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Date July 15, 1983
Abstract

Heritage Planning-By Policy Initiative or Crisis Reaction?

Heritage planning has evolved from crisis-oriented actions to save isolated monuments to the comprehensive management of cultural resources in the built environment. This thesis explores the development of heritage conservation planning tools in the context of inner city residential areas in Vancouver and Edmonton.

Zoning practices like citizen advisory boards and discretionary uses can help to achieve municipal heritage conservation goals. The compatibility of heritage objectives with conventional land use planning goals is shown by considering how standard zoning by-laws and practices would be modified by adding heritage to the housing and land use objectives explicitly recognised in the Vancouver example.

A policy sensitive to heritage, housing and land use goals is devised and hypothetically applied to a case study area in Vancouver. Baer's "counterfactual analysis" technique is used to project the results of the application of the hypothesized policy to an actual area which has a heritage ambiance though no one structure has notable heritage value. The results of this test show that the suggested zoning changes would indeed appear to significantly improve the heritage conservation of the area without compromising other goals.

In the conclusion, discretionary zoning and other incentives are discussed in terms of their effectiveness and implementation. The results show that discretionary zoning is a cost-effective method of achieving heritage goals in the municipal context.
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CHAPTER ONE

Heritage-Definitions and a Rationale

The term "heritage" implies a legacy from the past. In order to place heritage in a planning context, it is important to establish the definitions, philosophy and rationale associated with heritage conservation. From this premise Chapter Two will trace the growth and acceptance of heritage planning in the United States and Canada.

Heritage Conservation-A Definition

The terms heritage preservation and heritage conservation were once used interchangeably. As heritage planning becomes more sophisticated, the words have taken on separate meanings. "Preservation" refers to the saving and restoration of a building. "Conservation" has a more active meaning. In physics, the word conservation is used to describe the fact that "energy, mass and matter in an isolated system remain constant even while changes and reactions of all kinds take place within it." (Coopersmith and Hall, 1976; 31)

Applied to heritage, conservation describes the process of connecting objects of the past into the present environment.

Heritage conservation is a dynamic process. Whereas preservation involves restoring a structure to a fixed point in time, conservation allows for the changes in ideas and values that accompany time. The idea of conservation is a fundamental shift in heritage philosophy. Old buildings are no longer museum pieces, but living parts of the environment. Kevin Lynch describes conservation as
"the maintenance in the present of resources that, it is judged, will be important even in the long-range, largely unpredictable future: avoiding the loss or degradation of goods that are rather sure to be continuously reusable, owing to certain probable limits to the variation of events". (1976; 103)

Within the broad parameters set up by Lynch, old structures do not have to be retained simply because they are the oldest or are one of a kind; structures can be kept because they are reuseable, of good character, and well-built. Lynch's definition of conservation is not limited to structures; by "resources", Lynch refers to the natural habitat as well. Trees, landscapes, rocks and views are also candidates for conservation.

For the purposes of this thesis the following glossary adapted from the St. John's Heritage Conservation Area Study (1976) will be used to define heritage related terms.

<table>
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<td>Conservation</td>
<td>Protection, regeneration and productive use of our environment including buildings and sites.</td>
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<td>Heritage</td>
<td>Historic, architectural and cultural associations which descend to future generations.</td>
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<td>Infill</td>
<td>Building new structures between (and sometimes interconnected with) existing buildings.</td>
</tr>
<tr>
<td>Preservation</td>
<td>The process of saving historic and architecturally significant buildings and/or districts.</td>
</tr>
<tr>
<td>Reconstruction</td>
<td>Designing and constructing a replica of an earlier building which no longer exists.</td>
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<tr>
<td>Rehabilitation</td>
<td>Repairing a building; returning it to good condition with minimal alteration of original construction.</td>
</tr>
<tr>
<td>Renovation</td>
<td>Repairing a building, changing its appearance or form.</td>
</tr>
<tr>
<td>Restoration</td>
<td>Returning a building to its original appearance, paying particular attention to details and materials.</td>
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(Oberlander, 1980; 35)
Heritage and Planning

Applied to planning, heritage conservation presents planners with a way to view the environment of the past, present and future. Perception and sensitivity are needed to determine what heritage resources should be conserved and integrated into the environment. Value judgements are involved.

What may appear beautiful to one generation may be an eyesore to the next. Art Deco, the streamlined style of the 1930's, is only now being appreciated as an aesthetic structural form worthy of conservation. Since the 1930's, Art Deco has been viewed largely as a fad, unworthy of retention. The patina of time now allows people to approach the "machine age" style with new, renewed appreciation.

The value judgements inherent in heritage planning are echoed by Coopersmith and Hall.

Conservation must include deciding what we like about what's left from the past—both distant and recent—and formulating means for its retention and enhancement. (1976; 41)

Planners are managers of change. They are responsible for the planning and orderliness of environments, natural, rural and urban. The decisions they make are based on the best information available at one point in time. Decisions change and stabilise different facets of the environment. This emulates a natural process.

"Change and recurrence are the sense of being alive—things gone by, death to come, and present awareness. The world around us, so much of it our own creation, shifts continually and often bewilders us. We reach out to that world to preserve or to change it and so to make visible our desire. The arguments of planning all come down to the management of change." (Lynch, 1976; 1)
Heritage conservation planning looks at things of the past in the present time frame. Through this perspective, we must project the past from the present to the future, carefully selecting those objects and resources cherished by one generation for another generation to admire. The elements involved in heritage planning are not quantifiable. Objects of the past have qualitative aspects that can vary according to the resource's location and condition. While it is possible to use cost benefit analysis and economic indices to determine the quantitative values of the resource, we cannot gauge the resource's value for future generations. We can only respect that potential future value.

A Rationale for Heritage Conservation

Why should we do anything for posterity?
What has posterity ever done for us?
-Boyle Roche

Roche ignores the fact that without a past, there would be no present, no posterity, no future, and no Roche. Heritage planning has historically been based on human value systems, with justification for heritage found in the human situation and the human heart. (Van Westen, 1970; 22) Buffalo rubs, old fur trading trails and old buildings give man a sense of where he has been and assurance of where he is going. In an environment that is totally modern, totally renewed, totally momentary, man becomes uneasy.

Heritage conservation can be rationalized on many grounds, including cultural, educational and economic merits. Cultural heritage can explain to people their own past. Lynch (1976) notes that heritage was first used in the United States as a unifying and rallying force before the
Civil War. By conserving places where historic documents were signed and where outstanding Americans lived or died, nationalism was promoted. Visiting places of cultural heritage also aided in the "Americanization" of new immigrants to the United States. (Lynch, 1976; 30)

Heritage provides a hands-on educational experience. It has been suggested that the need to regulate the environment and promote heritage conservation shows a basic lack in society's visual design ability and perception. (Conron, 1976; 86) Heritage objects, structures and places educate people about aesthetics. Heritage conservation is no longer elitist as an educational tool—where once the wealthy pressure groups tagged only mansions and upper class housing for retention, all classes of people have become interested. Increasingly factories, mills and working class housing are being conserved, presenting a more rounded image of the past environment.

Where once heritage planning confined itself to the built structural world, it has branched out to embrace natural elements. Views, trees and topography are not only aesthetic but provide geographic reference points, aiding the education and understanding of the environment.

Conserving heritage and planning for heritage gives an environment variety and character. Diversities in scale and style heighten an individual's interest and perception. In New Orleans' "Vieux Carre" Historical District, the term "tout ensemble" is used to describe the special character resulting from the variety, scale and diversity of buildings and space within the area.

The successful integration of old and modern structures adds diversity to an area. Instead of detaching buildings from their historic context, structures can be sympathetically massed and sited to complement each other. One generation of buildings does not necessitate the demolition of earlier
structures. Integration connects the past to the present and recognises change. Conflicting and changing values evident in structures are accepted and worked with. The urban fabric becomes a physical representation of the change, continuity and conflicts of values that embody history. (Lynch, 1981; 200)

Heritage provides continuity. The best environment for human development includes "new stimuli and familiar reassurances, the chance to explore and the ability to return." (Lynch, 1976; 204) Psychological and sociological studies such as Oscar Newman's *Defensible Space* (1972) are suggesting that buildings and urban spaces affect human well-being, attitudes and social adjustment. Things of the past serve as stable anchors of what was, is, and will always be. By conserving objects of heritage, we accept the process of change and work with it. We conserve not to stop change, but to provide continuity, a time-line with things past. Despite physical and social change, there is a continuity of image and place.

The tourism aspect of heritage conservation is an important factor in many cities. Victoria B.C.'s tourism is derived partly from that city's excellent collection of turn of the century structures, gardens, and ambience. Tourism brings dollars and jobs to a city. An early study by the United States Department of Commerce showed that the effect of a community attracting twenty-four tourists a day throughout the year is economically equal to acquiring a new industry with an annual payroll of $100.00. (New Westminster Planning Department, 1973; 19) The Tourism Board of Charleston, South Carolina estimates that for every one hundred jobs created as a result of tourism, 542 other jobs are created in the community. (Ford, 1979; 216)
Tourism is attracted to two types of environment: the natural environment of fiords, rivers and forests, and the man-made environment of the city. Tourism in the city reinforces the importance of aesthetics.

The International Council of Monuments and Sites (ICOMOS) defines tourism related to heritage as a way to educate people about themselves.

"...cultural tourism, by creating the conditions for a new humanism, must henceforth be one of the fundamental means, on a universal level, of insuring man's equilibrium and the enrichment of his personality..." (Fitch, 1982; 79)

Increasingly, the reality of the conserver society is being stressed. In a period of limited growth and massive governmental restraint, people are frugal with their resources. Economics can be an important reason for heritage conservation. The recycling and retrofitting of older buildings is often less expensive than demolition and reconstruction. A major study commissioned by the U.S. government indicates that building rehabilitation can be five times more efficient over the building's estimated lifespan. (Huot, 1981a; 7)

In line with the conservation ethic, the Canadian federal government modified the Income Tax Act in 1981 to provide an incentive for building conservation. The "terminal loss" provision of the Tax Act has been reduced by fifty per cent as a deterrent to demolition.

While renovating older buildings can be more economic than new construction on a per square foot basis, it has been difficult to quantify the time and labour costs involved in the original fabrication of old buildings. A Chicago architect has developed an energy input/energy output model to measure the "embodied energy" in British thermal units (Btu) per square foot.
This quantitative technique has been adapted to measure the entrapped energy in older buildings. In a 1977 study of the model, the authors note that

"...In addition to the important cultural benefits derived from the preservation and extended life of historical buildings, they are repositories of large expenditures of energy and materials. The fact that their rehabilitation for extended use is a labour intensive activity rather than an energy intensive one, and will probably be at a lower dollar cost than new work, supports the desirability of restoration for new adaptive use." (Fitch, 1982; 32)

Rehabilitating and renovating structures is labour intensive and can be energy conscious. The development of the "embodied energy" model provides a quantitative method to measure the economics of building rehabilitation.

The economic benefits of heritage conservation do not accrue just to the property-owner. In the rehabilitation of the Gastown district, the City of Vancouver, B.C. invested one million dollars for a beautification program. In return, they received a total assessment increase of $18.5 million dollars in 1977 with one third million in additional property taxes. (Denhez, 1978; 270) The revitalization of Gastown had a handsome pay-off for the city. British Columbia has benefited by the creation of a first class tourist attraction. Other municipalities in North America have also benefited by building rehabilitation: besides tax revenues, such investment instills confidence in cities as places of growth and opportunity.

Perhaps the most persuasive and dominant argument in support of heritage conservation is that the structural, cultural and aesthetic heritage of place are important dimensions for the public welfare.
Property owners often have pre-eminence of rights over the public good. Heritage conservation seeks to ensure the public gains access to resources in the public interest. (Conron, 1976; 86)

Where heritage planning used to deal with one landmark or building, it is now progressing to conserve older areas which have character but do not have special historical or architectural interest. (Lynch, 1981; 451) There is a new concern for the public social good, for the qualitative aspects of heritage evident to people.

"...The fact is, I like old buildings. Other people I talk to like old buildings. I suspect that just about everybody likes old buildings. They give character to our communities. They are attractive-built with a sense of proportion, complexity and human scale that we find pleasing. They communicate a sense of warmth and invitation... They communicate a sense of a value system that is part of us, but which we may never see again."
(Huot, 1981; 12)

This qualitative comment is devoid of technical or scholarly reference, but reveals a very personal empathy for heritage surroundings. It is this tie with the past that makes our heritage a personal and unique experience.

The Case for Heritage Planning

A serious choice is evident. Should heritage be planned for and conserved in an orderly way? Or should chance and the real estate market dictate what will be demolished and what will survive for future generations?

The passage of time can be viewed in two ways. Time can be rhythmic and repetitive, like the seasons and the tides. Time can also be progressive and unchanging, forever altering and modifying the environment. (Lynch, 1976; 65)
The heritage planner participates in change management working with timing and strategy to provide a link between physical and social change. By making change more understandable and acceptable and useful, heritage planning can develop instruments to ease the "shock of transition". (Ibid; 239)

Given the definitions, philosophy and rationale of heritage planning, the movement can now be placed in a historical context. The evolution of heritage planning from a concern for site specific landmarks to the comprehensive management of cultural resources is detailed in Chapter Two. From this brief history, the development and implementation of municipal land use planning tools to support heritage conservation will be outlined in Chapter Three.
Heritage Planning in the United States and Canada

The American Historic Preservation Movement - Introduction

Allen Astles classifies the American preservation movement in three distinct eras. (1972; 20) The first phase, from the beginning of the nineteenth century to 1910 is characterised by the preservation of buildings and objects associated with outstanding persons or events. From 1910 to 1950, the idea of preservation widened as aesthetic and architectural facets of resources are considered for preservation. The most recent phase, 1950 to 1972, includes the tremendous development of the American preservation movement and the acceptance of preservation as a worthy and welcome planning policy.

Since 1972, heritage planning has broadened to become an integral part of the land use planning process. Municipalities are now searching for ways to accomplish heritage goals with the planning tools at their disposal.

History of the Movement

In the United States government has traditionally, in response to citizen demand, entered into a partnership role in preservation. (Mulloy, 1976; 4) The role of government in preservation matters has increased with the growing citizen interest in heritage resources over the last one hundred and fifty years.
The National Trust acknowledges that the American preservation movement officially began in 1853, when the Mount Vernon Ladies' Association sought to save George Washington's home. Under the leadership of Ann Pamela Cunningham, local and state groups were enlisted to solicit funds for Mount Vernon's purchase and restoration. By 1858 the Mount Vernon Ladies' Association had purchased the property and had commenced renovation for museum purposes.

Washington had acquired an almost cult-like following. As the founder of the United States, Washington's Mount Vernon home was maintained as a memorial to his greatness as much as an interpretive museum for his followers. A similar campaign to save John Hancock's mansion in Boston failed in 1863. The destruction of Hancock's home contributed more to the preservation

"movement than it ever could by remaining intact. Throughout the next five or six decades many preservationists used the Hancock Mansion as their rallying cry." (Hosmer, 1965; 40)

The American Civil War and the first Centenary celebrations of American Independence spurred the preservationists. Federal response to the growing citizen preservation movement came first for natural area concerns. Yellowstone National Park was created by an 1872 Act of Congress, followed by the 1889 designation of Casa Grande, Arizona as a national monument. Vandalism was a recurring problem at Casa Grande, where Indian artifacts were pilfered as tourist souvenirs. The Antiquities Act of 1906 allowed the President of the United States to proclaim landmarks, structures and objects on federal lands as national monuments. Penalties were prescribed for scavenging or removal of historic items from national monuments.
As stated by Astles (1972) the twentieth century emphasis on preservation shifted from a historic and patriotic to a cultural and architectural viewpoint. (Weinberg, 1979; 23) By the 1930's, preservation legislation at state and local levels had been passed to protect scenic and historic landmarks. In 1931 the old city district in Charleston, South Carolina was established by City Council. Backed by powerful local citizen's group, the district became the first legally constituted historic district in the United States. Charleston, at one time the country's sixth largest city had experienced an economic slump after the American Civil War and had missed the late nineteenth century industrial boom. As a result Charleston's development had not been demolished or modified since pre Civil War days.

Charleston's historic area designation in 1931 was followed by the 1937 legislation establishing New Orleans' Vieux Carre District. A report commissioned by President Roosevelt examined the trend to the preservation of architectural and cultural monuments, resulting in tourism, and local and state preservation activities. From this report, legislation was developed for a federal preservation program under the Historic Sites Act of 1935. (King et al., 1977; 23)

The Historic Sites Act established research and inventory programs and allowed the National Park Service to purchase privately owned sites and buildings. The Historic American Building Survey, an enterprise begun in 1933 by the National Parks Service, the American Institute of Architects and the Library of Congress was continued under the Act. In addition a National Register of Historic Places was developed to include natural historic areas as well as landmarks. Under President
Roosevelt's New Deal, preservation projects were developed to employ talented architects and artists left jobless by the Depression. (Ibid)

Federal preservation activity halted with the commencement of World War Two. It was not until 1947 when the formation of a national organisation devoted to preservation brought the federal presence back into the movement.

