answer my thesis question.

The steps of consultation, reading, and reflection were repeated numerous times with new revelations from any source guiding further reading or discussion. Eventually I got to a point where I made a decision to stop further literature review and form a series of questions for formal interviews, the results of which could be quoted here. My thesis represents both the results of this final iteration and the flow of ideas that led to it. A final reflection on the process as a whole is part of the concluding chapter.

Interpreting results

I have used accepted qualitative research methodology in this thesis, modified to suit my purposes. To gain understanding from my research I have had to interpret the results of this process in the final two chapters. Qualitative research does not necessarily assume the researcher can be objective. I think that with both the type of research I have been involved in for my thesis and my personal involvement in it, I cannot be completely objective and I have to acknowledge this. My biases and personal worldview affect what I hear, record, notice, and the direction my research has gone, particularly with regard to my literature review.

By the time I had a clear idea of what I wanted to investigate for my thesis, I had gained some clues about what the investigation would reveal. I have not been entirely correct about what I thought I would find but my thesis has revealed that I was on the right track. Does this reveal my bias or was I simply making my early guesses with accuracy? I don't know. I am content with the legitimacy of my results but I leave the reader to judge the quality of my investigation.

Research theorists advise qualitative researchers be aware of their biases to avoid pushing participants in their research towards results that they want and for that reason to be cautious with both conducting and interpreting their
research. For this reason I have tried to be clear about what I think are my biases and influences on the research.

Chosen methods

Within the umbrella of qualitative research I have chosen a phenomenological approach to try and see through the eyes/experiences of planners and other professionals engaged in urban design. The exact methods I have used to do this are described in more detail next. These methods are: iterative literature review; reflection; and interviews, both formal and informal.

Literature review

The literature review is incorporated into chapters two, three and six. The literature review process was not about sitting in the library and poring through an exhaustive list of volumes before moving on to a writing stage. I began by reading and re-reading books and articles on negotiation that I had been introduced to in courses at the School of Community and Regional Planning to look for references to negotiating urban design. Lacking many direct references to negotiating urban design, I contacted various academics to find other sources of information. While this was helpful in general, the light shed on negotiating urban design was limited.

I then read more widely in the literature of urban design, architecture, planning, and in that of fields related to negotiation, such as mediation, facilitation, and conflict resolution. I found snippets of useful information but I never found the solid commentary I thought might exist, particularly in the literature of urban design. My review had begun to uncover what I now know: that there is no existing literature on negotiating urban design and that each of the bodies of literature I found mention the subject in general terms if at all. During these literature searches I began to collect useful references and work on early drafts.

Some advice I received led me to other articles and avenues of inquiry and many references cited other sources, some of which proved to be of value. Not every source I found to be useful is quoted here as some guided my thinking more than my writing. And some ideas did not survive the iterative process to make it into a final draft.

This process of literature review was closely coupled with reflecting on results in the light of conversations with academics and professionals. In fact these three methods—literature review, interviewing, and reflection—are interwoven.

Reflection

Reflection is my way of saying thinking about the subject. Since the amount of information in writing was limited I had to take time to think of links between related areas and fields of study that shed some light on the subject but that may have stopped short of directly answering my thesis question.

I also had to reflect on what my interview participants said because the formal interviews were not extremely structured (see next section) and were time limited. I also did not always directly ask all the questions I had brought to a given interview. I sometimes had to think about the stories I had been told to see if answers lay within them. In some cases my conclusions were drawn from an expansion of what was said in the formal interview based on past conversations with the participant.

And I reflected on how my investigation into this one project answers my thesis question. Again, this was because I didn’t receive direct answers—at least direct answers that all pointed in one obvious direction.

Another aspect of reflection is covered in the concluding chapter where I review the entire process of building up the layers that make up my thesis and respond to the thesis as a final product.

Interviews

Generally, I pursued an environment-behaviour approach to interviewing using a focussed interview technique. This research tool is an analysis of the structure of a situation that is used to guide a discussion with someone involved in that situation. The interviewee’s responses in turn refine and modify the analysis. Such a research methodology fit perfectly with the iterative nature of my literature search and the overall structure of my thesis.

Interviews started informally with individuals I came to know while working on the project as early as my employment with the developer in the summer of 1998. This was happening before I had even formally decided to use the project as a case study for my Master’s thesis. Some of these early interviews were a product of working for the first time in an exciting, intensive planning environment. Portside was a large project that was very much in the public eye. And since I was in the middle of my planning education, I had a lot of questions about what was going on. These informal interviews included discussions with development managers, architects and planners involved in the negotiations of many aspects of the project, including urban design. As interviews they tended to range from informal discussions that I made a mental note of to interviews with the specific intent of seeking information about the project or the individual’s general thinking about broad planning issues.

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94 Zeisel (1981), pages 137-140.
I include informal interviews as part of my research as they both helped me clarify my thinking about how best to use the project as a case study as I formed my concept of the thesis direction and about the more formal ideas contained in the theoretical framework. I was fortunate to be exposed to a group of professionals who gave generously of their time. The bulk of my learning during this thesis process occurred as I went through the iterative process of reading, discussing and reflecting by being able to informally discuss applied theory with practitioners, negotiation in planning with academics and my own thoughts on negotiating urban design with both groups and others.

I also corresponded with and spoke to academics informally about the direction my research was taking and for clarification of my ideas about negotiation in planning. I did not interview any academics in my formal interviews.

The formal interviews were really just a continuation of what had been an informal process. I chose participants based on recommendations from professionals associated with negotiating urban design for the project coupled with the advice of my academic advisors. The details of how the formal interviews were organized, conducted, compiled, and analyzed follows.

**Formal interviews**

One of my earlier concerns with doing qualitative research was that I wanted my research methods to be rigorous. I wanted to be comfortable in basing my research on literature review coupled with consultation of working planners and related professionals to see how they did what they did. The various methodologies that exist for conducting formal interviews in qualitative research provide a tool that fulfills my research needs: semi-standardized interviews.\(^{95}\) This interview technique falls within the 'focussed interview' style described by Zeisel.\(^ {96}\) Since my early concerns over legitimizing my choice of research methodology I have found that many of the academic theorists I have read use just such methods in their work.

**Method for formal interviews**

The semi-standardized interview is built up around a set of key questions or discussion topics that guide the interview. These questions are by no means rigid or fixed though; they guide a discussion that may include other questions that arise from the content of what is said. The initial, or guiding, questions were the same for all the interviews but may have remained unstated where I thought the participant had answered a question (this was not always true and some questions did get missed accidentally). The unscheduled questions were different for each participant as they were formed partly by what the respondent had said, the direction the conversation was generally taking, and thoughts that came to

\(^{95}\) Berg (1995)

me as the interview progressed. Some of the scheduled questions were also adjusted as the interviews proceeded depending both on the experience of the participant and where the conversation was going. This prevented any stiffness or awkward formality in posing the questions. This flexibility in interview technique is permitted by the methodology and is a routine occurrence.

Without making any sweeping changes I also adjusted the wording of my questions as I went through my list of formal interviews. These adjustments were made as I observed in the first interviews how the wording of some questions would send participants off on a line that was not what I had intended. I consciously did not ask every participant all the questions from the list because I knew certain individuals had not been involved in given aspects of the project where such involvement would have been necessary to provide a useful answer. Some participants self-adjusted for the questions by telling me they didn’t know about an area that I had thought they would know about.

The questions

Through the thesis text I introduce each interview question at the point at which research led to a question that needed to be asked during the formal interviews.

The following paragraphs outline each question and what I was trying to find by asking it. It is important to note that with the chosen interview style, these questions merely acted as guide to the conversation and in many cases a few went unstated directly as the interview participant was covering the required ground without prompting.

1. What was different about the CDA process from other design processes?

In trying to find out about the interview participants’ views on the role of various planning techniques like negotiation in urban design I led off with this question. It gave interviewees a chance to give me their initial opinions without any influence from me. With this lead-in question I was looking for, among other things, evidence of them working outside normal bureaucratic frameworks and using innovative techniques in negotiating urban design. Often this very general question would lead the interviewee into a spontaneous dialogue of many minutes that contained answers to many of the other questions. It also gave me an early opportunity to redirect the interviewee if they had been given a wrong impression of what I was trying to research from my introductory letter that accompanied the request for an interview.

97 Zeisel (1981) puts it as "an interview guide" that "is a loose conceptual map, such as a family might draw up before taking a cross-country camping trip...they end up having a fine trip that mixes the plans they made on the basis of advance analysis with reactions to events as encountered." Pages 137 and 138.

98 Robson and Foster (1989).
2. What is good urban design?

I had not originally designed this question as part of my interview strategy but it quickly became apparent that this debate was one that went on in the literature and that there was no consensus on the answer amongst the interviewees. This made for a very interesting and lively part of the interview with strong feelings being expressed. The answers helped me understand how the concept of urban design was understood by the interview participants and how this understanding translated in how urban design could be negotiated.

3. In the urban design for this project, was there one right answer?

Having read that design could be considered as a collective search for some solution and was as much about conceptualizing the problem as solving a problem this seemed a natural question to ask. I needed to know if some of the professionals thought they were looking for the solution or just working together to find a solution. This also touched on the concept of bricolage that says that the solution is as much part of what tools can be assembled by the practitioner as it is the result of using tools.

4. During the meetings what happened if not everyone there was involved as a design professional but you were talking design?

Having been introduced to the lexicon of urban design terms it occurred to me that not everyone would immediately grasp the often three-dimensional concepts behind the vocabulary. I needed to know how design professionals communicated with other (non-design) professionals. As the importance of context in clear communication became apparent the issue of “translating” design terms was again emphasized.

5. Please describe how you handled meetings if there was potential disagreement.

Since consensus was an important aspect of the negotiating process in the case study I was looking for relationship-building techniques used in building consensus. And as I discovered that there was a second tier of negotiations involving high-level managers that took place when lower-level staff were at loggerheads I was interested to know what it took for the leaders to get involved. I also wanted to know what effect their instruction had on how negotiations proceeded after that point.

6. (For certain [upper management-level] participants only) How did you find a way around a sticking point that your staff couldn’t solve?

This question was directed to the high-level managers among my interviewees. I wanted to know what they did to reach consensus when their staff had been unable to.
7. How much do you plan ahead for how things will go?

Negotiation can involve a lot of pre-negotiation strategy and at the least a decision about the point at which one would decide it was no longer profitable to engage in further discussion (BATNA). I was also looking for negotiating techniques, if any, that were part of the corporate or departmental culture. This question came down to the context in which the negotiations took place; who was there, what the history between parties was, outside pressures on the process, and other factors as raised in the course of the individual interviews.

8. Do you think this process changed relationships between the organizations involved? In what ways?

With this question I was looking for several things. I was interested to know if the process chosen by the stakeholders at the negotiating table built trust with an eye to long-term professional relationships. I also simply wanted to know what the fallout of the negotiating had been in simple terms of how all the parties felt about one another now that it was over. Since the project was cancelled and never built I was also looking for how this might have affected participants’ views of the process.

9. Describe some of the ‘tools of the trade’ that you have when you have to sit across the table from someone who might want something else out of the process.

In answering this question interviewees shared a wealth of techniques, opinions, theories, and ideas about planning work. I had originally hoped to hear descriptions of negotiating techniques and heard these but also a lot of behind-the-scenes stories about the outcome of negotiations.

10. How do you represent the interests of those you represent at the table?

This question was to get directly at the concept of role-play and what interviewees thought about representing constituent groups at the negotiating table.

My thesis advisor, Tony Dorcey, professor at the School of Community and Regional Planning, University of British Columbia, and I reviewed the questions prior to the formal interviews in the light of my goals: finding how planners negotiated urban design. The questions as the interview participants saw them are listed in Appendix II.

As stated earlier, these questions served as a jumping-off point for the interviews. In very few instances did the order remain fixed or did no other questions get added as the conversation progressed. In all but one of the 12 formal interviews there was no real sense of formality. Most of the participants were well known to me and we had reached a degree of rapport before the formal interview stage of my thesis. Despite my familiarity with the participants they all recognized and spoke from their professional positions relative to the
project. All the participants were given opportunity to review the list of questions as it appears in Appendix III before the interviews.

