FEE SIMPLE ROW HOUSING:
the link between tenure and residential building form
in achieving more complete communities

by

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ABSTRACT

The fee-simple row house, an attached housing form located on its own legal lot, is an innovative residential building type that currently cannot be built within the City of Vancouver according to existing zoning by-laws. A review of policies adopted by the Greater Vancouver Regional District and the City of Vancouver informed the identification of key themes that were then used as criteria to assess how the fee simple row house could help foster the creation of more complete, compact communities. In particular, the fee simple row house offers benefits in its ability to create the feel of single family housing in a ground-oriented medium density form. Concentrating on the link between tenure and residential building form, this thesis explores the potential benefits of developing fee simple row housing within the City of Vancouver as an alternative to condominium/strata title ownership.

The thesis proposes that fee simple ownership is a feasible and well-tested form of tenure for attached housing, which enables residents to experience more of the benefits of home ownership that have typically only been available in the single-family detached home. In contrast, condominium/strata title ownership has the ability to restrict the way in which owners use and enjoy their property and may be acting as a disincentive to the acceptance of higher density housing. Relevant legislation related to strata title ownership is presented and the subsequent discussion regarding the regulatory and legal implications of fee simple ownership concludes that mechanisms exist to effectively manage party wall and maintenance agreements between adjacent owners of fee simple row houses. In support of this argument is the thesis case study of the City of Vancouver’s Neighbourhood Housing Demonstration Project, which is exploring the creation of a fee simple row house zoning schedule and the development of a demonstration project to test this form of housing. Planners, developers and local residents are not familiar with fee simple ownership in attached housing and as a result, the housing stock in the Lower Mainland has very few examples of fee simple row housing. The City’s project has the ability to demonstrate the feasibility of fee simple ownership for row housing and may help alleviate some of the concerns around this type of housing.

This thesis contributes to the body of planning literature focused on implementing the theory of urban sustainability by providing a tangible example of an innovative housing form that can contribute to the creation of more complete, compact communities. Planners involved in the promotion of sustainable development practice encourage greater residential densities and increased housing diversity, yet have not readily addressed the link between tenure and residential building form. This thesis offers a review of some of the issues related to the introduction and development of an innovative and more sustainable housing form that can contribute to a more diverse housing stock: the fee simple row house.
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My interest in the topic of fee simple row housing was originally inspired by two individuals I met during my studies at the School of Community and Regional Planning. The first, Michael Geller, wrote an editorial piece for The Vancouver Sun on the opportunities of introducing fee simple row housing as an alternative to condominium ownership. Cameron Gray, who has been the champion of the project at the City of Vancouver, is credited with advancing the idea of introducing fee simple row housing through to the conception of the Neighbourhood Housing Demonstration Project. From these beginnings, I put together a research approach that allowed me to investigate the motivations behind the City’s desire to introduce fee simple row housing. I am sincerely thankful of Dr. Tom Hutton’s enthusiasm and interest in my research topic and for his thoughtful advice and support. I am grateful of the help I received from Dr. Penny Gurstein, who offered important guidance during the initial stages of my research, Rob Whitlock, who provided insight into intricacies of the City’s demonstration project and Robert Worden, who shared his knowledge of the traditional row house form. Thanks are also due to my colleagues at SCARP who have provided both inspiration and encouragement during our adventures at planning school.
CHAPTER 1: INTRODUCTION

The goal of sustainable development is to meet the demands of the present without compromising the needs of the future. Applying this concept to the urban environment requires a re-examination of how cities are built so that future development better balances environmental, economic and social considerations. The residential landscape is an integral aspect of the urban environment and the typical pattern of housing development in North America, which emphasizes the single-family detached house, is not a sustainable model for future urban growth. While the low-density single-family neighbourhood has been a favoured residential form, current planning theory calls for the development of more complete, compact communities that can help achieve the goal of sustainable development.

New standards and practices are emerging that encourage and support the development of sustainable communities. The new urbanism movement encompasses a range of planning approaches, including traditional neighbourhood design, complete communities and compact development, which focus on the practice of sustainable development. While the theory supports the application of such practices to both greenfield and infill development sites, the concepts have been more readily tested and implemented in new suburban settings. In this era of re-examination, however, there is a need to concentrate efforts on making existing communities more sustainable. In particular, planners, architects, developers and citizens are challenged with the transformation of established low-density neighbourhoods through the appropriate application of responsible, sustainable re-development practices.

Urban theorists and planning practitioners have identified residential intensification as a means of facilitating this transformation by focusing development on underutilized lands within established districts, rather than expanding the footprint of development at the urban periphery. As such, intensified development often involves the introduction of new housing forms into existing single-family neighbourhoods. Residents, however, often fear that higher density housing alternatives will erode the qualities of livability.
that they identify with the single-family neighbourhood and therefore are often hesitant to accept change. The ground-oriented nature of the single-family house is a characteristic that can be applied to medium density housing alternatives to help integrate new residential forms within an established neighbourhood. The introduction of ground-oriented medium density housing, such as duplexes, townhouses and row houses, is seen as a means of implementing the concept of urban sustainability through residential intensification. When referring to the features of ground-oriented medium density housing (GOMDH), planners often note the importance of providing direct street-level entrances and individual outdoor spaces for each unit as means of enhancing the attractiveness of medium-density housing alternatives. GOMDH has been readily accepted on the merits of its physical design and its ability to retain some of the characteristics of the single-family detached home that potential buyers deem central to the concept of home. Exploring this avenue of investigation, the topic of fee simple tenure, the typical ownership arrangement for single-family detached homes, is an additional characteristic that could also be applied to medium density housing alternatives to increase their marketability to people looking for alternatives to the single-family detached home.

This thesis examines the current body of theory in sustainable residential development, focusing on the application of the complete community and compact city models in established residential neighbourhoods and the practice of residential intensification. The fee simple row house is presented as an alternative form of ground-oriented medium density housing that could help implement the concept of urban sustainability within existing residential neighbourhoods. The traditional row house form has unique design features and tenure opportunities that can complement the character of the single-family detached house and help create more livable residential neighbourhoods and more complete, compact communities. The complete community model attempts to combat urban sprawl by encouraging the development of more clustered, compact communities that offer proximate services and employment opportunities. Developing medium-density housing is an accepted means of achieving more compact communities. The introduction of fee-simple row housing could help achieve higher residential densities without compromising community character, by offering a residential form that
retains the ground-oriented and fee simple tenure characteristics of the single-family detached home.

CONTEXT

The impetus for developing more sustainable approaches to residential growth stems from an accepted understanding of the shortcomings of the current suburban model of development. The single-family residential prototype demands a high consumption of land, infrastructure and services, resulting in a sprawling and inefficient land use pattern that continues to advance into undeveloped lands at the urban periphery. Single use residential neighbourhoods are increasingly isolated from shopping and employment opportunities, forcing residents to travel greater distances to work, shop and play in districts that are physically separated and disconnected from their place of residence.

The roots of suburban sprawl reach back to the early post-WWII era when the increased demand for homes following the population boom led to the proliferation of the single-family detached house as the primary residential dwelling type. Inexpensive land, emerging mass-production techniques and public investment in transportation infrastructure made increasingly large areas of land around city centres easily accessible (Dingemans, 1975). The "American Dream" describes the ideal living situation: a single-family home set on a private lawn, far from noisy, dirty urban centres. Realizing this dream, urban residents flocked to the suburbs, to the conventional single-family detached home, enshrined upon a private lot isolated from neighbouring homes and adjacent streets by a series of prescriptive setbacks. This low-density residential development pattern demands large lot sizes, which translate over time into high-cost housing as the urban land supply diminishes. The resulting sprawling development pattern seeks inexpensive lands at the urban periphery, thereby straining transportation infrastructure, promoting automobile dependency and undermining current efforts to conserve energy, reduce air pollution and alleviate traffic congestion.

The housing forms and development patterns known as suburban sprawl are widely regarded as the most costly in terms of resource consumption and pollution. Many have suggested that suburban sprawl is also socially...
and psychologically destructive.... The wide lots discourage walking and people become isolated from their neighbours. There is no incentive to neighbouring or collective action, except when property values are threatened by some change in the character of the area, especially if a proposed change involves more efficient use of land and facilities. The common dream of single detached housing on wide lots may well stand in the way of sustainable development because of its reliance on commuting and its wasteful use of land and infrastructure (Taggart, 1993:2).

The continued proliferation of new communities composed only of the large-lot single-family housing archetype has the potential to compromise the economic, social and environmental sustainability of communities. While the cultural attachment to the single-family detached home is strong, an increasing awareness of the limited supply of available land has prescribed the need for more sustainable development patterns offering a range of housing options at varying densities.

Planners and architects have been working to identify more sustainable types of land use and have recently promoted the ideals of traditional town planning when designing residential developments. The new urbanism approach is informed by architectural and urban patterns from the past, and promotes the development of higher-density, mixed-use, pedestrian-oriented neighbourhoods. Talen (2000) notes that new urbanism represents a normative theory based upon a set of principles that have long influenced the tradition of planning and design theory; the new urbanism approach is unique, however, because it has linked the basic principles into a prescriptive theory on how urban development should occur. “While new urbanists must be credited with being the current champions of the idea of mixing land uses, rejecting single use zoning, integrating housing types, and giving public transit and public space more prominence, the basic principles are central to much of planning theory and criticism, both past and current” (Talen, 2000:324). The new urbanism approach has received significant criticism from planning theorists, which have cited “its tendency toward cultural elitism, homogeneity, and worse, nostalgia” (Talen, 2000:318). In contrast, “planning practitioners emphatically endorse the new urbanist ideal, viewing it simply as the most recent articulation of a reoccurring planning theme” (Talen, 2000:318). Despite the ongoing debate regarding the merits of new urbanism, planning theorists and
practitioners agree that the underlying principles of a compact and accessible urban form are valid planning goals. Accepting this normative approach, planners within the Greater Vancouver Regional District (GVRD) are investigating means of achieving more complete, compact communities. In terms of residential development, a diverse and integrated housing stock containing single-family detached homes, ground-oriented medium density housing and higher density apartment units is considered one of the characteristics of more complete, compact communities.

New urbanism calls upon history to influence the way communities are built. A review of historic urban settlement patterns reveals a sustainable and efficient housing style that has flourished in many English, European and older North American cities. The row house, a narrow-front attached housing form, is a successful example of increased-density residential development that may respond to the present need for sustainable housing alternatives that can potentially be integrated into existing, established residential neighbourhoods.

While multi-family housing has existed for centuries, it has only recently become an accepted and popular alternative to single-family dwellings in North American cities. As the increasing cost of land has made medium and higher density housing a more affordable choice, buyers are looking for new options in the design and structure of multi-family dwelling units beyond the basic condominium and co-operative buildings available today. The traditional fee simple row house, an attached housing unit located on its own individual lot, responds to the policy directions adopted by the GVRD and the City of Vancouver for the creation and implementation of more complete, compact communities, while retaining more of the desirable features of the single-family detached home.

PROBLEM STATEMENT

Although fee simple row houses are common in many older eastern American and Canadian cities, this housing form cannot readily be built in the City of Vancouver
according to current zoning and subdivision by laws. The housing stock in the City of Vancouver does not contain any fee simple row houses or ground-oriented multi-family units owned in freehold arrangement. Rather, strata corporations, which are legislated to enforce rules and regulations regarding the use of strata/condominium properties, govern almost all of the ground-oriented multi-family housing in the City of Vancouver. Strata ownership is a form of property tenure that that adds another level of governance to the residential landscape, which has the power to control the manner in which owners use and enjoy their properties. Often viewed as a cumbersome and restricting body, strata councils can limit owners from enjoying the full benefits of home ownership that a fee-simple arrangement allows.

Despite the existence of successful examples of fee simple row housing from a wide range of urban contexts, this form of housing has not yet been brought to the City of Vancouver. The reasons why fee simple row housing is not popular in the Lower Mainland are difficult to discern. It could be argued that planners, developers and residents of the Lower Mainland are relatively unfamiliar with the fee simple row house model and as such there has been limited interest in the development of a new housing product that is untested within the local market. In addition, the condominium form of ownership, which has existed in British Columbia since the mid-1960s, became the accepted form of tenure for multi-family housing projects that were introduced at this time; in contrast, fee simple ownership of attached housing has its roots in older urban centres. These explanations offer insight into why fee simple row housing is not a common residential building type within the City of Vancouver and provide a glimpse of the current constraints to the development of fee simple row housing that the City is endeavouring to overcome in the advancement of its Neighbourhood Housing Demonstration Project.

PURPOSE & RATIONALE

The purpose of this thesis is to present fee simple row housing as an example of ground-oriented medium density housing that can offer a constructive link between an
innovative residential building form and urban sustainability. The City of Vancouver’s Neighbourhood Housing Demonstration Project is reviewed as a case study to assess how the implementation of fee simple row housing could provide advances toward the development of more sustainable land use patterns in the city. The City of Vancouver, in partnership with VanCity Enterprises, is supporting a fee simple row housing demonstration project that will inform the development of a row house zoning schedule, which subsequently could be used elsewhere in the city to support the development of the row housing form.

APPROACH & RESEARCH QUESTIONS

The normative approach taken to address the research questions reflects an advocacy position in support of the thesis statement that fee simple row housing could form a feasible link between residential building form and the creation of more complete, compact communities. Talen (2000) notes that normative theorizing is a common planning practice, which is meant to help inform the process of making cities better places. “Planning exists to serve the public interest, and normative theorizing plays a critical role in that service by providing a value structure for what is meant by ‘good cities’” (Talen, 2000:322). This thesis presents fee simple row housing as an innovative housing form that offers important links between consumer demand for the characteristics of the single-family detached home and the planning movement toward higher residential densities. The issues of tenure and residential building form are addressed using a normative approach, based upon the analysis of regional and local government policies that call for the creation of more complete, compact communities. In order to fulfill this purpose, the following research questions will be addressed:

What are the benefits of developing fee simple row housing in the City of Vancouver?
• What is the planning rationale for developing fee simple row houses?
• What regional and municipal planning policies support the development of this type of housing?
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- How could fee simple row houses help contribute to the creation of more complete, compact communities?

How is the City of Vancouver facilitating the development of fee simple row housing?
- What is the purpose of the Neighbourhood Housing Demonstration Project and what are its potential benefits?
- What have other municipalities within the GVRD done to support this type of housing?
- What are some of the regulatory and legal implications of developing fee simple row housing?
- What are some of the potential directions for future research in support of implementing fee simple row housing?

RESEARCH METHODOLOGY

A qualitative research methodology can be categorized into four major realms of activities: participant observation, non-participant observation, interviewing, and archival research (Lee, 1999). Research strategies employed to address the thesis questions rely primarily upon the fourth category and include a comprehensive literature review to gather relevant planning theory on the topic of urban sustainability (including complete communities, compact cities and residential intensification) and an examination of current planning documents from the GVRD and the City of Vancouver to identify strategies for the development of increased-density housing.

Neuman (1997) notes that the role of the qualitative researcher is to analyze data by organizing it into categories on the basis of themes, concepts or similar features. Based upon a qualitative research methodology, observations garnered through the literature review of the relevant planning theory and related policy applications were used to discern meaningful themes or categories of information. The key themes were then used as criteria to form the basis of analysis whereby the fee simple row house is discussed in relation to its ability to meet the objectives of the identified themes.
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Following that, the thesis case study of the City of Vancouver’s Neighbourhood Housing Demonstration Project is presented. As such, the planners, developers and architects involved in the project are key informants. A series of informal interviews assisted the research and provided insight into the purpose and perceived benefits of the project. Research to develop the summary of local case references where fee simple row housing is either in existence or being developed is based upon a review of local policies and regulations contained in Official Community Plans (OCPs), zoning bylaws and related documentation and was complemented in some cases by discussions with planners and practitioners involved in the planning and development of this form of housing. The thesis concludes with a summary of the findings, linking the relationship between tenure and residential building form, presenting fee simple row housing as an innovative housing alternative that could help create more complete and compact communities.

SCOPE & LIMITATIONS

This chapter is intended to identify the purpose of the research, defining why the study is important to planners, to outline the conceptual context of the research, identifying the guiding or informing information, and to present the methodology applied to the analysis of the research questions. In addition, it is important to note in this chapter the scope and limitations of the research.

The research findings provide a rationale in support of developing fee simple row housing as an alternative residential building form that can help contribute to the creation of more complete, compact communities. Using urban sustainability as the informing planning theory, the thesis identifies the regional strategies and municipal policies in support of introducing ground-oriented medium density housing as a means of creating more complete, compact communities. Key themes from the regional planning strategies adopted by the Greater Vancouver Regional District and the municipal planning directions employed by the City of Vancouver are identified. The fee simple row house is then presented as a form of ground-oriented medium density housing which reflects the desired themes. The research centres on the ability of the
fee simple row house to retain some of the characteristics traditionally available only in single-detached housing. The topic of fee simple tenure is the focus of the thesis as it is proposed to be one of the key features of the single-family detached home that can be applied to ground-oriented medium density housing forms to enhance their attractiveness. Housing tenure is a topic that has not extensively been addressed by planners, and it is the intention of this thesis to provide insight into the importance of providing ownership alternatives in medium density housing to advance the creation of more complete, compact communities.

Because the research methodology employed is based upon qualitative research strategies, which are well suited for describing, interpreting and explaining certain phenomena, there are limitations to the research that should be noted. The first part of the thesis answers the question regarding the benefits of introducing fee simple row houses in the City of Vancouver, by linking fee simple row houses to the strategies and policies adopted by the regional and municipal governments. The thesis case study describes the City of Vancouver’s Neighbourhood Housing Demonstration Project on fee simple row housing. Because the key informants to the study are members of the project team, their opinions and ideas are recognizably biased in support of the thesis question. However, as one of the research questions is to identify how the City of Vancouver is facilitating the development of fee simple row houses, it is valid to gather research information from the staff and project members directly involved in the development of the proposal. A second limitation further relates to the use of the City’s Neighbourhood Housing Demonstration Project as the case study. Because the project is still in the conceptual phase, there remain many unanswered questions regarding the feasibility of developing fee simple row houses. The City’s project team is engaged in work to address such issues and will be reporting on the findings of further research as the project progresses. Therefore, this thesis presents only a snapshot of the issues related to fee simple row houses, as they exist at this time.
Following this introductory chapter, Chapter 2 provides a review of the planning literature and related regional and municipal government policies from the local context. Chapter 3 introduces the row house, documenting the history of the row house and its interpretation in various urban contexts. Chapter 4 outlines the relevance of the row house to current investigations into the identification of GOMDH options. Chapter 5 presents research supporting the consideration of fee simple tenure of row houses. Chapter 6 discusses the thesis case study, outlining the goals of the City of Vancouver's Neighbourhood Housing Demonstration Project. Chapter 7 concludes with the research findings, outlines the planning implications and identifies areas of further research direction.
CHAPTER 2: COMPLETE COMMUNITIES

This chapter introduces the theory of urban sustainability, which informs the investigation into achieving more complete and compact communities. As a means of implementing the complete community and compact city models, the practice of intensifying residential land uses within existing lower density neighbourhoods is discussed and provides a framework for the study of ground-oriented, medium density housing options. A review of recent planning documents and policies, from both the Greater Vancouver Regional District and the City of Vancouver, is provided to document agency support for the introduction of new housing forms as a means of achieving more sustainable communities. The discussion is focused on ground-oriented, medium density housing, which offers an important bridge between single-family detached houses and higher density housing forms, such as apartment buildings. The fee simple row house, to be described in Chapters 3, 4 and 5, is presented as a type of ground-oriented, medium density housing which is not readily available within the City of Vancouver’s current housing stock. This discussion provides the context for the case study investigation in Chapter 6 of the City of Vancouver’s Neighbourhood Housing Demonstration Project, which proposes the development of fee simple row housing within the city.