The National Council for Historic Sites and Buildings was assembled to create an organisation with responsibilities similar to Great Britain's National Trust. (United States Conference of Mayors, 1966; 48) In October, 1949, the National Trust for Historic Preservation was created by an Act of Congress. The National Trust's Act was

"to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance...to facilitate public participation in the preservation of sites, buildings and objects of national significance or interest..." (Mulloy, 1976; 12)

The National Trust's creation was directed at promoting state, local and private involvement in historic preservation through education, (McNulty and Kliment, 1976; I-39) recognition and gifts to museums. As the National Trust expanded its membership and activities nationwide, a visible shift was evident in the determination of what resources were worthy of preservation. Previously objects were preserved because of an association with an important person or event. This view widened to recognise the character, visual qualities, and quality of life historic buildings and resources provide to communities and neighbourhoods. (King et al., 1977; 29) Heritage resources were important not only for historic reasons, but were also meritorious on the basis of aesthetics, cultural values, and character. This is the third stage of historic preservation identified by Astles. (1974)
By the 1960's the interstate highway building of the 1950's had developed regardless of heritage resources in their path. Urban renewal, clearing out "blighted" older areas of cities and replacing the fabric with modern housing, removed many cities' inner city potential heritage buildings. It was not until the mid 1960's that the federal government tried to limit the adverse impact of urban renewal upon heritage areas. The 1966 National Historic Preservation Act was the first American federal act requiring that preservation be addressed as part of the comprehensive planning process. Federal programs and activities related to preservation were to be given priority and active encouragement was to be given to governments, the National Trust, and individuals in pursuing preservation. Under the Act financial assistance through matching grants-in-aid was available. (Garvey, 1974; 38) The Advisory Council of Historic Preservation was also formed to evaluate the impact of federal agency policy on historic resources. (Garvey, 1974; 38)

 Coinciding with the passage of the National Historical Preservation Act, the Transportation Act of 1966 created the Department of Transportation which was immediately charged with determining the impact of transportation facilities on historic sites. The Demonstration Cities and Metropolitan Development signed in 1966 recognised the growing interest and concern for historic preservation.

"...there is a need for timely action to preserve and restore areas, sites and structures of historic or architectural value in order that these remaining evidences of our past history and heritage shall not be lost or destroyed through the expansion and development of the Nation's urban areas." (Mulloy, 1976; 83)
The National Historic Preservation Act provided the impetus for federal action in preservation. In seven years, the Advisory Council of Historic Preservation reviewed over four hundred cases of federal involvement with historical buildings. (Weinberg, 1979; 25)

In 1971 the President of the United States acknowledged the growing concern over heritage resources by issuing an Executive Order on the Protection and Enhancement of the Cultural Environment. This order required all federal agencies to ensure that programs and policies would have a positive impact on preservation. The federal government's Surplus Property Act of 1972 required all surplus buildings to be considered for adaptive reuse. Previously, redundant government buildings could be transferred to states and municipalities for conversion to museum space. The 1972 Act recognised that old buildings can be adapted for other uses, and allowed state and municipal transfer of titles for buildings that would become a "working part of the community". (Garvey, 1974; 39)

The concern developing in the 1960's for federal involvement in heritage preservation expanded in the 1970's. The period between 1970 and the present day is a fourth stage to be added to Astle's model. Heritage preservation is now accepted as a public and private practice with cultural, aesthetic and economic benefits. This current period is characterised by applying historic preservation concepts and principles at the state and local levels of urban planning. (McNulty and Kliment, 1976; I-40)

People desire an urban environment that is sympathetic to the human scale. The suburban developments and new town designs of the past twenty years have failed to provide the diversity and character that old buildings
and established landscapes can provide. That particular aspect of city design, scale and diversity once titled as historic preservation is now interpreted as integral to a well designed and rich human urban environment. Urban planning practice has attempted to respond to the demand for heritage preservation by incorporating heritage goals in city planning policies.

In the United States, heritage planning is no longer characterised by a response to crisis, but by process initiative. Instead of reacting to the impending demolition of a single landmark building, heritage planning has become pro-active, viewing conservation as part of the overall planning process. The new emphasis on historic preservation as an accepted facet of urban planning is reinforced by the 1974 Housing and Community Development Act. This act allowed money that was previously allotted to municipal urban renewal, preservation, sewer and community development to be pooled and offered as a "block grant" to each city.

In the United States a strong neighbourhood movement thrived and developed as an outcome of the block grant program. Public participation, community involvement and small scale neighbourhood planning were actively encouraged and many municipalities experimented with traditional planning tools to achieve heritage goals. In the ensuing years, municipal development incentives to encourage heritage renovation, rehabilitation and planning were initiated as a result of the block grant funding.

In 1976 the United States Reform Act amended the Tax Act and allowed tax incentives to be offered for the preservation of old buildings. These incentives were increased in 1981, when the investment tax credit was introduced for preserving old buildings, replacing depreciation incentives. These incentives applied to buildings that had been officially
recognised as historic. In 1981 the Act was again amended extending the tax benefits to all historic buildings officially registered or not.

The federal concern for municipal historic preservation was reiterated by the President and the Urban and Regional Policy Group in 1980. At that time, the conservation of the infrastructure, housing and neighbourhoods of the nation's older central cities was declared a top urban policy priority. (James, 1980; 130)

In the one hundred and fifty years of the American preservation movement, the stress has changed from one of direct preservation for historic sites and resources to one stressing the conservation ethic for comprehensive planning areas. Once viewed as a subject of purely historic significance, the importance of historic preservation in city planning and development is now being realised.

The Canadian Heritage Conservation Movement - Introduction

The historic preservation movement in the United States began in reaction to crisis. As historic homes and landmarks were threatened with demolition, citizen groups and later government reacted to save them.

Canada's heritage conservation movement has historically evolved out of the natural resource management aspect of conservation. Heritage conservation as part of a comprehensive planning process developed as a response to the 1960's increase in public interest in matters related to the environment.

History of the Movement

Conservation was first used to refer to natural and human resources and their management. In 1885, Banff National Park was created under
federal jurisdiction to preserve specific natural amenities. In the early 1900's, both Canada and the United States had developed departments of agriculture and had increased federal government restraint on the use of land resources.

A major North American Conference on Conservation was held in 1909 with delegates from the United States, Canada, Mexico and Newfoundland. As a result of this conference, the federal government created the Commission of Conservation of Natural Resources. The commission's jurisdiction extended to public health and city planning issues, included in the definition of conservation at that time. (Gerecke, 1976; 13)

With the hiring of British town planner Thomas Adams, the commission drafted a model planning act for Canadian provinces and encouraged the establishment of provincial departments of municipal affairs. By 1921 the Commission of Conservation had been abolished as provincial agencies began to perform the work initiated by the commission.

In 1919, the federal government established the Historic Sites and Monuments Board, charged with the commemoration of "the persons, places and events significant to our national history". (Astles, 1972; 37) By designating sites and monuments, the government was acknowledge in the importance of history in Canada's development.

The 1920's was a boom period in Canada and ideas of conservation were put aside in the flush of prosperity. The Depression and prairie droughts of the 1930's showed the dire need for natural resource conservation. The creation of the Prairie Farm Rehabilitation Act allowed federal aid to be available for water preservation and improved cultivation practices.
Conservation was not addressed again until the post World War Two period. The 1944 Curtis Report from the federal Advisory Commission on Reconstruction pointed out the need for comprehensive housing and community planning. The report outlined a tri-level mechanism involving federal, provincial and municipal governments in land-use planning. Slum clearances and land assembly should provide needed housing space for returning war veterans.

In response to the Curtis report, the federal government created the Central Mortgage and Housing Corporation (C.M.H.C.) in 1946. This crown corporation was to respond to housing and housing finance policies and issues. Under the 1944 National Housing Act, many Canadian cities bulldozed their inner core housing areas to provide new standardised accommodation. In 1964 the National Housing Act was broadened so that blighted areas could be cleared and qualify for federal assistance.

A new concern for human resources was evident in the 1960's. The publication of Rachel Carson's book, *Silent Spring* (1962) awakened Canadians to the menace posed by pesticides in the environment. Canadian cities and their citizens were realising that the massive slum clearance programs had not renewed and revitalized their inner cities. The urban renewal programs did not respond to community goals and interests, sparking the citizen movement to question the policies. (Gerecke, 1976; 15)

The increasing interest in ecology and culture was heightened during Canada's centennial year in 1967. Host to an international world's fair, Canada began looking at its own history and evolution. In 1970, the Canadian Inventory of Historic Building was begun under federal government auspices. The inventory is an on going computer based survey locating
surviving historic buildings. (Humphreys and Sykes, 1974; foreward) With over a quarter of a million buildings recorded the inventory is intended to be a planning resource and tool.

Unlike the United States, Canada did not go through a community action phase in the 1960's and 1970's. (Carlson, 1978; 1) The difference in intergovernmental relations between the United States and Canada is specified by the British North America Act of 1867. The provinces have explicit control over municipalities and have been increasing that control since the post World War Two period.

In 1973 federal programs advocating slum clearance and renewal were replaced by the Neighbourhood Improvement Program (N.I.P.), and the Residential Rehabilitation Assistance Program (R.R.A.P.). N.I.P. was directed at the revitalisation of aged, deteriorating housing in urban areas. Operating under an annual agreement between C.M.H.C. and each province, low and moderate income neighbourhoods were targeted with program participation and implementation the responsibility of each municipality taking part. Half of the N.I.P. areas operated R.R.A.P., a small loan and grant program for homeowner housing rehabilitation.

As part of the N.I.P. program, municipalities were required to enforce housing codes to ensure housing was at municipal building code standard. The development of the N.I.P. and R.R.A.P. programs paralleled the urban reform movement beginning at the municipal level. Activists ran for city council aiming to reform municipal policies and programs which were not responsive to the inner city and citizen needs. The increased activist presence brought a renewed interest in heritage resources and their vulnerability.
On March 28, 1973 the Heritage Canada Foundation was established as a non-profit charitable organisation to conserve Canada's natural and cultural heritage. The Government of Canada provided the Foundation with a twelve million dollar endowment, with an additional endowment of 1.8 million dollars in 1981. As a national organisation, Heritage Canada acts as a catalyst for heritage conservation at local, provincial and federal levels.

Heritage Canada provides financial assistance to local conservation groups, publicity, research and a "strong legal presence". (Tunbridge, 1981; 118) Legal advice and lobbying aimed at the provinces was responsible for generating public concern about the lack of provincial heritage legislation. This public awareness has resulted in the lobbying for comprehensive heritage protection laws in all of the provinces.

The creation of Heritage Canada and its endowment by the federal government presented the public concerned with building, natural and cultural heritage with a viable lobbying group. The first board of governors of Heritage Canada was interested in the promotion of modern adaptive use for heritage buildings, and in the establishment of heritage conservation areas. This concept had worked well in Great Britain and in the United States, under the term historic area designation. The success of these areas showed that the area conservation approach had a "profound effect upon the visual quality of the community, and in addition had great economic dividends in connection with the tourist industry." (Heritage Canada, 1974; 7)

Heritage Canada's first board of governors also defined the word "heritage" which has a broad meaning in the historical context.
"By heritage, Heritage Canada means the work of man and of nature whose character enriches the quality of Canadian life today; works which illuminate our past or which reflect the excellence of Canadian achievement; or examples of Canada's natural beauty which have survived into our time."

(Heritage Canada, 174; 6)

The National Trust for Historic Preservation in the United States was already twenty-four years old at the time of Heritage Canada's inception. Since Heritage Canada was not created by an act of government, its lobbying role was important in influencing heritage policy decisions at the federal, provincial and municipal levels. Heritage Canada could not designate its heritage resources—this is a provincial responsibility under the British North America Act of 1867.

In 1976, Canada signed the United Nations World Heritage Convention which states that signing countries must protect their heritage resources. In 1981, the Federal Tax Act was amended to reduce the terminal-loss tax deduction for demolished buildings. Where previously the demolition of a building would result in a tax incentive this deduction has been reduced to fifty per cent of the building's undepreciated capital cost.

In 1982 the federal government announced a new policy for federal heritage buildings. Previously government occupied structures that had fulfilled their usefulness were termed obsolete and sold. Under the new policy, such structures will be encouraged to continue active use with local, regional and provincial policies recognised in decisions relating to new building uses.

While progress in heritage policy and legislation at federal and provincial levels has been slow, advances are being made. In 1983, Heritage Canada celebrates its tenth year of existence. In its ten years,
heritage has become a common word, and its meaning expanded to encompass the cultural, aesthetic and natural environment surrounding us.

Increasingly Canadian municipalities are recognising the heritage qualities of their cities and are attempting to support heritage goals in their planning process. This acceptance of encouraging heritage as a policy brings heritage planning into the sphere of comprehensive land use urban planning.
CHAPTER THREE

The Development of Municipal Heritage Related Planning Tools

Development of the Neighbourhood Movement in the United States -

Introduction

Heritage planning developed as part of the comprehensive land use process largely as a result of the 1970's neighbourhood movement. Where previously heritage residential planning was on an ad hoc site by site basis, the importance of including heritage goals in residential land use policy was realised. Municipalities began to search for ways to manipulate planning tools to accomplish heritage planning goals.

Development of the Movement and Heritage Repercussions

In the United States, the neighbourhood movement began as a reaction against the urban renewal programs of the 1950's and 1960's. The urban renewal programs displaced the very people that the programs attempted to help—the urban poor. The importance of including the urban poor and minority groups in decision making was characterised by the War on Poverty which attempted to mobilize neighbourhood leaders and establish new local institutions. (Goering, 1979; 507) The end of the War on Poverty and associated federal programs aimed at community action left behind a municipal belief that local areas could control and effectively administer themselves. The importance of neighbourhood or residential area planning increased in importance.

A comprehensive definition of "neighbourhood" is provided by Suzanne Keller.
The term "neighbourhood" most investigators agree, is not without its ambiguities. Essentially, it refers to distinctive areas into which larger spatial units may be subdivided, such as gold coasts or slums, central and outlying districts, residential and industrial areas, middle class and working class areas. The distinctiveness of these areas stems from different sources whose independent contributions are difficult to assess: geographical boundaries, ethnic or cultural characteristics of the inhabitants, psychological unity among people who feel that they belong together, or concentrated use of an area's facilities for shopping, leisure, and learning. Neighbourhoods combining all four elements are very rare in modern cities. In particular...the geographical and the personal boundaries do not always coincide. (Keller, 1968; 87)

Lynch suggests that the term "local district" is better than neighbourhood in describing the small area where people are acquainted because they live next door. (Lynch, 1981; 249) The National Commission on Neighbourhoods recognised the confusion surrounding the term when it stated "in the last analysis, each neighbourhood is what the inhabitants think it is". (Downs, 1981; 13)

For the purposes of this thesis, a neighbourhood will be understood to be a residential area tagged as a "neighbourhood" for municipal planning and administrative purposes.

The belief that the local residential area or neighbourhood was the building block for city planning developed in the early 1970's. In 1972, the American Institute of Architects stated that the "growth unit" for America was the neighbourhood.

America's growth and renewal should be designed and executed not as individual buildings and projects, but as human communities with the full range of physical facilities and human services that ensure an urban life." (McNulty and Kliment, 1976; I-41)
As an off-shoot of a desire to direct growth at the residential level, neighbourhood leaders discovered the "old building". By declaring residential districts as conservation areas, the neighbourhood movement could be assured of close municipal scrutiny of development proposals in the designated area. Heritage structures and resources provided further justification for directed neighbourhood growth.

It was commonly believed that large-scale municipal government was bad government, and that neighbourhood control was necessary for community survival and for the preservation of the intangible things of life. In the words of Ada Huxtable

"We are beginning to see that it is only through the healthy functioning of the neighbourhoods that cities function at all-smallness, decentralization, units that can be comprehended, felt, and measured, and even loved, seem to be a last resource against the inefficiency, the corruption, the maladministration and the demoralization of the bureaucratic bigness so characteristic of our times." (Myers, 1977; VII)

In September, 1975 a National Conference on Neighbourhood Conservation was held in New York City to discuss the trends and future of the neighbourhood. Dr. George Sternlieb, director of the Rutgers University Centre for Urban Policy Research astutely assessed the political relationship existing between the federal and municipal governments. The United States had reached the end of the period of federally provided housing subsidies. Sternlieb foresaw the need for "gradual incremental urban renewal, with a strong emphasis on conservation of existing resources and the independent identity of neighbourhoods". (McNulty and Kliment, 1976; I-42)

Unlike Canada, the United States has older cities, many which had severe racial tensions. These cities had severely blighted urban areas
and even districts of abandoned housing. Many mortgage companies refused mortgages to potential home owners moving into blighted areas. Called "red-lining", this practice only encouraged the area's further decline, and the gradual exodus of remaining residents. By reinvesting government capital into blighted residential areas, it was feared that a surge of professional class people would move into the neighbourhoods, again displacing the urban poor. This practice has been called "whitepainting" or gentrification.

Another subtle form of rehabilitation, where neighbourhoods could politically administer their own programs began. Phillip Clay defines this movement as "incumbent upgrading" where the incumbent residents improve housing and properties with no change of socio-economic status or population characteristics occurring. (Clay, 1979; 7)

Incumbent upgrading is the opposite of gentrification which by having the "gentry" move into the residential area changes the area to reflect upper middle class tastes and values.

It was the 1974 Housing and Community Development Act that gave local governments the opportunity to develop their own residential area upgrading programs. Instead of specific federal rehabilitation loan and grant programs, the federal government introduced the community development block grant program.