Data triangulation

Cross-checking research findings can be done in several ways. I chose to use a method of “triangulation”—combining research techniques to check accuracy from different viewpoints. The method I chose is “methodological triangulation” where two or more methods of obtaining data can be used (such as interviews and participant observation), or where various approaches might be taken within one given method. I chose to triangulate my interview questions.

First, there was overlap between the areas covered in the questions as set out in Appendix II. This overlap presented interviewees with various ways to think about the concepts covered in the interviews. For example I ask a general question early on about their “tools of the trade” for dealing with someone who wants something else out of the process and then I ask them how they handle meetings where there is potential disagreement. These are similar questions getting at similar issues but different enough that they each led the interview in very different directions sometimes.

Because of the free-flowing nature of the interviews it was usually very easy to restate a question later in the interview with slightly different emphasis if the point appeared to have been missed the first time or if I simply needed to have the participant think about the subject in a different way. Many times the interviewees provided this triangulation themselves by bringing up subjects repeatedly through the interview in response to different lines of questioning. For example my general lead-in question “What was different about the CDA process from other design processes?” could get a response that led into subject areas similar to other interviewees’ responses to “In the urban design for this project, was there one right answer?” This is because of the interconnectedness of the topics.

Choosing participants

Choosing participants or ‘key informants’ for the formal interviews came about in two ways. First, I had good contacts who had been involved in aspects of the project that would be helpful to me. I talked with many of these prospective participants and mentally rejected the ones whose experience lay outside the scope of what I was proposing to do. From some of these prospective interviewees came recommendations and introductions to other possible participants, some of whom proved suitable and who were available.

Second, I narrowed down the list of participants for formal interviews through the on-going iterations of literature review and informal conversations with practitioners in my area of interest. I did this to narrow the focus of my thesis. Eventually I had a manageable number of interview participants whom I thought were experienced in the areas I needed to know about and whose schedules allowed them the time to meet with me for approximately an hour.
Organizing the interviews

The formal interview process followed the dictates of the University of British Columbia committee on ethical research involving human subjects. Contact was made in writing requesting interviews with each participant with the subject area under study and approximate time required outlined. Along with this information went contact information for myself as research assistant and Professor Tony Dorcey as research supervisor as well as a request for signed consent. Interviewees returned their signed consent forms to me before their interviews.

Telephone contact was made after the interview request package had been received to arrange suitable times. For some interviewees all initial contact including interview scheduling was made through clerical assistants. At the time of interview scheduling I repeated the written request to record the interviews with a tape recorder. This request along with a verbal notice that the tape recorder could be turned off at any time and the interview ended at any time was repeated at the beginning of each interview. All potential interviewees agreed to the request to be recorded and all the interviews were subsequently recorded on cassette tape. The cassette tapes are stored securely at my home.

One potential participant, while expressing interest, was unable to make time in the weeks I had allotted to the interview portion of my thesis process. Three other potential participants who agreed to be interviewed were later disqualified because of a slight shift in the focus of my thesis that took the scope outside their areas of expertise.

Most of the interviews took place at or close to the participants’ workplaces. In all but one of the interviews the participants seemed very comfortable, relaxed, and able to focus on the interview without distractions. The exceptional case seemed ill-prepared for the interview, apparently not having read through the information package that included the interview questions and this may account for this person’s discomfort. Once again I must state my appreciation and gratitude toward the participants who are not named in my thesis but who willingly assisted me and some of whom gave up, of their own choice, considerably more than the 45 minutes they had originally agreed to spend with me.

Compiling results

Shortly after each interview I transcribed the interviews as close to verbatim as was possible using the recordings, my notes, and my memory. In cases where the recording was unintelligible and my notes were lacking I did not fill in what was said for purposes of quotation even if I remembered generally what had been said. All quotations are taken from actual words spoken in interviews. This explains places where there is idiomatic expression or garbled syntax. As such cases are common in everyday speech, I have not used the "[sic]" notation for every occurrence of a grammatical error in interview
quotations. I have carefully checked the quotations against the recordings and they are accurate to the best of my knowledge.

To maintain participant anonymity I assigned each of the participants a code based first on their profession and subsequently the order in which they were interviewed. Their names are not associated with quotations from the formal interviews anywhere except in my personal notes. When making a quotation from an interview participant I have followed it with the appropriate code in brackets, for example: (Planner #2). In this way comparison can be made between the things individuals said without having to reveal who the speaker was. Also some inferences might be made based on the individual’s profession.

To further aid in maintaining participant anonymity I edited out details from quotations that may have identified the speaker.

After typing out the transcripts for all the interviews, I sorted the information in them. I first re-ordered the contents of individual interviews based on sections within each interview that addressed topics raised by a particular interview question or the general topic that generated a question or questions. I searched for content that directly addressed the various topics of interest I had found in the literature, including City of Vancouver documentation. Using a word processing program to cut and paste sections of the interviews I began to compile electronic files on common themes. I reduced the sometimes-disjointed contents of the interviews into files organized by topics and containing only pertinent information. I edited out the side comments, off-topic discussions, and repeated information. Copies of the original verbatim transcripts were retained, along with the original tape recording.

Having edited copies of the verbatim transcripts, each interview was now reduced in size and contained only content that corresponded to my areas of interest. Of course some information that came out of the interviews created new areas of interest, for example the information about the MOU between the stakeholders. And as each interview was completed it increased my insights into the project and I gained information that could be used to prise out more in-depth or new information in subsequent interviews.

Through the remainder of the interviews’ texts, now in an edited state, I began to look for common themes and differences of opinion. I noted particularly useful quotations that made clear points. I also used repeated themes and agreement between several interviewees on a topic as indications of an intersecting of thought. I also noted where opinion differed between interviewees. I compared these compilations with my notes of earlier discussions with planning professionals to finally come up with the topics in Chapter Six.

Problems

Logistical problems plagued the interview stage as many of my key informants are extremely busy professionals. For some high-level interviewees, having an introduction from City of Vancouver planning staff I knew that were
known to the potential interviewee proved useful in obtaining an interview. For one particular potential interviewee scheduling problems prevented me being able to interview that person at all.

When it came to the actual interviews, they went fairly smoothly and were enjoyable for me and seemed to be for most of the participants. Only one participant seemed even slightly uncomfortable. Beyond assuring participants that they could speak “off the record” by having me turn off the tape recorder at any time or stop the interview altogether at any time I did not do anything else to ensure that the participants were particularly at ease for the formal interview. One participant did note that he would elaborate on some details after the recorded portion of the interview was complete. The elaborations were to do with ongoing professional relationships between some of the parties we had been discussing and were not the focus of my research.

A couple of the participants seemed to not have reviewed the content of the interview questions sent to them in advance of the interview and appeared to be a little uncomfortable with some of the questions. I don’t know if it was what they thought the questions implied or that they felt put on the spot with having to answer, on the record, a question about their professional practice, or some other concern altogether. Most of the interviewees knew me from when we were working together and were comfortable to the point of sharing some very candid thoughts. This was very helpful for me. Interviewees who did not know me so well did not take long to become comfortable. Many of the interviewees took some time to organize their thoughts at each new question which indicates to me that their answers were not flippant but considered.

The quality of the tape recordings was not consistently good for the earlier interviews. Several of the interviews occurred in restaurants and one in a meeting room with very poorly designed acoustics and the recording quality at these interviews suffers due to poor acoustics or background noise. There were also problems with battery power supply and positioning of the original tape recorder’s built-in microphone unit. This proved to be enough of a problem that I borrowed a higher-quality tape recording unit and used it for half of the interviews. The quality was sharply better and I was able to transcribe verbatim more than 90 per cent of what had been said.

Another general problem in this thesis process, as mentioned earlier, has been that there is very little literature that speaks directly to how urban design is negotiated. Much of my literature review is really a review of parallel and crossover literature that has bearing on the subject if not speaking directly to it. While this proved occasionally frustrating it underlined the validity of and need for study in this area.
Chapter Six

Results: The practitioners speak

Introduction

After reading what was available in the literature I formally interviewed participants who had been involved in the project. The results of those interviews are the subject of this chapter. I did speak to some of these participants informally during the iterative literature review process as described in the Methods chapter but those conversations helped direct the literature review and early pathfinding for my thesis rather than making up the content of this chapter.

The practitioners speak

Understanding how urban design is negotiated involves speaking with the negotiators. The 12 practitioners I interviewed work or were working in planning or related disciplines and were involved in negotiations about the urban design for Portside. They are practicing planners, urban design professionals, development managers or architects. Some of them had more decision-making power than others but none were professional negotiators, although some have undoubtedly picked up valuable training and techniques through their careers. Those directly involved all had a degree of autonomy in how they could approach problems at the negotiating table.

The following sections correspond to various topics outlined in chapters two and three and express what the practitioners have to say about these issues based on their experience with the Portside project.

Guiding the urban design process

For the municipal planners at the City of Vancouver there are design guidelines approved by the council that help them to frame received development plans within a pre-approved design context. This establishes a framework for planning that, combined with other written policies, creates the boundaries of the public interest within which private interests can work to develop land.

99 Not everything discussed in the formal interviews was relevant. Complete transcripts are securely filed with the author and audio tape recordings of the interviews have also been retained in accordance with the rules set out by the University of British Columbia.
In urban design terms a well-managed city has a context of planning ahead in urban design terms which is what you call design guidelines. Which is to say that before you're dealing in a particular proposition you've hopefully gone over and had a design exercise that's kind of determined in principle what you're up to generally. And that's generated perhaps a set of design guidelines for an area plus you have policies about views, you have policies about height, you know, building heights and skylines. You have policies about a variety of things. (Planner #3)

Design guidelines clarify the public good for developers. Unfortunately they may also have the effect of proposing solutions to problems that are unknown at the time the guideline is drafted:

...all we do as the developer is we'll research [the issue in question] and say, “have you thought about this, have you thought about that? Here's a whole lot of other alternatives, does this still meet your goals?” Again it goes back to those basic goals. Again you know if the City sets out a CDA [comprehensive development agreement] requirement that says “Thou shalt have a daycare on that site of X square feet”, that's a solution, right? But if they back up and say “Thou shalt make sure there is daycare services [available] to the people in the community and to the people who will live and work in those buildings and they shall be provided with adequate daycare for X number of people”, well there's a lot more solutions you can come up with... So it just really depends on how the City wants to define the CDA requirements. And how they interpret them. (Architect #1)

This same interviewee noted with some frustration that following City guidelines can be trying as they clearly give a lot of power to the City:

...the City has a very clear process that they go through and you have to have your design process plug in and be integrated with that in order for it to work. Because if you do it differently and come up with a solution and you're over here and the City's still back here then you get a mess on your hands. ...if you straitjacket everybody and have rules that are solution-oriented rather than goal oriented you won’t come up with a result that's going to satisfy everybody’s needs on a complicated project. (Architect #1)

Obviously some developers feel that the requirement that development proposals fit in with City criteria in order to be acceptable can be onerous if the rules are applied in a solution-oriented fashion. In the case of the Portside project the following interviewee argues that the City was exceptionally flexible in applying the rules:

...the way that the City is starting to operate now is that most major projects are done as a comprehensive development and they do
sort of site-specific zoning for that project.... And so you enter into the dialogue and so everything's negotiable. So you establish the terms of reference up front. So that means it's a completely different process. In other words you start with a blank sheet of paper. (Architect #3)

But one planner at the City thought otherwise:

In terms of the basic elements--talking about elements of urban design, I don't think [the Portside project] was any different in terms of the City's approach in what we were looking at. We're looking at implementing the City's policy around urban design. Looking for high quality urban design in that kind of high-profile urban context—referencing those policies and trying to achieve those as best as we can. (Planner #1)

What this planner fails to note is that the City had to have something of a split personality in dealing with this project. The City did want to apply its rules and regulations in the normal fashion but in this case there was the additional complication of less-than clear jurisdiction for applying those guidelines.