URBAN SUSTAINABILITY

Since the release of the Brundtland report, Our Common Future, in 1987 the topic of sustainable development has become part of the mainstream conscious. Concerns about the way in which the natural environment and its resources are being used have focused research toward the establishment of sustainable development practices. The World Commission on Environment and Development defines sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (WCED, 1987:43). Although the planning profession has embraced the concept of sustainable development, significant debate around the role of cities in achieving sustainability continues. The term 'urban
sustainability' is subject to a myriad of different interpretations. It has been suggested that a sustainable city must be of a form and scale appropriate to walking, cycling and efficient public transportation, and with compact land uses that encourage social interaction (Jenks, Burton & Williams, 1996). This definition focuses on the relationship between urban form and sustainability, promoting a concentrated and compact development pattern. This interpretation of the urban sustainability theory is premised on urban containment, which promotes a concentration of socially diverse mixed uses that clusters development and minimizes travel distances and therefore reduce vehicle emissions. The promotion of compact development is suggested as a possible means of transforming urban centres into more sustainable cities. The vision for the compact city with higher densities that support a greater mix of activities and land uses is often contrasted by fears that the compact city may become overcrowded and congested, thereby resulting in the loss of urban quality (Jenks, Burton & Williams, 1996). The theory suggests, however, that the sustainable city can be achieved through the appropriate balance between concentration of land uses and the preservation of accessible urban open spaces. Focusing on the residential component of the urban environment, greater urban sustainability can result from the increase in density and diversity within residential neighbourhoods.

Most advocates of sustainable development promote greater urban densities; therefore, enhancing the sustainability of residential landscapes requires some increase in net residential densities within the typical suburban setting. In recent decades the size of the average suburban lot has continued to increase even as average household size has decreased. As a result, urban densities decline. “Between 1951 and 1991, the mean number of persons per household in Canada fell from 4.0 to 2.7. The size of dwellings constructed, however, did not diminish in the same way” (Grant and Manuel, 1996:337).

Traditionally, many North Americans have defined success in terms of a big house on a big lot. However, increasing population levels require us to reconsider such cultural attitudes and embrace more efficient land use patterns and multi-family housing types that offer more sustainable and affordable options. Municipal policies, regulations, and actions should enable developers to construct a range of housing types, prices and
tenures within compact residential neighbourhoods. In addition, planners can facilitate the transition to more sustainable land uses through community consultations with residents of low-density neighbourhoods to garner support for alternatives to the single-family detached home (Grant and Manuel, 1996). Planning approaches that are gaining support from local government agencies and citizens alike are the complete community concept and the compact city model which promote the implementation of sustainable development practices at the local neighbourhood level.

COMPLETE, COMPACT COMMUNITIES

The complete community concept is a planning approach and urban development model that emerged in response to the problems associated with the contemporary form of suburban development. “Lower-density and scattered development increases the costs of services and infrastructure provisions, at least for linear infrastructure. It also increases land and energy consumption, increases the direct and indirect costs of travel, inhibits social interaction, and discourages social...integration” (Bourne, 1996:700). Designed to manage growth while enhancing the quality of life within communities, the model prescribes a series of strategies to create communities that better balance land uses by offering a wider range of opportunities for working, shopping and recreating within close proximity to residential neighbourhoods. The complete community model calls for a more compact urban form with a variety of land uses concentrated within defined neighbourhood areas. Increased density development can help create a more complete community by increasing the diversity of land uses and activities available within an urban or suburban neighbourhood. An increase in residential density brings more people into a neighbourhood and, in turn, can help support a greater variety of local services, thereby creating more complete communities. “The implementation of the compact city concept, through intensification, is one example of action proposed to achieve sustainable cities” (Burton, Williams and Jenks, 1996:235).

The term ‘urban intensification’ is widely used within discussions of urban form, but generally relates to the range of processes that make an area more compact (Williams,
Burton and Jenks, 1996 and Lewinberg, March 1993). Williams, Burton and Jenks (1996) provide a range of definitions for the term urban intensification, which collectively emphasize the use of existing urbanized lands before developing suburban greenfield sites by encouraging development to occur within the boundaries of the existing urban footprint. Urban intensification can therefore be defined as the concentration of people and buildings within existing urban areas. "Unless new settlements are built, more compact cities can only be achieved through a process of making existing cities more dense, of encouraging more people to live in urban areas and of building at higher densities: of 'intensifying' cities" (Williams, Burton and Jenks, 1996:83).

A compact urban pattern supports a wider range of housing forms, allowing for a greater diversity of residents to move into, and continue living in, neighbourhoods that before only offered single-family detached homes. Accommodating a greater social mix within a more complete, compact community fosters the creation of a stronger sense of community (Isin and Tomalty, 1994). Talen (1999) notes that the relationship between mixed land uses, social interaction and sense of community was first articulated by Jane Jacobs (1961), who promoted the juxtaposition of places of residence with places to work, shop or recreate to encourage social integration within urban environments. The complete, compact community model creates such opportunities for local shopping and employment, which encourages and complements transit use and alternative forms of transportation. Providing local choices enables residents to make lifestyle changes that can decrease automobile use, improve air quality, enhance infrastructure efficiencies and increase affordability.

[The] compact city has a variety of definitions but in general is taken to mean a relatively high-density, mixed-use city, based on an efficient public transportation system and dimensions that encourage walking and cycling. It contrasts with the car-oriented 'urban sprawl' of many modern towns and cities. The process of achieving urban compactness is usually termed 'intensification', 'consolidation' or 'densification', and involves the re-use of brownfield land, more intensive use of urban buildings, subdivisions and conversion of existing development and an increase in the density of population in urban areas (Burton, 2000:1969).
The compact city as a model of urban development is said to offer a series of sustainability benefits, including less car dependency, better public transportation services, reduced energy consumption, the re-use of infrastructure and previously developed land, the rejuvenation of existing urban areas and urban vitality, a high quality of life and the preservation of green space (Thomas and Cousins, 1996:53). However, critics of the model refute the conclusions that the compact city can achieve the sustainability goals listed above. The debate places those in favour of a more compact urban form, the 'centrists', against proponents of a more decentralized land use pattern, the 'decentrists'.

The case against the centrists rests on four main points: first, the likelihood that it will not deliver the environmental benefits claimed; second, the probable impossibility of halting urban decentralisation, whether it is regarded as desirable or not; third, that some greenfield development is inevitable even with compaction policies; and fourth, that higher urban densities are unlikely to bring about the high quality of life that the centrists promise (Breheny, 1996:30).

Gordon and Richardson (1997) evaluate the worth of the promotion of compact cities as a planning goal, also questioning some of the reported benefits of compact urban development. In terms of residential densities, for example, the authors stress the importance of considering research that shows that “low-density settlement is the overwhelming choice for residential living” (Gordon and Richardson, 1997:96). Consumer surveys testing residential density preferences show strong support for suburban living (Gordon and Richardson, 1997 and Isin and Tomalty, 1994).

Certain constraints to intensification can be identified: a strong consumer preference for single-family houses on large lots, a development industry geared to production of this one housing type, a myriad of land use regulations and development standards that impede moves toward a more compact and diversified form of development, and an absence of financial incentives to encourage both the production and consumption of intensified housing forms (Stevenson et al, 1993:13).

The challenge then, is to assist suburban neighbourhoods in the transition to more sustainable residential patterns by offering a greater variety of choice in housing types that provide the benefits of the single-family detached home yet at higher densities; increasing the diversity of housing types within a neighbourhood through residential
intensification can allow for a more compact urban form that accommodates a greater number of people. Supporters of residential intensification are not proposing to develop high density housing in single-family neighbourhoods, but rather to diversify the types of housing available by increasing the supply of medium density housing options. "There are already sufficient examples around to illustrate that they do not have to be high rise, that they will still include a large component of single detached and attached freehold homes on their own plot of land" (Lewinberg, March 1993:5).

The problems presented during the debate about the validity of the compact city model relate to the unsupported claims that a compact urban form will provide sustainability benefits, the uncertain social acceptability of the higher urban densities and the gap between the compact city concept and acceptable, successful tools to implement the theory (Burton, Williams and Jenks, 1996). Planners, therefore, are confronted with the need to assist in the implementation of successful examples of acceptable residential developments that can then be tested to validate or refute the sustainability claims. The use of ground-oriented housing types developed at medium densities can contribute to the compactness of a neighbourhood without significantly compromising the character of the single-family residential landscape. Sensitive design of such housing so that new medium density, multi-family projects complement the character of the existing neighbourhood will be necessary to gain the acceptance and support of residents when new housing types are developed within their community.

It is a truism to say that residents typically do not like the change that intensification brings to their neighbourhood. At the very least, they want the new building to fit into the neighbourhood, perhaps even acknowledging local building characteristics such as colour, pattern, scale, rhythm, materials, etc. Residents want new buildings to fit in and be good neighbours. In short, they are looking for contextual architecture (Borooah, 1993:6).
LOCAL SUPPORT FOR COMPLETE, COMPACT COMMUNITIES

Despite the ongoing debate about the role of the compact city in achieving urban sustainability, the regional and local governments in the Lower Mainland have embraced the complete community concept and are working to implement more sustainable land use patterns through the process of intensification. A compact urban form is a founding principle of the complete community model employed by the Greater Vancouver Regional District (GVRD) and its member municipalities. The GVRD adopted in 1996 the *Livable Region Strategic Plan (LRSP)*, which presents a shared regional vision for the future of land use and transportation development within the Lower Mainland that will accommodate the expected regional population growth of over three million people by the year 2021, while preserving the environmental, economic and social sustainability of the region. The plan proposes four fundamental strategies: protect the green zone, build complete communities, achieve a compact metropolitan form and increase transportation choice. Implementation of the policies set out within the *LRSP* will help achieve the goals of sustainable development within the region (1996a).

The goals of creating more complete communities within a compact urban form apply directly to the transformation of existing low density, single use neighbourhoods into more sustainable communities. The GVRD proposes that more complete communities can be achieved by increasing diversity in three key areas: housing alternatives in the medium density range between single-family detached houses and apartments, transportation alternatives to the automobile, and creating community cores of varying sizes to provide people with more opportunities to shop, work and enjoy life closer to home (GVRD, 1995). In addition, the plan proposes that more compact communities can be achieved by concentrating a larger share of residential growth within the municipalities occupying the Burrard Peninsula (Vancouver, Burnaby, New Westminster), the Northeast Sector (Anmore, Coquitlam, Port Coquitlam and Port Moody), north Surrey and north Delta, collectively defined as the Growth Concentration Area (GVRD, 1996a). The intensification of residential land uses within this Growth Concentration Area can help create more complete, compact communities that will allow more people to live...
closer to their jobs and to make more efficient use of existing infrastructure within the already built up areas of the region.

Grant (1997) reviews the impetus for the complete community strategy adopted by the GVRD, noting three fundamental changes in the region and its residents. First, the suburban pattern of development has resulted in a fragmented and incomplete form where residential, shopping and employment districts have spread across the region in a disconnected manner, creating isolated enclaves of single use zones. Second, population dynamics within the region reflect recent trends toward smaller families, and aging residents that demand alternatives to the single-family detached home and automobile-dominated lifestyle of the contemporary suburbs. Third, Grant addresses the changing values among residents within the region; an increasing environmental ethic and an understanding of the limitations of the current model of development has inspired residents to desire changes in the way they live and work within the region. However, Grant notes several inconsistencies between these changing values and practiced lifestyle choices.

At the same time, they continue to drive their cars, resist smaller 'starter' homes within their neighbourhoods and oppose attempts to increase diversity of local shopping and service areas. This inconsistency between values and actions may be due to scepticism that the planning and development system can deliver sensitive, quality housing and commercial buildings suitable to established neighbourhoods. It may also reflect that there is insufficient choice and opportunity within the current suburban form to allow people to live according to their values (Grant, 1997:14).

Recognizing the gap between theory and practice, the GVRD and its member municipalities have worked to translate the broad policy objectives into tangible projects that demonstrate the application of sustainability theory within the region. The provision of accessible examples of the theory in practice will help foster a better understanding of how sustainable development can occur and engender greater comfort and acceptability of the ideas presented within the regional plan.
Ground-Oriented Medium Density Housing

The LRSP contains policy aimed at expanding housing choice within the Lower Mainland by increasing the supply of ground-oriented medium density housing (GOMDH) units. The term 'ground-oriented medium density housing' describes a broad housing category that includes any structure type where the entry to a dwelling unit is from the outside rather than from an interior corridor and where most dwelling units have a direct connection between the front entry and the ground (GVRD, 1996b). Housing types in this category include single-detached houses, duplexes and triplexes, townhouses and row houses, as well as stacked townhouses and stacked row houses. The medium density component of the definition implies that housing densities will be in the range of 10 to 40 units per acre (GVRD, 1996b). For the purpose of this thesis, the definition presented above will be used when reviewing the municipal policies and regulations in support of ground-oriented medium density housing. In particular, the thesis focuses on the ground-oriented medium density housing units contained within multi-family structures as they offer greater density increases within housing forms that offer a viable alternative to the single-family detached house. By maintaining some of the features of the single-family detached home that residents find appealing, ground-oriented medium density multi-family housing structures can help advance the transition toward more sustainable residential development.

The GVRD's interest in investigating GOMDH stems from the LRSP. Research during the development of the LRSP concluded that there would continue to be strong demand from Greater Vancouver residents for ground-oriented housing and that current land use regulations would not accommodate the number of ground-oriented households targeted by the LRSP (CitySpaces Consulting, 1998). In order to address this gap between policy and reality, the GVRD's Housing Task Group began an investigation into the local and regional issues related to this type of housing as a means of encouraging the production of additional GOMDH that will meet the targeted demand identified in the
GOMDH offers the benefits of individual, ground level entries and private outdoor spaces available with the single-detached home, yet at higher densities that can help achieve more sustainable, complete, compact communities.

Since adoption of the regional plan, the GVRD and its member municipalities have worked to put the concepts and ideas into practice throughout the region. Separate policy papers have been prepared to address individual strategies and to outline means of successfully implementing the broad policy statements. In addition, the GVRD produces annual reports on the implementation of the LRSP. The 2000 Annual Report: Livable Region Strategic Plan tracks the implementation of the plan's policies and documents the steps toward achieving the goals outlined in the 1996 plan. One of the indicators used by the GVRD to assess the development of complete communities is the availability of housing choice. Significant gains have been made during the 1990s to increase the variety of housing types within the Lower Mainland; approximately 75% of all new housing built in the region have been multi-family dwellings (townhouses, row houses, duplexes and apartment buildings) (GVRD, 2000).

Although apartment units composed a significant portion of this sector of the new housing stock, trends show that the ground-oriented medium density housing sector has been gradually gaining a greater proportion of the regional housing mix over the last 30 years. The following chart illustrates the proportional composition of the regional housing stock (single-detached dwellings, ground-oriented medium density dwellings and apartment units) between 1961 and 1996.

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1 See CitySpaces Consulting Ltd. The Regulatory Environment for Ground-Oriented Medium Density Housing: Greater Vancouver, 1998.
The Census data indicate that the apartment share of the regional housing mix experienced an early period of growth followed by a levelling off around the 30-35 percent mark, while the demand for ground-oriented medium density housing units has steadily been increasing within the GVRD over the reported period. These changes in the regional housing mix reflect the regional trend toward alternatives to the single-detached home, which has experienced a persistent and long-term decline in the regional housing stock, from 76 percent of all dwellings in 1961 to 45.5 percent in 1996. The GVRD's 2000 Annual Report states that increasing the supply of ground-oriented medium density housing is the result of continued demand (especially as the population
ages), continued design and development innovation in making this type of housing attractive and compatible with existing neighbourhoods and on-going efforts by local government to encourage the provision of this housing through land use policies and regulations that allow for the required greater flexibility (GVRD, 2000). Changing the housing mix to a more diverse housing stock composed of ground-oriented medium density housing and apartment units in addition to single-detached homes not only adds variety to neighbourhoods and communities, but also means that less land is consumed for residential development.

Building upon the work initiated by the GVRD's Housing Task Group, individual municipalities within the Lower Mainland have begun investigations into the development of policies and regulations to support ground-oriented medium density housing. The following section presents the City of Vancouver’s policy directions in support of developing more complete communities, introducing the City’s planning programs that are working to implement more sustainable development practices. A review of the work underway by other municipalities in the Lower Mainland in support of ground-oriented medium density housing, focusing on fee simple row housing, is provided along with the discussion of the thesis case study in Chapter 6.

The City of Vancouver: Directions For Complete Communities

In June of 1995 Vancouver City Council adopted CityPlan: Directions for Vancouver, which presents a broad vision for Vancouver’s future in light of regional growth. Based upon three years of extensive community consultation, CityPlan represents a comprehensive package of policies that will direct future planning within the city. The policy directions guide the city's transition toward more sustainable development by encouraging the creation of distinct neighbourhood centres designed to accommodate mixed uses within an environment that favours alternative forms of transportation. One of the broad policy directions articulated within CityPlan is the need to increase neighbourhood housing variety.
Neighbourhood centres will provide a greater variety of housing in single-family neighbourhoods – townhouses, rowhouses, and apartments – for people at different stages of life and of different incomes. Older people will be able to stay in the community where they've lived most of their lives. More young people and young families will be able to find homes in their familiar neighbourhoods (City of Vancouver, nd:2).

In addition, the topic of housing affordability was addressed within CityPlan; “New City programs will encourage some lower cost market housing so a range of people can continue to afford to live in Vancouver” (City of Vancouver, nd: 3). These two key policy directions support the investigation into the identification of innovative housing types that can help the city's low-density single-family neighbourhoods become more complete communities. CityPlan also articulates the need to design such new housing types so that they retain some of the characteristics of the single-family home, noting the need to “develop new forms of housing that appeal to people looking for features traditionally only available in single-family housing” (City of Vancouver, 1995).

SUMMARY

Urban sustainability is a key informing theory in the investigation into more complete, compact communities. The GVRD and the City of Vancouver have adopted policies in support of advancing the theory into reality by outlining directions to help implement sustainability goals and objectives. Recent efforts to advance the creation of more complete, compact communities through more sustainable residential development have focused on the need to offer a greater range of housing alternatives in the ground-oriented medium density category. The fee simple row house is presented as form of GOMDH that is currently underrepresented in the GVRD's housing stock, with only limited examples of such projects in existence throughout the Lower Mainland. The analysis applied to the thesis question regarding the benefits of developing fee simple row housing follows a qualitative approach. The following table presents the strategies and policy directions adopted by the GVRD and the City of Vancouver that relate to residential development. The key themes/criteria were developed following a review of planning policies and will be used as evaluative criteria that form the basis for the
FEE SIMPLE ROW HOUSING: the link between tenure and residential building form in achieving more complete communities.

analysis of the fee simple row house as a means of achieving more complete communities.

<table>
<thead>
<tr>
<th>GVRD'S REGIONAL STRATEGIES</th>
<th>VANCOUVER'S POLICY DIRECTIONS</th>
<th>KEY THEMES/Criteria</th>
</tr>
</thead>
</table>
| Livable Region Strategic Plan, 1996 | CityPlan, 1995 | Build Complete Communities
- Seek “a diversity of housing types, tenures and costs in each part of the region in balance with job distribution”

Achieve a Compact Metropolitan Region
- Seek “the identification of further opportunities for the location of ground-oriented housing, with particular emphasis on the Growth Concentration Area”

Neighbourhood Centres
- “Provide new and different types of housing in neighbourhoods with limited housing variety now”

Neighbourhood Housing Variety
- “Add more housing to single-family neighbourhoods — in new forms — to provide housing for neighbourhood residents at different stages in their lives, and locate this new housing in neighbourhood centres”
- “Develop new forms of housing that appeal to people looking for features traditionally only available in single-family housing”

Intensify neighbourhoods to make best use of existing infrastructure and to minimize land consumption for residential development

Increase housing choice in single-family neighbourhoods, in terms of housing types, tenures and costs

Create the feel of single family housing in new types of ground-oriented medium density housing

Table 1: Key Themes/Criteria for Achieving More Complete Communities
CHAPTER 3: THE ROW HOUSE

The row house is a form of multi-family attached housing that has existed for centuries in both urban and rural contexts. Row housing is comprised of a series of narrow-front rectangular housing units, each with their own front and back entrances, but which are attached so that adjacent units share common party walls. Although Statistics Canada (1996) uses the term row house to describe any ground-oriented attached housing (including townhouses and garden homes), one of the significant features of row housing that distinguishes it from other forms of multi-family housing is the relationship between the individual dwelling units and the legal lots on which they sit. Row houses are typically built on individual lots, with legal lot lines running through the separating party walls. For example, the City of Burnaby defines row houses as any building consisting of at least two and not more than eight side by side family dwelling units, with each dwelling unit on a separate lot and attached to its neighbour at its side, and in which each family unit is separated from each other by a party wall (City of Burnaby, 1998). Similarly, the City of Toronto defines row houses as one of a series of more than two attached buildings where each building comprises one dwelling unit, each building is divided vertically from another by a party wall and where each building is on an individual lot (City of Toronto, 1999).