The object of the act was to develop viable urban communities by providing decent housing, a good living environment and economic opportunities for persons of low and moderate incomes. (McNulty and Kliment, 1976; I-40) The block grant program has seven objectives, including conservation, upgrading housing stock and historic preservation. The block
The grant program allows municipalities to direct funds to areas needing assistance. One strategy of the act is to further:

"the revitalization of the community including the restoration and rehabilitation of stable neighbourhoods to the maximum extent possible". (Ibid)

Municipalities would determine what financial resources would be required to run local rehabilitation programs and apply to the government for a block grant to cover the costs. The development of the block grant coincided with the increasing community interest in the need for housing rehabilitation, and the recognition that public resources alone could not solve housing and neighbourhood problems. Financing housing rehabilitation was an excellent way to attract private capital in upgrading areas. (Gressel, 1976; 1) Demonstrations of public confidence in these areas could encourage private capital to invest.

As tough economic times require federal governments to cut back and eliminate programs, the innovative planning tools and practices that evolved under the Housing and Community Development Act are increasingly valuable for municipal heritage planning. Without state and federal funding, municipalities developing heritage residential policy must rely on their own abilities to formulate land-use incentives. Many planning tools practiced and perfected under the block grant program are effectively adaptable for heritage residential areas.

**Incentives for Heritage Residential Planning**

At the municipal level, government can offer several "carrots" or incentives to encourage heritage planning in residential areas. It would be impossible to list all the incentives and variations on incentives
that have been developed and adopted. The following is a short list and
description of some of the major incentives. The incentives have been
selected because of their functional application, their practicality
and their potential as planning tools in the municipal context.

Aesthetic and Historic District Zoning

In the United States, only minimal protection is available for
historic buildings at the federal and state levels. With enabling
legislation from the state, municipalities can create historic district
zoning for their sensitive heritage areas. Historic district zoning is
used in all fifty states in over five hundred cities and towns, including
twenty-three of the largest cities. (Segal, 1979; 4)

Historic districting can be used to conserve an area's amenities,
stabilise its desirability and protect its aesthetic qualities. (Conron,
1976; 86) The term "historic" is broadly applied to describe the aesthetic
ambiance the municipality desires to conserve.

The drawback of historic districting is that zoning is a powerful
regulatory tool. By using zoning, the municipality is placing restrictions
on an individual's property and development rights without compensation.

Zoning can be used in a site specific manner to preserve isolated
structures that could be demolished. Spot zoning would require
modification of the overall municipal zoning bylaw to allow less rigid
zoning application for buildings deemed of heritage importance. The
comprehensive approach, the creation of special historic districts,
imposes rigid controls over an entire area.
Residential areas have been rezoned as historic districts. Lafayette Park in St. Louis, Missouri was designated a historic district although the residences are not of any particular architectural or historical merit. Instead the designation was used as a municipal incentive to preserve the buildings and build public interest in the residential community. (Schoenberg, 1980; 67)

The new zoning required special permission to be granted for building demolition. In return for this control, the municipality offered the residents special rehabilitation funding to fix up the housing in the designated area.

The City of Vancouver established a heritage zoning classification for the Gastown and Chinatown districts in 1974. (City of Vancouver Planning Department, 1974; 51) Historic district legislation can impose design controls over the alteration, demolition and construction of buildings within the area. In establishing historic districts or aesthetic areas, it is vital that a clear strategy that can express itself politically be developed. (McKee, 1977a; 165)

Zoning provides the vehicle by which techniques can be adapted to enhance an area's stabilisation. Homeowners, investors and the municipal government must back up the heritage zoning by actively renewing their commitment to area development.

Historic districting is a North American innovation which places its emphasis on development, not on safeguarding buildings in the strictest sense. (Astles, 1972; 49) Traditionally this zoning has resulted from citizen activism, not top-down governmental decision-making and is an expression of what citizens find valuable about their cities. (Myers, 1979; 29) Historic districting can be viewed as a formal, primary method
to establish an area as unique and worthy of retention. The zoning must however be supported with other active programs to be effective.

**Facade Easements**

An easement is the surrender of a property interest to another party and is a binding agreement between a property-owner and the easement holder.

A property-owner donating a "preservation easement" gives up his rights to modify a historic structure in a way that would be harmful to the structure or site. (Segal, 1979; 30)

Easements are usually negotiated between the property-owner and a public body for a property or structure of architectural or historic merit. The easement may specify that the building be kept in good structural repair, or that the structure not be changed or altered without prior notice to the easement holder. Scenic easements preserve views and will restrict the use of land. (Segal, 1979; 31)

Easements are often arranged in return for a grant to apply for the structure's rehabilitation or maintenance. In Ontario, the Ontario Heritage Foundation has entered into over fifty covenants since 1976. In order to dispense with public uncertainty over the finality of easements, the Ontario Foundation signs some covenants for periods of seventy-five and ninety-nine years. (Galt, 1982a; 33)

Criticisms levelled at the use of easements include the fact that they are site-specific, and are not applied to comprehensive areas. By their very nature the covenants are drawn up between the property-owners and the agencies. When acquiring easements, through gift, purchase or
pre-emption a municipality must be able to justify the acquisition as in the public interest, widely recognised and valued by the entire community. Property acquired under easement must also be continuously monitored to insure that there is no breach of covenant.

**Tax Abatements**

The property tax concept emphasizes the notion that all land should be developed to its highest and best use. Property should be developed to the maximum densities allowable to achieve the maximum profit possible for the land rent. (Krog, 1977; 33) A tax abatement is a reduction in a property's assessed value against which taxes are levied; a tax exemption describes a property freed from some form of taxation. (Segal, 1979; 38)

In the United States, several states allow municipalities to use property tax abatements to encourage building and area rehabilitation. Tax relief allows building owners to improve buildings while offsetting some of the expenses. High taxes reduce cash flow and lessen the amount of mortgage and equity financing that would otherwise be available.

In New Orleans, Louisiana, the Vieux Carre Commission in charge of the historical area recommend suitable candidates for tax abatement to the City Council for consideration. In Massachusetts, Chapter 121A of the state's laws allows redevelopers of "blighted" property to forego taxes and instead pay a predetermined percentage of gross revenues (Urban Land Institute, 1978; 26) While this concept works best with commercial and office projects, it could be modified for residential rehabilitation.
The State of Connecticut has a law which allows any municipality by ordinance to "provide for the abatement in whole or in part of real property taxes on structures of historical or architectural merit". (Ibid) Tax abatement is based on taxation levels threatening the building's viability and continued existence.

Property-owners that improve or rehabilitate housing through expenditures are penalized by property tax increases. Property tax is a disincentive to heritage rehabilitation, discouraging any improvement other than day to day maintenance.

Tax abatements can be regarded as a mechanism that allows a municipality to buy an improvement on installment. As David Segal states

"The terms of the payment is the duration of the abatement; their amounts are the differences between what the tax receipts from the abated property (and from any surrounding properties benefitting from the improvement financed by the abatement) would be without and with the abatement". (Segal, 1979; 39)

In the short run, tax abatement means a decrease for municipal property tax revenues. In the long run increased property values (and subsequent higher tax revenues) can represent increased tax revenues for a municipality. In 1975, the State of Oregon passed four bills which encourage commercial and residential rehabilitation in historic districts. Assessment valuations are frozen for fifteen years to allow improvements a tax-free period.

In Cambridge, Massachusetts, property tax deferrals adjusted to the homeowner's ability to pay and recoverable at time of sale are being considered for rehabilitation in residential areas. (Hounstoun, 1980; 297) The Cambridge tax deferral hopes to alleviate some of the emotional resistance incumbent upgraders have against accepting a tax deferral and paying more tax at a later date.
Drawbacks to municipal tax abatement do exist. In many states, municipalities do not have the authority to make property tax adjustments. As well, a substantial time lag may exist between the time a neighbourhood resident receives his tax bill (and doesn't have to pay) and the time when the homeowner finally is able to arrange financing for rehabilitation work. (Gressel, 1976; 49)

In Canada the provinces have responsibility for applying property taxation. The British Columbia Conservation Act (1979) does identify tax relief as a potential form of compensation for heritage designation. The Municipal Act (1979) (Section 400) allows a one year partial or total exemption for buildings deemed historical. With ministerial assent and electorate approval, the tax exemption under the Municipal Act can be increased for a period up to ten years.

In Victoria, British Columbia, owners of designated commercial heritage buildings can "have their taxes calculated as if their assessment values were frozen for three years subsequent to the year of designation". (Sikstrom, 1983; personal communication) In actuality, assessment values are not frozen-the municipality pays the difference between the frozen and the actual assessment. This is the result of a 1979 court decision. In Assessment Authority of B.C. versus City of Victoria, it was found that municipalities could provide tax relief but did not have the authority to "alter or fix assessments". Assessment is the sole jurisdiction of the Assessment Authority of British Columbia. (Huot, 1981b; 8)

Tax abatement can be an effective tool to encourage rehabilitation of heritage structures. In British Columbia municipalities must pay
the difference between actual and "frozen" assessment. Municipalities must make up the difference between taxes paid and taxes due to other taxing agencies such as school boards and regional districts.

Transfer of Development Rights

Transferable development rights can be used as a mechanism to direct urban growth and compensate landowners for restricting development opportunities. (Segal, 1979; 63) The concept allows undeveloped floor space ratio existing under the current zoning bylaw to be auctioned off to other sites. In this manner, an historic church in a downtown location can sell its undeveloped floor space ratio to an adjacent office tower project. This concept has been applied in Vancouver in the case of Christchurch Cathedral.

The "bundle of rights" a property owner has includes the rights to use, sell, lease, mortgage and develop the land he owns. (Huot, 1981b; 10) These rights can be transferable. When unused rights are sold to another person, the original property has a covenant registered against the title prohibiting further development or sale of the rights that have already been sold.

The transfer of development rights allows a municipality to maintain its tax level while conserving heritage structures. The historic building will have a decreased assessment value and the building that the development rights have been applied to will have an increased assessment proportional to the air rights gained. (Krog, 1977; 17)

Development rights can be sold directly from owner to owner, or can be mediated by the municipality as in the Chicago Plan. Under this
scheme, an owner of an historic building is compensated for his actual loss suffered upon designation by the issuance of a compensation package. This package contains a reduction in real estate taxes, and the authority to transfer development rights that are not utilised. (Segal, 1979; 72) If the property-owner does not receive a sum for his development rights that is deemed compensatory, the property-owner may receive further tax relief. Development rights may be sold directly to the municipality who then auctions off rights to the highest bidder or directly to a buyer.

The transfer of development rights theoretically does not cost the municipality anything. Costs for maintaining a historic building are shifted from the municipality and the building owner to the downtown development market. (Ford; 1979; 217)

Drawbacks to the concept include the fact that it is site-specific. The transfer is effected on a building by building basis and results in higher densities surrounding historic buildings. In cities where the allowable floor area ratio in the downtown area is already high (as in Calgary, Alberta) there is no market for the purchase of development rights. Developers can obtain as much density as desired directly from the City Hall.

Transfer of development rights would not be a practical application in residential areas except if part of the area was a historic district and close to downtown office development. In such a case, the concept could be used to maintain the lower density of the historic area. In residential districts, municipal policy should be explicit in limiting floor area ratio and maintaining the dynamics characteristic of neighbourhood stability.
Tax Increment Financing

A taxation technique which has been successfully applied in the United States, tax increment financing can be used in redeveloping and rehabilitating areas. Tied to the property tax system, tax increment financing uses the increase in property tax revenue generated by a redevelopment project to finance public investment in the surrounding area. A municipality can support a rehabilitation project by borrowing against the future increases in property tax that the project will bring. (Segal, 1979; 89) Tax increments are used to improve the area and enhance current public services. Road development, infrastructure and park planning can all be financed using this technique. Tax increment financing allows a city to fund a development or

"rehabilitation project by borrowing against future gains in the property tax yields that the project is expected to bring about. Under the mechanism the increases in future property tax revenues in the immediate vicinity of the improvements over and above current pre-improvement levels-the "tax increments"-are earmarked to repay any borrowing that may have been incurred for the project." (Segal, 1979; 89)

The concept has been implemented as a direct result of the U.S. Community Development Block Grants. It allows municipalities to support projects with their own monies.

In order for this technique to be available to municipalities, enabling legislation must have been passed at the state level. The City of Sacramento, California used tax increment financing in rehabilitating Old Sacramento, an old neighbourhood which had been the area's historic core. By incorporating the taxation technique with a direct subsidy from the federal government, the city financed capital improvements and public amenities.
Private development responded. Today the area has been converted into a large scale commercial district and is a major tourist attraction.

Tax increment financing could be used to support comprehensive land use planning in residential areas. Housing projects, for example multiple dwelling units could be subject to the increment financing to pay for related area improvements.

Tax increment financing is ultra vires municipal authority in British Columbia. The municipalities do not have the power to borrow against future taxation assessments, which is a provincial responsibility. Should tax increment financing be considered as a municipal planning tool, the provincial government must be lobbied to make the necessary change.

In the United States, other public agencies with jurisdictions in the area subject to tax increment financing are disputing the fact that future revenues are directed to the municipality for the subject time period. Schools and special districts feel that this is a misallocation of their potential tax revenues. (Knight, 1976; 4)

In response, cities using this financing technique claim that redevelopment activity typically occurs in areas of declining property values, where taxation revenues could be minimal until municipal improvement.

Revolving Funds

The textbook definition of a revolving fund describes it as

"cash or other equities, a line of credit or any combination of these owned and administered by a non-profit organization for the express purpose of purchasing and restoring architecturally significant structures". (Zeigler, 1971; 30)
This definition has broadened—a revolving fund can be funding available for the rehabilitation and upgrading of residential areas, and is often sponsored by the municipality. In the 1970's funding from the Community Development Block Grants could be matched dollar for dollar by the federal Heritage Conservation and Recreation Service monies. This allowed the creation of a pool of money which could be used to purchase and upgrade buildings. Usually handled by municipal employees the money recovered from the eventual sale of the refurbished building would go back into the fund for the next project.

Two examples from Pittsburgh, Pennsylvania illustrate adaptations of the revolving fund concept. The first, the Action Housing Development Fund established in the 1950's, lends money to contractors who are building or rehabilitating old housing units. While conventional loans are financed through banking institutions, additional financing not covered by the loan is available from the fund. (Zeigler, 1971; 36)

Another Pittsburgh group, Neighbourhood Housing Services lends money for rehabilitating older housing in a residential area. If conventional financing is unavailable, the group will lend the money needed.

Although owner rehabilitation of older housing is often seen as a financial risk by banking institutions, it has been shown (Benitez, 1976) that the actual default rate is less than in conventional loans.

Revolving funds are non-profit and tax exempt. When used for specific projects, revolving funds are applied to projects which the private market views as too risky. The fund's efficiency is measured in the number of buildings rehabilitated, not in the greatest return of equity. (Architectural Conservation Trust, 1979; 83)
Revolving funds could work well for financing rehabilitation work in residential areas where conventional financing was not available. The American experience shows that revolving funds should never actively compete with the banking market, but work by providing an alternative funding source when conventional means are unavailable.

**Direct Financial Assistance**

Direct financial assistance in the form of grants or low interest loans can be used to encourage heritage planning in residential areas. Forms of direct subsidy are available at federal, state and municipal levels in the United States. In Canada, federal aid to the municipalities is distributed at the provincial level. Provinces and municipalities in Canada can offer direct subsidies to encourage residential rehabilitation and management.

In 1975, the City of Boston used part of their Community Development Block Grant to form a technical assistance program for the repair and rehabilitation of housing in residential areas. A twenty per cent cash rebate for repair work was offered by the city and was based upon presentation of receipts. Despite the potential for abuse, the number of stipulations were limited as was supervision.

Under the Housing Improvement Program, homeowners in Boston were also eligible for a direct property tax credit of ten per cent of the cost of the rehabilitation work to a maximum of one thousand dollars per unit.

These two programs were coupled with code enforcement and improved neighbourhood services providing a carrot and stick approach to redirect neighbourhood dynamics towards stability. (Goetze, 1977; 72)
The criteria for financial assistance eligibility is the most potent element in determining program success. (Huot, 1981b; 4) Criteria can direct how the money will be used in a way that serves the municipal and the public interest.

With federal fiscal restraint, cities in the United States have had to develop residential upgrading programs without the usual federal subsidies. The creative self-help approach to upgrading has been described as a "true form of pump priming". (Goetze, 1977; 67). By the municipalities jointly determining a goal with the residential areas, a fixed allocation of money can be set aside for programs to attain that goal.

The City of Baltimore wanted to encourage rehabilitation in inner city neighbourhoods. Using the Community Development Block Grant as front money, the municipality provided rehabilitation loans at seven percentage points less than the current market interest rate.

In Canada, the provinces can offer money for buildings designated as Provincial historic resources. Under Alberta's Historical Resources Act, (1979) the province supplies matching grants up to $60,000 for the rehabilitation and restoration of designated structures.

At the municipal level, the City of Victoria, British Columbia passed a new Residential Heritage Compensation Bylaw in 1983. Under the draft bylaw, owners of designated houses can receive municipal compensation for exterior or structural work "having extraordinary costs due to the heritage character of the building". (Sikstrom, 1983; personal communication) This bylaw replaces the Heritage Houses Assistance bylaw passed in 1977, which provided annual rebates on exterior or structural work up to an amount equal three times the gross property taxes. Over
five years $375,000 of municipal funds have been rebated to eight-two heritage homes for improvements. (Sikstrom, Personal Communication, 1983).