The specifics of jurisdictional complexity and the size of the Portside project meant that both the City and the land developer had to step outside the accepted channels of following design guidelines somewhat and be more flexible. What was required was a collaborative effort to find solutions.

**Collaborating on urban design**

Collaborations are generally induced by either conflict or shared vision\(^{100}\) and in the case of the collaborative processes of the Portside negotiations, they arose from shared vision. This shared vision was encapsulated in the CWPPS. Further, advancing a shared vision requires coordination of diverse stakeholders and to be successful, this coordination has to be accomplished laterally without the hierarchical authority most managers are used to. This caused problems for at least one of the interviewees:

...you were basically relying on several levels of informal, to a large degree, 'to-ing and fro-ing'.... It is not a...step-by-step process. It's a 'schmoozing' process in my opinion. And therefore I find it frustrating...that is not how I think bureaucracies should work. I think bureaucracies should have a “these are our powers, these are our needs” [approach]. And it's a much more of a looping... process— “Is this what you meant? Is this what you said? Is this... what you think it means?” (Architect #5)

What presented problems for this individual—this “looping” process of feedback and continual checking that everyone's expectations of the process

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were being met—is the method that allowed the preliminary development of this project to proceed apace.

The CWPPS outlined in chapter five created a framework upon which any negotiation over land use of the site in the case study will be built. Without the CWPPS in place as a stable jumping-off point for negotiations to be based upon, this project could have suffered lengthy litigation or even stalemate requiring third party mediation. The project was cancelled but for political reasons, not because of disagreements over elements of design under negotiation. The CWPPS set the groundwork for the collaborative process of designing the project.

The Vancouver case

Aside from the CWPPS setting up governing rules for this project, the highly discretionary approval system in place in Vancouver seems to set it apart from many other cities:

[The City of Vancouver] system, being very discretionary, talks about, generally, other considerations like community views—community opinions—and the advice of the advisory organizations, things like that. And so... a part of what you do to discern what’s appropriate is that you engage in a conversation that goes beyond the negotiating that’s happening at the table. (Planner #3)

This had an impact on how planners at the City approached the negotiative elements of the project where urban design elements, among other things, had to be agreed upon between stakeholders. Being used to a situation where permit applicants “have to negotiate and satisfy the City” (Architect #3), as one interview participant put it, created an unusual circumstance for City planners facing the negotiations around the Portside project. Normally one must...

...separate the City of Vancouver from other municipalities because the City of Vancouver is under the Vancouver Charter which gives them different rights and powers than all the municipalities that come under the Municipal Act. So there is a fundamental difference there when you’re dealing with Vancouver and rezonings anywhere [else]. (Architect #1)

The CDA process

The Comprehensive Development Agreement (CDA), the legal agreement introduced in chapter five, is similar to a rezoning. Rezoning is required in any municipal jurisdiction where use of land is controlled by zoning and a land developer wishes to change the use of the land, however slightly, from what is explicitly stated in the zoning bylaw. As explained in chapter five this project was not a normal rezoning because of the difficulty over jurisdiction. However the parties did have to approach the early development phases in a way similar to a rezoning because this was the best model available for working out a multi-party agreement:
the [Portside negotiating] process looked and felt like a normal rezoning process only it was enshrined in the Comprehensive Development Agreement as opposed to a zoning bylaw. (Planner #2)

This interviewee points out that the CDA process resembled a rezoning process but that was because the Port authority agreed to participate in this way. It didn’t have to legally but its board of directors realized that this was necessary to expedite the process.

The major difference between the CDA and an actual rezoning, from reviewing all the different opinions of the interviewees, is that the agreements that made up the development phases of the Portside project were anticipated in a 1995 report titled *Future Opportunities for the Convention Business in Vancouver* in which the authors suggested a process where the governments are together on this thing—aiming for a goal rather than have a goal sitting out there that both the governments have to [be] involved in and having them fighting each other. ...to get the government to agree...that they both wanted this to happen and they wanted to work together to make it happen. (Liaison officer #1)

**Speaking of urban design**

**Bricolage**

I earlier introduced Innes and Booher’s concept of bricolage. They liken bricolage to the gathering of fragments of ideas, concepts and practices over time into a ‘toolbox’ of methods and materials similar to the handy-person with a collection of found objects, tools, and methods with which they piece together a solution to a problem. The problem is not first defined and then solved with appropriate means, the problem is defined by the means at hand that can be applied, not to the problem, but by those involved in the process. Restating Innes and Booher’s bricolage idea in my own terms, the end does not justify the means, the end is shaped by the means at hand.

Sometimes the bricolage comes from the larger collection of skills available in the planning/negotiating team as one of the interview participants pointed out: “So there’s a team. It’s just its part of that bricolage--you have a team of people that create the bricolage for you.” (Planner #4) I had not thought of this way of looking at the skills a group of people pool together as they form a team until this penultimate interview and it was too late to pursue the idea with other professionals. I do think that there is a lot to be said for this idea and it comes up again in the concluding chapter.

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102 Innes and Booher (1997), pages 1-5.
I went looking for evidence of bricolage in my interviews and found that bricolage as I interpret the concept was behind these professionals' ability to deal with a unique planning situation. I asked everyone one direct question in the interviews to find out how they handled a new or difficult situation in negotiating urban design\(^\text{103}\) but sometimes what I was looking for came out as part of other discussion during the interviews.

When I asked interview participants general and more specific questions about their 'tools of the trade' when it came to negotiating urban design I heard many different kinds of responses from techniques for handling opposition to ways of getting a point across to others who aren't necessarily design professionals. I have grouped a comprehensive selection of excerpts from interviews into three categories: visual representations; empathizing; and strategizing.

**Visual representations**

This section deals with the bricolage of physical design tools-how the various methods of visual representation were used by the professionals I interviewed. It is interesting to note that even when the participants were talking about physical design and graphic skills they often strayed into other areas of communication which shows how developing a toolbox of techniques and methods is bricolage—intuitive problem solving using a 'mixed bag' of skills.

...little sketches and vignettes... are very important. (Architect #1)

there are many different ways of making models... sugar cubes, the plasticine, the quick cardboard cutouts [that] can communicate quite effectively in a very short period of time. (Architect #3)

...working with the model... very quickly became a session of cutting up bits of the model and illustrating the point. You know, a point and counterpoint approach. So even amongst the professionals then it was much easier to communicate through model pieces than it was through text or descriptive phrases or even two-dimensional sketches. (Architect #3)

...we had right from the beginning quite an extensive array of two-dimensional and three-dimensional tools for discussion... plans, there [were] representative photographs of treatments, there was renderings. There was [sic] aerials, there was all kinds of things. Plus there was [sic] models. (Planner #1)

...computer renderings, colour renderings and those are very useful. And those help to convey the atmosphere. You have to show them. And then models are terribly important ... It has to be

\(^{103}\) See Appendix II.
three-dimensional because nobody seems to understand plans and less a section. (Architect #4)

The three dimensional aspect of model building, rather than just talking about it, is paramount in solving those [design problems]. (Landscape architect #1)

...[getting] to levels and levels of communication... would mean just talking, it might mean scribbling... it might mean modelling--making models or getting on the computer--it might mean particularly looking at alternatives-- “Do you mean this? Do you like that? (Planner #4)

...you need to have physical design literacy. You need to be literate in how to draw and convey graphically design ideas. (Planner #5)

There are drawing conventions that we all get used to: plans, sections, elevation, schedules, etc. Renderings, models. So there’s a kind of a toolbox, if you like, of tools that we use typically. (Planner #5)

**Empathizing**

This part of the toolbox is being able to see a situation from the perspective of one’s opposition, or the client group. While I don’t believe it can be done perfectly the responsible planner or negotiator must be able to empathize to be successful.

you have to go in there saying “look I’m going to see what I can do to accommodate you but I want you to accommodate me” and you have to be equally understanding. (Architect #1)

...you would tailor how you presented stuff to the sophistication of the group you were talking to. (Architect #2)

My approach has always been, before you go into those meetings, put the other guy’s hat on....basically understand what is the position of the other person...how do they get to look good. (Liaison officer #1)

Some of the tools of the trade are... to communicate with those who you’re influencing and who’re influencing you--the neighbours generally--and finding out what it is that they want out of it and trying to find a solution that is mutually beneficial. (Architect #3)

We listened to what they were saying. (Planner #1)

What you have to do is you have to look at what the other people’s needs are as well. And you try...and determine what those are and listen to what they say. And you see how you can accomplish their ends plus [yours]. (Planner #2)
...what I've learned through the years is that with these workshops a lot of it is you have to really be a good listener because... it's hearing the subtleties about what somebody's saying and the subtleties about what the City's demands could be and understanding and hearing them.  (Landscape architect #1)

**Strategizing**

This section of tools in the planner's toolbox shows examples of planning ahead and grappling with problems before or away from the negotiating table.\(^{104}\)

First of all you have to have a team approach.... to be committed as a team to the goals, whatever the goals are.  (Architect #1)

...you have to understand that design is City [of Vancouver] design process and make sure your development design processes match to that.  (Architect #1)

I guess if we knew we [were] going into ...a discussion with say [a person] entrenched in a position and we have a contrary position, what we would try to do is ideally have somebody with some authority over [them] present to possibly yank his chain.  (Architect #2)

...the designers and the planners would have initial dialogue with the City prior to putting pencil to paper...  (Architect #3)

a fairly common strategy is that ...one has often done work ahead of time to identify what the solutions are and really bring to the fore... those that you want to support... Preparation is absolutely crucial.  (Architect #3)

...all those [community stakeholder] folks would find their way back to a place where they could speak, giving them many opportunities to speak, whether it's a workshop, whether it's a public meeting...  (Planner #1)

I think there's far too much negotiation. I don't agree with those things.  (Architect #4)

you have to be willing to go to the table and put your ego at the door. You have to. Otherwise it's not going to work.  (Landscape architect #1)

[If] you get a total new person to the meeting, you have to discover who this new person is. What is their qualifications, what his credentials are, what his intelligence is, what his social behaviour

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\(^{104}\) With the exception of one that shows an anti-strategy approach, thereby proving the rule. The quote following it about checking the ego at the door is an interesting counterpoint.
is, what his biases are, how do they bring those biases to the meeting, how receptive they are to ideas. And all that has to be found out so you know how you can organize that around getting a successful conclusion. (Planner #4)

One final quote neatly sums up the ideas contained in this long list: "...it's a matter of being creative and trying to make sure you've got a full toolkit of ways to solve problems." (Planner #2) Indeed it is about applying skills from a full toolkit in a creative way\(^\text{105}\), whether it's tools from the individual's toolkit or the team as toolkit.

**Mediation**

In the Portside project many experts in specialized areas were called in to advise and contribute to the overall project development process. When it came to a need for a formal mediation role in the negotiations, there was a lack of clarity over exactly what mediation meant.

There were specific agreements made regarding how arbitration was to be handled. But the word arbitration was not used. What was described was in fact arbitration—a neutral party bringing an enforced resolution to two or more parties stuck in disagreement—but it was consistently referred to as mediation, which is a neutral party helping to bring about resolution in a conflict, but not having any enforcement power.

In the CWPPS the Board of the Vancouver Port Corporation specifically emphasized this part of the policy statement: "Though this Policy Statement defines the parameters of development, it is meant to be flexible enough to accommodate a wide variety of detailed plans to be generated and evaluated."\(^\text{106}\) The need to retain flexibility in planning for development led to a Memorandum of Understanding (MOU) between the City of Vancouver and VPC that specified that should disagreement arise that could not be resolved through reference to the CWPPS and face-to-face discussions a procedure for mediating the dispute was to be put into place. I emphasize the word mediating because this is the wording used consistently in documentation and by the professionals involved but what is described is arbitration.

The wording used when referring to mediation in the MOU is interesting.\(^\text{107}\) What is described is arbitration. The wording seems to have been important to the parties. Throughout the interviews the word mediator was used in a negative way that seemed to indicate some failure or weakness on the part of the parties.