Figure 1: Row house party walls constructed along legal lot lines
(Hunter, 1999:177)

Figure 2: An example of row houses
(Friedman, 2001b:76)
While the term row house has been used to describe a broad range of attached residential buildings, the characteristic that sets row housing apart from other types of multi-family housing with a similar form is that row houses are set on individual lots rather than built as projects on larger common property. This thesis examines the traditional row house form as defined by its location upon an individual lot and proposes that the introduction of such fee simple row housing could help facilitate the creation of more complete communities. Following a review of the history of this residential building type, the row house, as it has been interpreted in different contexts, will be presented. In Vancouver, the row house form has been used in varying neighbourhood contexts and numerous examples of this attached building form exist. However, such examples are typically not true representatives of row housing as they are not built on individual lots, but rather are part of a condominium/strata title project constructed on common property. In Chapter 4, the fee simple row house will be presented as a form of ground-oriented medium density housing that meets the key themes developed through a review of the strategies and policies adopted by the GVRD and the City of Vancouver. The importance of the relationship between the individual row house and its legal lots lines will be explored in Chapter 5, where the topic of tenure is more closely examined.

THE ROW HOUSE: A BRIEF LOOK AT THE HISTORY OF ROW HOUSING

The term 'row house' evokes images of urban housing, both grandiose and grim. As the history of the row house has stretched throughout the history of human settlements, its form has been adapted and modified to house both the urban elite and the industrial working class.

Row housing is as old as urban civilization and one can find examples of it throughout every period of urban settlement, in biblical times, ancient Greece, medieval Europe, Victorian England and in early settlements in the U.S.A. and Canada. The reasons why at any period in history man attached his houses together are complex and dependent upon the circumstances of the time, but the durability of row housing throughout the centuries as a desirable form of family housing testifies to its practicality (Klein, 1971:4).
The rise of the English row house occurred during the 17\textsuperscript{th} century in London when the first terrace houses were developed during a period of reconstruction following the city's Great Fire in 1666. Rows of identical houses first arose in affluent areas in the city where builders designed the terraces to duplicate the appearance of a single grand palace. Façade articulation over time added individuality and character to each unit, which were often built incrementally, adding on to the existing terrace houses.

Through the Georgian and Victorian periods, however, the English terrace house became the residential prototype that was built to house a diversity of income groups, from factory workers to upper middle-class professionals. The development of terrace housing was popularized primarily because it was more economical, allowing for higher densities than could be achieved with detached housing; in addition, row houses appealed to a wide market population as they enabled great variations in design, with architectural detailing that lent a unique flavour to each individual unit based upon the economic limitations or potential of the occupants (Massey and Maxwell, 1985).

The arrival of the row house in North America dates back to the east coast British-American colonies settled in the late 17\textsuperscript{th} century. Some historians attribute the first English-style row house to the city of Philadelphia around 1700 (McKenna, 1971:16), while others recall small groups of attached houses modelled after the English form in Jamestown, Virginia as early as the 1630s (Hunter, 1999:186). Regardless of its specific place and date of inception, by the late 1700s and into the early 1800s, row housing was being established in many eastern American cities. The typical model of urban development during this time, with the repetitive, gridiron street pattern and rectangular or square blocks, lent itself to the row house form that could be easily developed on the narrow lots (McKenna, 1971:16-22 and Hunter, 1999). Row housing contributed significantly to the housing stock in certain cities and regions where specific names were attached to their vernacular row house designs, such as the \textit{brownstones} of New York and the narrow \textit{trinities} of Philadelphia (Hunter, 1999).

As with their English predecessors, North American row houses were home to a great diversity of residents despite their often-homogenous appearance along the public
FEE SIMPLE ROW HOUSING: the link between tenure and residential building form in achieving more complete communities

façade. Wealthy families often occupied an entire three-story row house, while similar structures in working-class neighbourhoods were divided into multiple units. With advances in technology and growing social stratification, the homes of urban families became less consistent and the facades of attached housing reflected the residents' economic situations (Hunter, 1999). "With the new emphasis on individuality and creative expression in the design of homes, front facades became much less uniform. Carefully designed and ornate rows of incredible beauty were built during this era [by the 1860s], but were also awkward juxtapositions where houses of wildly different styles adjoined one another without any coordination" (Hunter, 1999:191).

Figure 3: Differences in scale and style between adjacent row houses (Hunter, 1999:191)

EVOLUTION AND ADAPTATION IN DIFFERENT CONTEXTS

"Within its box of four enclosing walls the classic terrace house is infinitely adaptable" (Binney, 1998:11). Due in part to its adaptability, the English row house has been used in a diversity of urban contexts as an efficient form of housing. "In cities and towns throughout history the row house has been more common than the detached or free-
standing house, simply because it has always been a practical shelter for the lower and middle classes. It is efficient to construct, is relatively easy to heat, and requires only a small plot of land" (McKenna, 1971:12). Dingemans (1975:21) notes that "the attached house is often the best solution to the constraints set up by the need to build on limited and expensive urban land, the need to build efficiently, and the desire for privacy".

This section provides a brief look at the traditional row house as it has been interpreted in different cities to provide a summary of the opportunities this form of housing might bring to the Vancouver neighbourhood. Much research has been done on the architectural and social history of the row house and its place in the urban environment, and it is not the intent of this thesis to report on such findings, but rather to present the row house as an urban housing form that has existed for centuries in numerous urban contexts. Because of its pervasiveness and its contribution to the creation of vibrant and dynamic urban communities that continue to flourish today, the traditional row house form could present an attractive addition to the housing stock in the City of Vancouver.

As the celebrated row house form has its roots in the English terrace house tradition, it seems appropriate to begin with a review of the row house in the context of England's cities and towns. The New York Brownstone is then examined, focusing on the urban streetscape qualities of the row house districts in the American context. Finally, the row house as it exists in the Canadian context is discussed, followed by a focused investigation into the row house form as it has been interpreted in the Vancouver setting. This review borrows largely from the work completed by Ramsay Worden

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FEE SIMPLE ROW HOUSING: the link between tenure and residential building form in achieving more complete communities

Architects for VanCity Enterprises\(^3\) and includes row house statistics, including typical building setbacks, units per acre (upa), and lot dimensions along with photos and images of row houses from the discussed contexts.

The English Terrace House

The row house is the dominant form of housing in England’s cities and towns. Despite regional variations and vernacular styles, there exists a typical pattern of development common among most row houses. The house itself is often set back from the road from 0 m. to 7.5 m. (8 ft.), depending upon of the size of the building and the character of the road. The typical arrangement allows for a fence and gate, a small garden and a compact porch, creating a quaint and intimate relationship between the private home and the public street (Ramsay Worden Architects Ltd., 1999). The front facades of the homes are often varied, a result of years of different owners and subsequent changes made over time. The result is a richly detailed streetscape, expressed through a composition of different elements. Street parking is typical of the older English terraces, which were built at a time when the automobile did not dominate the streetscape.

<table>
<thead>
<tr>
<th>STREET</th>
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<tbody>
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<td>Street Width</td>
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<td>Front Yard Setback</td>
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<tr>
<td>+/- 18 upa Gross</td>
<td>Rear Yard Setback</td>
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<tr>
<td>Building Height</td>
<td>Building Depth</td>
</tr>
<tr>
<td>2-2½ Stories</td>
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</table>

Table 2: Row House Statistics - The English Terrace House
(Ramsay Worden Architects, 1999)

\(^3\) The Rowhouse: A Brief Look at the Rowhouse in 4 Contexts, prepared by Ramsay Worden Architects for VanCity Enterprises Ltd, Draft – February 1999 (unpublished). The study was intended to provide a visual summary of the traditional row house form to support the proposal for the development row housing in the City of Vancouver.
The New York Brownstone

The brownstone is an integral component of the New York neighbourhood; built at a scale that typically contains 3 or more floors, the brownstone creates a striking streetscape image. The brownstone is set back from the street to allow for a typical urban sidewalk with street trees and a set of front steps. "These stairs and entries to the individual rowhouses provide the most conspicuous architectural rhythm to the street" (Ramsay Worden Architects Ltd., 1999:15). Street parking is necessary as high land costs make rear lanes impractical. Manhattan row houses are typically larger in scale than their English ancestors, up to 5 or 6 stories, and often contain basement flats, stepped below the front stairs in the front courtyard.
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<table>
<thead>
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<td></td>
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<td>Building Depth</td>
<td>38ft - 70ft</td>
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Table 3: Row House Statistics - New York Brownstones
(Ramsay Worden Architects, 1999)

Figure 5: New York Brownstones
(Ramsay Worden Architects Ltd., 1999)
Row Houses in Canada

“In general, there is no tradition of good row housing in Canada as there is elsewhere. With its vast spaces and high living standards, Canada’s traditional housing form is the single-family detached home on a privately owned lot” (Klein, 1971:4). Despite this rather candid observation about the sprawling nature of Canadian residential development, there are examples of row housing in the older districts of Toronto and Montreal that display a tradition of ground-oriented medium density housing that continues today.

Toronto row houses are found intermixed in neighbourhoods hosting single-family detached homes and attached duplexes. The streetscape rhythm is afforded a sense of continuity by the narrow side yard setbacks separating the detached and semi-detached homes, giving the impression of a more continuous street wall when the three housing forms are located along the same block. Toronto’s tradition of urban row housing has inspired a renewed interest in the development of new attached housing modeled after the row house form. Recent developments, advertised in Toronto newspapers, offer new freehold row houses, citing the popularity of this form of ground-oriented housing (Paradkar, 2000).

<table>
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<td></td>
<td>+/- 18 upa Gross</td>
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<tr>
<td>Building Height</td>
<td>2-2½ Stories</td>
</tr>
<tr>
<td>Typical Lot Size</td>
<td>15ft x 78ft</td>
</tr>
<tr>
<td>Typical Lot Area</td>
<td>1300 sq. ft.</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>1.8</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>6ft</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>20ft</td>
</tr>
<tr>
<td>Building Depth</td>
<td>52ft</td>
</tr>
</tbody>
</table>

**Table 4: Row House Statistics - Toronto Row Houses** (Ramsay Worden Architects, 1999)
FEE SIMPLE ROW HOUSING: the link between tenure and residential building form in achieving more complete communities

Figure 6: Toronto Row Houses
(Ramsay Worden Architects Ltd., 1999)
The Vancouver Row House

“The row house does not have a strong presence in Vancouver, however there are a few notable examples from the early decades of this century” (Ramsay Worden Architects, 1999:20). Where such older examples exist, there is a unique neighbourhood character attributable, in part, to the diversity of housing types that coexist with the row house form. The following descriptions of Vancouver row houses are complemented by a series of photographs, depicting the character and quality of the varied examples. In each case, the row houses have been well integrated into the neighbourhood setting and often share the street with a range of housing types, including single-family detached homes, low-rise apartment buildings as well as high-rise residential towers. Varying in scale and style from simple working class housing to richly detailed urban town homes, Vancouver’s examples reflect the durability and adaptability of the row house form over time and are testimony of the attractiveness of the row housing tradition.

<table>
<thead>
<tr>
<th>STREET</th>
<th>LOT DIMENSIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Width</td>
<td>66ft</td>
</tr>
<tr>
<td>Property Line Setback</td>
<td>15ft</td>
</tr>
<tr>
<td>Parking</td>
<td>On-street</td>
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<tr>
<td>Density</td>
<td>25 upa Net</td>
</tr>
<tr>
<td></td>
<td>+/- 18 upa Gross</td>
</tr>
<tr>
<td>Building Height</td>
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<tr>
<td>Typical Lot Size</td>
<td>18ft x 60ft</td>
</tr>
<tr>
<td>Typical Lot Area</td>
<td>1080 sq. ft.</td>
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<tr>
<td>Front Yard Setback</td>
<td>14ft</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>3ft</td>
</tr>
<tr>
<td>Building Depth</td>
<td>43ft</td>
</tr>
</tbody>
</table>

Table 5: Row House Statistics - Vancouver Row Houses
(Ramsay Worden Architects, 1999)
An example of older row housing is located on the West Side of Vancouver along Hemlock Street at W. 11th Avenue. The building is patterned after the English prototype, with a gabled roofline, wood frame windows and extensive landscaping in the front yards.

The Hemlock row houses form an interesting streetscape element, which complements and adds to the character and style of the surrounding neighbourhood.

Figure 7: Vancouver Row House
(Ramsay Worden Architects Ltd., 1999)

Figure 8: Row Houses at W.11th and Hemlock Street
The row house project on Point Grey Road, also on Vancouver’s West Side, is a charming example of English character set among the small apartment buildings and single-family detached homes that share the street. The project contains 8 individual units, each with dimensions of approximately 20 feet wide by 25 feet deep (Ramsay Worden Architects Ltd. 1999).

On the East Side of Vancouver, there is a grouping of simple clapboard-style row house structures that were originally built to house working class immigrants (Ramsay Worden Architects, 1999). These row house development are an integral component of the unique Strathcona neighbourhood setting.
In addition to the limited examples of older style row houses in Vancouver, the city has recently seen a renewed interest in the use of the row house form in new urban development projects and neighbourhood intensification projects. Such developments have been designed to reflect the streetscape style of traditional row housing.

A more recent addition to the Vancouver row house building stock on the West Side is the *Redbricks*, located at the corner of Laurel Street and W. 15th Avenue. The first phase of the *Redbricks* contains 9 row house units designed to reflect the urban village setting attributable to London’s Hampstead Heath and New York’s Greenwich Village (McQuade, March 3, 2001). The developers, Mosaic Homes, is concentrating their efforts on urban densification, providing innovative homes that meet the demands of urban professionals who “don’t want to live in an apartment and aren’t in the market for a single family house” (McQuade, 2001:C1).
The row house form allows for the creation of a more compact neighbourhood, while still providing housing that is ground-oriented and offers residents individual entries and outdoor space (Mosaic Homes, nd). The second phase of the project is now under construction and the developers are in the early planning stages of another row house project in the Kitsilano neighbourhood. Row housing has also been developed on the University of British Columbia’s campus to provide rental housing for faculty and staff.

Figure 12: UBC’s new row houses

The row house form also exists in the more urban context of downtown Vancouver. As part of larger projects, row houses have been built to provide a streetscape element at the base of, or beside an attached high-rise residential tower. The City of Vancouver has encouraged and supported this type of row house development as it meets a variety of planning principles; the row houses respond to the need for more housing choice and diversity and by providing the ‘base’ to an adjacent tower, the row houses enhance the pedestrian environment along the street and add to the activity at the street level. In addition, row house residents provide ‘eyes on the street’, thereby enhancing neighbourhood livability and sense of community (City of Vancouver, 1995).
There are two examples of row house developments along Alberni Street. Both projects feature narrow attached houses that have direct access to the street. The main entrances are raised up from the ground in the traditional porch arrangement, which creates an effective transition between the public sidewalk and the private front door. While these examples are located within a more urban context, compared to the suburban neighbourhood setting that is the focus of this thesis, they provide models of how narrow-front row housing can be adapted to a variety of neighbourhood contexts.

**Figure 13: Row houses at the base of a high-rise tower**

**Figure 14: Row houses along Alberni Street**
SUMMARY

Row housing has a long tradition in numerous urban contexts throughout the world. This chapter has focused on the English terrace house, which has inspired and influenced the North American row house form. The review of row housing from England, New York, Toronto and finally Vancouver depicts the diversity and adaptability of this form of attached housing.

The Vancouver examples portray the type of residential development that responds to consumer demands for more diverse multi-family housing, which can offer residents the benefits of ground-oriented living, yet at higher densities and therefore lower costs than the single-family detached house. Vancouver’s row housing, however, differs from the other row houses described in this section as the cited examples were all constructed and remain either as rental units or as condominium or co-operative ownership buildings (Ramsay Worden Architects, 1999). The row house, in its traditional form and style of fee simple ownership, offers benefits to residents seeking the security and freedom of home ownership and can form an integral component of a more complete, compact community.
CHAPTER 4: LINKAGES

The row house is a residential building form that offers unique design and tenure qualities that can contribute to the creation of more complete, compact communities. Contributing to a more diverse range of housing, the fee simple row house contributes to the creation of more complete communities because it retains some of the features of single-family detached homes, yet can be built at higher densities. Some of the local municipalities are investigating the benefits of introducing fee simple row housing as an additional form of GOMDH and a means of implementing the complete, compact community concepts. This direction is articulated in the policies adopted by the Greater Vancouver Regional District and its member municipalities, which strive to bring about greater urban sustainability through the creation of more complete communities. A review of the GVRD’s regional strategies and the City of Vancouver’s policy directions revealed three key themes related to residential development:

- **Intensify neighbourhoods:** Increase densities to make best use of existing infrastructure and to minimize land consumption for residential development

- **Increase Housing Options:** Increase housing choice in single-family neighbourhoods

- **Retain the Characteristics of Single-Family Housing:** Create the feel of single family housing in new types of ground-oriented medium density housing

The fee simple row house is an example of ground-oriented medium density housing which can achieve these objectives. The following sections describe the characteristics of the row house form as they relate to the principles of complete, compact communities adopted by the GVRD and the City of Vancouver.
FEE SIMPLE ROW HOUSING:
the link between tenure and residential building form in achieving more complete communities

Intensify neighbourhoods

The investigation into alternative housing forms that can contribute to the intensification of single-family neighbourhoods reflects current policies targeted at reducing the amount of land consumed through urban development. The row house is an innovative residential building form that can help achieve this objective because it requires significantly less land per housing unit than the single family detached home. Row houses are designed to provide the greatest possible amount of living space on a small, individual piece of property.

Row housing is composed of basic rectangles, adjoined to each other by common, or contiguous walls. Such party walls, as they are referred to, run the length of separating property lines and mark the legal boundaries of individual lots. The lots on which row housing is built are typically long and rectangular, usually from 15 to 25 feet wide, though properties as narrow as 11 or 12 feet have been used (Hunter, 1999).

Traditional row housing is arranged in a linear pattern following the alignment of adjacent roads, so that the narrow ends of the row house are oriented to face the street, thereby allowing for the maximum number of lots to be accommodated within a given block. Blocks are formed by two rows of terrace houses, separated in the back by lanes. This site-planning pattern enables row housing developments to achieve densities between 15 and 25 units per acre, while conventional single-family development achieves between 2 to 8 units per acre. Typical net density for single-family detached homes is 20 units per hectare (8.1 upa), while row housing can accommodate 50 units per hectare (20.2 upa) (Leung, 1995). As such, row housing has the potential to accommodate more people per hectare than single-family detached housing and therefore is a residential development type that consumes less land.

The narrow-front rowhouse has important implications for land use. A one-storey bungalow on a 18.3 by 30.5m (60 by 100-foot) lot yields a gross density of approximately twelve homes per hectare (five per acre). A two-storey, 4.3m (14-foot) wide rowhouse on a 4.3 by 30.5 (14 by 100-foot) lot yields a gross density of sixty homes per hectare (twenty-four per acre). Expressed another way, a hectare of land can accommodate
FEE SIMPLE ROW HOUSING: the link between tenure and residential building form in achieving more complete communities

About fifty people (twenty people per acre) living in bungalows. The same amount of land – and the same amount of roads, sewers, water lines, and storm drains – can accommodate more than four times as many people living in narrow-front rowhouses (Friedman, 2001b:34).