One interesting side effect of the bylaw has been an increase in homeowners desiring heritage designation for rebate eligibility. The new bylaw when passed will limit the amount of money available annually, and will clarify the fact that the rebate is not a subsidy, but compensation for designation. (Ibid)

The City of Victoria Heritage Housing Assistance Bylaw will apply to all heritage designated housing regardless of location. It is interesting to note that the rebate can be applied for on an annual basis, recognising the maintenance necessary for housing upkeep. A similar program applied to a residential area and tied in with other incentives could be effective in promoting heritage and residential planning.

Direct financial assistance for homeowner upgrading requires a municipality to outlay capital to meet program stipulations. If the program goals are met and the housing stock is improved, the municipality's future tax revenues will increase due to higher assessments.

**Mortgage Guarantees**

Financing for the rehabilitation of residential buildings is sometimes unavailable due to the implied "risk" of the property. In his study of neighbourhood upgrading, Clay found that these residential areas had less difficulty with financing than was anticipated. In twenty-eight per cent of neighbourhoods surveyed financing was a major problem,
reinforced by the banks' desires to finance only in areas where their conservative ideals of neighbourhood are reinforced. (Clay, 1979; 49)

Municipalities can respond to financing risks in two ways: by compensating homeowners for part or all of losses brought on by a loan, or by assuming the risk itself and insuring the lender against the risk. (Gressel, 1976; 11) The reduction of private financing risk could allow more private capital to be available for rehabilitation loans at a lower interest rate. It is important that in offering aid, municipalities avoid competing with local lending institutions.

Risk factors can also be lowered by supplementing the potential borrower's income or by upgrading the area. "Risk" is the term commonly applied to unsafe investments, although it has been argued that residential rehabilitation should not qualify as a risk. (Benitez, 1976; 23) Lenders often perceive a direct relationship between the quality of public services and the long-term future of the neighbourhood. Improved services can spark renewed area optimism, and lower loan rates.

Municipalities that have extended credit to homeowners viewed as risks have not only had low delinquency rates, but also have had foreclosure rates lower than those experienced by conventional lenders dealing in the normal market. (Marino, 1979; 11)

Between 1968 and 1976, the City of Tampa, Florida cosigned 660 rehabilitation loans and have had only two defaults, a rate of under .5 per cent. The defaults occurred when municipally sponsored rehabilitation counselling was unavailable.

Eighty per cent of these homeowners would not have met the conventional loan criteria used by banking institutions. This leads to
the proposition that rehabilitation is actually a low risk, captive market that will respond to the availability of low interest, long term financing with liberal criteria. (Benitez, 1976; 23)

Benitez (1976) stresses the importance of municipally sponsored rehabilitation counselling when guaranteeing mortgages and loans. This protects the city's investment as well as ensuring the homeowner's financing questions are discussed.

Chicago, Milwaukee, Hoboken and New York have established loan insurance programs to increase lending in neighbourhoods. The Milwaukee Homeowner Maintenance Assistance Program is available to neighbourhoods with "housing market problems" or who have an average household income below eighty per cent of the median income of the city. Supported by Community Development Block Grant funding, the program helps homeowners prepare loan applications, and forwards these to lenders. The city subsidizes the interest rate on loans by four percentage points. As of 1978, 2,700 applications for loans had been approved, with an average loan of $3,400 per household. (Marino, 1979; 4)

In British Columbia mortgage guarantees are ultra vires the Municipal Act. It is uncertain whether the Heritage Conservation Act will allow mortgage guarantees at a municipal level. (Huot, 1981b; 13) Under the Heritage Conservation Act, guarantees could be compensation for a decrease in economic value caused by heritage designation.

It has been suggested that if mortgage guarantees are provided, financing institutions will expect this type of assurance in all risky areas. The current literature does not bear this out. Long term municipal planning and the provision of servicing and maintenance can be
just as vital as criteria for encouraging financial institutions to take the risk.

**Building Code Enforcement**

Building and housing codes have existed since the Code of Hammurabi was enacted in 1700 B.C. Housing codes try to establish basic standards of health, safety, sanitation and occupancy for existing and proposed residential units. (Starr, 1977; 17)

In the United States, it is the state that has the legal authority for enacting housing legislation. Code enforcement was first reactive and on a per call basis. The development of systematic code enforcement ensured that all housing was kept above a minimum standard, and that municipal governments made capital improvements as necessary. (Ibid; 22)

While housing codes have sought to ensure that buildings are safe, there have been consistent problems in their application. A 1920 U.S. Senate Committee concludes

"The building codes of the country have not been developed upon scientific data, but rather on compromises; they are not uniform in principle and in many instances involve an additional cost of construction without assuring more useful or more durable buildings". (McConnaughey, 1978; 2)

One of the main problems with codes are the questions of equity behind their implementation. Is one code applied and enforced for all manner of dwelling units? Are older dwelling units to be maintained at the same standards as modern residences? It is in code enforcement that these judgements are made.

Many communities with older housing stock use a system of differential enforcement of the minimum housing code. Differential enforcement allows
for the social and financial problems of homeowners in older residential districts, while maintaining stricter code requirements for new construction. Noncompliance with the housing code can result in legal action.

The principle objective in a housing code program is to achieve voluntary compliance by citing violations

"that have the potential of causing danger to the health and safety of the occupant but not to require the structure be brought up to new construction standards unless hazardous conditions are involved". (Ahlbrandt, 1976; 14)

Most older residential areas have housing that was constructed without current construction methods and technology. Problems arise when trying to apply a code based on modern standards to a structurally sound residence built before the current code came into effect. Starr (1977) suggests that in situations like this, one standard code can be applied in different ways depending on the residential area. Many large cities already enforce their housing code in such a manner. Code enforcement managers must also distinguish between serious and minor violations. Few codes exist that if completely enforced would not have some type of violation. (Marino, 1979; 8)

Differential housing code enforcement will also help reserve and conserve the estimated seventy per cent of housing stock that is "neither seriously deteriorated nor new". (Starr, 1977; 25) Housing maintenance, not just the housing itself has been shown to be directly related to citizen satisfaction with the total neighbourhood environment. (Ahlbrandt, 1979; 215) The development of a housing code that differentiated between the minimum standard required in older areas and higher standards in
newer areas could provide the type of attainable standard that will encourage homeowners to upgrade. If municipal housing code and planning departments work together, a two way referral system could operate. (Benitez, 1976; 19) The code enforcement office can identify code violations, and the planning office can determine what residential programs (if any) can be used to help the homeowner conform to the code. This type of referral system is good public relations and is effective. The State of Oregon has two examples of code flexibility. In 1975, Salem Oregon replaced its maintenance code with a housing code and a dangerous building code. The housing code was similar to the previously enforced maintenance code, except that provisions requiring structures to be at new construction standard were omitted. Health and the safety of occupants and the community are now the main objective in housing code enforcement. (Ahlbrandt, 1976; 14)

In Portland, Oregon, housing inspections in neighbourhood preservation areas are carried out by rehabilitation specialists who take individual circumstances in account. Flexibility is allowed in determining the amount of work required to meet the code standard.

In Canada, the National Building Code is used to bring all structures up to a safety standard. Although Sections 2.10 and 2.11 allow local officials the discretion to vary standards, few officials have. (Huot, 1981b; 19) A municipal building inspector is not indemnified from his discretionary decisions, and can be held responsible should a subsequent disaster occur. Canadian municipalities have therefore taken a cautious approach to the subject of differential code enforcement. Considering the ramifications of legal action, this cautious approach can be justified.
Complimentary Public Works and Services

Improving certain residential areas by upgrading public works and services can be a vital factor in maintaining homeowner confidence. Directly or indirectly, the level of public investment acts as an important leverage for private credit and capital. (Marino, 1979; 9) Public investment shows that the municipal government has confidence in a residential area's future and is willing to allocate funding to support this confidence.

The development and regulatory assistance a municipality provides to residential areas can help or hinder homeowners. Clay (1979) notes that in his survey of upgrading neighbourhoods, thirty-two per cent of neighbourhoods felt that the activity of local government was not helpful to the area. (Clay, 1979; 52) The local government was not responsive to the residents' perceived problems.

A study sponsored by U.S. Housing and Urban Development showed that the location of schools, the level of crime, and the cleanliness of the streets outranked housing as an incentive to move into or out of a residential area. (McNulty, 1976; II-52) It has been suggested that municipal policies and programs on neighbourhood preservation and stabilization have typically centred on housing and public investment, without taking into account the sociology of neighbourhoods. (Ahlbrandt, 1979; 23) A residential area's attractiveness and liveability is a function of these factors.

The level of crime and fire protection show how well an area is serviced by the municipality. Frequent garbage removal and street cleaning are also important for residential maintenance. The standard
to which the building code is enforced and complied with also indicates municipal expectations of the area's future. Does the municipality alert the local citizen's group to planned developments in the residential area? What type of discretionary uses are allowed in the area and what uses have been approved? Is there a good relationship between residential homeowners and the area planner?

Each residential area is unique and has its own special aspects of heritage. Municipal planning must respond to the individuality of each area and provide services that are of a priority to both the area and the city.

**Municipal Information Services**

Municipalities can provide valuable information and advice as a service to area residents. Huot (1981b) has classified information services into three types.

The municipality can operate an information bank on upgrading and rehabilitating housing and properties. "How to" books, technical manuals and city planning documents would be available for loan.

The city can serve as a referencing agency, handling homeowner enquiries as received and directing them to the appropriate authority. If a homeowner has a question on mortar work, he could be directed to the code enforcement officer as well as to masonry experts in the city.

The third information service performs a technical advisory role. Persons experienced in rehabilitation and residential upgrading, municipal planning staff and building inspectors can be available to answer general questions on residential planning and home repair. In the City of Tampa,
Florida, technical and financial advice was available in designated residential areas. It was found that people using the information services were more likely to carry through with their home improvements and less likely to default on loans taken out for that purpose. (Benitez, 1976; 23)

A well structured municipal information services directed to the needs or residents can be beneficial for both the city and residents. It is vital that the information services program is carefully structured to ensure that correct information is given to the targeted residential areas.

**Expediting Approvals**

A "green door policy" of assistance to upgrading homeowners is another tactic the city can use to encourage residential area upkeep and maintenance. Homeowners can receive special help and expedited approval for work undertaken in designated residential areas. Such an approach serves as an incentive for homeowners intimidated by the red tape of city hall. (Lazear, 1981; 63) Housing with heritage merits can be identified by municipal staff and a program of technical advice also offered.

New York City has created offices to aid in the negotiations of the various governmental permissions. Since most individuals and development firms working in private unassisted housing rehabilitation are small and relatively inexperienced with government bureaucracy, expediting approvals can be a valuable service.
Neighbourhood Programs

As opposed to physical or community planning, goal-oriented planning aims specifically at one group of people and their values. (Miller, 1982; 34)

Downs (1973) identified the growth and decline of residential areas as being caused by individual household decision-making, not by larger market forces. A stable neighbourhood is characterised by the turn-over of residential properties. When people sell their homes, there are other people waiting to move into the area.

The dynamics of neighbourhood does not revolve around what financial bankers or real estate agents say, but is dependent upon the attitudes and movement of the residential population. (Cohen, 1979; 13)

Goal-oriented residential planning must not only look at the health of residential areas, but must also involve the citizens. The stability of neighbourhoods is a function of residential willingness to remain in a residential area and work to improve it. (Ahlbrandt, 1979; 29)

Schoenberg identifies a viable urban neighbourhood as a residential area where there is agreement on public behaviour, formal neighbourhood organisations, linkages to outside resources and exchanges between groups over time. (Schoenberg, 1980; 33)

Municipal planning must respond to residential areas by working at that level, and by orienting planning to the goals of the residents. The Urban Reinvestment Task Force in the United States has sponsored the Neighbourhood Housing Services Program in more than thirty American cities. This program, similar to Canada's Neighbourhood Improvement
Program is aimed at neighbourhood preservation through residential leadership and effort. The program is run by neighbourhood residents and is not part of local government, allowing it maximum flexibility. Loans are available from a revolving fund to homeowners wishing to rehabilitate their residences.

By concentrating on specific neighbourhoods, this program aims to help people help themselves. This self-help philosophy has become popular in residential areas. Many neighbourhoods are entering into agreements with their municipalities to provide their own delivery of municipal services. In Kansas City, residential groups are arranging to conduct their own building inspections. Philadelphia has adopted a formal system of service sharing agreements with neighbourhoods to decrease costs. By participating in projects ranging from trash removal to public housing management, residential areas are enhancing their self-image, improving local services, and getting paid for it. (Peirce, 1983; 3)

Residential areas are increasingly taking on responsibility to guide their futures. Municipal planning has responded by opening up neighbourhood planning offices, and by recognising the residential area as a vocal lobbying group.

Identification of Residential Areas for Effective Program Application

Holcombe (1981) has identified several positive factors that should be present in residential areas to allow effective municipal program response. The area should be occupied by incumbent upgraders, homeowners who desire to maintain their housing and stay in the area. The population should have a moderate mean income, and the housing should be basically
sound. Residents must be willing to organise themselves into a
eighbourhood association to represent themselves and to form an
effective lobby to local government.

When these factors are present, municipalities can prepare
individual programs that respond to the needs of each area.

Programs that meet goals established for housing and heritage must
be more than just housing related. Since the municipality's resources
cannot be allocated to all residential areas at one time, an area must
be chosen that needs a policy and a program to maintain the residential
area and encourage the retention of heritage resources. It has been
suggested that residential areas with heritage aspects be carefully
examined and block by block criteria be applied to direct the area's growth.
(McNulty, 1976; II-53) This "fine toothed comb" approach recognises the
diversity of residential areas and the sensitivity needed to implement
effective residential programs.

Chapter Four examines two residential area programs that use municipal
planning tools and modified zoning bylaws to achieve heritage, housing
and land use objectives. These two residential area programs illustrate
what planning tools have been applied in the western Canadian context
in inner city residential areas with some heritage merit.
CHAPTER FOUR

Municipal Heritage and Residential Land Use Planning

Two Case Studies

Old Strathcona in Edmonton Alberta and Old Shaughnessy in Vancouver British Columbia are two residential areas where incumbent upgrading and heritage conservation have been jointly undertaken. In both of these examples municipalities used land use controls to provide the means to encourage residential area viability and development while respecting heritage resources.

Strathcona-The Glorious Past

Strathcona's birth and later its renaissance have been caused by the boom and bust phases evident in land speculation. In the late 1880's the Calgary and Edmonton Railway decided to build a spur line from Fort McLeod northwest to Edmonton, connecting the town to the newly built Canadian Pacific Railway. By 1891 the rail had been built to the south bank of the North Saskatchewan River. Instead of building a bridge across the river to the Edmonton townsite, construction halted on the south bank of the river, where a railway station was hastily erected. (Figure 4.1)

Named Strathcona, the new rail terminus soon had a graded main street, Whyte Avenue. Strathcona would have six churches, electricity and a population of 2,500 by 1902. As a proud western Canadian boomtown, Strathcona called itself "Edmonton's Twin City", a remark refuted by the
Figure 4.1 The Location of Old Strathcona in Edmonton
Edmonton Bulletin which labelled Strathcona a "mule-a creature of no ancestry and unlikely to succeed". (Strathcona Historical Group, 1973; 18)

Inter-city rivalries were calmed in 1912 when the two cities were unified under the Edmonton-Strathcona Act. As Strathcona became better known as Edmonton's "southside", development and growth centred in Edmonton proper. Strathcona sank into an economic slump, with its once prosperous commercial area operated by marginal tenants.

Crisis-and Municipal Response

In 1970, a proposed bridge alignment to connect downtown Edmonton with Strathcona threatened to bisect the old community and destroy sixty structures. A group of area residents banded together to oppose the bridge proposal on heritage and community grounds. From this association, the Strathcona Historical Group evolved and in 1973 received municipal funding to prepare The Asset of Heritage a report on the area's history and potential as a heritage community.

The Strathcona area still had its retail area, its large churches and grand single family residences built in the Victorian manner. However the area's proximity to the University of Alberta and the city centre had resulted in increasing density pressures. Between 1961 and 1971, no new single family dwelling construction took place in Strathcona. (Strathcona Historical Group, 1973; 50)

Large apartment high rises had been constructed along Strathcona's river valley bank overlooking downtown Edmonton. Under the zoning bylaw, allowable density in Strathcona was highest along the river valley bank and decreased towards the Whyte Avenue commercial area. The view-blocking
apartment buildings were justified by city planning policy which stated

"Density is distributed on the philosophy that the river valley is the most prominent natural feature of Edmonton and should be made visible and accessible to the greatest number of people". (City of Edmonton, 1980, 6)

Action was needed to stabilise development in the area and to conserve the heritage and residential qualities still evident. Heritage Canada which had just formed in 1973 submitted a joint proposal with the Strathcona Historical Group to Edmonton City Council. The proposal outlined Strathcona's potential as a heritage conservation area and pledged Heritage Canada's support in implementing the concept.

Council approved of the proposal in 1974 and in January of 1975 adopted an Interim Development Control Resolution to provide land use guidelines in the area. The resolution contained land use regulations to ensure compatible redevelopment would take place. As Section 2 (1) states

"no demolition or development of any nature whatsoever shall be permitted on any property to which this resolution applies where such demolition or development will, in the opinion of the approving authority, impair or detract from the preservation of the historical character of the subject area..." (City of Edmonton. Strathcona Interim Development Control Resolution. 1975)

The resolution also allows for municipal compensation to be awarded should economic hardship result as a consequence of resolution enforcement. This fulfills the compensation requirement of the Alberta Historical Resources Act (Section 19.5 subsection 1).