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\(^{105}\) The role of imagination as a problem-solving tool is one that I have not explored here but would make a fascinating study.

\(^{106}\) City of Vancouver (1994), page 35.

\(^{107}\) Since I was unable to view the memorandum of understanding this information is derived from references to the MOU in the interviews made by those who had seen the document.
trying to come to agreement. The words arbitrator or arbitration were not used at all.

To use the language of the participants in the Portside project, the “mediation” group (actually an arbitration group) would be made up of three individuals. In the event of unresolvable disagreement between the City and VPC, each independently nominates a representative, and those two representatives nominate a third person of their choosing, uninfluenced by either the City or VPC. That three-person group then makes a decision that the City and VPC agreed would have been binding on them.\textsuperscript{108} This is actually an act of arbitration that was being misnamed mediation.

While arbitration was never entered into formally, much informal mediation did take place. Most of the interview participants who indicated they were aware of the MOU and the potential role of an arbitration body (what they called a mediator) described mediation taking place unofficially. Several people took on the role of a mediator at various times:

...what happened then was this: there was more unofficial mediation. And different players came in at different points and acted in that capacity. Quite often it was [a certain planner] doing that.... Everyone played parts to that. Like... [a City planner] and-- on the applicant’s side...[an architect. He] was very much a sort of mediating force on the applicant’s side. (Planner #1)

One interview participant pointed out that VPC or the Province might have played a bigger part in the negotiations in an intermediary role between the various levels of government:

The Port [Corporation] might have filled that role [of mediating] in some self-serving way, which would have been very helpful, but they wouldn’t. The Province, with [its project manager], might have stepped forward as that [mediator role] but that was not [his] reason for being there nor is he skilled in that way. He’s much too much of a go forward and get it done kind of person to be participating in a pretty fuzzy-wuzzy process, as far as he would be concerned, you know. (Architect #5)

The need for formal arbitration was anticipated and planned out in creating the negotiative processes for this project. Rather than resorting to arbitration however, individuals came forward to perform an informal mediation role when situations arose where intervention was needed. This curtailed the need for arbitration because the process of negotiating design was carried forward through sticking points.

The presence of informal mediators underlines the concept of bricolage discussed earlier. Bricolage is about having set of tools or skills for solving

\textsuperscript{108} From interview transcript (Planner #2).
problems. In the setting of this case study sticking points were often overcome because some of those present could step into a mediating role. Members of the team provided the skills necessary for the job at hand. And therefore formal processes for overcoming barriers to agreement were not needed.

Design as conversation: “Making sense together”

Forester’s notion of design “as an interpretive, sense-making process...”\(^{109}\) fits well with what I observed in the negotiation processes of my case study. First there is the sense of design as process as opposed to the visionary statement at least one of my interview participants felt that design should be because in his words “a vision doesn’t come from negotiations...” (Architect #4). While his attitude was very much against negotiated agreements and reflected his lack of appreciation for seeing design as process, it is in line with Hoch’s observation of the urban design professional:

Urban design draws on the skill and artistry of the professional...he wants his plan to be adopted, without compromises to its compositional integrity...he feels that following democratic procedures in matters of design produces banal compromises. Politicians, bureaucrats, and citizens should leave design to the professionals.\(^{110}\)

Design as a singular vision requires the antithesis of participation and collaboration: the imposition of will.

The following sub-sections look more closely at how the interviewee’s comments relate to Forester’s ideas about designing as making sense together and the part that collaboration plays in the design conversation.

Design as sense-making and collective search

For several reasons this project was a collective design effort. One of the primary reasons was that the almost-one billion dollars that was to be spent on the trade and convention centre expansion and associated construction was largely public funds. The Province deemed that public funds should be spent only after extensive public consultation, a competition process for selecting the developer and an extensive design team.

With a large and multi-faceted team of professionals working on the several aspects of design simultaneously and having to consult with the planning department at the City of Vancouver at each stage it is no surprise that no single vision was followed. This is not to say that unique visions were not put forward but “even visionaries have to play by the rules.” (Landscape architect #1) as one participant summed up my interview with him. He was referring to the fact that

\(^{109}\) Forester (1989), page 125.

although there were several prominent design professionals working on the project, they all had to fit into the process in order to make their contributions. Another interviewee saw this lack of a single leader as a problem ultimately:

> It never felt like any one person or firm had ultimate control over the process. ...on top of all of that there was a real schizophrenia in the urban design... team makeup. On the one hand you had a very competent and well-experienced commercial firm that has good resources and understood about delivering product on time and budget and with a minimum of fuss and maximum of efficiency...I'm referring to [the primary architecture company]—who, however, had never designed, as far as I know, a convention centre. And on the other hand... they really weren't brought in as the principal architects for designing the outside, you know, the stuff that happened on the outside of that shell, let's say. And they hired [another architect] to do that. And [he] had a completely different vision of what it should be. And actually in some ways I think the two visions worked against each other. (Planner #5)

The opposed visions may have been a result of the rules governing the process having been invented by VPC and the City in the CWPPS, long before all the eventual stakeholders were assembled. Many of the individuals involved in the urban design negotiations were not party to the decisions made years earlier that formed the basis on which a final design plan was to be built. I think that not all of them accepted those rules.

One interview participant, expressing what I have concluded is a minority view but not the opinion of just one stakeholder, posited that "Any group or board in a... discussion and [an] attempt to come to agreement...I guess, [taking a] negotiating approach will eventually choose the worst possible combination--the lowest common denominator." (Architect #4) This demonstrates a total lack of appreciation of the potential wisdom of inclusive decision-making processes. Fortunately the vast majority of stakeholders saw the wisdom of inclusivity and insisted upon it.

So the process was to have been one of collective sense making, although no one called it that at the time. I have already noted that issues of inclusivity, especially that of the direct participation of the public in the process of decision-making, are outside the scope of my thesis. However it needs to be noted that City planners, and Greystone Properties to a degree, extended the opportunity of participation to members of the public.111

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111 It could be argued that they did include the public to the maximum degree possible due to the need for confidentiality in the first stages, before a single development proponent was selected. Greater public participation in later stages was limited largely due to the speed of development required by financing limitations—which is more a critique of capitalism than planning work. The City of Vancouver planners went to considerable lengths to include the public in decision-making through focus groups,
Very often, workshops, whether they were 'tech. committee'—City tech. committee meetings with the proponent team—or the couple of workshops we had on urban design with the community, they were looking at all aspects and so all kinds of people showed up. And there were no restrictions on who would show up when we met with the public. So when we talked about urban design of the plaza, urban design as it relates to the adjacent community (we had two urban design workshops with those folks) we would cover everything from classic kind of building form and the architectural side of urban design on over to traffic and pedestrian/bicycle movements. (Planner #1)

In these cases public participation was limited by public apathy, lack of appreciation by the public of the value of their input, or limitations of notice given for opportunities to participate causing potentially interested parties to not learn of events they could join.\(^\text{112}\)

Collective sense making was how the design teams (both those groups that included the public and those that were only professionals) worked towards the goal of a final design decision. In making sense of the problem each participant group had their job to do. The job of the development company, Greystone, was to keep everyone focussed on having a newly expanded trade and convention centre built to the specifications of their client, the Province. The job of the City was to see that whatever happened as a final product, it fit into the larger picture of the urban fabric of the city. The Province’s job was to see that public funds had a worthy return on investment by investing in a trade and convention centre expansion to boost tax revenues and create employment. VPC’s job was to see a federal asset improved for similar reasons. The various consulting firms each had their specialty service as their jobs to do.

But all the stakeholders had to keep in mind that their individual goals, or jobs, had to be subsumed into the collective goal of building the project. With the added complication of the political sensitivity of a mega-project, this was a difficult task:

You just keep trying to have to keep the goal out there. Keep everybody... you know, point them back around to that as a focus... one of the problems we had on this project had to do with trying to get all the stakeholders... singing from the same song sheet [and it] was a very difficult job so you always had to try and keep the focus of “there’s the project, there’s what we’re trying to do.” (Liaison officer #1)

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\(^\text{112}\) This is not meant as a criticism of the planning department. There are limits to advertising budgets for public meetings and if there is limited coverage of upcoming events by media, the public may not learn of them.
Looking for the design solution that met as closely as possible everyone’s needs was hard work and involved having to make sacrifices. All stakeholders had to be flexible in meeting their needs:

you’ve got a very complicated urban design and very complicated complex project so in order to make something work we’re all going to have to be committed to being flexible where we can possibly move. So if I’m not flexible—“we’re not going anywhere” and they do the same to me, well we’re just not going to get anywhere. We’re going to be at square one forever. (Architect #1)

The views of the interview participants expressed here show that this negotiative process was not without its faults. There were serious problems in making this a truly collective effort because of the two senior governments’ lack of communication and involvement at key times. However the stated and apparent goal of most of the parties who actually made it to the table—that of cooperatively searching out a high-quality urban design solution—was working up to the project’s cancellation by the Province.

Collaboration in the design conversation

Collaboration is distinct from cooperation. Cooperation means working together to some end but is not as complex a process as collaboration because it lacks the process details and preconditions found in collaboration. Collaboration has its roots in the fields of organizational theory, policy analysis and organizational development.113

Importantly “within collaboration, stakeholders remain autonomous despite decisions being made jointly on a consensus basis. Stakeholders retain their independent decision-making powers while abiding by the shared rules within the collaborative alliance.”114 This perfectly describes the situation created by the CWPPS that governed negotiative behaviour in the development of the Portside project. The design-as-conversation that was the negotiative process was a collaborative endeavour of independent decision-making bodies agreeing to negotiate on the basis of a set of pre-established rules (the CWPPS).

Plenty of evidence came out of the formal interviews showing collaborative efforts were being made. Here is a selection of quotes:

You have to respect each other’s goals. I can’t be successful if I’m the developer and I have own my development goals and yet I don’t care about the community goals and vice versa if they don’t respect the developer’s goals. You have to have a meeting of the minds and that’s only done by developing a level of trust and by working together and by being committed that you are going to commit to it and be party to the coming up with the best possible solution. So

You have to have a high level of trust between the developer and the approval agencies. And I think that's probably the most important tool—trust. (Architect #1)

...the City and the Port came to an agreement on the Central Waterfront [Port] Lands. And they made that agreement that the City and the Port would work in conjunction and certain qualifications were placed on both of them and their boards and council eventually agreed to [that]. At the time we started that had not been...it had been defined but had not been signed. So...it still went ahead and got signed so that we had a protocol which to work for [for] that particular piece of land. (Liaison officer #1)

...I don't think the City had any more or any less clout at that time because the City could only officially impose official policies and the rest of it...is achieved through moral suasion. (Architect #3)

...the reality is you don't get through the approval process without a fair bit of input from the various parties. What we need within that is positive leaders and visionaries that can bring people along. So you need leaders, you need advocates. You need people to be outspoken and controversial and to test people, to expand people's horizons. (Planner #1)

...often you're trying to avoid getting into confrontation. Because confrontation can be very expensive. And you also want to get as much agreement as you can. So you're struggling to find agreement. And for Portside and those [who]... would want everybody in the end at council to come and say what a great project it was, ...everybody who could come and say what a bad project it was [was] potentially difficult. (Planner #4)

The table on the following page outlines Susskind and Cruikshank's consensus-building process and the parallels I have drawn between their observations and the case study.
Table 2

Part A: Susskind and Cruikshank's consensus-building process:

Prenegotiation Phase
- getting started
- representation
- drafting protocols and setting the agenda
- joint fact finding

Negotiation Phase
- inventing options for mutual gain
- packaging agreements
- producing a written agreement
- binding the parties to their commitments
- ratification

Implementation or Postnegotiation Phase
- linking informal agreements to formal decision making
- monitoring
- creating a context for renegotiation\textsuperscript{115}

Part B: Linking the case study to this model of a consensus-building process

Prenegotiation Phase
- Getting started: I don’t know the specifics but past disagreements between the Port and the City of Vancouver led both parties to have an interest in setting out guidelines for development of the parcel of land that made up the project in advance of any development proposal.
- Representation: the CWPPS lists development objectives on the Central Waterfront lands for five stakeholder groups; the City, VPC, Canadian Pacific Rail (owners of most of the land bordering the property), Marathon (CPR’s realty division), and the Greater Vancouver Regional District.
- Drafting protocols and setting the agenda: the CWPPS was the resulting protocol. Joint agenda setting may have been a weak area.
- Joint fact finding: Once development was proposed for the site, since the agreement contained the basic needs of the City\textsuperscript{116} and allowed for a degree of flexibility in meeting those needs, the developer had a framework within which to set forth proposals for building and use of space.