The consumption of less land for residential development enables greater efficiencies in the use of urban infrastructure. Concentrating development into areas that have already experienced urban impacts and thereby preserving more lands at the urban periphery is an argument in support of urban intensification. Efficiencies can be gained by intensifying the use of lands already serviced by roads, water, sewer and other municipal and regional services. Development costs can be reduced by building on lands already serviced; "the improved and more efficient use of existing infrastructure such as sewers and roads as well as community infrastructure such as fire and police departments and schools not only relieves pressure on otherwise renewable resources but lowers development costs" (Friedman, nd:2). Development patterns in support of more sustainable communities prescribe the use of existing infrastructure more efficiently, thereby reducing the impacts of growth by limiting expansion into undeveloped lands.

In addition to land resource economies and infrastructure efficiencies, row houses have numerous environmental advantages over detached houses that are the result of higher densities and shared walls. Denser neighbourhoods have a considerable effect on the environment, including less automobile travel and a decreased amount of community infrastructure (Friedman, 2001b). In addition, row houses are more energy efficient than detached houses because "they neither lose heat or gain it as fast as detached dwellings of comparable size and therefore require less space-heating and air-conditioning to keep them comfortable" (Hunter, 1999:180). A comparison of energy use by house type shows the centre of an English terrace or row house as an energy efficient dwelling type, second only to a centre floor apartment unit (Edwards, 2000).
"Rowhouses provide significant savings in building materials and energy consumption because of the shared walls. A two-storey narrow-front row house has only one-third the exterior area of walls and one half the roof area of a similar sized bungalow; heating and air-conditioning costs are accordingly lower" (Friedman, 2001b:34). Other research indicates that the single-family detached house consumes 15 to 67 per cent more energy than other ground-oriented housing options, while accommodating 60 per cent fewer people per net hectare than row houses (Friedman, 1994a). While land savings and infrastructure efficiencies have influenced the investigation into alternative forms of ground-oriented housing, the environmental benefits are also attractive to planners, developers and potential homebuyers seeking more sustainable lifestyle choices in their housing options.

Increase Housing Options

Neighbourhood diversity is a key building block of complete communities. A range of housing types and tenures encourages and enables a diversity of residents, of different ages and with different incomes, to live in the same neighbourhood. One of the basic
principles of complete communities relates to housing diversity; a vision for more sustainable and livable communities calls for different dwelling types to be intermixed within the same neighbourhood and even on the same street (Condon and Teed, 1998). Supporters of more complete, compact communities include new urbanists, who contend that "Within neighbourhoods, a broad range of housing types and price levels can bring people of diverse ages, races, and incomes into daily interaction" (Congress for the New Urbanism, 2000:89). Drawing from these ideas, the GVRD and the City of Vancouver have adopted planning strategies and policy directions to encourage a diversity of housing types within individual neighbourhoods, and encourage the increase in housing choice in single-family neighbourhoods.

Housing choice within individual neighbourhoods in Vancouver is relatively limited as single-family districts are generally separate from apartment areas of the city.

In many city neighbourhoods, people do not have the opportunity to live in rowhouses, garden apartments, or mews — housing that is suitable for young couples, families, and many people approaching retirement. The changing needs of existing residents — children who become adults, and adults who, over time, seek other housing — creates a demand for different types of housing, a demand not currently being met (City of Vancouver, 1995b).

Therefore, increasing the choice of housing types available in single-family neighbourhoods is a policy direction adopted by the City of Vancouver to address the demand for alternatives to the single-family home. Although CityPlan calls for the majority of new housing types to be developed in neighbourhood centres, while preserving most of the city's existing single-family districts, there will be cases where new housing forms will be introduced in residential areas. The City recognizes that it will be a major challenge to balance the needs of people seeking new housing forms in single-family neighbourhoods with those of residents whose homes will be directly affected by new development (City of Vancouver, 1995). To facilitate community support for the introduction of housing alternatives in existing single-family neighbourhoods, the design of new medium-density housing must be reflective of neighbourhood scale, character and style.
Compatibility is of critical importance when considering neighbourhood housing variety. The row house is a residential building form that can be designed to be compatible within existing neighbourhoods. "At any size, large or small, row housing can co-exist harmoniously with areas of single-family houses or apartment blocks. Experience has long since shown that a proper mixture of housing types in any micro-community extends the viability of that community" (Klein, 1971:10). The row house can comfortably co-exist with single-family homes when attention to setbacks and siting, design and style enable the row house to reflect the character of surrounding homes.

"Variety in housing form, even when it is ground-oriented, is treated as a kind of social evil to be avoided or, if unavoidable, segregated into areas of the city away from 'real' neighbourhoods" (Perkins, 1995:18). While there is a tendency for multi-family housing projects to be developed on the edges of existing neighbourhoods, along busy arterial roads, row housing can be built in established neighbourhoods due to its compatibility with existing housing and its land use requirements. In contrast, site design for contemporary multi-family housing complexes often limits their compatibility with the existing residential landscape, as such townhouse projects are typically developed on large sites. Because they require large plots of land that deviate from the pattern of single-family lots, such townhouse developments are neither practical nor desirable candidates for intensification projects within existing residential neighbourhoods:

Typical suburban multifamily developments with 200 to 400 or more units cover areas equivalent to at least three and often more than eight traditional urban blocks...[y]et current industry standards for multifamily development provide few of the amenities found in urban blocks: There are no sidewalks beyond those that connect parking lots to building entries, no protected backyards, and no front porches or equivalent transitional spaces at entrance to the units. Instead, the multifamily housing complexes' internal world revolves around a maze of driveways and parking lots. In addition, each complex usually provides only one or two automobile and pedestrian access points to arterials, a situation that increases traffic within the complex, extends travel routes to adjacent development, and creates bottlenecks at arterial connection points (Moudon and Hess, 2000:260).

In contrast, the traditional row house development pattern can be more easily integrated into an existing residential neighbourhood. A well-designed and more
complete, compact community should contain a combination of different housing solutions to provide a variety of housing options to neighbourhood residents.

Throughout Canadian cities, the call for increased choice in housing types dates back to the 1970s when researchers noted the void between the single-family detached house and high-rise apartment towers; even at this time, it was recognized that the gap can be filled by increasing the number of ground-oriented, medium density housing types. The row house was identified as an ideal housing type. Klein (1971:6) notes, “in areas of high land cost row housing can provide family housing of a quality which cannot be matched by any other dwelling form for the same price.” The increasing cost of land, construction, servicing and financing have driven the price of the single-family detached home beyond the means of the average family. Row housing developments, in contrast, offer cost savings that are related primarily to land costs and in the utilization of it in terms of density (Klein, 1971). “The narrow width has a profound effect on cost: in a time of accelerating land and infrastructure costs, it is the single most effective cost-reduction strategy” (Friedman, 2001b:32).

In addition to the need to find affordable alternatives to the single-family detached home, there is increasing demand for housing types that are suitable to the needs of various sectors of the population, including single persons, single-parent households, elderly people and young families. Traditional row housing has been identified as a flexible housing form that is more responsive to the changing needs of occupants over the life span of the building (Reuber, 1987). The row housing form, with an adaptable floor plan and the potential for secondary suites located above garages in the rear lanes are also found to be more accommodating of changing lifestyles of the occupants. Because of simplicity in design and construction, the row house can adapt over time to accommodate shifting social needs. The individual party walls, typically constructed of brick or concrete block to prevent the spread of fire, separate adjoining units and

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provide the structural integrity of the houses (de la Riva et al, 2000). Wood floors are then placed at right angles to the party walls, thereby creating individual, self-contained units that are composed of basic rectangular floors that can be partitioned by the addition or subtraction of interior walls without compromising the structure (Hunter, 1999).

Rowhouses are frequently changed back and forth from single-family dwellings to small apartment buildings. While this also happens in detached houses, the layout of a typical rowhouse adapts particularly well to such alterations. With the stairwell and corridor running along one party wall, it is easy to separate floors into discrete units. Plumbing almost always extends through the building in a single vertical stack, making it possible on each floor to add and subtract bathrooms and small kitchens as needed. In many rowhouse neighborhoods these modifications are made continually, not just as the entire community goes up and down economically but as the spatial requirements and budgets of individual owners vary over the course of their lives” (Hunter, 1999:179).

Retain the Characteristics of Single-Family Housing

Discussions regarding the development of new types of medium density housing in single-family neighbourhoods repeatedly refer to the importance of retaining some of the features of single-family homes in the design of such alternative residential forms. CityPlan states that in order to meet the needs of current residents who would otherwise move into suburban communities, new housing in Vancouver will need to provide some of the features traditionally associated with single-family homes.

The characteristics often cited as being attractive features of the single-family home are individual, ground level entries, private outdoor space and location within a family-oriented neighbourhood (City of Vancouver, 1995 and GVRD, 2000). The growing interest in GOMDH forms reveals the increasing demand for housing that retains a close connection to the ground, but is more affordable than single-family detached homes. GOMDH "retains the most important elements of the traditional single-family home: direct access to the ground, a public side that connects the home to its neighbourhood,
FEE SIMPLE ROW HOUSING: the link between tenure and residential building form in achieving more complete communities

and a private side" (Domain Consulting Limited, 1995:1). Echoing these conclusions, Friedman (2001) attests to the benefits of row housing.

Its chief advantages are that it can be built on a fairly narrow plot, typically between 6.1m and 7.3m (20 and 24 feet) wide, which allows relatively high densities but which also incorporates most of the advantages of the detached, single-family home: a private front door, easy access to the ground, and a clear definition of a public street side and a private rear garden (Friedman, 2001b:31).

In addition, Friedman recounts the importance of providing more affordable and sustainable housing within a building form that enables residents to experience the benefits of home ownership:

In the range of available housing forms offering affordability and sustainability, the narrow-front rowhouse is the option which comes closest to providing the prospective owner with the commonly preferred characteristics of home ownership (a single-family home with a private entrance and direct access to a yard) while at the same time extending the benefits of affordability and sustainability resulting from increased density (Friedman, nd: 3).

The feeling of neighbourhood belonging seems to be partially related to the physical and emotional investment an individual has made to their property (de la Riva et al, 2000); expression of home ownership is linked to the private spaces that form the public facade of an individual home. The front yard plays a vital role in how people perceive their home and reflects upon the character of the surrounding neighbourhood by acting as the transition zone between private and public property.

A clear distinction between private and semi-private areas is important to the individual. The front yard is especially significant, as it forms the transition zone – the link – between the public and private realms of the house. The front yard belongs to the owner, yet it is a place where residents can converse with neighbours. The front entrance is also pivotal in the public/private interaction; its demarcation is achieved with a step, porch or some other detailing. In the backyard, visual privacy and the feeling of intimate enclosure are accomplished with hedges, fences, screens and trellises (Friedman, 1994a: 15 and 1994b: 34).

The attached row house eliminates the wasteful side yard and minimizes the front yard setback, thereby increasing the amount of space available at the back of the unit for the development of private back yards, the outdoor space most commonly used by
occupants of single-family houses. The provision of private outdoor space in the rear yard plays a role in satisfying the traditional perceptions of what a house should be. Although the width of the back yard is limited to the narrowness of the lot, the siting of the house with minimal front yard setbacks result in rear yards with depths between 12 and 25 feet, creating outdoor space that can accommodate patios, porches, gardens, play areas or work sheds (Hunter, 1999 and de la Riva et al, 2000).

The row housing form ensures each unit maintains a close relationship to the front street, while designating the rear lanes as vehicular and service delivery zones. The small setback at the front of the property permits the development of a stoop or porch, which acts as a transition space between the public street and the private house. This design feature enables the development of a strong and interactive social environment set within a lively streetscape. The community can be enhanced by the closeness of units and the relationship between the public and private space in the row house form; the front porches are often treated as extensions of the home, as outdoor rooms where occupants could engage in conversation with their neighbours or passing pedestrians.

More than any other type of urban dwelling, the rowhouse can foster one aspect of urban living that is absolutely critical to a neighbourhood - the sense of community where residents on a block look out for one another. A neighbourhood will not function as a block of strangers. Because the rowhouse is close to the street and sidewalk, and offers low-height and low-density housing [relative to high rise apartment blocks], it preserves the important human scale. The odds for strong urban neighbourhoods seem to increase as the number of stories in a dwelling decreases; homeownership cements this neighbourhood bond. Such is the argument in favor of building and renovating rowhouses (Hayward and Belfoure, 1999:187).

With street setbacks in the range of 1.5 – 3 m (5 – 10 ft.), the row house contributes to a lively streetscape setting. In contrast, setback requirements for contemporary multi-family structures often prescribe a pattern that resembles the situation of single-family houses on single-family lots; a series of setbacks, defining the common space around townhouse structures, push the units away from the adjacent public streets and from each other. These setbacks function to provide each unit with a token front yard lawn in an attempt to replicate the appearance of single-family detached houses. In fact,
Dingemans (1975:23) notes "the architectural style of new townhouses usually ignores the nineteenth century Georgian precedents, imitating instead detached house models."

In addition, it is common for the majority of townhouse units in a project to be accessed only by internal, private roads and therefore the benefits of an active public streetscape are lost in townhouse projects. Most street setbacks for townhouses discourage an urban presence or private rear lane parking. Traditional row housing of earlier times was typically related to a public road, while multi-family projects today tend to be built on large, deep parcels of land allowing only a small portion of the dwelling units to have direct frontage on a public road.

Murray and Fleiss (1970) note that the design principles for livability at higher densities relate in part to the expression of the identity of each family unit as well as the provision of some private outdoor space for each family. Image and identity of residential developments are important contributors to a neighbourhood's sense of place and character. The front façade of the row house presents the public face to the street and is often embellished with different materials and more detailed design than the back of the house.

The street façade of a rowhouse may have elegant arched windows and carved stone ornament while the back is common brick with plain rectangular openings. The various owners of a row designed and built many years ago often maintain carefully preserved and matching fronts while altering the private gardens one by one with protruding extensions, decks and sliding glass doors. Because the back areas are not on display, this is usually an informality that everyone can live with (Hunter, 1999:184).

A varied façade prevents the development of a monotonous environment; row house design enables variation of a number of elements that can be combined in interesting ways to enliven the streetscape and distinguish one unit from another (Friedman, 1994b).

The physical form of row housing also enables mixed-uses within the residential neighbourhood. Traditional terrace houses often accommodated basement level or
FEE SIMPLE ROW HOUSING: the link between tenure and residential building form in achieving more complete communities

ground floor retail stores and artisan shops. With the living space located above on the second and third floors, residents are able to operate small businesses from their home and the community benefits from the availability of services within their neighbourhood. “In this era, long before zoning laws separated homes from commercial or industrial building uses, all neighbourhoods included an assortment of small workshops and stores. Many of these were housed on the first story of typical rowhouses, most often the home of their proprietors. Thus, at the street level, signs and display windows enlivened long blocks of similar houses” (Hunter, 1999:188). The establishment of compact, mixed-used communities is one of the guiding principles of sustainable urban development. Row housing offers a viable form of mixed-use building that is scaled to the pedestrian-oriented urban streetscape.

Summary of Row House Characteristics

The development of row housing could contribute to the creation of more complete communities. The analysis of the row house form is based upon the criteria established in Chapter 2. The discussions within this chapter have focused on the ability of the row house to intensify residential neighbourhoods, increase housing choice in single-family neighbourhoods and retain some of the characteristics of the single-family detached house as means of achieving more complete, compact communities. Despite the land and energy savings afforded by the row house, this form of attached housing has some limitations. The long, narrow shape of the row house limits the amount of natural light that can enter the individual units. Design features such as bay windows, skylights and light wells can help with lighting and ventilation of row houses. In addition, careful site planning can contribute to a successful row house design. “The restrictions on light and air that are inherent in the rowhouse form mean that the compass orientation of the street is far more critical than it is for freestanding houses...In a moderate climate, rowhouses with east and west exposures are preferable because they get light on both ends over the course of the day” (Hunter, 1999:181-2). Therefore, through design and site planning, the limitations of the traditional row house form can be minimized.
The characteristics of traditional row houses are some of the defining features of what is now considered sustainable residential developments; row houses encourage more compact, mixed-use neighbourhoods, which are both more environmentally and socially sustainable than the suburban districts dominated by the single-family detached house. "The row house is not suggested here as the answer to all housing problems but rather as something which, together with the detached house and the apartment, could enrich all communities by offering people something more than the traditional choices in accommodation" (Klein, 1971:2). In addition to the design characteristics, the missing link between traditional row housing and the types of multi-family housing being designed and built today relates to the style of ownership available for multi-family housing. Currently, almost all of the townhouse stock is contained in strata corporations, which act as another form of governance, setting rules and regulations that many prospective buyers find burdensome. The traditional fee-simple row house, which is a common housing form in eastern Canadian cities, cannot be readily built in Vancouver due to zoning by-laws that set minimum dimensions for fee simple lots that are too wide for the row housing form. In addition to the physical characteristics and neighbourhood design features afforded by the row house, it is proposed that the topic of freehold tenure be considered as an additional quality of the single-family home that is perceived as desirable. Fee simple ownership offers freedom of expression and individual identity by allowing the homeowner to alter their dwelling to reflect their personal tastes and styles. Neighbourhood diversity and character results from such expression that is translated through differences in house colour, shape, architectural style, garden design and other such features.

CONSTRAINTS TO IMPLEMENTING ALTERNATIVE HOUSING FORMS

The fee simple row house is a contributing element to the character of numerous city neighbourhoods in a diversity of urban contexts. Despite its cited attributes, the fee simple row house is not a dominant form in the contemporary residential landscape. It could be argued that the compact row house developed out of the need to house a large urban population and that, historically, North American cities did not have the critical
mass to support such high-density housing. However, as row housing became the dominant housing form throughout England it was not just an urban phenomenon, as dense, compact terrace houses also appeared in small rural towns and villages (Muthesius, 1982). The use of row housing in both rural and urban contexts throughout Europe is a testament to the popularity of this adaptable form as a suitable housing type that met the needs of the growing population. In North America, however, most of the urban development occurred during the rapid expansion of cities in the post-WWII period at a time when land appeared to be in endless supply and the sense of the unbounded frontier spurred the suburban boom. Side yards, front yards and back yards were, and continue to be considered signs of prosperity, offering privacy and individuality to the suburban resident.

It is also likely that row housing has not been openly adopted throughout North America because of the social stigmas associating it with older, immigrant and working-class neighbourhoods.

Contemporary attitudes frequently critical of row housing are largely conditioned by what happened during the industrial expansion of 19th century Britain, Europe and, to a lesser degree, in North America. Miles of attached houses were build rank upon rank across the countryside in the shadow of factories. With a narrow footway as a street, they were without open green spaces or amenities (Klein, 1971:4).

This type of industrial housing has given row housing as a whole a bad name and has discouraged municipalities, developers and the general public today from accepting it as a suitable form of contemporary housing (Klein, 1971 and Friedman, 1994b). “The row house became linked with the lower classes and the immigrants who moved into filtered-down neighborhoods in New York, Baltimore, Boston, and Philadelphia. As attitudes and the whims of fashion changed, the row house lost its popularity and was seldom built in the suburbs or outside of the Middle Atlantic states after 1870” (Dingemans, 1975:22).

Michael Geller (1999) provides a number of reasons why fee simple row housing has not been built in Vancouver. He notes that the standard single-family dwelling requirements apply to all fee simple units and the prescribed lot sizes and setbacks are far too large to
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support multi-family freehold housing. Similarly, in Montreal new row house developments in suburban settings are required to meet the minimum lot widths for fee simple units, forcing developers to create condominium units as a result of the existing zoning that does not support the subdivision of lots suitable for fee simple row housing. "The common bypass strategy around the required minimum width of 18 feet for freehold units was to build them in groups of three, four or six and sell them under a co-op or condominium arrangement. Most builders felt that their sales would have been better had they been permitted to sell the homes under freehold ownership" (Friedman, 2001a:19).