Compatible redevelopment was to be sympathetic to the buildings of the area, to be in similar scale, type, and colour. Signage and building facades in the commercial area were to conform as much as possible to that
typical of turn-of-the-century design. By monitoring and controlling development and demolition in the delineated area, City Council was attempting a regulatory approach to area conservation.

The area covered by the resolution is bounded to the north by Saskatchewan Drive, to the south by 80 Avenue, to the east by 101 Street and to the west by 106 Street. (See Figure 4.2)

The Old Strathcona Foundation was incorporated in 1974 to operate the heritage conservation area. In 1976, a legal agreement signed by the City of Edmonton, Heritage Canada and the Old Strathcona Foundation officially laid out the boundaries of the conservation area, with a large protective zone encircling a smaller preservation zone. Development controls were to be applied more stringently in the preservation zone which contained the bulk of Old Strathcona's structures and spaces. (See Figure 4.3)

Under the terms of the legal agreement, the Old Strathcona Foundation was to "promote the conservation of the erstwhile Town of Strathcona" and administer the area. Other aims included preserving buildings and honouring Strathcona citizens, promoting research, publicity, and seeking permanent protective legislative or regulatory measures for the area.

When the legal agreement expired in October, 1980, it was hoped that long term municipal protective legislation would be in place in the area in the form of an area redevelopment plan bylaw.

The Interim Control Resolution was extended in 1976, 1977 and 1978. In 1977, a developer planning a high rise along the river valley had his development application refused, as the building did not meet the design requirements mentioned in the Interim Control Resolution. The
Figure 4.2: Area Covered by Interim Development Control Resolution
Figure 4.3 Old Strathcona Heritage Conservation Area Protective and Preservation Zones
builder, Tegon Developments Limited, challenged the resolution in the Supreme Courts of Alberta and Canada. In Tegon Developments vs. the City of Edmonton (1977) the Appellate Division of the Supreme Court of Alberta ruled that under the Alberta Planning Act, in municipalities "...it is not a valid exercise of the [planning] power to use it to preserve historical sites... it was not a planning purpose". (Huot, October 1979; 2)

This controversial decision stated that controlling development for historical reasons was ultra vires municipal authority. The Alberta Historical Resources Act (1980) has since been amended to provide enabling legislation for municipalities to control historic area land-use under Section 23.

Strathcona was left with no protective legislation after the Supreme Court decision. The City's response was to step up preparation of an Area Redevelopment Plan for Strathcona which passed third reading in September, 1981.

The Strathcona Area Redevelopment Plan Bylaw

The Strathcona Area Redevelopment Plan Bylaw supplies the permanent legislation sought to ensure "that redevelopment in Strathcona takes place in ways that are compatible with the existing community". (City of Edmonton, Plan Bylaw, 1981; 7) A Light Rail Transit (L.R.T.) station on Whyte Avenue planned for 1986 will encourage development in Strathcona's commercial area and will serve as a factor in density distribution. Higher residential and commercial densities will be allowed near the site of the station.
The Area Redevelopment Plan Bylaw also fulfills the City's obligations as stipulated in the 1976 Legal Agreement to create protective legislation for Strathcona's heritage resources and residential areas.

The plan area can be divided into five sub-areas. (See Figure 4.4) Sub-areas 4 and 5 contain the Whyte Avenue retail area and the proposed L.R.T. station. These sub-areas are classified as commercial and special public service districts. Sub-area 3 is termed a public service area and contains the community league's hall and recreation facilities.

Sub-areas 1 and 2 are of special interest. These are the sub-areas which contain single family residences, the remainder of Strathcona's heritage housing.

A system of land use controls and permitted uses is utilised by the City to monitor development. Prior to July 1980, Zoning Bylaw 2135 was used to control development. In July 1980, areas of Strathcona under the Land Use Classification Guide (L.U.C.G.) were redistricted to the DC-3 category which is a temporary holding district. City Council authorized the DC-3 redistricting when preparation on the Area Redevelopment Plan began. (City of Edmonton, Background, 1981; 15)

The Strathcona Area Redevelopment Plan land use districts apply land use controls at a finer level. (See Figure 4.5) Because of the desire for increased residential density and the quashing of the Development Control Resolution, some residential structures incompatible with the plan's objective of sensitive redevelopment have been constructed. Under the new bylaw, spot zoning has been applied in Strathcona's residential areas to ensure that sites housing single family dwellings are not subject to speculative pressure. The siting of an older three storey walk-up on the block no longer implies that the whole street can redevelop to that density.
Figure 4.4 Old Strathcona Sub Areas

1. Saskatchewan Drive Sub Area
2. 84th Ave. Sub Area
3. Public Services Sub Area
4. Core Commercial Sub Area
5. LRT Station Sub Area
Old Strathcona Proposed Land Use Bylaw Districts

Figure 4.5 Strathcona Redevelopment Plan Land Use Districts

- **RF3**: Low Density Redevelopment District
- **RF5**: Row Housing District
- **RF6**: Medium Density Multiple Family District
- **RA7**: Low Rise Apartment District
- **RA8**: Medium Rise Apartment District
- **RA9**: Saskatchewan Drive High Rise Apartment District
- **RMX**: Residential Mixed Use District
- **CB2**: Whyte Avenue General Business District
- **CO**: Whyte Avenue General Business District
- **CMX**: Commercial Mixed Use District
- **PU**: Public Utility District
- **AP**: Public Parks District
- **DC1**: Direct Control District
- **US**: Urban Services District
Implementation of Land Use Policy for Residential Areas

Under the new bylaw, residential areas may have a limited increase in density, in

"selected area of Old Strathcona which is compatible with the existing scale and character of residential development, and which is consistent with the capacity of schools, parks and utilities infrastructures". (City of Edmonton, Plan Bylaw, 1981; 8)

The integrity of low density residential areas with "some historical significance" is to be maintained. Where residential redevelopment takes place, a balanced population mix will be desired. The City will conduct a heritage inventory to determine sites and areas of historical significance.

Related to heritage, buildings of historic or architectural merit are to be retained as "functional and productive elements of the community". In order for heritage structures to remain in viable use, restrictions on usage will be relaxed, and possible incentives offered for heritage conservation. The Bylaw does not explicitly state what form these incentives will take.

The bylaw also notes that amendments may be made as a result of any Historical Impact Assessment conducted under Section 22 of the Alberta Historical Resources Act.

Residential Sub-Area One

The City defines its intent in sub-area 1 as to

"maintain the predominately two storey scale and single family housing character of this area while allowing limited infill of low-density single and multiple family housing and to provide for limited conversion of housing to office uses." (City of Edmonton, Plan Bylaw, 1981; 13)
House to office conversion is taking place along Saskatchewan Drive which is considered a prestigious professional office location. The city policy will allow this trend to continue to a limited degree.

In the 1960's and early 1970's, the City acquired housing and lots in sub-area 1 for the planned bridge alignment. With the city's intent to maintain the area as residential, the existing housing will be rehabilitated and sold for use as single family dwellings. This use will be restricted by covenants registered against the title, ensuring that these dwellings will not be bought for speculative purposes.

The large strip of vacant land south of Saskatchewan Drive between 102 and 103 Streets will be used for a community housing project and will be designed in close consultation with the Strathcona Centre Community League. The City considers low-density family townhouses as the type of housing suitable for the site.

Residential Sub-Area Two

Municipal policy for the 84 Avenue sub-area is as follows:

"to maintain the role of this sub-area as a transition between low-density residential in Sub-Area 1 and the Whyte Avenue commercial strip, through a mix of family and apartment housing at low and medium density". (City of Edmonton, Plan Bylaw, 1981; 42)

Unlike sub-area 1, sub-area 2 already contains many three storey walk-up and has some high-rise developments. By careful redistricting, the City plans to allow mixed residential/commercial use at medium density, in consultation with the City's transportation planners and the Strathcona Centre Community League.
Analysis of Plan and Implementation

The Strathcona Area Redevelopment Plan recognises the need for stability for residential areas and heritage resources. Growth is seen as a necessary component of planning in Strathcona, with managed growth remaining compatible with the community and encouraging the active use of heritage resources.

While the use of incentives for heritage structures is mentioned in the plan, these incentives are not clearly identified. Provincial designation of heritage structures and respect for designated structures is stressed.

Restrictive covenants will be placed on city-owned houses to be resold. These covenants will require the housing to remain in single family usage encouraging families to establish themselves in Strathcona.

The Area Redevelopment Plan passed by Council in 1981 has now reached the implementation stage where development incentives for incumbent upgrading and heritage resource management should be clarified and developed. With the use of zoning and covenants, the city has established regulatory means to control development in specific sites and areas. A comprehensive "carrot" approach to residential upgrading and heritage resource retention would aid the city in reaching its goal of maintaining the integrity of low density residential areas while allowing resources of historical significance to be retained.

Shaughnessy

Unlike Strathcona, Shaughnessy is South Vancouver is predominately a residential neighbourhood. The area has experienced densification
pressure, but Shaughnessy has not redeveloped to the extent that Strathcona has. Instead of responding to an immediate crisis as in the bridge alignment incident in Strathcona, the Shaughnessy plan is the result of the perceived difficulty in maintaining an area's grandeur while dealing with economic realities. Through a seven year incremental process, the City of Vancouver and Shaughnessy residents have developed a plan. Working with heritage and housing goals, the First Shaughnessy Plan aims to "strengthen civic pride in an unique architectural and historical area" and to retain the area as "a predominately single-family residential community". (City of Vancouver, Manager's Report, 1981; Appendix B)

Shaughnessy-The Glamorous Past

Incorporated in 1886, the original city of Vancouver was situated on a peninsula beside Burrard Inlet. As the city grew, the Canadian Pacific Railway (C.P.R.) which held many of the land leases in the area proposed the development of a lavish, exclusive residential area south of False Creek. In 1908, land clearance began in the area around 16th Avenue. Frederick Todd, a landscape architect, and engineer L.E. Davisk were employed by the C.P.R. to design the special suburb. Todd and Davisk departed from the traditional gridiron layout of streets and instead used the existing topographic conditions to create irregularly curved streets. (Bourne, 1979; 2)

Large park-like lots were created with estate type housing built on the sites. By 1911, forty massive homes had been built, accommodating many of Vancouver's established gentry. The area was named "Shaughnessy" after a former C.P.R. president who controlled the company between 1898 and 1918.
Shaughnessy's exclusivity was reaffirmed by the Province's 1914 Shaughnessy Settlement Act which officially sanctioned the C.P.R.'s activities in creating the grandiose district. (City of Vancouver, Background Report, 1982; 2.3) The 1922 Shaughnessy Heights Building Restrictions Act passed by the municipality of Point Grey (to which Shaughnessy at the time belonged) reinforced the suburb's large, single family nature. In addition, restrictive covenants on land titles restricted new single family construction on lots. These covenants were placed by the C.P.R. and ensured the area's on-going exclusivity.

Shaughnessy Heights became known as "Poverty Heights" during the depression, when prominent homes had to be sold for a fraction of their value. Many of the houses were at this time converted to rooming houses to pay for maintenance. The Federal Government's Order 200 released in 1941 allowed all residential areas in Canada to allow rooming houses to ease the war years' housing shortage. In 1955, rooming houses had become a legal non-conforming use. Nearly thirty per cent of Shaughnessy's homes were multiple units by this time. (Leithead, 1982; 18)

Crisis-Municipal Response

The Shaughnessy Heights Property Owners (S.H.P.O.) had formed in the 1930's as a group aiming to maintain Shaughnessy's single family nature. In the 1940's the First Shaughnessy Residents Association formed to represent the alternative district uses, including apartment developers and advocates of increased density.

The Shaughnessy Heights Building Restrictions Act was in effect until 1970. This was replaced by RS-4 zoning, allowing subdivisions of the
grand estates. Some older houses were demolished for modern day housing. Speculation on sites for possible townhouses and apartments was becoming popular.

Afraid that this trend would destroy Shaughnessy, the S.H.P.O. hired a consultant in 1976 to identify alternatives to the existing RS-4 zoning. The consultant determined policies and guidelines to control growth in Shaughnessy in keeping with the area's scale and character. In 1978, S.H.P.O. submitted the consultant's report and the group's comments to Vancouver City Council. In 1979 Council commenced a zoning study of Shaughnessy.

The First Shaughnessy Plan

The First Shaughnessy plan area is bounded roughly by King Edward Avenue to the north, 16 Avenue to the south, East Boulevard to the west and Oak Street to the east. (See Figure 4.6) The area covers about 346 acres or 140 hectares and contains 586 properties, 36 per cent which have dwellings over fifty years old. Those dwellings deemed meritorious by the City of Vancouver are in Figure 4.7.

The term "meritorious" is open ended. Meaning deserving reward or praise, the term is used by the Heritage Advisory Committee to denote residences of heritage value. The "meritorious" designation serves as an indicator of site specific heritage structures existing in the Shaughnessy area. The term does not indicate the overall effect of the landscape, trees and vistas in contributing to the area's heritage character.
The Location of Shaughnessy in the City of Vancouver

Figure 4.6 The Location of Shaughnessy in the City of Vancouver
Meritorious Houses in Shaughnessy

Source: First Shaughnessy Plan
Vancouver City Planning Dept.

Figure 4.7 Dwellings Deemed Meritorious by the City of Vancouver Heritage Advisory Committee
The First Shaughnessy Planning Study Working Committee

A working committee composed of community workers and a representative of the Vancouver Heritage Advisory Committee helped the city determine ways Shaughnessy planning issues could be resolved. Some of the main issues were identified by the First Shaughnessy Background Report (1982) as the threat of redevelopment on Shaughnessy's heritage, the threat of economic instability large properties face, and the growing number of rooming houses in the area. These rooming houses although legally conforming to the zoning bylaw disrupt the area's single family manner.

Many of the multiple conversions were poorly maintained and often close to each other, therefore detracting from Shaughnessy's well-kept single family areas. The area's liveability was also being threatened by traffic shortcutting through the district.

In response to these issues, the city used goals created by the Shaughnessy Heights Property Owners' Association for the Shaughnessy district. The goals are divided by the subtitles for Heritage, Housing, Circulation, Community Services and Community Involvement.

**Goals for Heritage**

1. To strengthen civic pride in an unique architectural and historical area.
2. To preserve, protect and enhance the cultural, social, economic, architectural and historical elements of First Shaughnessy.
3. To enhance the visual and aesthetic character, diversity and interest of the City.
4. To promote excellence in architectural design and construction that is compatible with the character and quality of most pre 1940 houses.

5. To preserve and improve the public and private streetscape.

6. To discourage demolition and promote conservation and restoration of meritorious pre 1940 houses.

**Goals for Housing**

7. To retain First Shaughnessy as a predominately single-family residential community.

8. To promote and encourage continued private ownership and the use of Shaughnessy dwellings.

9. To limit subdivision in First Shaughnessy.

10. To reinforce the economic stability of First Shaughnessy through a controlled increase in density.

**Goals for Circulation**

11. To discourage commuter and through traffic in First Shaughnessy.

12. To minimize on-street parking within First Shaughnessy.

**Goals for Community Services**

13. To retain the Shaughnessy Elementary School.

14. To improve the maintenance standards for existing parks and to retain their predominately passive function.
Goals for Community Involvement

15. To provide residents and property owners with an opportunity to continue their participation in the planning and future development of First Shaughnessy. (City of Vancouver, First Shaughnessy Plan Background Report, 1982; 13)

Given these goals, three alternatives for planning were evident to the committee. The conversion option would mean that some meritorious pre 1940 housing and some multiple residential properties could redevelop. An infill option would allow development on the rear and side yards of older estates.

The subdivision option would increase standards for parcel size lots to compliment the subdivision pattern existing in Old Shaughnessy.

One of Shaughnessy's housing goals (goal 10) is to reinforce the economic stability of the area through a controlled increase in density. The conversion and infill options are positive incentives to Shaughnessy property owners to upgrade their holdings. The subdivision option's higher lot standards would make development more expensive to undertake and could dissuade developers from implementing projects. Instead of reinforcing the area's economic stability, increased subdivision standards could prove to be a disincentive to imaginative redevelopment.

Incentives

The conversion and infill options could be offered as a form of incentive for heritage building rehabilitation and for housing maintenance. By intensifying the use of sites, large residences can be protected.
The third option of increasing subdivision standards would allow for visual continuity and a street pattern more in keeping with Shaughnessy's character. A disincentive to small lot development and demolition of existing buildings, this option would check the subdivision of estate lots which would result in the demolition/structural alteration of 80 houses at the present rate. (City of Vancouver, Background Report, 1982; 24)

The Plan

The features which contribute to Shaughnessy's ambience are not only the size of the estates and the housing. The topography and vegetation make Old Shaughnessy "more like a botanical garden than a residential district". (Bourne, 1979; 15)

A design study by a local architect identified the items contributing to Shaughnessy's special character. This study has been adapted for use as the First Shaughnessy Design Guidelines for area redevelopment.

Bylaw 5543 is the zoning bylaw amendment affecting Shaughnessy. The area has been rezoned as a Comprehensive Development District known as First Shaughnessy. The zoning regulates redevelopment under controlled conditional uses to conserve the character of estate properties.