\textsuperscript{115} Susskind and Cruikshank (1987), page 95.

\textsuperscript{116} There was one basic need overlooked. One of the view corridors to the Lions from Science World had been inadvertently left out of the CWPPS document.
Table 2 continued

Negotiation Phase

- Inventing options for mutual gain: Once negotiation was under way, many meetings were held in which all participants discussed new ways to overcome differences. The results were often inventive solutions.¹¹⁷
- Packaging agreements: the final agreement (the CDA) contained the agreements as negotiated written in specific detail or outlining areas yet to be clarified.
- Producing a written agreement: the CDA was a written agreement outlining steps taken to that date and tentative plans for further negotiations.
- Binding parties to commitments: City council and the VPC board of directors signed the legally binding CDA.
- Ratification: a critical point was the public hearing-like meeting where council voted unanimously in favour of CDA. Port board of directors signed within days.

Implementation or Post-negotiation Phase

This entire phase is made moot by the fact that its main financial stakeholder, the Province, canceled the project.

Susskind and Cruikshank point out what may have been a flaw in the Portside process: for negotiations to be successful without the aid of a mediator or intermediary (unassisted negotiations), there should be relatively few issues at stake and few stakeholders. This was certainly not the case. This perhaps explains the need for informal mediation throughout the negotiation process.

In the case study, the role of informal mediators was limited to helping to invent options and bind the parties to the agreement as it was worked up.

¹¹⁷ One example was an impromptu design charette (hands-on design workshop) where materials available to hand were used to visually “discuss” several possible design options. Materials used included sugar cubes added to an existing architectural model as building blocks to represent possible changes to the design, cut up pieces of cardboard, and pieces of other architectural models. The result looked strange but made the point visually that the architectural team had been trying to make verbally.
Making sense in the process

Collaborating was not the goal of this process. A development agreement was the goal. Finding the way to an agreement meant that what was being said about design was fundamentally important. Collaborating was the means to that end.

A good negotiated settlement has four characteristics: fairness, efficiency, wisdom, and stability. Fairness can be judged by the fairness of the process by which a resolution was reached--open, inclusive, well informed, and broadly based accountability. Efficiency has to do with taking a reasonable amount of time and money to reach settlement. It also includes seizing opportunities to make no-cost exchanges that benefit everyone. Wisdom is achieved using "prospective hindsight" to imagine what is going to work and what is not. This characteristic relies on experience with one's own community and with similar experiences that relate and it may be hard to develop. Stability speaks to the durability of the agreement and relies on realistic expectations, feasibility, and room for renegotiation should circumstances change. In short a good negotiated settlement is of high quality.

Making sense out of what is said during the process of negotiations required paying close attention to all of the foregoing points. The first one-fairness, especially the 'open, inclusive and well-informed' aspects of it—is critical to context in the design conversation. Context in communication is the environment surrounding the message, things like "... using all the techniques that you've got in body language, eye language...etc." (Planner #4), meaning that context goes beyond the words themselves.

More broadly even, context goes outside the content—the body of the message itself—and addresses the nuances, social context, historical relationship, and political setting in which the communication occurs. Context can also distort the message. In the case of Portside, the negotiators recognized this: "...[the past history of relationships between parties] matters a lot... Sometimes they were overcome and sometimes they weren't and they accumulate. And that was part and parcel of [the project cancellation]." (Liaison officer #1) Further:

When you're talking about concepts, perceptions of what the end result is going to be... with words and with drawings, you're trying to create these concepts visually...You're talking about different visual concepts and quite often there's miscommunication between a wrong personal perception of what that is with somebody else. (Architect #1)

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Your question is “How do planning professionals negotiate urban design?” Well, ...part of the problem is if only one party in a conversation understands or is trained in the language of design, how do you communicate? With great difficulty. So I think that’s a challenge in any situation where a conversation is being had between a design-literate person and a non-design-literate person. Whether that be the client, whether that be the planning approving agency, whether that be whoever. So that is a real challenge. (Planner #5)

However there should be real effort made on the part of the design-literate to communicate her ideas to the other in a non-technical way:

...often you can describe things as ‘blocking views’, which isn’t particularly technical, casting a shadow at noon time on the proposed restaurant area; or, creating wind turbulence where it’s not necessary.... And none of that is beyond...it’s not jargon. It can be “jargonized” but...most people can grasp [those concepts from] their own experience. Now when you get into specifics, which urban design does, then that can get very complicated because it’s hard to describe the various theories of design without showing pictures so mostly that’s done by pictures. And there’s implications in the pictures that this is good and that’s bad... (Planner #4)

It is possible to get the message across without using too much jargon and this interview subject suggested that pictures are a good way to get through to the non-professional. So it comes back to drawing and design skills that many planners and planning education programs lack. It is no wonder that more than one interviewee lamented the loss of urban design to other professions because of a paucity of design skills amongst planners.

...you need to be trained as an architect or a landscape architect. You need to go through a studio based design education in order to develop those skills... And the communication skills that come with it. It’s not just the design skills but how you convey the design: graphically in drawings, in models, in images, in renderings. And landscape architects and architects are trained that way. They’re trained in a kind of a physical design language [which many lay people don’t understand]... I think that’s our fault as design professionals--that very few design professionals have managed to articulate what urban design is for the general public. I think we have some blame to share in that. In that we’ve not explained it very well and that’s because I think we haven’t understood it very well. And as a result how can we expect planning professionals who haven’t been educated in design, trained in it, to get it? (Planner #5)

One of the other professionals involved in the case study, speaking about the general public, thought that this lack of expertise did not stop people from
contributing: “So folks came from various perspectives, didn’t seem shy about commenting about this stuff and even if they weren’t designers.” (Planner #1) Either way, getting the message across, not just delivering it, is extremely important...

Because the urban milieu or the public realm is not for the esoteric, it’s not for the educated, the professionals. It’s more [for] everybody, you know, the kids... the street people, families, etc., you know, everybody that makes up our society. Everybody should be able to experience the public realm and be satisfied by those components that make up what is specifically good design. Universal... in that it appeals to that broad cross-section of people. Universally appealing. (Architect #3)

**Negotiation techniques and methods**

The foregoing showed the role that conversation processes played in forming design decisions for Portside. Negotiation is a specific form of human conversation and one that plays a very important role in making urban design decisions in our complex, pluralistic world. This section shows that the negotiation technique of role-play and the content of messages were important components in the Portside urban design negotiations. These two subjects speak to the “efficiency” and “wisdom” of the aforementioned high-quality negotiated settlement.

**Role playing**

The case study shows that active acknowledgment of the various roles played by individual participants at the negotiating table was necessary to represent the many stakeholder groups involved in the project. This is an efficient way to have all the possible affected parties “virtually” present at the table, or represented. This allowed participants in negotiations to freely represent, or to “be”, in the role-playing sense, a given stakeholder group needing to have a voice at a particular time:

Sometimes you’re in a role, right? You have a role to play. You have a responsibility to play that role as intensely as you can. Now sometimes you worry that the other side isn’t representing their roles strongly enough so balance is getting out of line. And in an ethical or community-based debate you’re really asked to promote a sense of the total community.... in much of the work we do you have to represent it with your heart as well as your head. (Planner #4)

Role-playing also allowed participants in the negotiations a creative ‘window’ through which to see the issues from others’ perspectives:

I think mostly you find that the people around the table would be representing their constituents, whoever that might be. In my case
that was Greystone. But I would find myself occasionally thinking all right now where's the Port on this. How can I take the results of this and have it work for us with the Feds. (Liaison officer #1)

One of the interview participants described role-play in the negotiations as he saw it: as a sort of chess game where personalities alter how the game progresses. If you can begin to enter in to how your opponent thinks, or his intelligence as he puts it, you have the opportunity not to take advantage of him but to understand him and therefore come up with a better solution:

one of the intriguing things about any negotiation is... what you might call the perception of intelligence of the people doing the work. Because if you've got somebody who's not particularly bright... [one can] understand what was going on better. And that was a sort of... what all negotiations are like. Because it's the participants on different wavelengths or...[they] don't understand the whole range of things that they're talking about. Like playing a game of chess in a sense. Then you'll find the characters will alter the outcome. Or the outcome will be altered because the characters have a different way of dealing with it. So in every negotiation there's a couple of things that clearly come through because the goal here is to be comprehensive and integrative. And that's hard for some people—all of us I guess—to sort of grasp the implications and therefore the balancing of it. And urban design is all about balancing. (Planner #4)

I find this to be an intriguing thought. He has got it exactly right in that “the goal here is to be comprehensive and integrative” as opposed to being simply an “I win, you lose” scenario. And as such, a “wise” solution takes a real appreciation of the others at the negotiating table.

Some of the interview participants saw the negotiation in more classic terms, where the collaboration was more about just meeting everyone's basic needs:

Everybody's attitude was we want this to succeed. We have these needs, you have these needs. We want this, you can't give us that, we can't give you that—all those kinds of things. It was a very, very good negotiation with everybody almost without exception maintaining the integrity of the project. (Liaison officer #1)

And this works at some level. Such negotiating may not produce the best solution but this interview participant saw it as working very well.

As the interviews progressed I began to see a particular pattern emerging of the process having been set up, unconsciously I believe, in such a way so as to create these opportunities for self-reflection.

For me, I don't think it's that conscious at the meeting itself. Like if I have a list--now I'm going to put this hat on, this hat... It's more
flowing from the way the process is set up. And your sort of collective view of the world. And you can check yourself and others will sort of police that [missing words] in the sense that they’ll... you’ll remind yourself or you’ll be reminded, you know, “Who are you representing, where is that coming from” often is the way the question is worded. And, you know, it’s a good question. You have to confirm, you know, where you’re coming from. But for instance how did the process set that up? Well, by having a public consultation strategy. That strategy plays out the interests of bringing all the various interests to the table somewhere in that process. So you have broad involvement early on... (Planner #1)

Reflection like this permitted the participants to take stock of the roles they played, roles they needed to add or roles they needed to keep on playing to make the negotiation work.

**How things are put: the importance of content**

How things are put is critical to successful negotiations. This is the “wisdom” of a high quality negotiated settlement. It is important that what is said is what is meant as that is what will eventually find its way into the written document. Assuming that the issue of getting the message through as intended has been dealt with by the planning professional, crafting the message is very important:

...[the issue is] always communication. A lot of time is spent making sure that you’re communicating through the urban designer what that vision is to the client because they probably don’t understand it. (Architect #1)

Crafting message content has a great deal of strategy to it. This interview participant very candidly expressed how one cannot be too clever about delivering your message:

It’s best if you know where you’re trying to get to. In the sense that it helps you to direct the discussion. Now that’s not always true. In some cases it may well truly be a complete, full disclosure, depending on the sensitivity of issues and who you’re dealing with. You know you can’t be too clever about it and have the solution in your pocket and pretend to go through the motions. And that can be very easily discovered at times and very embarrassing when you already have the solution at hand... But you want to understand what the issues are even if it’s only to make the meeting more efficient, so you don’t stumble around for four hours trying to understand what the issues are and find that you’re all tired out from that exercise. (Architect #3)

So content must be honest and straightforward. When it is and the setting is inclusive, good things happen.
We got a really good dialogue going [at a particularly large meeting] about what the parameters of urban design should be and how the focus should be expanding out to relationships with the community and urban design and fit to the local context. And it was pretty exciting. (Planner #1)

Second-tier negotiations

In a climate of broad-based acceptance of and even insistence upon collaborative negotiating methods such as consensus-based decision making, the role of leadership can be overlooked\textsuperscript{119}. This may be because the leader is not always directly involved in negotiations. This was true of the case study.