In addition, Geller notes that municipalities are hesitant to change their bylaws since, "under the current arrangement, developers install new roads, water lines and sewers and the condominium owners maintain these private services. In an enclave of freehold townhomes, the roads and sewers would become publicly dedicated and maintained by the municipal government, as in any standard single-family development" (Geller, 1999:A21). Condominium development can have the advantage of offering cost-savings to the development of row housing:

Selling the units as condominiums, however, actually reduced construction costs by doing away with some of the building and code requirements. Under freehold ownership, for instance, some municipalities require that the units be separated by a four-hour rated masonry firewall. For condominiums, on the other hand, a continuous two-hour rated fire separation of wood frame and drywall is sufficient. The result: savings of about $3,000 per unit. Municipalities also require separate water cuts when units are place on separate lots. Approximately $3,000 per unit was saved when builders were allowed to make a single cut for a group of four to eight units (Friedman, 2001a:19).

These technical issues offer insight into why fee simple row housing has not been applied in the Lower Mainland. However, the rapidly decreasing land base is forcing us to reconsider how our sustainability goals can be implemented. The Greater Vancouver Regional District (GVRD) and its member municipalities have adopted the strategies outlined in the Livable Region Strategic Plan and are working to advance the sustainability goals presented in the plan. The GVRD’s Housing Task Group has been researching ground-oriented medium density housing forms that can help create more
complete, compact communities in this era of a diminishing land base and increasing costs for residential development. For example, the City of Vancouver has developed policies to help achieve CityPlan’s objective to increase the variety of housing in low-density neighbourhoods. The City’s Neighbourhoods Housing Demonstration Program supports projects that are innovative in terms of form, tenure or affordability of housing. The implementation of row housing could assist the City in promoting a greater diversity of housing forms in Vancouver’s residential neighbourhoods.

In addition, current practices promote single-family home ownership and do not support alternative forms that can be owned in a fee-simple arrangement. There appear to be constraints upon the release of attached housing from the management structure established and regulated through the Condominium Act/Strata Property Act, in fear that property values of attached housing will plummet if conformity and aesthetics are not strictly regulated and maintained. This may be the result of limited exposure to this style of housing in terms of its physical appearance and management structure. In eastern American and Canadian cities such as New York and Toronto, fee simple attached houses are built on subdivided lots and are managed individually by the owners. The only legal agreement between adjacent owners is a party wall agreement (to be discussed in Chapter 6) that sets out the rights and obligations related to the walls built on shared property lines.

SUMMARY

The row housing form offers a more sustainable alternative to the single-family detached house and can play an important role in increasing the residential density of established neighbourhoods. The provision of an appealing and complementary multi-family housing form within established residential districts enables low-density single-family areas to transition into more compact and diverse neighbourhoods. The implementation of fee-simple row housing may facilitate this transition by creating an attached housing form that is free from the constraints of condominium management and regulation. Part of the attraction of home ownership is the freedom of expression
that is translated through the design and appearance of the house itself. The fee-simple row house is an alternative that offers environmental, social and economic benefits, without the constraints of condominium governance. The following chapter presents the argument in favour of fee simple ownership of row houses as a means of making this housing more even more appealing to people who are seeking alternatives to the single-family detached home. The relationship between tenure and housing satisfaction will be presented, along with a review of the opportunities and constraints of condominium/strata title ownership of attached housing, focusing on the real and perceived limitations of the condominium form of tenure. “In order to facilitate more development of fee simple row housing it may be helpful to get a better understanding of the legal and financial implications to owners, and then increase awareness among developers and the public about this type of housing as a suitable housing form” (GVRD, 2000:1). Responding to such direction, a review of the regulatory and legal issues related to fee simple ownership of row houses is presented.
CHAPTER 5: FEE SIMPLE TENURE

The benefits of introducing housing alternatives in the medium-density category can be linked to sustainability theory and the need to create more complete, compact communities. The row house form presents an alternative housing style, offering sustainability benefits on the basis of its physical characteristics. The topic of tenure in such medium-density housing alternatives, however, has not readily been addressed by the planners advocating for an increase in the supply of ground-oriented medium density housing as a means of achieving more sustainable residential development. An argument in favour of the fee simple row house draws upon the constraints of condominium ownership that may be acting as disincentives against choosing medium-density housing over a single-family detached home.

This chapter provides a discussion of the benefits of fee simple ownership of attached housing, comparing this tenure form to the condominium/strata title arrangement that is common in the Lower Mainland. Examples will be drawn from other municipalities within the Lower Mainland, which are also investigating the benefits of fee simple row housing, and those that have already adopted this form of housing within their communities. In addition, the discussion will look at Ontario examples, providing insight into the potential opportunities and constraints of fee simple ownership of attached housing within the Toronto region, which has a much longer history of freehold ownership of row houses.

TENURE AND HOUSING

Taggart (1993) reports the findings of a Canadian Mortgage and Housing Corporation (CMHC)-funded study of the relationship between housing tenure and social sustainability. Focusing on the role tenure plays in housing satisfaction, community participation and organization, the study also explored the public attitudes toward environmental concerns and alternative urban forms. Using the residents of row houses in the Ottawa-Carleton region, the study surveyed the attitudes of people living in
medium density housing to uncover their experience with this more sustainable residential form. In addition, because row housing allows for a range of tenure possibilities (freehold, condominium, co-operative and tenant) and different levels of socio-economic status, the study was able to isolate the role of tenure, controlling for differences in housing form and densities. Although the focus of the study was to investigate the relationship between tenure and community participation, the results documenting residents' satisfaction with their housing is relevant to this thesis. Because two of the tenure forms under investigation, condominium ownership and co-operative ownership, involve some required organization in the management of their housing, it was expected that the experience of living under these forms would contribute to increased participation. However, increased community participation in neighbouring does not translate to increased housing satisfaction. The survey of the relationship between tenure and housing satisfaction placed freehold row house tenure above the three other categories of ownership, with co-operative tenure closely matching the freehold category, followed by condominium and then tenant.

This research indicates that row house residents are more satisfied with their housing when their tenure is held in a fee simple arrangement where the owners are able to enjoy the freedom of home ownership that is afforded by not being part of a condominium form of governance. As noted, the row house form allows for a range of tenure options; however, traditional row house developments allowed owners the freedom of expression afforded through the ability to make changes and alterations to the appearance of individual row houses.

The row house has an interesting history in terms of the tenure systems that were applied to the building and ownership of early terrace and row housing projects. The British ground rent system was typically used in both English and early American row houses. This arrangement allowed for an annual ground rent to be charged for the use of the land on which the row house was located. Landlords derived this system from
the feudal practice of exacting a tithe on the noble’s farmland (Hayward and Belfoure, 1999). This type of ground rent system was used in early American settlements, after which a system based upon leaseholds was introduced. Typically lasting 99 years, leaseholds enabled buyers and builders to rent the land on which to build houses at lower costs than purchasing it, thereby increasing access to housing for the growing urban population (Hayward and Belfoure, 1999). Many lessees could purchase their home in a rent-with-option-to-buy package. Despite the difference in how the land was rented or leased, the individual row houses were technically owned outright in whole by the homeowner, while other interests controlled the land on which the house sat. The practice of owning individual row houses that were often built incrementally over time, led to the richly detailed and diverse appearance of the separate row houses contained within an urban block. The beginnings of a more restrictive arrangement, in terms of exterior finishes, began in the early 1920s when zoning practices were being introduced to the urban environment.

Restrictive covenants, a close cousin of zoning, which affected homebuyers more than builders, also came into play around this time [1920s]. Families had always been allowed to alter their houses to suit their tastes, but generally most houses in any one row looked identical for several years after construction. Then owners began to individualize them, some slowly, others rapidly. By the mid-1920s and the 1930s, builders were attaching restrictive covenants to the sale of rowhouses, which contained provisions to ensure that a development retain the uniformity of the original row, at least for a period of time (Hayward and Belfoure, 1999:153).

For example, developers sometimes required that row houses remain in their original condition, including the colour of the paint, for a period of ten years; in other cases, covenants were applied that required the front setback to remain as a lawn in perpetuity (Hayward and Belfoure, 1999). The reason for these types of restrictions relate to the notion that property values were strongly influenced by the appearance of neighbouring properties. “Builders almost unanimously accepted the premise that this sort of covenant sustained and raised property values” (Hayward and Belfoure, 1999:153). Although some developments were restricted by such practices, row houses in many cities remained as individual entities that could be altered or renovated according to the needs and aspirations of the owners. In contrast, the practice of dictating the
appearance of row houses through restrictive covenants indicates the beginnings of management patterns that form the basis of condominium and strata title ownership.

CONDOMINIUM OWNERSHIP

In Vancouver, homeowners have two primary options: they can purchase a fee-simple single-family house or a condominium multi-family unit. Housing cooperatives and co-housing arrangements are alternative forms of tenure that have recently become more popular; however, the majority of the housing stock is either contained within fee simple or strata title tenure. The development of multi-family housing in the Lower Mainland has been increasing since the 1960s and while most units built in the 1960s were developed as rental units, today the majority of new multi-family units are built to be owner-occupied (Geller, 1999). The term ‘condominium’ has been used to describe a particular structural style of apartment-type housing, where in effect, condominium refers to a type of ownership. The condominium form of ownership, more formally called strata title ownership, is designed to provide exclusive use and ownership of a specific housing unit, the strata lot, which is contained within a larger property, the strata project. Strata properties also contain common areas, such as outside grounds, hallways or entranceways, which are shared by all the owners in the strata corporation.

In British Columbia, the Strata Titles Act, the first legislative statute relating to condominium ownership, was introduced in 1966.

Condominiums offer the opportunity to purchase a property at a cost similar to that of renting an apartment. With the increasing land values in Vancouver and the Lower Mainland, the condominium option theoretically enables more people to purchase homes. “The primary reason for the establishment of condominiums in British Columbia is need. Demographic and topographical factors, particularly in the ‘lower mainland’ of Vancouver, have combined to make land prices in urban areas very high in relation to other parts of Canada. Together with significant building costs these causes have conspired to make the economies of scale involved in erecting moderate-to-high density housing attractive to many developers” (Pavlich, 1983:1). As land costs continue to rise,
and the amount of land available for residential development diminishes, there will be an increasing demand for such medium and high-density housing forms that have typically been held in condominium ownership. As noted in Chapter 2, municipalities within the Lower Mainland have adopted strategies that will help create more complete, compact communities that offer a range of housing types and tenures. Ground-oriented medium density housing offers the favourable features of the single family home at greater efficiencies, both in terms of land and infrastructure use. While the condominium option offers benefits that are appealing to some homeowners, there is a need to diversify the tenure opportunities available in the medium-density housing forms so that more people will be inclined to purchase this type of housing. In 1975, Dingemans commented on the need to increase resident satisfaction with higher density housing so that more people would view attached housing as a permanent housing type, rather than as a “temporary position on the way to a single-family detached house” (Dingemans, 1975:29).

The intention of this thesis is to present the potential benefits of introducing of fee simple row houses as an alternative ownership option for attached housing, as a means of adding diversity to the housing stock and not as a proposal to replace the condominium option. As it has been argued, the condominium lifestyle is attractive to single persons, ‘empty nesters’ and retired couples because it offers the relief from gardening and maintenance responsibility as well as the opportunity to interact in a close community. “There are many advantages to living in a condominium. Reference has been made to labour-saving systems, economies of scale, and for many, the opportunity to participate in a readily available community. Paradoxically, these advantages are often the genesis of many disadvantages” (Pavlich, 1983:223). While condominium living offers a range of accepted benefits, some prospective buyers may view the condominium ownership arrangement as a cumbersome and restrictive form of governance, which acts to enforce rules and regulations about how strata units can be used. “Condominium tenure does not appeal to people who dislike rules and regulations; the rights and sensitivity of neighbours must be considered in the use of common facilities” (Sayegh, 1987:108).
In 1999 the *Vancouver Sun* ran an article written by Michael Geller, Vancouver architect and planner, about the potential benefits of introducing traditional-style fee simple row houses in the Lower Mainland as an alternative option for home ownership. The fee-simple row house, a multi-family residence that is located on its own fee simple lot and individually owned, is currently unavailable in the Vancouver area. While the row house form is beginning to emerge in the Vancouver landscape, the ownership of these units is still held in the condominium arrangement. The key difference between fee simple or freehold row houses and condominium row house units is in the limitations of ownership; an owner of a condominium is responsible to abide by the rules and regulations of the strata corporation and therefore does not benefit from the full freedom of home ownership. “With a single-family home, you own both the land and the building, and, subject to municipal by-laws, can do with it as you please. You can change the colour of your house, or replan the garden, or put on an addition, without having to put it to a vote among the neighbours” (Geller, 1999:A21).

In contrast, condominium owners are accountable to the strata corporation and must receive permission from the elected strata council to make any changes to the exterior of their unit. However, part of ‘pride in home-ownership’ relates to the freedom to adjust one’s physical shelter and to increase equity in the home through renovation and one’s own labour (Skaburskis, 1999). Becker (1977) notes that the freedom of residents to manipulate their living spaces is important in terms of meeting changing needs over time, expressing individuality and enabling owners to feel a sense of control over their ‘small piece of the world’. Similarly, the renowned *A Pattern Language* (1977) recognizes the importance of home ownership in housing satisfaction in the pattern *Your Own Home*.

“People will only be able to feel comfortable in their houses, if they can change their houses to suit themselves, add on whatever they need, rearrange the garden as they like it; and, of course, they can only do this in circumstances where they are the legal owners of the house and land…” (Alexander et al., 1977:394). The pattern’s focus is on the notion of home ownership and the importance of maintaining control over one’s
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home, including the physical structure as well as the land on which the home is constructed, to engender greater housing satisfaction.

Figure 16: Your Own Home
(Alexander et al., 1977:396)

The single-family detached home, owned in a fee simple arrangement, is the traditional vehicle for self-expression of individual values while the condominium style of ownership limits the ability of owners to express such 'pride in home ownership'. In condominium developments, "the house owner is specifically forbidden to modify the front yard landscaping or even the decorative details of his house façade" (Dingemans, 1975:25). Rent and Rent (1978) confirm that higher resident satisfaction levels were linked to home-ownership and single-family dwellings.

"Home-owners can change the physical shell of their dwellings to make them suit their changing needs. Owners of single-family houses can change more aspects of their dwelling than condominium owners who are constrained by the adjacency of other units and by condominium regulations" (Skaburskis, 1999:2204). The condominium legislation may reduce the appeal of multi-family home ownership to some individuals, as it limits the way in which owners can use and enjoy their property. Dingemans' 1975 survey of contemporary American townhouses includes a reference to a condominium townhouse resident who "admitted that he was occasionally 'overwhelmed by a desire to work in the yard' and so managed to 'sneak out in the early morning to prune the trees' when no one was looking" (Dingemans, 1975:25). In this case, the owner's desire to contribute to the maintenance and upkeep of his property contravened the condominium governance system, and resulted in his cautious and secretive attempt to experience the
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mundane, yet rewarding responsibilities of full home ownership. Although somewhat asinine, this simple anecdote is a telling commentary on the strength of the relationship between tenure and housing satisfaction, drawing upon the limits of the condominium form of ownership to enable residents to express individuality and experience the freedom of home ownership. Fee simple ownership offers the freedom of exclusive use and the associated rights to repaint or remodel one's home and property, but is a tenure option that is currently unavailable in Vancouver's multi-family housing forms.

Cases in Condominium Law

The purpose of this section is to consider some of the constraints of condominium ownership of multi-family housing through a review of relevant legislation and case law. Fee simple ownership of attached housing is proposed as a viable alternative to the current condominium system as it enables the ownership of more affordable, sustainable housing forms without the burdensome constraints of condominium management. The legal relationship between adjacent owners in fee simple attached housing can be effectively managed and maintained through party wall agreements. In order to support the proposal for fee simple row housing, a review of the constraints of condominium ownership, as outlined by current legislation, is provided.

"Although strata corporations have existed in British Columbia from the mid 1960's there has not been that much litigation until the last five to seven years. This reflects a significant growth in condominium housing and the fact that internal administrative issues are becoming more contentious" (Fanaken, 1995:5). A review of the documented condominium case law in British Columbia reveals a broad range of issues related to strata corporations and condominium ownership. Many of the cases brought before the courts relate to issues of maintenance fees, where individual owners have refused to pay their share of renovation costs for the common property. Other cases document grievances where owners have questioned the power of strata corporations to control the exterior appearance of their buildings. In fact, many of the common issues related to the constraints of condominium ownership stem from the regulations regarding the
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use and control of common property. Common property is defined as that part of the land and building shown on a strata plan that is not part of a strata lot as well as the pipes, wires, cables and other facilities that allow for the passage or provision of water, sewage and other such services that are located between individual strata lots (Government of British Columbia, 2000).

The legislation in British Columbia that governs condominiums and strata properties has recently been revised. On July 1, 2000, the Condominium Act, 1996, was repealed and replaced by the Strata Property Act and the Strata Property Regulations. The Strata Property Act includes a new set of Standard Bylaws for new strata corporations and on January 1, 2002 these Standard Bylaws will replace the bylaws of existing strata corporations (Province of British Columbia, 2000). Despite the significant changes to some portions of the Act, the sections that govern the way in which owners and strata corporations manage the appearance of common property remain essentially unchanged. Section 115 (h) of the Condominium Act stated that owners must “receive the written permission of the strata council before undertaking alterations to the exterior or structure of the strata lot, but permission must not be unreasonably withheld” (Province of British Columbia, 1996). The new Strata Property Act similarly requires owners to obtain the approval of the strata corporation before making any alteration to common property (Standard Bylaws, section 6) and states that changes to the habitable area of an individual lot, as well as changes in the use/appearance of common property, may require strata corporation approval (Act, sections 70 and 71; Regulation, section 5.1) (Province of British Columbia, 2000). These regulations impact on the way individuals use their properties; although strata lot owners are entitled to use and enjoy their lots in any manner they wish, their actions are at the discretion of the strata council when renovations, remodelling or even re-painting is desired. “The duty not to effect exterior alterations without approval is frequently fraught with controversy and should be considered seriously by anyone contemplating the purchase of a strata lot” (Pavlich, 1983:226). The strength of the relationship between property values and physical appearances have led some strata councils to embrace detailed rules and regulations that strictly govern the exterior of condominium buildings. Although tasked with the responsibility of applying reason to the manner in which the building is
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governed, many councils have steered in the direction of design regulations that result in "stale conformity which inhibits individual flair and taste" (Pavlich, 1983:226) in fear of careless additions that could decrease property values of the entire project.

What constitutes 'unreasonable' will of course vary from one strata council to another and it would be very difficult for the legislature to attempt to provide guidelines. On one hand there are condominium owners who would like to be able to express their own personality in defining their home (particularly since it is already burdened with the obvious conformity to other strata lots in the development). On the other hand, the strata corporation, through the strata council, has a strong obligation to maintain a certain level of decorum and uniformity throughout the development to prevent it from taking on a mishmash appearance (Fanaken, 1994: 57).

This statement about the obligation of the strata council to retain the property's aesthetic appearance is not supported by any legislation. In fact, it is often a self-imposed direction of the strata councils, based upon the premise that without enforced uniformity and the preservation of aesthetic values, the overall value of the strata properties will be negatively affected (Fanaken, 1994). When faced with requests from owners to modify their homes, the boundaries between common property and individual strata lots become contentious. The strata council is mandated to control, manage, maintain, repair and keep the common property, including the exterior of the buildings, in a good and serviceable state. However, issues arise when owners wish to modify their residence to reflect personal preferences yet are restricted from doing so on the basis of the argument that the strata council has the right to govern the aesthetics of the exterior of the building. The cases cited in this section relate to the power of strata corporations to judge the impact of individuals' actions on the common property and reflect a sense of frustration and dissatisfaction with the condominium form of ownership.