"Bonusing provisions" in the bylaw allow infill and multiple conversion dwellings provided that the principle dwelling is 4,000 square feet or more. Infill development may also occur on large sites provided that the principle building was constructed before 1940 and that an agreement protecting the building from future demolition is obtained. The bylaw notes that the infill provision as a subdivision alternative will allow
development on lots not subdividable, and in some cases will allow more intensive use than subdivision.

With the intent of retaining First Shaughnessy as predominately single family, existing multiple conversion dwellings will be allowed to rehabilitate to a maximum of four dwelling units.

Implementation of Bylaw 5543

The First Shaughnessy District Official Development Plan consists of the Bylaw and the Design Guidelines. These two documents will be used in concert to monitor redevelopment and construction under conditional zoning. All new development in Shaughnessy will be presented to a special Advisory Design Panel for approval. The advisory body will be composed of Shaughnessy residents and professional representees from the city's Heritage Advisory Committee, the Architectural Institute of British Columbia and the B.C. Society of Landscape Architects. Two of the four community members on the advisory board will be representatives of the Shaughnessy Heights Property Owners' Association. (City of Vancouver Background Report, 1982; 38)

This community representation on development approval matters is aimed at keeping the community involved with Shaughnessy's future. Any properties redeveloping will be required to place restrictive covenants on the main residences before any development approval will be granted. These restrictive covenants will ensure the continuity of Shaughnessy's structural heritage.

Vegetation, landscaping, density and design area also regulated by the guidelines and bylaw so that Shaughnessy's park-like ambience will remain.
As the city planner for Shaughnessy states, "discretionary zoning presents certain headaches to those who must interpret and administer it but the results can be rewarding for those areas, which, like Shaughnessy, have unique architectural character".

Under the new bylaw all new development from a single family dwelling to a multiple conversion building must meet conditions specified by the Bylaw and Design Guidelines before development approval will be granted.

Analysis of Plan and Implementation

The First Shaughnessy Plan was created to arrest a deteriorating situation. The many beautiful homes, gardens and estates of Shaughnessy were under severe pressure to redevelop. As Alderman Warnett Kennedy notes

"The erosion would continue if no changes were made, and the character of Shaughnessy would be destroyed. On balance, it would be better to go with the plan." (Vancouver Western News, May 5, 1982; 3)

The change from RS-4 zoning to conditional zoning recognised the existing economic realities in Shaughnessy. With conditional approval, the City can control the development and design of multiple conversion, subdivision and infill applications, all which will ensure Shaughnessy's continued economic viability as a residential area. The carrot and stick approach, offering development flexibility for the placing of restrictive covenants on the main houses will conserve Shaughnessy's estate dwellings.

The sensitive application of the zoning bylaw and design guidelines in Shaughnessy will increase the workload of municipal planning staff. Application, consideration and permit approval will be a slower process
as the application must be presented to the Advisory Design Panel for recommendation and negotiation.

The City of Vancouver has made the trade-off of staff time and discretionary powers to allow Shaughnessy to continue as a special residential district. The city's goal of maintaining Shaughnessy as a predominately single family area can be attained through the careful, cautious use of the bylaw and the design guidelines.
CHAPTER FIVE

Counterfactual Analysis and the Case Study Area

Introduction

Previous chapters of this thesis have described some planning tools which have been used in selected residential areas with significant heritage values. In this chapter the compatibility of standard land use controls with goals that add housing policy and heritage considerations to land use policies will be examined.

Using the proposals and experience reported in the literature and the preliminary evaluation of tentative results, a "test" bylaw will be drafted to be sensitive to goals outlined for both heritage and housing planning. A judgemental projection of the changes that would have occurred if the proposed controls were in effect will be compared to the actual controls adopted and enforced during the same period. Called "counterfactual analysis" by Baer (1976), this approach allows two different sets of regulations, one existing and one proposed, to be compared in terms of their effects upon development in the same place and time.

The effectiveness of the controls in achieving housing and heritage considerations will be determined by comparison to a list of goals common to land use, residential and heritage planning.
In order to use incentives as means to accomplish a goal, it is necessary to establish criteria to select the best package of incentives for areal application. For the purpose of this thesis, goals which will reinforce comprehensive land use planning, encourage the retention of heritage resources and encourage residential upgrading are sought.

In rational or efficient planning, a decision-maker reviews all possible courses of action and pinpoints and evaluates all potential consequences of choosing a specific course of action. The decision-maker selects the alternative which he feels best meets the desired ends. The ends chosen should be in the public interest, serving the ends of the whole public, not a select minority. (Meyerson and Banfield, 1955; 314)

The following ends have been identified as common goals for land-use and heritage planning in Vancouver residential areas. The City of Vancouver Planning Commission publication *Goals for Vancouver* (1980) and the Planning Department series *Understanding Vancouver* (1981) have been extensively used in composing these goals.

1. **Clearly define what type of development is allowable in which areas.**
   (City of Vancouver Planning Commission, 1980; 12)

   Most cities have residential areas where high density apartments, multi-family dwellings and single family housing can be located. A policy for a specific residential area should clearly identify what type of development and density is allowable and permissible based upon the municipality's land use bylaw. Explicit identification of allowable types of residential development assures an area's continued future as a housing district. Consistent application of the land use bylaw ensures
that the desirable dwelling types that attracted homeowners and renters to the area will remain. The decision-maker should take into account the opinions of area residents before considering any changes in land use policy.

2. **Regulate land use to support the conservation of heritage resources.**

Many residential areas will have heritage resources and aspects that are particularly their own; there may be a spectacular mountain view, part of an old Indian mound, remnants of estate gates, or outstanding architectural structures. An evaluation of heritage resources should take place in each residential area to determine what the residents identify as their heritage resources. Mature trees and natural amenities should be conserved for their intrinsic value to the residential area. Objects identified as heritage should be sensitively addressed and treated in the land use bylaw.

3. **Encourage the development of the residential area's character and identity.** (City of Vancouver Planning Commission, 1980; 24)

The perception area residents have of their district may be fundamentally different from that perceived by others. This individuality should be encouraged and respected. If residents in an area are proud of their open park spaces and paths, that amenity should have special attention in a land use bylaw and policy to ensure that its importance to the area is recognised and maintained. Character and identity will vary from area to area, and local priorities should be respected.

4. **Maintain and improve the quality of the residential area.**

City policy for residential area maintenance should be explicitly stated and implemented. The residential area should be well-kept,
attractive and safe for its inhabitants. Municipal policy should encourage home maintenance and improvement and where necessary provide incentives for upgrading the area's quality.

5. Maintain a supply of different housing types for different groups at affordable prices. (City of Vancouver Planning Commission, 1980; 27)

The publication Goals for Vancouver points out that not everyone wants or can afford to live in a single family dwelling. Municipal policy should recognize this and respond to the economic and social housing needs of the existing population. Accommodation should be available for young singles, the elderly and family groups; it says.

Conserving heritage resources cannot solve the housing affordability issue, but it need not make it worse. Area incumbents should be encouraged to stay in the area and should not be forced out by significantly rising rent, home or land values caused by heritage recognition.

6. Increase area density to accommodate the present population.

Vancouver should accommodate its share of a growing regional population. By increasing density in residential areas, the municipality will provide more housing opportunities and limit increases of commuter traffic from outlying areas. Sensitivity and careful judgement are needed to determine what areas will experience increased density and to delineate what form the density can take. Design guidelines and residential area planning groups can operate effectively in determining the built form, rhythm and style new developments should adopt.

7. Keep public costs down.

In the current period of fiscal restraint, it is important to explore the options that have a limited impact on public costs. Options should be
analysed for their effectiveness and their cost, and the most effective, least costly alternatives should be considered first.

For heritage residential program implementation, we will select the planning tools which will help accomplish these defined goals.

Selection of Area for Counterfactual Analysis Application

The use of counterfactual analysis will illustrate the effect of sensitive heritage and housing policy applied in selected inner city areas. To apply counterfactual analysis, an inner city residential area with significant heritage values is selected. One such area is Mount Pleasant, situated on the southside of False Creek, Vancouver. (See Figure 5.1)

The Mount Pleasant area is bounded to the west by Cambie Street, to the east by Clarke Drive, and to the south by 16 Avenue and Kingsway. The northern boundary is defined by False Creek and Terminal Avenue. (See Figure 5.2) Mount Pleasant contains five hundred houses and seventy-seven apartment buildings, with twenty-five per cent of the housing having potential architectural merit. (Henriquez, 1980; 2)

History and Significance of Mount Pleasant

The history of Mount Pleasant is currently being researched and compiled by Mr. Claude Douglas whose notes have been extensively used in this section.

Long before Vancouver reached city status, a trail from New Westminster to the south False Creek shore was built, connecting New Westminster with the Granville (today Vancouver) townsite. Established
Figure 5.1 The Location of Mount Pleasant in the City of Vancouver
Figure 5.2 The Mount Pleasant Case Study Area
about 1864 by the British Royal Engineers, the trail cut through what was to become Mount Pleasant. Known as the "North Arm Trail" and the "New Westminster Road", the trail became the major street known today as Kingsway.

In 1876 the Royal Engineers cut another road from New Westminster which became known as the "New Road" or "Westminster Avenue". Today Main Street lies atop the original "New Road" trail.

False Creek was originally much larger, extending east to Clark Drive and north from Seventh Avenue to the Union Street area downtown. In 1871 a wooden bridge was built across False Creek at Main Street, connecting the Vancouver downtown peninsula with Mount Pleasant. This development signalled the beginning of Mount Pleasant's settlement. Aided by the establishment of tram lines in the 1890's and the building of rail tracks on the southside of False Creek, industry and commerce began to locate in Mount Pleasant. Industries established along the creek front, and large Victorian residences were built on higher ground south of the creek. A land boom in the early 1900's resulted in housing being quickly erected on the east and west sides of Main Street.

By 1912, Main Street had become known as "Uptown Vancouver" with trade and commerce centred around the Kingsway, Broadway and Main Street intersection. Mount Pleasant had taken on the appurtenances of a bustling community, complete with established industrial, commercial and residential areas.

By 1930, Mount Pleasant's area had been completely built up and the area's first apartment buildings were being constructed. Orchestrated by Mayor Gerry McGeer, the City of Vancouver's new city hall was built
in Mount Pleasant in 1936 at 12th Avenue and Cambie to spur further development in the south Vancouver area.

Pressures for densification in Mount Pleasant increased. Between 1940 and 1970, many of the original residences in Mount Pleasant were converted into multiple dwellings or replaced by three storey walk-up apartment blocks.

Despite the development pressure, several residential areas in Mount Pleasant have retained the Victorian housing, landscaping and views that characterised the area in the early 1900's. The current land use bylaw affecting the area does not specifically address the problem of maintaining the older housing stock and retaining the heritage values found in Mount Pleasant. The area is currently undergoing a local area planning process to have a new area plan created.

By focusing on a small area of Mount Pleasant, we may examine some possible programs that will add housing and heritage policy considerations to land use controls.

**Mount Pleasant-Case Study Area**

The residential areas of Mount Pleasant experience pressure for increased density due to the area's proximity to downtown Vancouver, the Vancouver City Hall and the General Hospital. The land use bylaw has two main residential zoning categories that are widely used in Mount Pleasant RT-2 zoning allows single family, duplex and multiple dwellings to be constructed with a maximum floor area ratio of .60. RM-3 zoning allows apartment buildings to be constructed with a maximum height of 40 feet and a floor area ratio of 1.0.
The areas in Mount Pleasant affected by the RT-2 zoning contains numerous Victorian period houses and mature landscaping. Many of these turn of the century homes have been converted into duplexes and multiple unit dwellings.

The RM-3 area contains three storey walk-up apartment blocks and some family homes. The single family housing in this land use zone is overall in poor to fair condition perhaps reflecting the uncertainty of single family dwelling permanence given by the zoning.

Between 1977 and 1980, Mount Pleasant experienced an addition of 77 units in the areas zoned RT-2 and RM-3. From 1977 to 1980, twenty-six demolitions took place within the two zoning classifications, resulting in a net increase of 51 dwelling units.

Due to time constraints, the land use controls covering the entire Mount Pleasant residential areas cannot be examined and hypothetically altered using counterfactual analysis as a point of comparison. To demonstrate the potential effectiveness of land use controls that take into account housing and heritage policy, a two block area has been chosen as the case study area.

The area (See Figure 5.3) is bounded by Columbia Street to the west, Manitoba Street to the east, 12th Avenue to the south and 10th Avenue to the north. These two blocks contain examples of what has occurred in Mount Pleasant's residential areas as a result of development pressure. Figure 5.4 shows the construction dates of dwellings within the case study area.

On 12th Avenue, the Victorian single family houses have been converted into multiple unit dwellings. Many of these conversions have not been well maintained and are in need of upkeep and repair.
Figure 5.4 Construction Date of Structures Within the Case Study Area
On 11th Avenue, single family homes are mixed with multiple unit conversions. A small apartment block and a recently built semi-detached home (colloquially known as a "Vancouver Special") also exist. The Metropolitan Tabernacle is on the northwest corner of 11th Avenue and Columbia.

Tenth Avenue provides an interesting contrast to 12th Avenue. Largely due to the efforts of the Davis family, several Victorian and Edwardian houses have been upgraded, rehabilitated and converted into multiple unit dwellings. An apartment block on the southeast corner of 10th Avenue and Manitoba provides the only disruption to the block's period streetscape.

Large mature shading trees, lawns and shrubbery exist on 11th and 12th Avenues. The backlane behind 10th and 11th Avenues has been closed. While there are no perspective points where mountain views can be seen, a pedestrian does experience the ambiance, form and continuity the large period residences and greenery give the area.

The housing and luxuriant growth provide a glimpse of the aspirations and style of an earlier era important in the development of the city. While these values can only be expressed in qualitative terms, the importance of heritage and housing to a city's sense of history and growth cannot be understated.

At one time the housing stock within the case study area was all single family. The housing was built within the same time period, approximately 1908 to 1925. In the intervening years, some of the stock (notably the Davis Family houses) have been upgraded and maintained, while the remainder have deteriorated. Nearly all of the original
houses still existing have been converted into multiple dwelling units. The demolition of two older houses on 11th Avenue has resulted in new residential construction that is incompatible with the streetscape. Another multiple unit development on 12th Avenue is more sympathetic to the scale, style and rhythm provided by the surrounding older residences.

**Case Study Area-Methodology**

The street addresses of all the dwelling units within the two block area are represented in Figure 5.5. City Hall development permit approval records have been searched and all permits issued in the area between 1970 and 1980 have been recorded. The years 1970 to 1980 are used because of the record availability and to maintain the same zoning categories for comparative purposes. (See Figure 5.6).

In 1982, the zoning in the case study area was changed to RT-2A. Like RT-2, the RT-2A zoning restricts outright uses to single family and two family dwellings. Conditional uses under RT-2A zoning include multiple conversions in structures built before December 6, 1977. Townhouses and apartments may be considered if the total floor space ratio is less than .75 and if at least fifty per cent of the dwelling units contain at least two bedrooms.

Using the cut-off date of December 31, 1980, each development permit approval granted within the case study area will be examined to determine what hypothetically would have been built had a land use policy sensitive to housing and heritage been in place. This hypothetical result will then be compared with what actually occurred in the case study area under the land use control bylaw in effect.
Figure 5.5  Case Study Area-Street Addresses
Figure 5.6 Residential Zoning in Mount Pleasant
Counterfactual Analysis—Background

This method of analysis, coined "counterfactual analysis" by William Baer allows alternatives to a given policy to be evaluated and the possible consequences of adopting a given policy to be speculated upon. As Baer notes, the technique does not validate the merits of certain courses of action but instead can assist us in judging the merits of events since the value or worth of what was can be better judged in light of what might have been. (1976; 251)

Baer used counterfactual analysis to determine the range of impacts resulting from policy implementation. He suggests that the method can also be used in an educational sense to illustrate to decision-makers the magnitude of impacts stemming from land use regulatory decisions. (1976; 246)

The method was first devised to examine the impact of the California Coastal Zone Act of 1972. To determine how this long range coastal conservation and management program would work in practice, Baer supposed that the Act had been passed in 1940. By then examining each land use change occurring in the coastal zone between 1940 and 1972, Baer was able to compare the possible impact of the Act to what had actually taken place.

Each land use change was considered as a development permit application hypothetically submitted to the South Coast Regional Commission, the local regional planning board. By assuming that the Regional Commission would follow the criteria for permit approval as stated in the Coastal Zone Act, three decisions were possible: approval, approval with site modifications,
or denial. (1976; 247) By applying counterfactual analysis, Baer was able to examine the possible implications and effects of policy implementation.

Planning Incentives and Counterfactual Analysis-The Case Study Area

In the Mount Pleasant case study area, counterfactual analysis will be used to compare the possible effect of a heritage and residential land use policy to what has actually taken place. The goals established for land use, residential and heritage planning will be the measure by which the effectiveness of a proposed residential and heritage land use policy and program can be evaluated.

A land use policy sensitive to heritage and residential concerns should have an effective, implementable program. As priorities and policy responsibilities will be defined differently by municipalities, the planner must recognise municipal priorities and area needs and work with them.

Chapter Three reviewed planning tools that could be used to encourage residential heritage area improvement. The planning tools will now be assessed in terms of applicability to the case study area.

Incentives-Aesthetic and Historic District Zoning

The zoning bylaw is the means by which the case study area's land use will be controlled. Historic district zoning would require an expensive permit monitoring and development control system to be implemented. Strict development guidelines would be required.