In this series of negotiations the planning staff and their equivalents in the development company and associated architectural and design firms were empowered by the management level to negotiate certain details and even broad issues within the framework of the CWPPS. The role of leadership was important in this working effectively. Those in positions of leadership—those who framed the parameters of discussion—allowed their staff permission to step beyond the boundaries of the normal bureaucratic frameworks within which they worked in order to permit them to flexibly move between roles.\textsuperscript{120} But when it came to interpreting the CWPPS or solving a problem, the higher level ‘leaders’ came in.

...at the working level they try and work with all those requirements and try and see if they can come up with a solution that meets all the requirements and satisfies everyone. If they can’t, now you’re getting into “Okay, well, can we interpret some of these requirements in a little different way that will give us the flexibility to come up with a solution that works.” And that’s where the senior guys really know the ropes—through their experience. (Architect #1)

The “working level” staff could make some decisions but there was always an invisible trip wire beyond which only senior management could negotiate.\textsuperscript{121} The senior staff made up a steering committee that had work of their own to do but were handed issues by the working level staff from time to time:

...the way we set this thing up is we had a steering committee. So you start with that. And the steering committee has a number of individuals that report to or that work with or are responsible for

\textsuperscript{119} John Forester in chapter six (pages 82-103) of Planning in the Face of Power acknowledges roles of the planner that I interpret as leadership roles, although he never uses the word. Of particular note is the section entitled “Diplomatic Skills” starting on page 96.

\textsuperscript{120} Preliminary interview with a Development Manager at Greystone Properties.

\textsuperscript{121} I don’t know exactly where this trip-wire was set but it probably related to certain budget constraints for the developer and Port and certain political ramifications for the City.
various aspects. And you divvy up the work and you get it done and as you’re moving along always the steering committee gets another look. So problems would surface, you’d see them and hopefully you could deal with them before they became large problems... But as problems developed and if they didn’t get solved you’d move it up the ladder. And you basically had the steering committee was kind of senior and you went above that rarely.... It was serious when you had to go to a minister or you had to go to the mayor or something like that. (Liaison officer #1)

For issues that were unsolvable at the working level it wasn’t an automatic step up to the steering committee though. First there were “the famous Thursday morning breakfast meetings between [Greystone representative] and [City of Vancouver representative]” (Architect #5). Another interview participant also refers to these meetings:

The City and Concert [Greystone at the time] established an agreed-on process. And they would not interfere with that process and let due process occur. But when the process became encumbered; they agreed that they would have a relief valve which was to escalate it to a [Greystone representative] and [City of Vancouver representative]-dialogue. And that’s a very clever thing to do. (Architect #3)

Part of my job was to minute meetings held between the City and Greystone and keep track of where they were filed. I never saw minutes from or heard reference to the discussions held at these meetings. Not that they were secret but they were unofficial and either party could candidly discuss sticking points without fear of having their words recorded and thrown back at them in more formal setting. These types of side conversations are typical of involved negotiations and obviously proved to be very helpful in this case.

The movement up from working level to leaders and on up to the steering committee could go to local politicians: “I think you go up the ladder until you [see] who has the power... Which from the City point of view is the politicians” (Architect #2); and on up to the Federal level: “the Province for instance knew that we could go to the minister in Ottawa. We knew that the Province could to the minister in Ottawa. (Liaison officer #1) But the issues could just get sent right back down:

And sometimes when things get up [to senior management] we all say, “You know, like, you guys solve it. We’re not prepared...none of us are prepared to make those trade-offs. Find some other solution.” And it goes right back down again. (Planner #3)

And a solution would have to be found at the working level.

In some ways this appears to be unnecessarily complicated with issues being passed back and forth like the proverbial buck. But what happened was
that all levels would work in good faith to see if they could solve the problem, passing on an issue to the appropriate level when they couldn’t and in the meantime continuing work on some other solvable issue so as not to be wasting time. I saw this as evidence of using a bureaucratic framework very efficiently.

**A process that works**

So in what was seen (by a few) as a process where there were “just too many people in the way of the design” (Planner #5), it worked anyway. The CDA was signed. Agreement was reached at that stage of development, keeping in mind that the project was cancelled some time later. But the urban design was successfully negotiated.

I asked the interview participants how the urban design was successfully negotiated and heard a good deal of agreement. What I asked was “What is good urban design?” and then after hearing a wide range of views about that I asked “How is that linked to the process that shapes it?” To this last question almost all of those asked responded with something like “I think they’re fundamentally intertwined.” (Planner #1)

So a high quality process of urban design negotiation results in a high quality design. Of course there has to be something there to work with, something that the developer, whether public or private sector, has put forward as a starting point. “The designer has to bring the brilliance to the table” (Planner #3) as one interviewee put it.

Of course not everyone enjoyed the process:

The democratic process of going through all these steps and dealing with all these people is sort of, I feeling is it got somewhat out of control. ...I mean that’s the democratic process and the politicians need to go through this but the rest of it seems a pain in the butt. And those meetings at city hall when there were 25 people sitting around, all those stakeholders. There’s got [to be] another process somehow... where those issues are dealt with without grinding away at wasting a lot of people’s time. But maybe that’s democracy. (Architect #2)

It is indeed democracy, or at least participatory decision-making to some degree.

Twenty-five people making decisions about 800 million dollars hardly seems like overdoing the participation. Most of the interview participants said something along the lines of an interviewee who saw that there is an undeniable link between creating great places (or spaces) and the process used for coming up with that creation: “Buildings in my mind are very much a result of the process they go through and they reflect the process. All the good projects that I know of that’s really been true of.” (Architect #1)
Chapter Seven

Conclusions

Are planners doing as they’re told?

"Theory plays an awkward role in an applied profession. Professionals can learn to act in useful and effective ways without knowing why their actions work."\(^{122}\) This is exactly the case with negotiating urban design on the Portside project. The professionals in the case study acted in useful and effective ways: they negotiated the urban design features of a large and complicated project and they did this without necessarily knowing why their actions worked, at least from any theoretical standpoint. The planning professionals were unfamiliar with principles of negotiation but intuitively used what were for them the tried-and-true methods that had worked for them in other negotiations. Theory had little to do with chosen tactics and actions.

Donald Schon, author of *The Reflective Practitioner* says that "professionals are called upon to perform tasks for which they have not been educated" and "professional practice has at least as much to do with finding the problem as with solving the problem".\(^{123}\) Some of the professionals interviewed may have received some training in negotiation techniques if they were educated in planning but not all are trained urban planners. Finding the problem as a collective exercise of discovery was a large part of negotiating the urban design of Portside.

Schon's comment about the tasks professionals are called upon to accomplish begs the question “Are planners doing as they’re told?” That is, are they doing that which they may not have been educated for but what they as planners are told to do both by their task-givers (often municipal politicians and high-ranked city officials) and by planning theorists? In this case, the answer is yes. And is the professional practice of planning not only full of tasks that must be accomplished without specific training but also full of this search for the right problem as much as the right answer? Again, using this case as an example, the answer is yes.

These dilemmas faced by planners were reflected in the literature of communicative planning theory. Theorists often expound normative theory—that which should be. In communicative planning theory there is normative rhetoric

\(^{122}\) Hoch (1994), page 45.

\(^{123}\) Schon (1983), cited at www.si.umich.edu/classes/501/lectures/10-22/sld002.htm
but the theory arises from descriptions of observed planning action, or that which is. Communicative planning theorists have observed planning processes looking for what was effective in solving planning problems.

In my examination of communicative planning theory I have focussed on theorists' observations of negotiative processes, looking particularly for those to do with design. Generally the negotiative processes studied by the authors I read followed a pattern of professionals faced with difficult situations they may only have been prepared for through their experience of similar situations but not formally trained to deal with. Participants in these studies then engaged in dialogue with the others at the negotiating table to together determine what the problem was that needed solving. So I observed what many communicative planning theorists have observed.

Planners in my case study are doing planning work in similar ways to other professionals. In this way they are “doing as they are told”: their work matches practical academic theory. But these planning professionals are not aware of those theories and have chosen this course because it is effective. This choice based on what works in practice underlines the effectiveness of the pertinent theories.

**Urban design**

Urban design has a lexicon of its own. This complicates broad discussion in this field. And as negotiations on a project of the size and complexity of the case study involve professionals from many disciplines, this can act as a barrier to clear communication. There are also many strong opinions about what urban design means and how it is best achieved.

In Vancouver there are planning procedures that give the City considerable control over the architectural design and the urban design of development. On the Portside project this control was tempered by the City’s lack of jurisdiction over the site. This created an environment of equality amongst the stakeholders such that a special agreement, the Central Waterfront Portlands Policy Statement, had to be created to govern development on the site. This document together with a memorandum of understanding between the primary stakeholders laid out the framework for negotiations that I observed while working with the development company on this project.

**Negotiation**

Negotiating is part of many planners’ working lives. They may not be specifically trained in the latest techniques but many planners have found a selection of negotiation methods that work for them. An understanding of the importance of communication strategies is part of making negotiation work in

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124 See Appendix I
planning. Planning is an interactive, communicative occupation and high-quality negotiations rely on communicative interaction.

Since urban design is a sense-making process of collective searching for the right questions as well as the right answers, John Forester's ideas about design as "making sense together" are very descriptive of the Portside urban design negotiation process.

**The conversation process**

An important theme that came through in the interviews was that many practitioners saw and valued the conversation processes that were at work and many recognized the process of design itself as conversation. This is conversation in the sense that John Forester uses it: it is a long-term, complex discussion involving sometimes many collaborators. Here a planner describes the process:

I should describe a little bit about what goes on: how you unfold a conversation about urban design... What one tries to do is have an initial conversation that is about the design objectives or parameters or directives, whatever you want to call it, which is a combination of a proponent for development trying to help us understand what their programmatic business needs are, also trying to help us understand what their artistic aspirations are... And us trying to help them understand what the public objectives are--partly by articulating policies that are on the table—view corridors or whatever they might be—and partly by talking about what for us represents in general or in principle, good urban design practices.

(Planner #3)

Unlike the example Forester uses in Planning in the Face of Power of a planner, an architect, and local residents meeting to discuss proposed changes to a local park, my case study has powerful stakeholders including representatives of the three orders of government present for negotiations. Local residents were represented during negotiations on design only as one of the "hats" worn by city planners. The exception to this was opportunities for members of the public to participate in several urban design workshops that helped frame City planners' responses to design ideas put forward by the project design team. Despite this significant difference, I feel Forester's idea of design as making sense together in a conversation-like process still applies in my case study because the design was worked out as a negotiated agreement between a group of stakeholders as opposed to being an individual vision. The issue of

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125 (1989).

126 I did not attempt to interview representatives of higher orders of government that were part of other negotiations for the project as the urban design team were the focus of my interest.
public representation and its adequacy in this case is outside the scope of my thesis.\footnote{127}

Forester's statement about design being interpretive and sense-making matches my observations of planners and architects collectively searching for a mutually satisfactory solution to an often amorphous and ever-changing set of urban design problems. According to the interview participants, none of the parties took a position of having or wishing to impose an answer independently of the other stakeholders: "...going through the City in many ways was just...something that was done in the spirit of co-operation." (Architect #2), and; "if you look at our relationship it's very cooperative and there's been a great amount of common ground reached and put in writing..." (Liaison officer #1). Other interview participants said similar things about how this negotiative process was collaborative.

Context is something we must always deal with and be aware of in planning. However clear a message is in our heads or on paper, planners must be engaged in dialogue with whomever they are negotiating with or advocating for. This is to ascertain whether the message has got through with clarity or whether the received message has been tainted by the context in which it was delivered. One ongoing problem that I see in negotiating anything to do with design, particularly urban design in a plural society where there are so many different opinions is that not everyone has the means to speak about the issues in a technical way. Planning as a discipline must work to overcome this communication gap.