Since strata corporations are responsible for the maintenance and decoration of the exterior of buildings (Section 116 (f) of the Condominium Act), items that are placed inside a unit and affect the outside appearance of the building may be subject to regulation by the strata council (Fanaken, 1995). In Metropolitan Toronto Condominium Corp. No. 702 v. Sonshine, the condominium board refused the respondent permission
to affix a canopy over the entrance door to their unit; it was stated that the addition of
the canopy to the exterior of the building was in direct contravention of the
corporation’s rules regarding exterior decoration (Fanaken, 1995). This case was
decided in favour of the strata corporation as it was determined that their powers were
reasonably applied to the regulation of the exterior appearance of the building; there
are cases, however, where the courts were forced to intervene and to evaluate the
reasonableness of decisions made by condominium councils regarding renovation
restrictions.

Strata unit owners are required to receive permission of the strata council prior to
undertaking alterations to the exterior or structure of the strata lot; however, the council
is required to exercise its discretion reasonably in such circumstances (Fanaken, 1995).
The term good faith, defined as honesty of intention, is used to describe the manner in
which condominium councils operate and exercise their discretion; decisions made in
good faith must therefore be in the best interest of the strata corporation as a whole.
The validity of such decisions, however, has often been questioned in court cases.

In another case, Peel Condo Corp. No. 73, a condominium corporation sought an order
requiring the respondent owner to take down four cedar trees, which he had planted in
the garden immediately adjacent to his unit. The owner was permitted to keep the four
trees, as it was determined that the council should have applied the principle of
reasonableness when making decisions regarding common property. In this case the
judge stated “that the prohibition against alterations ‘contemplated some more far-
reaching change than the normal planting of trees and shrubs in a garden area’”
(Fanaken, 1995:66). In this instance the strata corporation could not prove that the
planting of the four trees would negatively impact on the strata property as a whole.

In Buchbinder v. Strata Plan VR 2096, the strata corporation attempted to force an
owner to take down a free-standing garden shed that was located on the patio adjacent
to the individual’s unit; the owner was allowed to keep the garden shed as it did not
constitute a change to the building’s exterior, which marks the limits of what can be
regulated by the condominium by-laws (Fanaken, 1995).
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These documented cases demonstrate the limitations of condominium ownership and the power that councils hold over individual owners’ rights to use and enjoy their property. The examples provided are intended to demonstrate the constraints of condominium ownership of attached housing. There inevitably are numerous accounts of how strata property owners have been able to coincide without feeling limited in their expression of individual tastes or preferences; however, the cases provide a strong argument for the introduction of fee-simple alternatives to complement the existing condominium form of multi-family housing ownership. Some of the benefits of strata title ownership, as noted above, relate to the ease of maintenance. In addition, since strata councils are responsible for the maintenance and repair of the project's common property, proponents of this type of ownership note that homogeneity in housing form minimizes conflict over property values and limits the potential for decreases in assessed values as the result of individual alterations or changes. However, the existence of a strata council mandated to manage the common property does not guarantee a well-kept property and appreciating property values. In fact, Brunet (2001) recounts an example where an elected strata council is being blamed for negligence, which has resulted in a level of disrepair among the common property and facilities to the extent that property owners of individual townhouse units are suffering from significantly depreciated property values; the absentee owners returned to their properties to discover “cracked and pot-holed asphalt, dying trees, filthy stucco facings and exposed electrical wires in communal areas” (Brunet, 2001:4). It appears that “power-hungry council members seem to be an inevitable ingredient of condominium living. Although...the majority of councils work hard to maintain property and community standards, there’s no shortage of complaints about members harassing owners they don’t like and drafting bylaws that violate human rights” (Brunet, 2001:1). For example, Brunet (2001) recounts another story involving a strata council of an ‘adults-only’ building where an individual was informed “that if she got pregnant and the council refused to allow her to raise the child in her own home, she would have to move”; as a result “they sold their condo and have since bought a single detached house in a Victoria suburb. 'I would never consider owning a condo again’” (Brunet, 2001: 5).
SUMMARY

This chapter outlined the relationship between tenure and housing satisfaction and presented a summary of some of the constraints of condominium ownership. In response, fee simple ownership of attached housing is presented as an innovative, and well-tested tenure form that could be perceived as an arrangement that enables people to enjoy greater freedom of home ownership by removing the cumbersome and burdensome aspects of condominium living. The introduction of fee simple ownership of attached housing may act as an incentive to engender greater support for medium-density housing forms as a means of creating more complete communities. This conclusion is one of the guiding principles of the City of Vancouver's Neighbourhood Housing Demonstration Project, which is investigating the development of fee simple row houses as a means of implementing CityPlan's policy directions. The following chapter describes the role of the Neighbourhood Housing Demonstration Program and outlines the project proposal being pursued by the City.
CHAPTER 6: A DEMONSTRATION PROJECT

The creation of more complete communities calls for the intensification of land uses, the provision of a greater variety of housing options in single-family neighbourhoods, and the identification of ground-oriented medium density housing forms that retain some of the characteristics of single-family housing. As a means of implementing CityPlan's policy directions, the development of demonstration projects that test new housing forms and affordability scenarios was identified as a suggested next step. “Vancouver should build demonstration projects for new types of housing that offer the features of single-family housing at higher densities” (City of Vancouver, 1995). This chapter outlines the City of Vancouver’s efforts to facilitate the development of a demonstration project that will result in an example of fee simple row housing based upon the principles outlined in Chapters 2, 3 and 4. Reviewing the role of local government in housing innovation, this chapter summarizes the purpose of the City’s Neighbourhood Housing Demonstration Program and progress of the project to date. In addition, some of the regulatory and legal implications of fee simple row housing are reviewed that could help inform the development of a regulatory framework in support of fee simple row houses. This chapter concludes with a review of relevant efforts by municipalities within the Lower Mainland to encourage and support the development of innovative ground-oriented, medium density housing, focusing on the local municipalities that have adopted policies and regulations in support of fee simple row housing.

THE NEIGHBOURHOOD HOUSING DEMONSTRATION PROGRAM

In 1996 the City of Vancouver responded to the directions identified through the CityPlan process by expanding the scope of its existing Seniors’ Housing Demonstration Program to include projects that support innovative housing forms which offer the beneficial and sought-after features of single family housing yet at higher densities and lower costs. The role of the renamed program, the Neighbourhood Housing Demonstration Program, is to encourage housing projects that support CityPlan’s housing affordability and form objectives by investigating ground-oriented housing
alternatives that could serve families as well as seniors. Policies guiding the Neighbourhood Housing Demonstration Program state that projects must provide housing options that are affordable compared to alternatives in the neighbourhood and which offer alternatives to the single-family home (City of Vancouver, 1996). The mandate of the original Seniors Housing Demonstration Program, established in 1989, was to support alternatives to the single family home that could enable seniors wishing to move out of their single family homes to continue living in their neighbourhoods within smaller, more manageable housing units. Building upon this directive, the Neighbourhood Housing Demonstration Program is designed to support the development of more complete communities that offer residents, both young and old, the opportunity to find housing that meets their life-cycle needs within existing neighbourhoods. “For example, low-density multifamily housing can serve starter families, so that children raised in neighbourhoods have an opportunity of living there once they move out of their parents home. These forms of housing could also serve seniors who wish to continue to live in their neighbourhoods but not in a single family home” (City of Vancouver 1996:4).

Local Government’s Role in Advancing Housing Demonstration Projects

The City of Vancouver’s Housing Centre manages the Neighbourhood Housing Demonstration Fund and administers support to projects meeting the criteria of the program. The Housing Centre hosts the City’s housing programs and initiatives and is tasked with three main activities: create opportunities for more social housing, provide assistance to displaced tenants, and undertake research and investigations into new housing directions (City of Vancouver, 1999a). The third task is implemented through the City’s Neighbourhood Housing Demonstration Program which partners the City with the development community to support innovative housing forms that are new to the housing market. The rationale for public involvement in housing innovation and development relates to the risks involved in bringing a new housing form to the market. The financial risks of investing in an untested product may act as a deterrent against private investment in the development of more innovative housing options. The time
investment required is an obvious barrier to the involvement of private interests in housing innovation; demonstration projects take longer to develop than typical development ventures because issues that have not arisen before have to be resolved. In addition, sites often need to be rezoned to accommodate projects demonstrating new housing forms; the rezoning process is lengthy and costly for a developer and introduces a significant amount of risk and uncertainty to the development project. "A standard project can take 2 years from start to finish, one to plan and a second to build. For demonstration projects, the planning can take longer; up to a year can be required to turn a concept into a program that can be the basis for a rezoning application or marketing" (City of Vancouver, 1996:4). Because of this uncertainty, developers are often unwilling to invest in the development of a residential intensification project on lands that are not already zoned for medium-density housing (Kanter, 1993). Therefore, by establishing a partnership, the risks and responsibilities are shared between the City and the developers and the rezoning process can be made less uncertain.

Planners, politicians, developers and citizens are currently confronted with the challenge of developing new and innovative housing forms, which support the transition to urban sustainability, within a market that is accustomed to the limited choices popular today: the fee simple, single-family detached home and the condominium, multi-family townhouse or apartment unit.

The risks of building an unacceptable product are very high, and builders as well aware of the strong consumer preference for the single-family detached home (a preference that has probably been reinforced by the increased publicity about legal, insurance, and other problems with condominiums and townhouse associations and other common-wall developments). We have no objection to developers promoting pilot, or demonstration, higher-density projects to test consumer acceptance. (Gordon and Richardson, 1997:97)

The purpose of the City of Vancouver’s Neighbourhood Housing Demonstration Program, therefore, is to support innovative projects that showcase the benefits and test the acceptability of new housing forms to advance their development within the community.
FEE SIMPLE ROW HOUSING: the link between tenure and residential building form in achieving more complete communities

Larch Street Neighbourhood Housing Demonstration Project

In 1997 the City of Vancouver approved the rezoning of a Kerrisdale site to accommodate the development of a 46-unit townhouse project under the Neighbourhood Housing Demonstration Program. The townhouse development met the Program’s criteria by providing an innovative physical form that was previously unavailable in the single-family district. In terms of meeting the affordability criteria, the project provided relative affordability within the neighbourhood. A 1997 Administrative Report noted that the townhouses had to be sold for nearly $500,000, equivalent to the least expensive single family homes available for resale on the west side of Vancouver, in order for the project to be financially viable. At that time, the average price of a new single-family home on the west side was $852,000 and the average price of a resale home on the west side of $678,000 (City of Vancouver, 1997a). Greater affordability benefits would have required a higher density for the project than would have been compatible with the adjacent single-family housing. The third key criteria for the Neighbourhood Housing Demonstration Program requires that the project receive a degree of community support for the proposed rezoning. “The criteria is [sic] necessarily vague, but the intent is to ensure that applicants make a serious effort to accommodate the concerns of neighbours, and that there is support in the community for the form of housing proposed” (City of Vancouver, 1997a:3).

The community consultation process for the Larch Street project generated opposition as well as support (City of Vancouver, 1997c); recognizing that opposition to rezoning proposals is common, the Neighbourhood Housing Demonstration Program requires that there is some level of support in the community for new housing forms and improved affordability. “A thorough public process was undertaken by the applicant, and the applicant did respond to the neighbours’ concerns regarding traffic, height, form and density by reducing the FSR [floor space ratio] and the number of units, increasing the off-street parking ratio, and reducing the height of the buildings” (City of Vancouver, 1997a: 3). As the project met the key criteria of the Neighbourhood Housing Demonstration Program, City Council approved the rezoning application.
FEE SIMPLE ROW HOUSING: the link between tenure and residential building form in achieving more complete communities

Figure 17: Larch St. Neighbourhood Housing Demonstration Project

Figure 18: Larch St. Neighbourhood Context

FEE SIMPLE ROW HOUSING: A NEIGHBOURHOOD CASE STUDY

The City of Vancouver's Neighbourhood Housing Demonstration Project on fee simple row housing is presented as a means of implementing CityPlan's policy directions toward increasing housing choice in Vancouver's single-family neighbourhoods.

If the population growth in the city and region is to be accommodated successfully, it will be important to develop medium density forms that are economically viable and at the same time can be successfully accommodated within or next to Vancouver's single-family
Fee Simple Row Housing: the link between tenure and residential building form in achieving more complete communities

neighbourhoods. Developing innovative forms of housing will be particularly useful for the CityPlan visioning process by providing real alternatives that residents of Vancouver's neighbourhoods can visit and evaluate (City of Vancouver, 1997a).

Background and Neighbourhood Context

The inspiration for introducing fee simple row housing in Vancouver comes from the many examples that contribute to the character and vitality of existing urban neighbourhoods in other Canadian and American cities. Bridging the gap between the concept of complete, compact communities and the policy of diversifying housing choice is the challenge of the planners, politicians and citizens to identify acceptable and attractive types of medium density housing that can complement the character of Vancouver's established neighbourhoods. As a means of bringing the CityPlan policy directions to the neighbourhood level, City Council introduced in 1997 the Community Visions Program, which is designed to enable individual communities to define a set of focused policies tailored to meet local needs and address specific issues. Two of Vancouver's 23 communities, Dunbar and Kensington-Cedar Cottage (KCC), were selected to engage in pilot projects to implement the Visions Program based upon input from local residents.

The Kensington-Cedar Cottage Community, located on the east side of Vancouver, stretches from Clark Drive and Fraser Street in the east to Nanaimo Street, and from Broadway in the north to 41st Avenue (see Map 1).
Map 1: Kensington-Cedar Cottage Neighbourhood

The community represents a diversity of cultures, ethnicities and age groups and has experienced considerable change over the past few decades. Kensington-Cedar Cottage's population has increased modestly since 1971, however, the neighbourhood's mix has changed considerably; between 1971 and 1991, there was a 14.2% decrease in the number of children (those aged 0-19) and a 30% increase in the number of seniors (those aged 65 years and over) (City of Vancouver, 1999b). This population dynamic affects the type of housing and services required within the community. Currently, the housing stock within Kensington-Cedar Cottage consists mostly of single-family dwellings (81.8% of all dwellings), with styles ranging from turn-of-the-century heritage homes to the small stucco bungalows on small lots from the 1920s (City of Vancouver, 1999b).

Within the Community Vision, new housing types are proposed to accommodate future housing needs of Kensington-Cedar Cottage residents and to diversify the housing stock to include alternatives to the single-family home. The housing statistics used in the development of the Community Vision, based upon the 1991 Statistics Canada Census, estimated the future housing needs within the Kensington-Cedar Cottage neighbourhood and showed that there will be a shortfall in the number of available single-family houses.
The following tables present the findings of the housing analysis completed for the Community Vision.

<table>
<thead>
<tr>
<th>Housing Units</th>
<th>Single Family House</th>
<th>Rowhouse and Duplex</th>
<th>Rental Suite in House</th>
<th>Apartment in House</th>
<th>Total Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991 Existing</td>
<td>8,630</td>
<td>455</td>
<td>1,835</td>
<td>1,780</td>
<td>12,700</td>
</tr>
<tr>
<td>2021 Estimated Desired</td>
<td>12,150</td>
<td>495</td>
<td>1,975</td>
<td>2,220</td>
<td>16,840</td>
</tr>
<tr>
<td>Additional Demand</td>
<td>3,520</td>
<td>40</td>
<td>140</td>
<td>440</td>
<td>4,140</td>
</tr>
<tr>
<td>(2021 Estimated -</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1991 Existing)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Demand</td>
<td>4,645</td>
<td>50</td>
<td>185</td>
<td>580</td>
<td>5,460</td>
</tr>
<tr>
<td>Including Newcomers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(above x 1.32*)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional new units</td>
<td>0</td>
<td>200</td>
<td>0</td>
<td>6,650</td>
<td>200</td>
</tr>
<tr>
<td>possible under current</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>zoning</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shortfall or (surplus)</td>
<td>4,645</td>
<td>(150)</td>
<td>185</td>
<td>(6,070)</td>
<td>(1,390)</td>
</tr>
</tbody>
</table>

*People moving into Vancouver and KCC. In addition to new households through population aging, people are moving to Vancouver from elsewhere, and some will come to KCC. Between 1986 and 1991, about 32% of the new housing units built in KCC were occupied by newcomers.

Table 6: Kensington-Cedar Cottage Housing Statistics
(City of Vancouver, 1999b)

As indicated in Table 6, the demand for single family houses in the KCC community will continue despite the unavailability of additional land for the development of single family housing. The shortfall in the number of available units could result in the displacement of people from the community who are seeking a form of ground-oriented housing (the surplus in apartment units will attract only a certain market sector). In order to meet the estimated future demand for more dwelling units within the KCC community, local residents propose the development of infill housing on existing single-family lots, dedicated seniors’ housing to accommodate the aging population and the addition of new housing types in the medium density range, which offer many of the features of single family houses. The Community Vision proposes that an additional 450-600 units in the rowhouse, four-and sixplex and duplex category and an additional 55 units in the infill housing category (City of Vancouver, 1999b).

As there are no additional single-family lots available in the community, residents and planners looked to the redevelopment of industrial lands for residential purposes. The
Kensington-Cedar Cottage community has a small pocket of industrial zoned land located just south of the Victoria Diversion. This four-hectare (ten acre) parcel contains a mixture of industrial and commercial businesses, together with some single-family residences. The area is considered to be amenable to residential development, as it is close to neighbourhood services, including John Hendry Park (Trout Lake) and both the Nanaimo and Broadway SkyTrain stations (City of Vancouver, 1996). In 1990, Council designated this area for release from industrial use and City staff, in consultation with community residents during the visioning process, began reviewing development alternatives for this area (City of Vancouver, 1999b). The release of this industrial land, followed by CityPlan's directions to increase housing choice and build housing demonstration projects acted as the impetus for the case study under investigation: the proposal to build fee simple row houses within the KCC community. Local residents have voiced support for the creation of housing alternatives within their neighbourhood, providing additional validation for the pursuit of the demonstration project that is the focus of the thesis.

Neighbourhood Housing Demonstration Project: Welwyn Street Row Housing

The Neighbourhood Housing Demonstration Project proposed for Welwyn Street was introduced to City Council in 1997. Support for the project calls upon city policies and planning directions adopted by Council as part of the CityPlan process. Following the release of the Cedar Cottage industrial area from the industrial land base, staff and local residents engaged in a planning process to discuss development options for the 'let go' area. During the process, the site of the former GVRD work yard at 3720 Welwyn Street was identified as an opportunity for an innovative housing project (City of Vancouver, 1997b). In 1996 Council approved a series of policies for the Cedar Cottage industrial area, known as the MC-1/Welwyn Street study area. The planning policies reflect the area's tradition as a mixed-use neighbourhood, with a long history of light industrial, commercial and residential uses that residents wished to preserve. A community design workshop was used as the vehicle to bring ideas and concepts together to form a vision for the area, which, building upon the existing character, proposed to introduce new
land uses that would enhance the livability of the neighbourhood. The Welwyn Street project site is located along Welwyn Street between E. 21st Avenue and E. 22nd Avenue.
FEE SIMPLE ROW HOUSING: the link between tenure and residential building form in achieving more complete communities

The site is a former GVRD workyard, situated within the old Cedar Cottage industrial area. Adjacent to the site is a Telus (previously BC Tel) works yard, which occupies the property to the north. The Welwyn Street site shares a laneway with the MC-1 Commercial Street area, composed of a mix of light industrial, commercial and residential uses.

St. looking north (Telus site to the right)

Figure 19: Welwyn

Figure 20: Welwyn lane looking North, South and West
FEE SIMPLE ROW HOUSING: the link between tenure and residential building form in achieving more complete communities

The residential landscape surrounding the Welwyn Street site is both unique and diverse. Three single-family homes are located within the block of the project site, sharing a rear lane with the proposed row house project. Across Welwyn Street to the west are newer single-family dwellings. However, due to the industrial nature of the site, the houses along this section of Welwyn Street were oriented to face Maxwell Street to the west and therefore have their backyards and garages along Welwyn Street.