Aesthetic and historic zoning is best applied to outstanding areas where such designation will increase the economic viability of the area.
Commercial historic areas such as Vancouver's Gastown have profited by official municipal acknowledgement of the area's uniqueness and contribution to local history. Such acknowledgement has increased traffic and tourism, potentially undesirable effects in residential areas. Aspects of aesthetic and historic district zoning can be incorporated in the land use control for heritage residential area application.

Zoning controls deemed "historic district" or "aesthetic" should only be used when it is the general consensus of the community and the area that such protection is warranted.

In British Columbia, legal authorities argue that municipal compensation is required if a municipal heritage designation decreases the economic value of a heritage resource. Although the Heritage Conservation Act specifies in Section 11 (4) that municipal compensation for economic loss may be given, this discretion to compensate is questioned by the Municipal Act. In Section 478 (1) of the Municipal Act states that compensation shall be provided by councils for damages incurred as a result of the exercise of municipal powers. Denhez points out that "it is argued that this provision renders compensation unavoidable". (1981; 6)

If compensation must be paid for designation, the municipality may do just as well to buy the building or area outright, and obtain the title to the affected properties. Given the unclear circumstances regarding designation, municipal solicitors are uneasy in recommending designation as a municipal planning tool.
Financial Incentives—Facade Easements

Facade easements require upfront municipal capital to compensate the grantor for the easement. While easements can protect the facade from being demolished or altered, the surrounding yard, exterior buildings and building maintenance is not mentioned. Easements may provide needed capital for improvements and renovations, but will require the municipality to determine what structures warrant easement consideration, and which do not.

In the Mount Pleasant case study area, several outstanding residences, notably 104 West 11th Avenue, could be candidates for facade easements. An easement program could stimulate rehabilitation in the case study area and at the same time protect the municipality’s investment. The major drawbacks to establishing a facade easement program will be the selection of eligible residences and the cost.

Tax Abatements

Tax abatements can provide an incentive for incumbent rehabilitation. Given the large number of multiple unit conversions in the case study area, tax abatements could be offered to land owners willing to upgrade and rehabilitate their buildings. Deconversion of older residences could also be encouraged by tax abatements. While the municipality must pay the difference between the "frozen" and the actual tax, upgraded properties will have higher values and will generate higher future tax revenue. Tax abatement could be an effective planning tool in the case study area.
Transfer of Development Rights

Transfer of development rights can be an effective planning tool in downtown areas where small structures have been outdated by larger building envelopes allowed under current zoning. In the Mount Pleasant case study area, the zoning is RT-2A which allows new single family and two family dwelling units to be constructed outright. In the period of evaluation (1970 to 1980) RT-2 zoning was in effect, allowing duplexes in addition to the other permitted uses.

Under RT-2 zoning, building height can be thirty-five feet or two and a half storeys whatever is least, with a floor area ratio not above .60. Many of the existing residences are bigger than the allowable density under the current land use bylaw. The transfer of development rights as a planning tool is inapplicable in the case study area although bonus density above .60 could be offered in return for the maintenance and preservation of houses in the area. This increased density could be used as an addition or infill offered in exchange for perpetual maintenance and upgrading of the primary residential structure. A restrictive covenant on the primary building would ensure that despite the infill development, the primary building is kept in good condition. In the First Shaughnessy Plan, increased density is considered if a restrictive covenant is placed on the primary heritage residence.

Tax Increment Financing

Tax increment financing is an effective municipal planning tool in the United States, but is unproven in Canada. Basically the technique allows a municipality to finance rehabilitation projects by borrowing
against the anticipated property tax revenue such a rehabilitation will bring.

In British Columbia, Section 320 of the Municipal Act (1979) stipulates that municipalities shall not borrow in anticipation of current revenue. Municipalities can however apply for Canada Mortgage and Housing Corporation funding for area and home rehabilitation programs. The Neighbourhood Improvement Program and the Residential Rehabilitation Assistance Program provided cost-shared funding to upgrade residential areas. On an individual homeowner grant basis, the Canada Home Renovation Plan provides up to $3,000 to cover thirty per cent of renovating costs to low and middle income families.

The federal assistance does not negate the tax increment financing concept as a Canadian municipal planning tool, but does suggest that other more accessible financing methods are available.

Revolving Funds

Revolving funds can provide funding for rehabilitating and upgrading residential areas. Money is loaned out of the fund to finance projects and is returned to the fund upon project completion and payout.

During the 1970's the federal government introduced the Neighbourhood Improvement Program (N.I.P.) and the Residential Rehabilitation Assistance Program (R.R.A.P.). Through amendments to the National Housing Act, N.I.P. and R.R.A.P. were established and financed to provide grants and loans for residential area rehabilitation. N.I.P. provided funding for improving public physical neighbourhood facilities such as infrastructure. R.R.A.P. provided grants and loans to assist housing rehabilitation.
The N.I.P. and R.R.A.P. programs' combined goal was to extend the useful life of housing stock by an additional fifteen years. (Carlson, 1978; 3) N.I.P. required the province and the municipality to provide matching funds for up to 75 per cent of the program cost. While the N.I.P. and R.R.A.P. programs were not one hundred per cent municipally funded, they serve as an example of how a residential upgrading program can operate from financial, administrative and planning perspectives.

Municipalities investigating the use of revolving funds could analyse the costs involved with the N.I.P. and the R.R.A.P. programs. Revolving funds do require a major capital outlay to establish, administer and monitor the fund and projects.

A revolving fund could be helpful in the Mount Pleasant case study area. Problems exist in establishing the fund and targeting the fund to heritage retention and residential upgrading in the Mount Pleasant area.

The municipality must determine the priority of residential upgrading and heritage resource retention in relation to other housing issues. If funding for heritage residential areas is a priority and is available, guidelines for the administration and implementation of a revolving fund should be established and should be included in the case study area's program.

Mortgage Guarantees

As outlined in Chapter Three, municipal mortgage guarantees have been used in the United States to secure good bank financing rates for housing rehabilitation. In British Columbia, enabling legislation does not exist to allow municipalities the power to guarantee mortgages.
Chapter N-10 Section 5 (1) of the National Housing Act allows the Canada Mortgage and Housing Corporation (C.M.H.C.) to insure loans from approved lenders. C.M.H.C. mortgage guarantees are available through lending institutions as insurance against mortgage default.

Municipal mortgage guarantees were used in the United States to combat the hesitancy of financial institutions to approve mortgages in rundown inner city areas. Called "red-lining", the practice has not been a problem in Canada.

With the existence of C.M.H.C. mortgage guarantees and the lack of red-lining, there is not a need for municipal mortgage guarantees in the Mount Pleasant case study area.

**Direct Financial Assistance**

This planning tool is probably the one most desired by incumbent upgraders. Direct financial transfers allow homeowners to put capital directly into home improvements and is perhaps the most desirable form of incentive for housing upgrading and heritage retention. Direct financial assistance is also the most expensive planning tool, requiring direct municipal outlay, program development, monitoring and policing.

Municipalities could encourage the provincial government to allocate funds for rehabilitating important heritage residential areas.

Given the goal of maintaining public cost at low levels, direct financial assistance from the municipality to the Mount Pleasant case study area cannot be considered.
Summary of Financial Incentives

Of the financial incentives outlined, mortgage guarantees and tax increment financing are ultra vires municipal authority. Discussion of these two techniques suggests that programs available at the federal level can guarantee mortgages and can provide cost-shared financing for municipalities.

Facade easements have been implemented by the Ontario Heritage Foundation on a site by site basis. While the purchase of an easement gives the municipality control over the facade, there is no say in the use or condition of other parts of the property.

Tax abatements have been effectively implemented in the City of Victoria for designated heritage residences. Again, tax abatements have been granted on a site by site basis, but can be applied by bylaw for approved rehabilitation work in a comprehensive area.

Transfer of development rights, the separation of a property's development potential and its relocation to another property must also be considered on a site by site basis. (Richard, 1982; ii) The technique has been applied in Vancouver in the case of Christchurch Cathedral. Development potential was transferred to an adjacent office tower development, and the church received financial compensation for selling their development rights.

In the Mount Pleasant case study area, unused density is not available to transfer. The problem of economically rehabilitating structures suggests that increased density rights in exchange for structure conservation may be more appropriate.
Revolving funds were used by the Old Strathcona Foundation to create a cost-share commercial storefront facelift program in Strathcona. The program was not well publicized and only one area merchant participated in the program. Revolving funds require effective administration and monitoring to ensure that program goals and objectives are met.

Direct financial assistance is the most desired incentive and can be the most costly planning tool a municipality can provide. Municipalities cannot afford to allocate large sums of scarce capital to individual homeowners. Given this constraint, the municipalities must investigate ways that the municipal services and land use planning can be used to create incentives for heritage conservation and residential upgrading.

**Municipal Service Incentives**

The following planning tools can be used by the municipality to upgrade and enhance a residential area.

**Building Code Enforcement**

A visual examination of the Mount Pleasant case study area shows that many of the dwellings are in poor physical repair. Interior residence inspections would be needed to determine the extent of code violations in the case study area. On the exterior, several houses have missing stair rails and badly maintained front steps.

A stringent program of building code enforcement and upgrading will ensure that the structures are kept in good maintenance. While building code enforcement will require the allocation of municipal inspectors and the development of an effective enforcement program, the resultant
upgrading would offset the cost. On a large comprehensive area planning scale, code enforcement can be extremely expensive and could take place at the detriment of other areas badly in need of building code monitoring.

In British Columbia, municipalities have been hesitant to allow building code relaxation for older buildings because it is unclear legally whether they are indemnified from liability. In the City of Vancouver, the National Building Code and Seismic Requirements are used to determine what alterations are necessary to bring buildings to an acceptable safety standard.

In 1979, the City of Vancouver adopted Bylaw 5304 which allows the Director of Planning or the Development Appeal Board to relax building bylaw regulations

where literal enforcement would not allow the restoration and renovation of sites with architectural, historical, or cultural merit. (City of Vancouver Bylaw 5304, Section 3.2.6.)

Any relaxation of the regulations is to be based upon formal resolution of the municipal Heritage Advisory Committee. In 1980, City Council also adopted alternatives to the National Building Code which would facilitate rehabilitation by providing feasible alternative requirements in existing structures. (Oberlander, 1980; 25) These regulations include alternatives for structural fire resistance, fire containment and exit enclosures.

A residential program for the case study area should take into account the difficulty in economically rehabilitating older buildings and should allow some discretion in building code and zoning application. If costs are high to meet safety standards, relaxation of other
development requirements such as density could alleviate some of the financial burden.

Provision of Public Works and Services

Residents should be consulted regarding perceived municipal servicing problems in the area. This "good neighbour" policy on the municipality's part will increase resident confidence in the case study area. The provision of an information service at the municipal level can increase interaction between area residents and the city and provide a valuable public service. Information services can be tied into other municipal programs such as building code enforcement and development permit approval.

The municipality should consider the provision of information services as part of the program for the Mount Pleasant case study area.

Expediting Development Approvals

Residents within the case study area should have ready access to information regarding rehabilitation, and should have the area planners' help in expediting the formal approvals necessary. The area planners should serve as the contacts for problem solving and troubleshooting with development permit approval.

Development of a Residential Area Program

The importance of establishing programs for residential areas and the residents was emphasized in Chapter Three. Because of time constraints, the case study area is only a small segment of a larger residential area.
In municipal heritage residential program development, comprehensive residential districts should be addressed, and the input of residents actively sought. The program should be tailor-made to respond to the needs of the area within the goals established for heritage and residential planning.

Summary

Given the above quick review of incentives that could be used in developing a program for the case study area, several alternate combinations of incentives to encourage upgrading and promote heritage retention can be established. These planning tools must be arranged into a comprehensive program which will best meet the goals established for land use, residential and heritage planning.

In summation, the goals express concern for
- clear expression of allowable development;
- regulation of land use to support heritage resource conservation;
- encouragement of the area's character development;
- maintenance and improvement of the area's quality;
- maintenance of affordable and different types of housing;
- allowance for density increases to accommodate population;
- maintenance of public spending at low levels

Table 5.1 summarizes the planning tools considered for application in the case study area.

Programs to Meet the Goals Established for Mount Pleasant Case Study Area

Two programs have been developed which would be suitable for implementation in the case study area. Program A offers high financial
<table>
<thead>
<tr>
<th>Financial Incentives</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortgage Guarantees</td>
<td>Ultra vires municipal authority</td>
</tr>
<tr>
<td>Tax Increment Financing</td>
<td>Ultra vires municipal authority</td>
</tr>
<tr>
<td>Facade Easements</td>
<td>Site by site, not areal basis</td>
</tr>
<tr>
<td>Tax Abatements</td>
<td>Site by site, can be on areal basis</td>
</tr>
<tr>
<td>Transfer of Density Rights</td>
<td>Site by site, not applicable to case study area</td>
</tr>
<tr>
<td>Revolving Funds</td>
<td>High administrative and monitoring costs</td>
</tr>
<tr>
<td>Direct Financial Assistance</td>
<td>Desired by residents, expensive for the municipality</td>
</tr>
<tr>
<td>Land Use Incentives</td>
<td></td>
</tr>
<tr>
<td>Historic or Aesthetic Zoning</td>
<td>Best in highly specialised areas such as commercial or theme districts; question of municipal compensation; discretionary land use relaxations could be used</td>
</tr>
<tr>
<td>Municipal Service Incentives</td>
<td></td>
</tr>
<tr>
<td>Building Code Enforcement</td>
<td>Could be costly; is a &quot;stick&quot;, not an incentive</td>
</tr>
<tr>
<td>Complimentary Public Works and Services</td>
<td>&quot;Good neighbour&quot; tactic for City Hall</td>
</tr>
<tr>
<td>Expediting Development Approvals</td>
<td>Will allow for increased municipal input in design process</td>
</tr>
<tr>
<td>Development of a Residential Area Program</td>
<td>Comprehensive residential areas should be planned for, with community input in the program</td>
</tr>
</tbody>
</table>
and technical assistance, and is based upon municipal funding of $500,000 over a five year period. This amount is similar to the combined municipal and provincial assistance used to implement Strathcona's (Edmonton) heritage conservation area concept.

Program B has little direct financial assistance but stresses the co-ordination of municipal staff to meet the established goals. Funding is minimal and the goal of keeping public costs down is closely adhered to.

It is Program B that will be used as the theoretical comparison in the counterfactual analysis application.

Program A—Ample Budget

With an annual budget of $100,000 for implementation, a residential program tailored to the needs of the residential area and the residents can be devised. Municipal planning staff will be allocated to run the program which will be established with the input of area residents and planners. City Council will approve the program and pass a land use bylaw for the Mount Pleasant case study area.

The planning tools used in Program A are listed below.

1. The provision of a municipal information service.

Centrally located, a lending and advisory library of information will provide advice on rehabilitation and the plan area. Questions relating to the development permit approval process and the case study area planning process will be answered. This library will also host information and meeting sessions between municipal officials and the community to discuss progress and concerns regarding the program implementation. Estimated cost—one part-time staff and library space—$20,000 per annum.
2. **The provision of comprehensive building code inspections and a technical advisory service.**

The municipality will undertake a comprehensive building code enforcement program in the case study area. Code violations will be followed up by technical staff who will offer free consultation on how substandard housing can be brought up to the proper code provisions. Working drawings of potential upgrading can be reviewed by city staff before submission for development permit approval.

This increased code surveillance and enforcement coupled with a technical advisory service should aid homeowners and landlords to bring dwellings up to an acceptable standard of repair. Estimated cost-half time position-two staff - $24,000.

3. **Establishment of a technical advisory committee.**

Similar to the design review board established for the First Shaughnessy Plan (Vancouver) area, this committee would be composed of city staff, residents in the program area and a local architect and landscape architect. This advisory committee would review all rehabilitation and development proposals for the case study area and would be responsible for the preliminary approval, rejection, or amendment of development permits.

By being acquainted with the case study area and with the development process, the committee would be able to use the program planning tools as incentives to ensure compatible development in the case study area. The land use bylaw would give the technical advisory committee discretion in negotiating development incentives to meet the goals established for landuse, heritage and residential planning. The Director of Planning
will have the final approval on all decisions made by the committee. Estimated cost-Board meets on voluntary basis $1,000 a year for meeting related expenses.

4. **Establishment of an expedited approval process for case study area development permits.**

Under the enacted land use bylaw for the case study area, all applications for development permits will be forwarded to a technical advisory committee for approval. Since the permits will not follow the normal route through City Hall, the municipality can create an efficient procedure to expedite the permits.

Help in permit application processing will be offered by the case study area planning staff, who will bring development applications to the city clerk for placement on the technical advisory committee's agenda. If the committee suggests some adjustments be made before permit approval, case study area planners will participate in the negotiation of design changes and the resubmission of the development permit for approval. Estimated cost-\( \frac{1}{3} \) time position-1 planning staff - $8,000 per annum.

5. **Complimentary public works and services.**

Deficiencies in city services would be identified through regular meetings between residents in the case study area and municipal planning staff. Action will be taken by the municipality on perceived difficulties. Estimated cost-budget to be set annually.