In line with much of what John Forester says of planning, Xavier de Souza Briggs in the Internet article "Doing Democracy Up-Close: Culture, Power, and Communication in Community Planning" says that "planners... should seek to understand and respond to the diverse communication codes and subtle power relations that shape face-to-face encounters".\footnote{128} Getting the message across is about finding out what message was received. And to do this planners must be aware of the context surrounding the message as well as the content of the message.

\textbf{Bricolage: the team as the toolbox}

I acknowledge that practitioners gather fragments of ideas, concepts and practices over time and that this is similar to Innes and Booher's bricolage concept. Practitioners will merge and transform the ideas and practices as the situation demands. But I depart from Innes and Booher's concept on the idea that

\footnote{127} It was argued by some in informal discussions that the public was reasonably represented through planners' role-playing abilities. The reasoning was that planners could be spokespersons for the general public because of their training and empathy for the 'public good'. Even if this is the case, this level of citizen participation is very low on such indicators as Arnstein's "Ladder of Citizen Participation". This case study would provide interesting insights into public involvement in mega-project planning.

the tools available always define the problem. This is probably often true but I have experienced situations and observed others where an end is defined already, sometimes loosely, sometimes less so, and tools must be found in the planners' toolboxes to reach that end or some end that resembles it. Where the tools do not exist at the table, the expert or consultant having the tools needed is called in to assist.

One of the factors affecting the negotiation of obligations in Healey's studies (1995b) was the relative skill and experience of the developer. In the case study Greystone's community connections, track record of both financially and politically successful development projects and experienced staff were important in securing the development agreement. Another factor in Healey's study was also the skill and organization of the local planning authority. City of Vancouver planning officials' skill in negotiation and the management of obligations to do with development agreements were important factors in securing the Comprehensive Development Agreement. The City of Vancouver has long experience dealing with development impacts on its citizens and has a reputation for securing negotiated settlements that benefit its citizens.

Role-play and representation

I consider it legitimate that professional planners represent the interests of the public as a stakeholder group without having members of the public personally present: This is less than perfect based on direct democracy ideals of public participation but may be the best choice available in constrained circumstances.

Under the constrained conditions I have observed in planning practice, input is accepted directly from the public via direct communication or through survey returns. The planner then has a duty to try to summarize these views and represent them in condensed form (usually a written report) to decision-makers. The planner also has an obligation to represent the views of the public, as she perceives them, at the negotiating table.

I feel that having individual members of the public directly involved (sitting at the table) in an attempt to represent what all other members of the public have at stake is actually less representative than the method described above. This is because the planner is professionally obliged, experienced and hopefully trained to consider interests held by the wider community; he is, among other duties, to represent citizens' interests. This too is an ideal perhaps not widely realized. Individual members of the public do not, however, have professional obligation or necessarily any training to represent more than their own interests. There are involved citizens who are exceptions to this statement. But there is no guarantee that they would self-select themselves and that others who wished to champion only their own interests would not step forward.

In the case study financing considerations and political expediency forced a very tight timeline for the process of negotiating necessary approvals and
agreements between the stakeholders. This time pressure constrained the available options for public participation. However, the City of Vancouver planning department was sufficiently proud of the public participation process that it applied for a major Canadian Institute of Planning award for this work. To the planning department at least, constrained planning environments do not necessarily make for inadequate public participation nor do they illegitimate the planning process.\textsuperscript{129}

**Personal bias**

I mention personal bias as it can affect the results of inquiry and what I choose to ignore or include in drawing my conclusions. Traditional scientific inquiry often overlooks or downplays personal bias and I feel that one of the strengths of qualitative research is that it acknowledges the role the researcher plays in affecting the results of their research.

My bias comes from my training in planning and my background in private development work. As a planning student I am attracted to ideas and situations that favour the intervention of planning professionals. When planners are successful in helping bring about consensus, I note that and may unconsciously filter out planners’ failures. So when I use my case study as an example of successful planning, the obvious needs stating: planning is not always a success story.

In my work for a private development company I felt a certain loyalty to that company. I have kept this in mind as I examined the negotiation process that they were so intimately involved in and I have tried to be fair. I got to know personally, to a degree, some of the people involved and so acknowledge that this could create bias, something I have consciously tried to minimize. The methods chapter discusses some ways that I have tried to minimize bias.

As my employment in the private sector involved working with a design and development team, my interest in urban design was piqued and I wanted to work this experience into my thesis. On a practical level, knowing the players involved in the negotiations (on urban design as well as other issues) gave me access to their combined practical knowledge and perspectives from inside the process that made it an easy choice to examine this particular project as a case study.

Another part of my personal life experience that was helpful in this thesis was my experience with interviews. I have conducted many interviews and am comfortable getting at information by asking individuals questions. This skill proved very useful as I felt at ease quickly in the formal interviews and could make adjustments to the line of questioning or redirect the interviewee when they

\textsuperscript{129} As the original focus of my thesis I find this area of inquiry very interesting but circumstance moved my thesis in another direction. This issue would make an excellent study of this case.
strayed too far off topic. But I may have brought some interview techniques that introduced bias. Bias is undoubtedly present in this work. I have tried to minimize its effects where I have been aware it.

**Conclusions**

Urban design is negotiated by and between planning professionals. But I found that few of those involved in the case study project were able to clearly define how this negotiative process works. The professionals involved in my research, when specifically asked, have all acknowledged that urban design is negotiated between designers, between regulatory bodies and developers, and amongst regulators. Part of my justification for my research into this thesis topic is that while it is clear that such negotiative processes are part of planning practice, there does not seem to be a clear answer as to how such negotiations work or, more specifically, why they work.

In reflecting on what I had observed while working on the Portside project, I found that communicative planning practices were being applied. But I found very little in the literature of urban design that was helpful in answering my thesis question, “How do planners negotiate urban design?”

My observation as a planning employee in both the public and the private sectors was that many elements of what I read in communicative planning theory are present in the field. This will come as no surprise to the reader with academic training and planning experience but it was a new experience for me to see theory and practice reflect one another. Seeing theory and practice coming together in the everyday world of planning work sparked my interest to read further in communicative planning.

Was then the Portside negotiation process following communicative planning principles? Were the planners doing what the theorists told them to do, or what the theorists said people practicing communicative planning do? The answer is both yes and no. Yes, the Portside negotiation process followed communicative planning principles but I didn’t see any evidence that this was because of anyone’s conscious desire to abide by those principles. And no, the planners are not doing as theorists say they should because there seems to be a level of resentment about truly collaborative, participatory practices. To be fair, this was less among the planners and more among other design professionals, perhaps reflecting their different training and codes of ethics.

More widely, did the Portside negotiation process follow principles for negotiating urban design? No, because there are none. This fact plagued my research and literature search. There should be something definitive written about this important factor in modern city-building and there just isn’t.¹³⁰

¹³⁰ John Forester excepted. But he was writing about conversation processes in planning and used ‘design as conversation’ to make a point.
The Portside project followed parameters for negotiating urban design that had worked for the City of Vancouver but these parameters are not written down for a new generation of planners to learn when they start working at the City. This skill set or body of knowledge is the result of the current mix of planning professionals working in City Hall and the consultants they hire. This situation, which I feel is inadvisable because it exists only so long as the team is intact, fits with the ideas about bricolage that I have explored over the course of my thesis research and writing. The team makes up the "toolbox" needed to do the planning work because of the sum total of the methods and techniques they are skillful in using.

In the case study coming up with a good urban design required a good negotiation process. I asked "How do planners negotiate urban design?" at the start of this thesis. The synthesis of material from planning theory together with the results of interviews with practitioners leads me to conclude that in the case of Portside urban design was negotiated using principles reflected in communicative planning theory. But the high-quality design was just that: design, not built form. With the cancellation of the project went the realization of the urban design on the ground. However, the design professionals involved agree that the plans were sound; it was good urban design.

Because the project was cancelled I don't have the confidence or evidence to say that communicative planning produces good results on the ground. Such evidence would have to be found elsewhere. But a major part of good urban design is, as Forester puts it, making sense together in order to find a workable solution. Therefore communicative planning in this case produced a high-quality urban design process by the practitioners making sense together with their various roles, tools available, and shared histories.

Communication as making sense together is something many planners are trained to be good at. And experience in the field will certainly add to this skill set through trial by fire, if nothing else. But an aspect of communication overlooked or under-emphasized by many planning programs is visual communication. Several interviewees emphasized the importance of pictures as a good way to get through to the non-professional. Unless planning training makes mandatory basic literacy in graphic communication, urban design will continue to slip away to other professions because of a lack of design skills amongst planners.

A high-quality communicative planning process, one that made the best use of best negotiative practices, led to high-quality urban design for this project. While the principles applied were not necessarily intentionally applied, the net result was that communicative planning ideas were put to work on a "messy" planning problem and they worked.

Urban design is like other design processes in that there is not always a finished product as the project may be cancelled before construction begins. Obviously the design process ends with the collapse of a development proposal although it may be resurrected and dusted off at some later date. But for the
finished product to be beneficial, its design must be sound. In urban design the end goal is useful and attractive city space. To achieve this goal in modern city planning the process leading through the development stage must be well thought out.

The techniques and methods applied to negotiating urban design for Portside were applied effectively but these skills and approaches to solving the problems unique to the case are not unique of themselves. There was no special process for negotiating urban design on the Portside project. In fact, most interview participants that directly answered my question about what was different about the CDA process noted that it was very much like a normal rezoning process except for the complexity. What stands out is that hardly anyone saw that what they were doing was engaging in a negotiative process until it was put to them in that way.

Patsy Healey says of the British cases she reviewed that “planning authorities have [typically] had neither the power nor the inclination to ensure that cities develop ‘according to plan’.”¹³¹ I would argue that this is certainly not the case in Vancouver. It seems unlikely that the Portside project would have had the success it did in the development phase if it had been planned in a municipality with a less discretionary zoning approvals system. This background to the negotiations helped to produce a high quality urban design negotiation process.

I think the negotiative process was of high quality because it was a collaborative process with successive loops of consultation rather than simple bureaucratic dictates. This allowed rapid progress in areas where it was apparent that there was little disagreement and clarified potential problem areas and issues in advance for further discussion. The CWPPS structure and subsequent development phases allowed those involved to plan their negotiation strategically instead of having to have a ‘firefighting’ approach where a problem would not be dealt with in advance but must arise as an issue before getting noticed.

I think that this case study shows that bricolage and role play are techniques used in successfully negotiating urban design whether or not the negotiator is aware that these techniques are in use or not.¹³² I conclude that with the time restrictions and political and other pressures placed on the negotiating process in question, certain innovative methods of negotiating proved to be effective means to reach a successful conclusion. As such, these methods were consciously used by knowledgeable participants and unconsciously used by insightful but untrained participants.

So, how do planners negotiate urban design? In the case of Portside they use a mixed bag of communicative techniques applied in a long-term design conversation.

¹³¹ Healey (1996b), page 263.
¹³² In fact, the negotiator outside of the planning office may deny even being a negotiator as the job they are doing is often seen to be simply project management with a lot of face-to-face meetings with other design-oriented professionals.
**Unexpected results**

An unexpected result was finding that certain words were loaded with meaning. In preliminary discussions it became obvious that most of those involved in the negotiations on the Portside project did not consider themselves negotiators. But most of the interviewees were also uncomfortable with terms like “negotiating” and “mediation” or seemed to be extremely unclear as to what the terms meant. These were value-laden terms that seemed to hold connotations that made the participants uncomfortable. In the end I avoided asking about the informants’ involvement in a “negotiation process” or their role as “negotiators”. Instead I just talked directly about what went on using terms such as “when you discussed this with the others” and “when you met with them to work things out”. Use of such terms put the interviewees at ease.