Figure 21: Welwyn Street neighbourhood context
The project site is essentially in the backyards of all the surrounding land uses. This arrangement presents both opportunities and constraints from the perspective of developing a new housing form within the neighbourhood. Because the site faces the back sides of the neighbouring residential lots, detailed streetscape planning will be required to create an attractive and suitable environment for the new housing units. The row house form is strongly related to a streetscape environment that is designed at the human scale; the relationship between the row house and the street is defined by an intimate arrangement of the public sidewalk and the private porch and entrance. The design of the row houses will need to take into consideration the constraints of the Welwyn Street site, which looks across to the back sides of large, single family homes. In contrast, the neighbourhood arrangement creates an opportunity to introduce a new housing form in a neighbourhood that is already aligned to accommodate an incongruous land use - the industrial site. In addition, the site itself is ideal for residential development, offering excellent views to the North Shore Mountains, and located within an established neighbourhood close to community services.

The project site is currently zoned RS-2, which would allow for the development of 7 single-family houses on 10m (33 ft) lots at a floor space ratio (FSR) of 0.60. The City's proposal is to subdivide each of the existing 7 lots to develop 14 fee simple row houses, each located on its own 5.03 metre (16.5 ft.) by 36.27 metre (119 ft.) fee simple lot. Conceptually, the row houses would be approximately 2,000 square feet, with a total FSR in the range of 1.0 to 1.2 (City of Vancouver, 1997b).

The row house form is already in use in the City of Vancouver (as discussed in Chapter 3); however the subdivision and tenure issues related to fee simple ownership of attached housing need to be addressed and tested prior to the development of this type of housing. Because Vancouver's row houses are currently contained in strata corporations, which form another level of governance that sets rules and regulations, the demonstration project is setting out to test the acceptability of row houses designed to accommodate the spirit of individualism. Prospective purchasers may find the condominium form of ownership burdensome and restrictive; therefore the fee simple row house option may capture a contingent of purchasers interested in medium-density
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housing, but who want to experience the lifestyle and ownership benefits of the single-family home. Conceptually, the fee simple row house is a feasible arrangement for achieving medium density housing along with the benefits of home ownership.

"Fee simple row houses are built on subdivided lots and managed individually. The only legal agreement among the owners is a party wall agreement between pairs of owners that sets out the rights and obligations related to the walls built on shared property lines" (City of Vancouver, 1997b: 4). Under the City's current zoning by-law, row houses could only be built through the comprehensive development zone (CD-1 by-law); this method of zoning is time consuming and results in projects developed on a 'one off' basis, without the consistency or regulatory support of a zoning by-law. In addition, the City's Subdivision By-law currently does not allow for the establishment of lots of less than 25 ft frontage, which is too wide for the row house form (City of Vancouver, 1997b). The objectives of the City's Welwyn Street Neighbourhood Housing Demonstration Project is to develop a row house zoning schedule, which could be used elsewhere in the City, to develop the necessary amendments to the Subdivision by-law, and to develop the site under the new zoning and subdivision regulations. The benefit of doing the project through the Neighbourhood Housing Demonstration Program is that a concrete example of fee simple row houses would be provided, and the market response tested; in addition, the City would benefit from the creation of a new form of housing that could be developed in other Vancouver neighbourhoods (City of Vancouver, 1997b).

Regulatory Implications of Fee Simple Row Houses

The regulatory environment for fee simple row houses is contingent upon the subdivision requirements outlined by the municipal government. In order to permit the development of fee simple row houses, zoning regulations must allow for subdivision of properties into individual lots that are of a size appropriate for this type of housing. In many cases, existing "municipal zoning bylaw regulations contain many provisions that discourage GOMDH, and put it at a disadvantage to other more traditional housing
forms" (CitySpaces Consulting Ltd., 1998: 37). There are, however, examples from the Lower Mainland where the regulatory environment supports fee simple row houses. The experience of these neighbouring municipalities within the GVRD, as well as from urban contexts throughout Canada can help inform the development of the row house zoning schedule for the City of Vancouver. The following case references of municipalities in the GVRD describe existing policies and regulations that support the development of row houses on individual fee simple lots and are presented as brief study overviews of 'living examples' of this type of housing innovation in the Lower Mainland.

Abbottford’s Street Townhouse Residential Zone

The City of Abbotsford recently created zoning that allows for the development of street townhouses that can be built as groups of attached row houses on one lot or as individual row houses each on its own separate and individual lot (City of Abbotsford, 1996).

Burnaby’s Row Housing Zone

Although very few municipalities within the Lower Mainland have zoning in support of fee simple row housing, the idea is not entirely new to the region. As noted in Chapter 5 during the discussion on party wall agreements, fee simple ownership of attached housing has been permitted in the City of Burnaby since the 1960s. The original zoning by-law for the City of Burnaby, dating back to 1967, permits the development of row housing on individual fee simple lots (GVRD, 2000). The R6 district provides for the use and development of row housing on lots with minimum width of 7.5 m (24.61 ft.) (City of Burnaby, 1998).
Although zoning for fee simple row housing has existed for over 30 years, only five developments, totalling 28 units, have been developed in Burnaby. Most of the projects were built in the 1970s, and reflect the style and character of that era rather than the traditional forms described in Chapter 3.

The existing projects, however, are working examples of how fee simple ownership of row housing can successfully avoid issues related to maintenance and upkeep in a development where owners are responsible for the maintenance of their properties rather than an overriding condominium council. "The appearance and upkeep of the Grimmer Street project testifies to the pride of ownership of its occupants over the years. The wood siding has maintained a consistent appearance, and the private yard spaces have been customized for each unit" (GVRD, 2000: 2).

A second example from the City of Burnaby depicts how fee simple ownership can allow for independent expression of tastes and preferences without compromising the overall quality or character of the project. The R6 row houses along Clare Avenue have been painted a variety of colours by their individual owners; the design of the project, with clear delineation between adjacent units, enables such renovations.
"Since this form of housing is not typical in the region, developers are not familiar with fee simple ownership in attached form housing, and might be concerned about related problems" (GVRD, 2000:1). However, City staff noted that there has been no negative feedback from any of the homeowners in the R6 districts. "This may imply that concerns around this type of housing are not warranted. Furthermore, the legal and maintenance issues for these owners are the same as for owners of side by side duplexes" (GVRD, 2000:2). City staff note that there is increasing interest within the development community to build more of this type of housing and have identified areas within the city where fee simple row houses may be appropriate, such as the 'urban villages' identified in the OCP and areas of transition between single-family neighbourhoods and multi-family housing districts. However, as of yet, no new projects for fee simple row housing have been brought to the City of Burnaby for consideration (personal communication, 2001).
FEE SIMPLE ROW HOUSING: the link between tenure and residential building form in achieving more complete communities

City of Surrey's New Small Lot Residential Zones

In January 2000, Surrey City Council adopted a series of new small lot residential zones that will provide ground-oriented housing that is more affordable and sustainable than houses built on the standard lots. The RM-19 Zone is intended to allow for the development of fee simple row houses. “While the row housing form is permitted under the current townhouse zones, the attributes of the proposed zone may make it an attractive alternative for those who prefer fee-simple ownership of their own unit and lot and seek the experience of urban living with a direct relationship and private entrance to the street, having individual vehicle access directly from the rear and having their own small and manageable private yard space within the lot” (City of Surrey, 2000:5). This statement summarizes the argument in support of fee simple ownership of row houses, citing the preference for individual ownership of ground-oriented units.

New Westminster's Conceptual Row House Project

New Westminster encourages the development of ground-oriented housing. Housing strategies have identified the benefit of introducing row housing which can be designed “to allow residents access to their own parcel of land, a front door to the street, and a reasonably-priced unit” (CitySpaces Consulting Ltd., 1998a:41). The city promotes residential intensification policies that include the need to densify suburban areas. The City is currently considering the addition of a zone that would allow for the development of freehold row houses (CitySpaces Consulting Ltd., 1998a).

Port Coquitlam

The City of Port Coquitlam has zoning in place that accommodates the development of row houses on individual fee simple lots. The existing examples in the Mary Hill neighbourhood are all older forms of fee simple row houses, expressing suburban styles
FEE SIMPLE ROW HOUSING:  
the link between tenure and residential building form in achieving more complete communities

and streetscapes more reflective of contemporary townhouses rather than traditional row houses. These working examples, as with the Burnaby projects, demonstrate how fee simple ownership of attached housing enables individual expression of tastes and reveal the important role design plays in facilitating such changes over time as row houses designed with clear delineation between adjacent units can more easily be altered within the confines of the individual property lines than projects designed with a single, continuous façade.

Figure 24: Older Fee Simple "Townhouses"
The key zoning issues relate to the subdivision of land (including minimum lot area, minimum lot width and required setbacks), permitted densities and parking requirements. "Parking requirements for low to medium density townhouses are greater than required for detached housing in more than 50 per cent of the municipal parking regulations [in the GVRD]. In many cases, this reflects the fact that they are retirement townhouses where the market wants 2.5 spaces per unit" (CitySpaces Consulting Ltd., 1998a:33). Experimentation with tandem parking, where two spaces are provided one behind the other, is on-going in Burnaby, New Westminster and Langley Township (CitySpaces Consulting Ltd., 1998a).

The following table summarizes aspects of zoning schedules from other municipalities within the Lower Mainland that permit the development of fee simple row houses. These selected examples define the standards for the typical row house, as it already exists in the local context and provide direction to inform the City of Vancouver's Welwyn Street project. The minimum lot widths used in these communities range from 6 metres (19.69 ft.) to 11 metres (36.09 ft.), slightly wider than the 5.03 metre (16.5 ft.) wide lots proposed for the City's project site. This minor divergence from the established standards is the result of the proposal to subdivide existing single-family lots for the purpose of creating fee simple row housing. Allowing for this type of subdivision could encourage the development of this form of ground-oriented housing elsewhere in the city where the row house form could complement the existing neighbourhood structure, while providing housing alternatives at higher densities. The City's project will result in a zoning schedule that defines the standards for fee simple row housing within Vancouver, and could draw upon the existing municipal regulations from neighbouring contexts.
<table>
<thead>
<tr>
<th>Municipality</th>
<th>Min. Lot Area</th>
<th>Min. Lot Width</th>
<th>Min. Setbacks [maximum]</th>
<th>Max. Height</th>
<th>Coverage</th>
<th>Floor Area and Density</th>
<th>Max. Units in a Row</th>
<th>Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Abbotsford RMS Zone</strong></td>
<td>Attached 1 side: 240m² (2,583 sq. ft.) Attached 2 sides: 192 m² (2,067 sq. ft.) Corner lot: 310m² (3,337 sq. ft.)</td>
<td>Attached 1 side: 7.5 m (24.61 ft.) Attached 2 sides: 6.0 m (19.69 ft.) Corner lot: 10.0 m (32.81 ft.)</td>
<td>Front: 3.0 m-[3.5m] (9.84 ft.-[11.48 ft.]) Interior Side: 0m (0 ft.) Exterior Side: 3.0m (9.84 ft.) Rear: 14.0 m (45.93 ft.)</td>
<td>9.8 m (32.15 ft.) or 3 storeys</td>
<td>65% (incl. 3% for accessory bldgs.)</td>
<td>0.75-0.94 (lower figures for units attached 1 side)</td>
<td>5</td>
<td>Off street parking from rear lane only Detached garages (28m²)</td>
</tr>
<tr>
<td><strong>Burnaby R6 Zone</strong></td>
<td>Attached 2 sides: 220 m² (2,368.14 sq. ft.) End unit: 330m² (3,552.21 sq. ft.)</td>
<td>Attached 2 sides: 7.5 m (24.61 ft.) End unit: 11 m (36.09 ft.)</td>
<td>Front: 7.5 m (24.61 ft.) Side: 3.5 - 6m (11.48 - 19.69 ft.) Rear: 10.5m (34.45 ft.)</td>
<td>9 m (29.53 ft.) or 2 storeys</td>
<td>Attached 2 sides: 40% End unit: 35%</td>
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<td></td>
<td></td>
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<tr>
<td><strong>Port Coquitlam RM3 Zone</strong></td>
<td>220 m² (2,367.48 sq. ft.)</td>
<td>-</td>
<td>Front: 7.5 m (24.61 ft.) Interior Side: 1.8 - 3.5 m (5.9 - 11.48 ft.) Exterior Side: 3.5m (11.48 ft.) Rear: 7.5 m (24.61 ft.)</td>
<td>9.5 m (31.16 ft.)</td>
<td>35-40%</td>
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<tr>
<td>Municipality</td>
<td>Min. Lot Area</td>
<td>Min. Lot Width</td>
<td>Min. Setbacks [maximum]</td>
<td>Max. Height</td>
<td>Coverage</td>
<td>Floor Area and Density</td>
<td>Max. Units in a Row</td>
<td>Parking</td>
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<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Surrey RM19 Zone</td>
<td>Interior Lot: 180m²</td>
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<td>Front: 3.0 m (10.0 ft.)</td>
<td>9.5 m</td>
<td>Internal Unit: 55%</td>
<td>48 upha (19 upa)</td>
<td>6</td>
<td>2 off street parking spaces (access from rear lane only)</td>
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<tr>
<td></td>
<td>(1,900 sq. ft.)</td>
<td></td>
<td>Corner Lot: 6.0 m</td>
<td></td>
<td>End Unit: 45%</td>
<td>Corner/End Lot: 0.70</td>
<td></td>
<td>1 space must be in detached garage/carport</td>
</tr>
<tr>
<td></td>
<td>Corner Lot: 270m²</td>
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<td>9.0 m (30.0 ft.)</td>
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<td></td>
<td>10.0m (33.0 ft.)</td>
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</tr>
<tr>
<td></td>
<td>(3,000 sq. ft.)</td>
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<td>Interior Side: 0m (0 ft.)</td>
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<td>Exterior Side: 3.0 m (10.0 ft.)</td>
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<td>Rear: 10.0m (33.0 ft.)</td>
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Table 7: Zoning for fee simple row houses
LEGAL IMPLICATION OF FEE SIMPLE ROW HOUSES

The subdivision of land into individual lots upon which fee simple row houses are built results in structures that share common walls located on the dividing property lines. The mechanism used to address the legal issues related to such shared, party walls, is established and regulated through formal party wall agreements. Some fee simple row house projects have implemented a further level of regulation by establishing maintenance agreements, which effectively replace the regulatory role otherwise provided through condominium bylaws, to ensure a standard of property appearance and maintenance. These two legal conventions are described in the following sections, which describe how the tools are used and the benefits and shortcomings of each.

Party Wall Agreements

A wall is defined as a party wall if it stands astride the boundary of land belonging to two (or more) different owners; or if it belongs totally to one owner, but is used by two (or more) owners to separate their buildings (Government of the UK, 1996). In England, where much of the housing stock is composed of attached terrace or row houses, a separate legislation has been established to deal with issues related to party walls. The Party Wall etc. Act 1996 sets out the obligations that form the basis of the legal relationship between owners sharing a common wall. The Act covers various issues, including work (extending, repairing, rebuilding etc) that directly affects an existing party wall and the construction of new buildings that are located on the property line.

The Act also sets out the procedures that owners must follow when undertaking work to their party wall. Owners are required to give notice in writing of the intended works to all the relevant adjoining owners. This notice must include full details of what is proposed (including plans where appropriate) and the proposed starting date. In the case of excavations, the notice must also state whether the owner proposes to
strenthen or safeguard the foundations of the building or structure belonging to the adjoining owner, and it must be accompanied by plans (Government of the UK, 1996). For example, at least two months' notice is needed for works to an existing party wall.

The Act also states that an adjoining owner cannot stop someone from exercising the rights given to them by the Act, but can influence how and when the work is done. Under the Act, a person who receives a notice about intended work may give consent within 14 days, or give a counter-notice setting out what additional or modified work they would like to be carried out. If an adjoining owner does not do either of these things, a dispute is regarded as having arised, at which time the dispute resolution procedures outlined in the Act would be initiated.

A party wall agreement is designed to address two key elements. First, a party wall agreement is established to ensure that adjacent owners maintain the common party wall, in perpetuity. A covenant that runs with the land is established so that future owners must agree to maintain the shared wall. The second function of party wall agreements is to set out the terms by which the party wall will be maintained. The owners agree to the type of work that can be undertaken to maintain the wall, including repairing, rebuilding or extending and agree to a notification process to inform adjacent owners of proposed work. Finally, a party wall agreement identifies methods of bearing the cost of party wall maintenance, including those costs borne by an individual owner and those requiring cost sharing. The basic anatomy of a party wall agreement includes themes of maintenance, repairs, notices and costs, recognizing that the most important element is to ensure that the shared wall maintains its structural integrity in perpetuity.

Maintenance Agreements

Drawing upon an example from within the GVRD, party wall agreements from the City of Burnaby provide a model of how the regulatory and legal issues related to fee simple ownership of row houses can be successfully managed. In addition to party wall agreements between adjacent landowners, the owners of Burnaby fee simple row
houses are also required to uphold a maintenance agreement defined through a building scheme. The type of agreement imitates the mandate of condominium/strata councils by providing a mechanism for the regulation of the exterior of the buildings to ensure uniformity. The registered building scheme requires that “owners shall at no time permit the exterior of the premises to fall into disrepair or to leave the said exterior unpainted for a period in excess of five years” and that the “owners shall not permit the exterior of any of the buildings to be painted in a colour not in uniform with the colour of the exterior of the other buildings and shall not paint the exterior of the building in any colour other than avocado green unless permission in writing is obtained from all the other owners” (R & H Development Ltd., 1976:1). The purpose of this maintenance agreement is to ensure that individual owners do not alter the exterior finish of their properties without consulting the other owners within the development. This type of arrangement can be viewed as a ‘safety net’ for fee simple row houses that are designed in a manner that requires a more uniform appearance to be maintained in perpetuity for the benefit of all of the individual lots. This scenario, although restrictive to a certain degree, enables owners a sense of insurance that their neighbours will not paint their unit a discernibly incongruous, inappropriate, incompatible colour, while still enabling the owners to hold their property in fee simple and to be free from the other burdensome restrictions and regulations of condominium/strata title councils.

Similar maintenance and common property agreements exist for row house development in the City of Ottawa. Again, the purpose of the agreements is to provide a mechanism whereby owners consent to a common building scheme for their properties. Owners agree that “no party shall in any way whatsoever alter the visual appearance or colour of the exterior of the premises” and that “before painting the exterior portion of their respective premises they will confer each with the other in order to create a uniform colour for the said premises, and agree upon such uniform colour in order to add to the enhancement and beauty of the said premises” (City of Ottawa, nd).

Party wall and maintenance agreements address the legal issues related to the development, and ongoing maintenance of fee simple row houses. However, if owners of fee simple attached housing do not follow the terms of the party wall or maintenance
agreements, there is little opportunity within this type of regulatory environment to enforce action. Owners of fee simple row houses would be forced to file suit through civil court if such agreements are not honoured or if damages occur. In the City of Toronto, where there is a long history of fee simple row houses, or freehold townhouses as they are called, such issues have been identified as long-term problems with this type of housing. The rising popularity of freehold townhouses is reflected in the number of new developments being built within the City of Toronto; the row house is already an established and accepted form of urban housing, and, as in Vancouver, increasing land costs have made the freehold townhouse an attractive and affordable option. However, Toronto City Council is reviewing the issues related to the maintenance of such housing because owners have repeatedly requested assistance in resolving disputes. Problems emerge when the maintenance of common elements, such as underground services, drainage and storm water facilities, private access roads, sidewalks or common building structures, is required. In Toronto, townhouse developments have typically been one of three types of tenure: rental, freehold on a public street, or condominium townhouses with common element driveways. A fourth type has recently emerged, a private road freehold townhouse, combining the freedom of fee simple row house ownership with the exclusivity and ease of maintenance of condominium projects (City of Toronto, 1998).

Private road freehold developments consist of individually owned lots that have access to a public road either by easements or by a commonly-owned parcel of land; maintenance of the private road is provided for by means of maintenance agreements (contracts) among the owners. Proponents of this type of development argue that buyers resist the limitations and restrictions associated with condominiums and prefer to enter into maintenance agreements that are limited to the shared facilities only; unlike condominium developments where owners are required to contribute to the maintenance of the exterior of all buildings and common facilities, maintenance fees within the private road freehold development scheme are limited to the road and underground services and are therefore cheaper. This new type of development, however, has introduced a new set of problems regarding the maintenance of common elements. City staff members have concerns about the long-term maintenance of such facilities in the event of a dispute regarding agreements when the security of legislated
CONDOMINIUM BYLAWS IS MISSING. MUCH OF THEIR CONCERN, HOWEVER, RELATES TO THE POTENTIAL PROBLEMS THAT MAY ARISE IF PRIVATE ROADS IN SUCH FREEHOLD DEVELOPMENTS WERE TO BE TURNED OVER TO THE CITY FOR MAINTENANCE AS THE ROADS, BEING ORIGINALLY DEVELOPED ON PRIVATE LAND, WOULD NOT MEET CITY STANDARDS (CITY OF TORONTO, 1998).

TOKYO COUNCIL IS CONSIDERING RECOMMENDING AMENDMENTS TO THE CONDOMINIUM ACT OF ONTARIO TO ALLOW A 'COMMON ELEMENTS CONDOMINIUM' TO COVER THE COMMON PROPERTY IN A FEE SIMPLE ROW HOUSE PROJECT, WHILE STILL ALLOWING FOR FLEXIBILITY IN THE MANAGEMENT OF INDIVIDUAL UNITS.

SUMMARY

chapter contains the conclusions of the thesis, outlining how the research questions have been answered and commenting on the implications for planning. The benefits of the case study analysis will be presented, along with recommendations for further research directions.
CHAPTER 7: CONCLUSIONS

It seems fitting that the City's row housing demonstration project would be located along a street that shares its name with the famous Welwyn Garden City. While Ebenezer Howard's vision for garden cities promoted the development of a relatively low density urban form compared to the current emphasis on more compact land use patterns, row housing was an integral part of his ideal city structure. In contrast to earlier interpretations of the row house utilized in the industrial factory towns, Howard's vision placed the row house within an environment offering residents the benefits of open green spaces afforded by attaching the houses together on smaller lots. "Early examples of efforts to relate row housing with automobiles and adequate open green space in a satisfactory arrangement are typified by the garden cities built in England at the turn of the century. Welwyn Garden City, located to the north of London, was conceived as, and still is, a dormitory suburb which combines row housing, space for car traffic and play areas for children in spatial arrangements which are both pleasant and functional" (Klein, 1971:4). The concept of using row housing to achieve land savings was an important feature of Howard's Welwyn Garden City; a renewed interest in the row house form has inspired the proposed transformation of Welwyn Street in the City of Vancouver into a more diverse and attractive residential neighbourhood that could provide insight into the future development of more sustainable urban neighbourhoods in the city.

This thesis set out to explore the topic of fee simple ownership of row housing, in order to answer the following research questions:

What are the benefits of developing fee simple row housing in the City of Vancouver?
- What is the planning rationale for developing fee simple row houses?
- What regional and municipal planning policies support the development of this type of housing?
- How could fee simple row houses help contribute to the creation of more complete, compact communities?
How is the City of Vancouver facilitating the development of fee simple row housing?

- What is the purpose of the Neighbourhood Housing Demonstration Project and what are its potential benefits?
- What have other municipalities within the GVRD done to support this type of housing?
- What are some of the regulatory and legal implications of developing fee simple row housing?
- What are some of the potential directions for future research in support of implementing fee simple row housing?

The analysis and conclusions that follow are based on a review of documents associated with the study of ground-oriented medium density housing in the Lower Mainland, as well as observation and discussions with the project team from the City of Vancouver and VanCity Enterprises working to implement fee simple row housing. It begins with a review of the key findings from literature review, followed by a summary of the benefits of the demonstration project, noting opportunities and constraints. It concludes with a review of key lessons learned through the demonstration project, a review of planning implications and identifies areas of future research.

THE ROW HOUSE’S CONTRIBUTION TO COMPLETE COMMUNITIES

The fee simple row house can contribute to the creation of more complete communities by addressing the common themes disseminated from the regional strategies from the LRSP and the policy directions from CityPlan:

- Intensify neighbourhoods to make best use of existing infrastructure and to minimize land consumption for residential development
- Increase housing choice in single-family neighbourhoods, in terms of housing types, tenures and costs
FEE SIMPLE ROW HOUSING:
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- Create the feel of single family housing in new types of ground-oriented medium density housing

Deploying these key themes as evaluative criteria, the thesis provided a summary of how the fee simple row house has the potential to meet the objectives of the identified themes and concludes that this type of ground-oriented medium density housing could act as a valuable addition to the housing stock in the City of Vancouver, meeting an unrealized potential for greater housing choices that can contribute to the creation of more complete communities. The development of row housing enables the more efficient use of existing infrastructure by intensifying land uses and increasing residential densities in the city's neighbourhoods. Allowing for the development of this innovative type of GOMDH in established single-family neighbourhoods will contribute to a more diversified housing stock, offering greater choice to individuals seeking alternatives to the single family home. In addition to the row house's contribution to more intensified residential neighbourhoods, offering greater housing choice, the fee simple row house is a more marketable type of ground-oriented medium density housing because it offers some of the characteristics typically only available in the single-family detached home.

Fee simple ownership can contribute to a stronger sense of housing satisfaction and is an important aspect of home ownership which people deem important. The thesis reviewed two tenure alternatives, condominium/strata title and fee simple and presented some of the constraints, both real and perceived, of the condominium form of ownership. In contrast, fee simple ownership is a feasible form of tenure for attached housing, with a long history in other contexts, which may act as a further incentive to attract individuals to GOMDH alternatives. Without the constraints of the condominium regulations, owners of fee simple row houses can experience greater freedom on home ownership. Legal mechanisms to ensure proper upkeep of fee simple row houses can successfully manage the relationship between adjacent owners and can encourage responsible property maintenance, while allowing for greater freedom to enable reasonable changes over time to add to the neighbourhood character. The thesis research outlined the important linkages between tenure and residential building form in the provision of innovative housing forms that can contribute to the creation of more
complete, compact communities, concluding that the fee simple row house is a feasible form of GOMDH that could be developed in the City of Vancouver to advance the implementation of urban sustainability principles.

THE CITY'S ROLE IN SUPPORTING FEE SIMPLE ROW HOUSING

The City of Vancouver's Neighbourhood Housing Demonstration Project is the thesis case study. Following the history of the project from its conceptual beginnings through to its current status has informed the thesis conclusions that there is significant support of the development of fee simple row housing and that the City's project will be a valuable contribution to the advancement of this form of housing as an acceptable residential building type. The project planning has been underway for over four years, which is indicative of the demonstration nature of the project. The City team recognizes the importance of advancing the project to meet the demand for housing alternatives to the single-family home, yet have exercised due diligence in the review and investigation into potential issues related to this innovative type of housing. Although the market acceptability has not yet been proven, the City believes that the demonstration project will help test public acceptance of fee simple row housing and help direct future planning for GOMDH. The benefits of introducing row housing include the opportunity to increase residential densities and add greater housing choice in neighbourhoods where only single-family detached housing exists. In addition, row houses offer a more affordable housing form, contributing to the creation of more complete communities where a range of individuals and families can live.

The primary objective of this Neighbourhood Housing Demonstration Project is to test a new form of market housing. Row houses should be relatively more affordable than new single family housing, because they consume half as much land. Affordability is a secondary objective, however. The primary objective is to develop a form of market housing that makes more efficient use of resources such as land and existing infrastructure while providing many of the attributes of single-family housing (City of Vancouver, 1997b: 4).

The market demand and public acceptance of new forms of ground-oriented housing varies considerably throughout Vancouver's residential neighbourhoods. In many cases,
there continues to be significant demand for only detached housing, due in part to the lack of the available examples of innovative multi-family housing types that can coexist with single-family homes. The development of ground-oriented medium density housing in established neighbourhoods presents the greatest challenge, as community resistance to change translates into a lack of interest by the development and financing communities. Therefore, there is a need to facilitate the development of such demonstration projects to assist the acceptance of new housing forms by both residents and builders. It must be recognized, however, that even when there is a clear demand for a new housing form, there are numerous municipal policies and regulations that need to be amended to support such innovation. In a report on the regulatory environment for ground-oriented, medium density housing within the GVRD, it is noted that there are many instances where GOMDS alternatives cannot be readily built without engaging in a risky and lengthy municipal review process (CitySpaces Consulting Ltd, 1998a). New forms of urban townhouses or fee simple row housing with densities in the range of 50-100 units per hectare (20-40 units per acre) are included within the list of innovative housing forms where the existing regulatory environment limits development opportunities (CitySpaces Consulting Ltd., 1998a). The role of local government in the provision of housing has typically been limited to the delivery of non-market housing; however, municipalities that are promoting the development of more complete, compact communities through the provision of more housing choices need to adopt a more proactive stance in the provision and support of innovative market housing.

Even when there is no current community demand for ground-oriented forms of housing, it is important for a municipality to 'put out the welcome mat' in advance of such demand. In some instances, municipalities have gone beyond this and developed a zone for a housing type that is needed. In a manner similar to the development of safety features in automobiles, these municipalities have identified the problem, spent the research and development funds necessary to develop an effective and appropriate solution, and then applied it to areas where they felt it should be built. In most cases, this has been done through an area plan for a particular area or neighbourhood, rather than through the OCP. (CitySpaces Consulting Ltd., 1998a: 16)
The City of Vancouver's Welwyn Street row housing project demonstrates this proactive approach to housing innovation. The City's foresight in recognizing the need to support alternative housing in single-family neighbourhoods materialized through the CityPlan process and is being manifested on the ground in Vancouver's neighbourhoods. The local area planning process for the Kensington-Cedar Cottage community garnered support for the row house form as a means of diversifying the choice of housing opportunities. Since its inception in 1997, however, the Welwyn Street Row Housing Demonstration Project has experienced limited activity. Concerns about the marketability of the row house product have stalled the process and left the site undeveloped to date. Waiting for evidence of market demand for row housing on the east side of Vancouver, the City and the developers have left the project on hold for the past four years, only recently reviving discussions and actions towards advancing the project. The time delay between the conception of the project idea and the current status of the development has enabled the City and its development partner to investigate the issues and concerns regarding the proposed row house form. The ongoing research program will continue into the fall of 2001, at which time a rezoning application may be advanced. Some of the issues that have been raised are in regards to the estimated cost of the row house units; the City is concerned because it is likely that the fee simple row houses proposed for the Welwyn Street site will be slightly more expensive, as a result of development costs for a new product, than the average east side home (personal communication, 2001). However, as the mandate of the Neighbourhood Housing Demonstration Program is to advance the development of innovative housing, the City is interested in advancing the project so that a row house zoning schedule for the City can be developed and implemented elsewhere. The long-term benefits of the project could be realized with the development of fee simple row houses in other Vancouver neighbourhoods where land and housing costs have made the single-family detached home unattainable to many.

In the future, the introduction of traditional-style row housing in the City of Vancouver requires an identification of neighbourhood characteristics that could support the row housing form. In particular, place-specific elements, including neighbourhood density and character, would be important indicators of where row housing infill projects could
be located. However, the implementation of row housing should be viewed as an intermediate level of housing between the distinct single-family and multi-family alternatives. The row house model acts as a transitional housing form that could be implemented in low-density neighbourhoods as a means of complementing the existing streetscape and creating mixed-use communities, while increasing the residential density. Multi-family housing has typically been separated from single-family districts in designated zones or along busy arterial streets. These environments are not often desirable places for children and young families to reside and therefore multi-family housing has been marginalized from the single-family market. In contrast, the implementation of row housing in single-family neighbourhoods could increase the housing options available to purchasers. The development of row houses in single-family districts could also provide affordable housing choices for families and people wanting smaller homes within an established low-density neighbourhood, particularly where single-family detached houses are beyond financial reach. Intensification projects in older, established single-family neighbourhoods in the City of Vancouver could implement the row housing model as a means of increasing density without imposing an entirely contrasting housing form. “Intensification in mature neighbourhoods also illustrates the crucial importance of urban design guidelines in mediating built form and open space, securing benefits for the public realm (streetscape, landscape), and shaping built form to be sympathetic to the neighbourhood” (Borooah, 1993:8). Row housing offers compact multi-family residences without representing too sharp a departure from the single-family.

An important aspect of neighbourhood integration of row housing relates to the design of the row houses themselves. The traditional row house was founded in England and developed throughout many European cities. While much of Vancouver has been influenced by English and European architectural styles, there is also an opportunity to respond to the local Vancouver vernacular in the design of new row housing developments. A re-interpretation or cultural adaptation of the English terraced house could help integrate this form of multi-family housing into the existing neighbourhoods. Some of the distinct characteristics of Vancouver’s West Coast style are clean building lines, wooden siding and extensive landscaping (Hutton, 1998). These design features
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could be integrated into a vernacular design for a Vancouver row housing model. Ramsay Worden Architects Ltd. (1999) note in their report on row houses in various contexts that the early Vancouver row houses have more in common with their English ancestors than with the Eastern Canadian or American versions. Some row house characteristics that are unique to the Vancouver setting include wood framing with exterior stucco finishing, rather than brick walls; and an overall design which emphasizes the larger composition of the building, rather than the expression of the individual units (Ramsay Worden Architects Ltd., 1999). The second defining characteristic is directly related to the style of development and form of tenure that is based upon condominium ownership. The proposal for fee simple ownership of row housing offers an opportunity to enhance the neighbourhood and streetscape character of row house developments, by encouraging the development of projects that are designed to celebrate the individual home, rather than mandate a composite uniformity in project appearance and aesthetics.

PLANNING IMPLICATIONS

The topic of fee simple tenure for attached housing has important linkages to the planning profession at this time when planning theory calls for the creation of more complete, sustainable communities demonstrating more compact and efficient land use patterns. Planners promote the development of higher residential densities, drawing from a collective understanding of the shortcomings of a continued sponsorship of the large-lot single family detached home as the key residential prototype. As a result, an increasing number of adopted planning policies are encouraging the development of a diversity of housing types and densities to complement the single-family neighbourhood. Ground-oriented medium density housing has become a planning catch-phrase, encompassing a range of housing types that maintain a close relationship to the ground, thereby retaining one of the key features of the single-family detached house.

The planning profession, in promoting higher residential densities such as those contained within GOMDH, is effecting significant changes to the neighbourhoods in
which we live and encouraging more people to select alternatives to the single-family detached home. In the Lower Mainland, and in the City of Vancouver in particular, this means that more residents are being directed to multi-family housing types that are almost always governed in a condominium ownership arrangement. While the condominium/strata title form of ownership offers a range of accepted advantages, such as the freedom from property maintenance and the creation of a readily accessible and close community, there are certain disadvantages to this form of tenure that have not been extensively addressed by planners. The creation of a condominium/strata title project essentially marks the formation of a regulatory framework that acts to govern the activities of owners who purchase units within the project. The enabling legislation covers a broad range of responsibilities that are transferred to the individual strata councils that manage each property. Some prospective, and even current, condominium owners view the resulting internal “bureaucracy” of strata title tenure as both burdensome and troublesome. In addition, the ability to express one’s individuality through home and garden renovations is often rigorously restricted in a condominium project based upon the premise that alterations to individual units have negative impacts on the overall project property. These constraints of condominium ownership can act as disincentives to the selection of higher density housing options, undermining current efforts to create more complete communities.

Also contributing to the challenge of gaining acceptance of alternatives to the single-family detached home is the issue of “leaky condos”, which has plagued the Lower Mainland and raised consumer concerns and apprehensions regarding condominium forms of housing. The “leaky condo” problem has implications for all owners in problematic projects, as extensive fees are collected to cover the cost of maintenance and repairs to all common areas. In townhouse or row house projects, however, the necessity of common areas can be minimal as each unit has direct and private access to the ground and is often served by individual driveways off of rear lanes; the row house unit can function like a single-family home set on a fee simple lot, with no need for common areas managed by condominium legislation.
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This summary of some of the key issues addressed in this thesis provides the context for the argument that tenure has important implications on the planning profession and the movement in support of creating more complete communities. At the foundation of the rationale for more complete communities is the notion of greater housing density and diversity; planners recognize the need to encourage a more diverse housing stock offering alternatives to the single-family detached home, but have not readily acknowledged the implications of encouraging more people to live in condominiums, particularly in terms of decreased freedom of home ownership and related levels of housing satisfaction. The focus of the thesis is fee simple tenure of row housing as an example of a well-tested residential building type that retains more of the features of the single-family detached home than are available in attached housing owned in a condominium arrangement. The thesis concludes that fee simple tenure is one of the key features of the single-family detached home that can be applied to ground-oriented medium density housing forms to enhance their attractiveness. The research presented on the role of tenure in housing satisfaction offers insight into the importance of providing ownership alternatives in medium density housing types to advance the creation of more complete, compact communities.

POTENTIAL NEXT STEPS

The thesis set out to review the topic of fee simple ownership of row housing and to identify some of the regulatory and legal implications of developing fee simple row houses. A review of the municipal regulations from local jurisdictions contributed to the understanding of the zoning and planning issues related to the subdivision of land to accommodate fee simple row housing. The existing examples act as a starting point from which the City of Vancouver and its project team can build a set of regulations for the development of fee simple row houses within the city. In addition, the mechanisms available to help manage the relationship between adjacent owners of fee simple row houses, party wall agreements, maintenance agreements, covenants and building schemes, provide sufficient insurance against poor maintenance of row house units.
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The use of a party wall agreement, in conjunction with maintenance agreements, is a successful strategy employed in other municipalities with fee simple row houses. In addition, the design of row housing so that individual units can be more readily altered without affecting the appearance of adjacent homes (i.e. clear delineation between units) is another strategy that can be further investigated. Following the conclusions from the Ontario example, it may be necessary to establish limited common property condominiums to deal with issues related to common facilities such as water and sewage pipes and services and common structures such as roofs. These issues reflect the need for further investigation into the implications of fee simple row housing. Therefore, other avenues of future research to support the introduction of fee simple row housing in the City of Vancouver could include:

- A survey of housing satisfaction among owners of fee simple and condominium row housing units, comparing opportunities and constraints of each ownership arrangement;
- Investigation into the development of limited common-property condominiums to manage common facilities/services;
- Discussions with members of the development industry to gather insight regarding the development opportunities for this type of housing in the Lower Mainland;
- A detailed market analysis to determine potential buyers' interest in fee simple ownership of attached housing;
- Design innovations to create clear delineation between adjacent units;
- An inclusive public process within the Kensington-Cedar Cottage neighbourhood to discuss new housing alternatives; and
- A follow-up study of the Welwyn Street Neighbourhood Housing Demonstration Project to assess owner satisfaction and relative affordability of the new housing.
CONCLUDING COMMENTS

The dream of home ownership has long been associated with the image of a single-family detached house set upon a large privately owned lot. The current reality of a limited land supply, high land costs and the collective understanding of the need for more sustainable development patterns has encouraged the investigation into alternative scenarios that can contribute to the creation of more complete, compact communities without compromising the ability of individuals to fulfill the dream of home ownership. The fee simple row house is a manifestation of one such alternative scenario. As with the term "row house", which developed a bad reputation during the industrial era, the term "condo" has recently been similarly tarnished by poor building standards and frustrations related to the complications of condominium living. There is an opportunity now to facilitate a row house renaissance; the introduction of fee simple ownership of attached housing is a feasible alternative to condominium tenure and has the ability to create an environment that facilitates a greater sense of home ownership.

This thesis reviewed the planning rationale for the development of more complete, compact communities and presented the fee simple row house as an alternative that offers sustainability benefits within a residential building form that is compatible with neighbourhoods composed primarily of single family detached homes. The case study review revealed the regional and municipal support for the development of fee simple row housing within the City of Vancouver and outlined the background of the Neighbourhood Housing Demonstration Project. Ongoing project progress will see the development of a concrete example of fee simple row housing, to further test the acceptability and benefits of this form of housing and to inform the development of a zoning schedule in support of fee simple row housing in the City of Vancouver. The successful implementation of the City’s project has the potential to contribute to the establishment of more complete, compact communities, offering residents an additional choice when seeking alternatives to the single-family detached home.

To residents of the nineteenth-century city, the rowhouse offered the dream of homeownership. To those of the 1990s [and beyond] it means exactly the same (Hayward and Belfoure, 1999:4).
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