The responses to my interview questions did confirm some of my hunches going into the interviews but there were some surprises. For example I was surprised to learn that most of the interview participants had not thought about negotiating urban design but did that very thing as part of their work. I discovered that I needed to ask about what each participant thought good urban design meant as the definitions varied so widely. I also had one interviewee handily sum up the fact that I had overlooked up to that point, that high-quality urban design, however defined, was entirely dependent on a high-quality design process because “urban design—its product is indivisible from a process.” (Planner #4)

**Further study**

**Negotiation techniques**

A good start to filling the knowledge gap about negotiating urban design would be a broad analytical survey of negotiative techniques used by members of Canadian Institute of Planners done as part of a Ph.D. dissertation. As one planner said, “Good urban design is not one person’s view of the world, I guess.” (Planner #2) Good urban design is a collective act and any collective act requires negotiation where there is a difference of opinion. Seeing what techniques for negotiation were part of Canadian planners’ toolboxes would be a start towards a broader understanding of negotiating urban design.

I did not find an answer to why there appeared to be a resentment of broadly collaborative and participative planning practice. This may be because I did not begin to notice this until I was at the interview stage in my thesis and by then the direction of my investigation was fairly well set. I didn’t have the resources to follow this new line of questioning. Doing such questioning would make an interesting study.
I am certain that definitive writing on the subject of negotiating urban design would be widely read by working planners and related professionals. Such writing would fill a need for a basis on which to begin design discussions. In the case of Portside that need was filled by the CWPPS to a degree. But as discussed previously this document either embodied an existing misunderstanding about the role of mediation or created a bias toward it.

**Bricolage**

Innes and Booher (1997) were not addressing the possibility of bricolage as the collective skills of a design/negotiating/planning team in their article but this has certainly proven to be the case on this project. Studying whether this was the case for other project developments or is applicable elsewhere would investigate the accuracy of my broad interpretation of Innes and Booher's theory.

**Social implications**

Communicative planning principles led to a high-quality urban design process in this case. An implication of this is that other practitioners should consider communicative planning ideals in their practice. An area of interesting study would be to look at the social implications of planners moving towards communicative planning principles and abandoning traditional planning ideals and paradigms.

**Role play**

This concept was not examined satisfactorily in the interviews. The only question dealing with role-play was “How do you represent the interests of those you represent at the table?”. Some interviewees did not have a chance to respond to this question at all due to it being overlooked in the course of a rambling discussion or because I thought it had been covered by another response when in fact it had not.

I also think that the question about role-play in my formal interviews should have been asked more directly to elicit a direct answer. It would have been helpful to have more information on this subject. In a climate of participatory decision-making combined with increasingly time-constrained planning environments the ability of planners to bring to the table the issues of the public accurately will be a valued skill.

**Reflecting on methods**

An advantage to using the methodologies of qualitative research, particularly the technique of interviews, has been that it has allowed me a glimpse into the working lives of planners and other occupations closely associated with planning. I have appreciated the opportunity to see planning theories applied and adapted in the working world. I have also been able to see the application of a proven research methodology.
Through my thesis process I have had a couple of changes of direction. These have come about from having read or talked about some ideas that re-set the course of my thesis. Originally I had wanted to examine how the public participation process associated with the project had molded the outcome of decisions. But course work at the School of Community and Regional Planning introduced me to urban design and so I decided to look into issues related to urban design of the project. My interest in negotiation brought me to think I could look at how urban design was negotiated because upon reflection I realized that I had witnessed just this phenomenon occurring through repeated meetings between the development company I worked for and the approving agencies.

At the beginning of my thesis process I thought that a negotiation process would be guided by consciously applied theory. There may have been some negotiators with theory in mind but this was not revealed in the interviews. The interviews revealed that the participants used a mixed bag of techniques obtained through years of experience.

I had thought similarly about urban design: that those able to work out urban design together would have to have had a meeting of the minds about the fundamentals of design. Not so. I was surprised by the differences of opinion but more by how radically different visions were reconciled. While still developing early ideas for my thesis I discovered that there was considerable distance between the various views of best practices of urban design. I was able to observe how the urban design team assembled for this project worked through their differences or progressed in spite of them.

Reflections on this thesis process

There is no established literature on negotiating urban design. There is much written about urban design and about negotiation theory and practice. Where these fields overlap there has been some writing in the field of planning, mostly by John Forester, but little else written directly on the subject.\

In the literature, examining the production of built form in urban design seems to be mainly limited to investigating where creativity comes from and how designers think rather than any examination of the process of negotiating urban design. Writing on urban design falls mainly under the literature of architecture where the "...emphasis on great and notable individual buildings pervades the literature. For architects, the seminal and unusual structures are what is important, for they epitomize individual creativity and chains of influence." I would broaden this a little to say that where great urban spaces are written of, it

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133 Planning in the Face of Power (1989) has one chapter that discusses negotiating design. This is the most I have found written on the subject in one place in the planning literature.

is the notable, the unusual, and their chains of influence that are seen as important also, not how the details were worked out amongst the various parties who had a stake in the outcome.

My perspective is that while creativity and how designers think and create as individual actors is interesting, it does not address the practical matters of dealing with authorities having jurisdiction, peer reviews, client inputs and all the various ways a given plan might be called into question and have to be defended, changed and adapted. In other words, any practical analysis of how anything is built today must acknowledge the give and take of negotiation, and the literature leaves such an examination lacking.

As discussed in the introduction the iterative nature of my thesis was both rewarding and frustrating. I found it freeing to be able to move wherever the reading and discussions took me as I looked around the case study and the literature for something to focus on but the lack of directly useful information in the literature was taxing.

I have enjoyed learning what I have and feel that I have added some new and interesting information to planning knowledge. I hope that others build on this work.

A great help was from both the formal and informal interview participants who showed me that whether or not theorists had written about what they do, they were doing their jobs every day and as best as they could. This factor—of planners' everyday work being important to observe and understand—is the foundation of communicative planning. The professionalism I experienced vicariously through examining one aspect of planning work gave me a lot of hope for my planning career.

Epilogue

Jacobs argues (in 1992) that in planning we are caught somewhere between modernism and postmodernism. He predicts that the future of land use planning will be shaped by three trends:

1. Land use planning, particularly on the urban fringe, will become evermore plural. More individuals and more groups will assert more interest in land use planning. And all of them will argue, with evermore sophistication, that their perspective on the public interest is the appropriate one.

2. Land use planning will become evermore conflictual, among these individuals and groups and among the groups and land professionals.
3. Land use planning will become evermore political. The era of land use planning dominated by professionals is over, if it was ever really here.\textsuperscript{135}

I think that so far, Jacobs predictions are coming true. To work with these trends planners have to embrace pluralism and conflict resolution and accept that political landscapes will continue to shape the context of planning.

The negotiation process used in the development stage of Portside came about because of the unique situation presented by land ownership and the relative power of the stakeholders involved. The quality of the negotiations makes them something that should be duplicated even though this project was not built. To duplicate the negotiation process exactly one of two things would have to occur. Either the same land ownership situations would have to be in place or the participants in some future negotiation would have to want to enter into a similar process not because they had to but because it works.

It is not impossible that the stakeholders involved could be put into a similar situation as there are other pieces of real estate in and around the City of Vancouver that are owned by higher orders of government. But it would be unfortunate if this were the only situation in which this process was used.

Successful negotiations need quality collaborative/communicative processes. Key to obtaining high quality collaborative/communicative planning processes are applying the tools of bricolage and role playing and understanding the nuances of collaborative processes and sense-making conversations. By applying these tools and techniques any multi-stakeholder planning process would reap the benefits of mutual comprehension, rapid progress, and sound decisions.

\textsuperscript{135} (1992), page 162.
Appendix I

The language of urban design

What follows is a list of some key urban design terms and their definitions. Many of these words have other more common definitions and uses in everyday speech but these examples show how urban design has a lexicon all its own.

- **Accessibility**: usually referring to how well most people can gain access to a particular site or location on that site. Access can be manipulated to create anticipation. See also universal access.

- **Alignment**: the location of the centreline of some channel (usually a roadway) in three-dimensional space. Alignment is usually broken down into horizontal and vertical components to aid schematic analysis.

- **Approach**: the assumed direction of access to a site when analyzing a particular component of it.

- **Building line(s)**: imaginary line at the front of a property beyond which structures are not permitted to protrude and often must be built up to create visual continuity from the street.

- **Circulation**: the network of movement of people, information or objects in and around a given site.

- **Closure**: signifies the definite end of one visual theme, perhaps before the beginning of a new one.

- **Continuity**: relation of different parts of the built environment to one another without exact repetition.

- **Cut and fill**: removing and repositioning earth to reform the natural contour of the site.

- **Density**: in relation to urban design it means the intensity of land use either on a site or in a specified area.

- **Enclosure**: different than closure, this refers to a visual surrounding edge or definition of a space, whether or not there are actually multiple points of entry.

- **Floor area ratio** (or **floor space ratio)**: the sum total of each storey’s area measured to the outside of it’s’ walls and divided by the area of the lot or site.

- **Form**: the overall visual picture. This is urban design in its broadest sense.
• Grade: the slope and contour of the site—often manipulated.

• Grain: the mixture of land uses across several sites and how their different densities are juxtaposed.

• Intersection(s): visual or physical meeting points where flows or lines of sight meet.

• Linkages: elements joining one distinct aspect of the built form or the landscape to another.

• Orientation: direction of the entrance or opening of the project, often in relation to the city or other sites.

• Program (programme): usually as in ‘program of spaces’ which is the intended use and ordering of the site.

• Rights-of-way: legally delineated public access channels for utilities and other needs through private property.

• Scale: relative size compared to some standard, usually life-size. Can also be a general term for design size compared to the human figure.

• Setbacks: building lines around all sides of the property beyond which structures are not permitted to protrude.

• Shadow analysis: determination of how sun blockage by proposed structures at different times and in different seasons impacts neighbouring structures and sites.

• Subdivision: creating multiple parcels from a smaller number of original parcels. Subdivision can be done in three dimensions with new parcels being created above ground level.

• Transitions: points where there is a change from one style to another or from one intended use to another.

• Universal access: referring to ease of access for all potential users; with particular reference to people with disabilities.¹³⁶

These terms are used commonly by professionals involved with urban design.¹³⁷ There are other terms in use but these underline both the unique application of words that make this a ‘language’ unto itself and the difficulty interpreting three-dimensional space. This last point is perhaps the more important of the two, although an understanding of the language of design is necessary for negotiating over elements of design.

¹³⁶ I acknowledge referring to Kevin Lynch’s (1962) Site Planning to compare some of my definitions to his.

¹³⁷ I speak from the experience of having been involved in a major redevelopment project for nine months working on how the project fit into the urban fabric of the city.
Appendix II- Interview question sheet as sent to interview participants before interviews.

Name of interview subject: __________________________
Date of interview: __________

Statement to interviewees:
I am writing my Master's thesis on how people work out urban design details. I've got some ideas that I want to ask you about to see how what happens out in the real world measures up to what the theorists have to say. I want to ask you about 10 questions that will take about one hour. If you don't want to continue, please tell me the interview is over. I will be taping the interview and I will give you a copy of the transcript if you want. Do you think you will want a transcript? (Yes) ☐ (No) ☐.

I would be happy to hear about your general experience but it would be most helpful if you could think back to how you worked out urban design details of the Portside project in the process that led up to the signing of the comprehensive development agreement between the City of Vancouver and Greystone Properties in 1998.

Questions:
1. What was different about the CDA process from other design processes?
2. During the meetings what happened if not everyone there was involved as a design professional but you were talking design?
3. Describe some of the 'tools of the trade' that you have when you have to sit across the table from someone who might want something else out of the process?
4. How much do you plan ahead for how things will go?
5. Please describe how you handled meetings if there was potential disagreement.
6. How do you represent the interests of those you represent at the table?
7. In the urban design for this project, was there one right answer?
8. What is good urban design? (Added after the first three interviews: how much is that linked to the process that shapes it?)
9. Do you think this process changed relationships between the organizations involved? In what ways?
10. (For [certain upper management-level participants] only) How did you find a way around a sticking point that your staff couldn't solve?

THANK YOU VERY MUCH FOR YOUR TIME
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