6. **Revolving funds**

This technique would provide seed money for area rehabilitation. Case study area planning staff, residents and municipal officials will devise a list of eligible home improvements which meet the established
goals for land use heritage and residential planning. Projects would be considered by area planning staff and then submitted to the technical advisory committee for approval. The municipality should determine how much money will be made available through a revolving fund, and whether the money would be granted, loaned, or given as a matching grant to eligible applicants. The funding and requirements for revolving fund capital should be reviewed and revised on an annual basis. Estimated cost-starting money $20,000 matched dollar by dollar-Provincial grant.

7. **Direct financial assistance.**

This financial assistance will be available to owners of single family and multiple conversion dwellings in the case study area. Matching grants will be provided to a maximum of $3,000 thousand dollars per project. People wishing to qualify must submit detailed drawings outlining the project, finished detail, and two signed cost estimates. The case study area planners will submit the proposals to the Technical Advisory Committee for a decision. The amount of the grant, its effectiveness and its demand should be reviewed on an annual basis. Estimated cost—approximately $30,000 per annum.

8. **Land use bylaw.**

The land use bylaw in place for the case study area would be amended to favour the retention of heritage resources (as recommended by the City of Vancouver Heritage Advisory Committee). The land use bylaw amendment would have allowed incentives to be offered for residential upgrading and the rehabilitation of heritage resources.

Sensitive infill and increased floor area ratio would be allowed if the proposed development compliments the style, form and materials
used in the area. Infill and increased floor area ratio will be offered as an incentive if the primary building on the site is a heritage structure and if a restrictive covenant ensuring the building's perpetual maintenance is registered.

The bylaw amendment would allow the technical advisory committee to make decisions on development applications and to use discretion in negotiating compatible development. Final permit approval rests with the Director of Planning. Estimated Cost-Technical Advisory Board meets on a voluntary basis; Increased administration costs to be absorbed by municipality.

The total approximate cost of Program A per annum is roughly $100,000.

**Program B-Constrained Budget**

Program B supposes that only a minimal amount of money is available for program implementation. To avoid large financial outlays and to meet the specified goals within the program, municipal staff would be allocated to the program. The revolving fund and direct financial assistance incentives offered in Program A are dropped to keep public costs down. The only form of financial assistance offered by Program B is a municipal tax rebate, which will be determined annually by demand and capital availability.

The rebates will be structured similarity to the residential rebate offered heritage structures in Victoria. A three year moratorium on tax increases in the case study area would be offered for approved rehabilitation projects. At the end of this period increased municipal assessments and tax revenues will accrue from the improvements made.
The summary below illustrates the planning tools used in Program A and Program B.

### Planning Tools Used in Programs A and B

<table>
<thead>
<tr>
<th>Planning Tool</th>
<th>Program A</th>
<th>Program B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Information Service</td>
<td>XX</td>
<td>XX</td>
</tr>
<tr>
<td>Comprehensive Building Code Inspection</td>
<td>XX</td>
<td>XX</td>
</tr>
<tr>
<td>Technical Advisory Committee</td>
<td>XX</td>
<td>XX</td>
</tr>
<tr>
<td>Expedited Approvals</td>
<td>XX</td>
<td>XX</td>
</tr>
<tr>
<td>Complimentary Public Works and Services</td>
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<td>XX</td>
</tr>
<tr>
<td>Revolving Funds</td>
<td>XX</td>
<td></td>
</tr>
<tr>
<td>Direct Financial Assistance</td>
<td>XX</td>
<td></td>
</tr>
<tr>
<td>Land Use Bylaw</td>
<td>XX</td>
<td>XX</td>
</tr>
<tr>
<td>Municipal Tax Rebate</td>
<td></td>
<td>XX</td>
</tr>
</tbody>
</table>

### Program B and Counterfactual Analysis

Program B is the program most likely to be approved by the municipality. Program B is less costly and will require less municipal staff time without the revolving fund and the direct financial assistance incentives.

The possible effects of implementing Program B in the case study area can be compared to the known effects of implementing the City of Vancouver Zoning and Development Bylaw. Using counterfactual analysis, we can allow the
"conjecture and the deliberate alterations of historical events" to "acquire an appreciation of the consequences of implementing a policy proposed for the future". (Baer, 1976; 243)

The counterfactual analysis comparison will allow Program B to be evaluated for its potential impact and significance in the case study area. The results of the Program B implementation will then be compared to the common goals established for land use, heritage and residential planning.

Land Use By-Laws for the Mount Pleasant Case Study Area-Actual and Hypothetical for the 1970-1980 Period

For comparative purposes, development allowable under the RT-2 land use control is listed below.

RT-2

Outright Uses
- single family dwelling
- duplex
- semi-detached on site with minimum frontage of 49 feet

Conditional
- apartment with minimum site area of 10,000 square feet and a maximum height of 30 feet
- boarding house or rooming house in new construction is allowed a maximum F.S.R. of .75 plus must meet horizontal angle of daylight requirements
- multiple conversions in buildings which existed prior to June 18, 1956 and must meet the RM (multiple family housing) requirements
- townhouses on site with minimum site area of 7,200 square feet and must meet the RM requirements

Site Area
- minimum of 4,800 square feet for two family dwellings
- minimum of 7,200 square feet for new boarding or rooming houses, or townhouses

Height
- maximum height of 30 feet or $2\frac{1}{2}$ storeys

Front Yard
- minimum depth of 24 feet
- if site less than 120 feet total depth, then front yard must be 20% but not less than 18 feet
Side Yard - minimum of 10% of site on each side but need not be more than 5 feet

Rear Yard - minimum depth of 35 feet if no lane exists
- if a lane exists then depth is 35 feet minus one half of the width of the lane
- if site less than 120 feet total depth, then rear yard must be 30% but not less than 27 feet

F.S.R. - not to exceed .60

Site Coverage - maximum of 45% for building
- maximum of 30% for parking

(Mount Pleasant Citizens' Planning Committee, 1982; -2-)

To implement Program B, the City of Vancouver Zoning and Development Bylaw would have been amended. RT-2 land use control in the Mount Pleasant case study area would have been replaced by Program B land use control. This land use control would allow the Technical Advisory Committee to use discretion to encourage the active use of existing heritage residences.

Multiple conversions would have been conditionally permitted in older structures and the chance to build infill would be offered as an incentive to upgrade and maintain a primary heritage residence. Infill would not be allowed to exceed a total floor space ratio of .85. The ratio is based upon the Barton Myers Associates Alternatives to Highrise report, published in 1979. In the report, the floor space ratio concept is reviewed in relation to built residential form. A floor space ratio of .85 allows a three storey townhouse infill on a site, leaving 40 to 62 per cent of useable open space. (1979; 24)

Program B Land Use

The following program could be implemented for the case study area.
Outright Uses  - single family dwellings

Conditional Uses  - multiple conversion dwellings in structures predating 1970
- town housing
- infill housing may be considered if back lane access exists and if the primarily residence on the site is deemed meritorious by the City of Vancouver Heritage Advisory Committee
- such infill must not exceed a total floor space ratio (including primary building) of .85
  The primary building is to be maintained under restrictive covenant
- multiple conversion may be considered if such conversion will result in the maintenance of a building

Site Area  - as with RT-2 but may be relaxed with approval of Technical Advisory Committee and Director of Planning

Height
Side Yard  - as with RT-2 but may be relaxed with approval of Technical Advisory Committee and Director of Planning
Rear Yard

F.S.R.  - as stipulated for RT-2 but may be relaxed for heritage or residence considerations such relaxation to be approved by Technical Advisory Committee and Director of Planning
- incentives and discretionary decision-making undertaken by Technical Advisory Committee to be submitted to Director of Planning for final approval

Site Coverage  - as for RT-2; again site coverage regulations may be relaxed with approval of both the Technical Advisory Committee and Director of Planning

Implementation of Counterfactual Analysis

Table 5.2 list development permit approvals granted in the Mount Pleasant case study area between 1970 and 1980. Each of the permits were approved under RT-2 zoning with the exception of 110 West 10th Avenue, which was an RM-3 site, allowing apartment construction. Figure 5.5 contains a map with street addresses for reference.

Based upon the work stated on the development permit and the actual physical development on the subject sites, each permit will be analysed for changes that could have occurred had Program B been in effect.
Table 5.2
Counterfactual Analysis in Case Study Area

<table>
<thead>
<tr>
<th>Address</th>
<th>Date Approved</th>
<th>Work Proposed</th>
<th>Technical Advisory Committee Decision</th>
<th>Rationale</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenth Avenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>110 West 10th Avenue</td>
<td>Dec. 1970</td>
<td>erect a 35 units 3 storey walkup (site zoned RM-3 in 1970)</td>
<td>denied</td>
<td>goal 2, goal 3</td>
<td>alternative massing of form sympathetic to area's character suggested</td>
</tr>
<tr>
<td>114 West 10th Avenue</td>
<td>Dec. 1970</td>
<td>demolish house 9 room multiple unit conversion</td>
<td>denied</td>
<td>goal 2, goal 3, goal 4, goal 5</td>
<td>increase in allowable density may be permitted if house retained on site; worked into development proposed @ 110 West 10th Avenue</td>
</tr>
<tr>
<td>198 West 10th Avenue</td>
<td>Sept. 1973</td>
<td>alter structure to create 3 1 room units</td>
<td>approved</td>
<td>goal 2, goal 3, goal 5, goal 6</td>
<td>final working drawings to be submitted for approval to Advisory Committee</td>
</tr>
<tr>
<td>Address</td>
<td>Date Approved</td>
<td>Work Proposed</td>
<td>Technical Advisory Committee Decision</td>
<td>Rationale</td>
<td>Remarks</td>
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<td>--------------------------</td>
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<tr>
<td>196-198 West 10th Avenue</td>
<td>Oct. 1978</td>
<td>interior alterations to existing building to provide 1 dwelling unit on 2nd storey, 1 dwelling unit on 3rd storey</td>
<td>approved</td>
<td>goal 2</td>
<td>technical assistance and permit expedition offered</td>
</tr>
<tr>
<td>148 West 10th Avenue</td>
<td>Oct. 1978</td>
<td>alterations to provide 1 dwelling unit on 1st storey, 1 d.u. on 2nd storey, 1 d.u. on 3rd storey</td>
<td>approved</td>
<td>goal 2</td>
<td>technical assistance and permit expedition offered</td>
</tr>
<tr>
<td>148 West 10th Avenue</td>
<td>Jan. 1979</td>
<td>alter 4th storey for use as bedroom in 3rd storey dwelling unit</td>
<td>approved</td>
<td>goal 2</td>
<td>does not affect building's use or maintenance</td>
</tr>
<tr>
<td>Eleventh Avenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>133 West 11th Avenue</td>
<td>Oct. 1970</td>
<td>alter single family house to create 3 units</td>
<td>approved</td>
<td>goal 5</td>
<td></td>
</tr>
</tbody>
</table>

Table 5.2 (continued)
Table 5.2 (continued)

<table>
<thead>
<tr>
<th>Address</th>
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<th>Work Proposed</th>
<th>Technical Advisory Committee Decision</th>
<th>Rationale</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>133 West 11th Ave.</td>
<td>Aug. 1972</td>
<td>alter to one unit</td>
<td>approved</td>
<td>goal 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 3</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 4</td>
<td></td>
</tr>
<tr>
<td>137 West 11th Ave.</td>
<td>Jan. 1974</td>
<td>alterations</td>
<td>*permit information not sufficient to allow analysis to be made</td>
<td>goal 3</td>
<td>house to be demolished for Tabernacle parking lot</td>
</tr>
<tr>
<td>155 West 11th Ave.</td>
<td>Oct. 1972</td>
<td>demolish</td>
<td>denied</td>
<td>goal 4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 5</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 6</td>
<td></td>
</tr>
<tr>
<td>129 West 11th Ave.</td>
<td>Dec. 1976</td>
<td>demolish owner occupied house</td>
<td>denied</td>
<td>goal 2</td>
<td>-reason for demolition to erect a duplex</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 3</td>
<td>-suggest return with plan incorporating present structure</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 4</td>
<td>in new development</td>
</tr>
</tbody>
</table>
### Table 5.2 (continued)

<table>
<thead>
<tr>
<th>Address</th>
<th>Date Approved</th>
<th>Work Proposed</th>
<th>Technical Advisory Committee Decision</th>
<th>Rationale</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>129 West 11th Avenue</td>
<td>Sept. 1977</td>
<td>construction of a two storey semi-detached house</td>
<td>denied</td>
<td>goal 2 demolished to allow 2 storey duplex to be built (Vancouver special)</td>
<td>-original house demolished to allow 2 storey duplex to be built (Vancouver special)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 3</td>
<td>-Technical Committee would prohibit demolition of original house, and would require structure to be sympathetically massed and in scale with surrounding dwellings</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 5</td>
<td></td>
</tr>
<tr>
<td>Twelfth Avenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>127 West 12th Avenue</td>
<td>May 1970</td>
<td>alterations</td>
<td>*permit information not sufficient to allow analysis to be made</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>Date Approved</td>
<td>Work Proposed</td>
<td>Technical Advisory Committee Decision</td>
<td>Rationale</td>
<td>Remarks</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------</td>
<td>--------------------------------</td>
<td>--------------------------------------</td>
<td>------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>127 West 12th Avenue</td>
<td>May 1971</td>
<td>addition</td>
<td>approved</td>
<td>goal 2</td>
<td>working drawings to be presented to Committee and addition to fit into area's scale and character</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 3</td>
<td></td>
</tr>
<tr>
<td>195 West 12th Avenue</td>
<td>June 1979</td>
<td>interior alterations to existing single family dwelling to provide 2 dwelling units on 1st storey and 1 dwelling unit on 2nd and 3rd storey</td>
<td>approved</td>
<td>goal 2</td>
<td>technical advice and permit expedition offered</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 5</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>goal 6</td>
<td></td>
</tr>
</tbody>
</table>
All development permits would have been submitted to the Technical Advisory Committee for approval. The Director of Planning would have had final approval on each development application in the case study area. It is assumed that the Director of Planning would have been in agreement with the decisions undertaken by the Technical Advisory Committee in this example.

The Technical Advisory Committee would be able to make three possible decisions: development permits can be approved, approved with modifications, or denied. It is assumed that the Technical Advisory Committee would follow the Program B land use control closely in making development decisions. The goals for land use, heritage and residential planning met by each decision will be listed. Remarks and possible courses of action that would be undertaken by the Committee would also be recorded.

**Differences Between RT-2 and Program B Land Uses**

Table 5.3 summarizes the land use control differences between RT-2 and Program B land use. The Program B land use control would allow the site area, height, side and rear yard requirements under RT-2 to be relaxed. The only outright use under the Program B land use control would be a single family dwelling; RT-2 permitted duplexes and semi-detached dwellings to be constructed. Apartment construction would not be a conditional use under Program B; multiple conversions and townhousing may be considered.

The development of the Technical Advisory Committee to screen all development permits and offer guidance to the Director of Planning would allow discretionary relaxations to be discussed. Such relaxations would
### Table 5.3
Summary of Land Use Control Changes - RT-2 Land Use and Program B Land Use

<table>
<thead>
<tr>
<th></th>
<th>RT-2</th>
<th>Program B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Outright Uses</strong></td>
<td>single family dwelling</td>
<td>single family dwelling</td>
</tr>
<tr>
<td></td>
<td>duplex</td>
<td></td>
</tr>
<tr>
<td></td>
<td>semi-detached</td>
<td></td>
</tr>
<tr>
<td><strong>Conditional Uses</strong></td>
<td>apartment</td>
<td>multiple conversion dwellings</td>
</tr>
<tr>
<td></td>
<td>boarding or rooming house</td>
<td>infill housing</td>
</tr>
<tr>
<td></td>
<td>multiple conversion</td>
<td>townhousing</td>
</tr>
<tr>
<td></td>
<td>townhousing</td>
<td></td>
</tr>
<tr>
<td><strong>Site Area</strong></td>
<td>minimum of 4,800 sq. ft. for 2 family dwellings</td>
<td>as with RT-2; may be relaxed by Director of Planning</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td>30 feet or 2 1/3 storeys</td>
<td></td>
</tr>
<tr>
<td><strong>Front Yard</strong></td>
<td>minimum of 24 feet</td>
<td></td>
</tr>
<tr>
<td><strong>Side Yard</strong></td>
<td>minimum of 10% each side</td>
<td>as with RT-2; may be relaxed by the Director of Planning</td>
</tr>
<tr>
<td><strong>Rear Yard</strong></td>
<td>minimum of 35 feet if no lane</td>
<td></td>
</tr>
<tr>
<td><strong>F.S.R.</strong></td>
<td>not to exceed .60</td>
<td></td>
</tr>
<tr>
<td><strong>Site Coverage</strong></td>
<td>maximum of 45% building</td>
<td>maximum of 30% parking</td>
</tr>
</tbody>
</table>
be tied in with perpetual maintenance of a heritage structure, or other conditions as specified by the Committee and the Director of Planning.

Infill would be considered under Program B, to a maximum floor space ratio of .85. It is interesting to note that the RT-2A land use control adopted in the case study area in 1980 also allows infill. The total floor space ratio allowable under the RT-2A infill provision is .75.

**Interpretation of Counterfactual Analysis Results**

The counterfactual analysis shows that given the goals for land use, heritage planning and residential upgrading, half of the decisions made under the RT-2 zoning would have been approved by the Technical Advisory Committee. Half would have been denied.

The RM-3 site on the northeast corner of 10th Avenue and Manitoba Street would not have had a thirty-five unit three storey walkup built. Under RT-2 zoning, an apartment building could be approved as a conditional use; under Program B, a structure similar to the massing and form of the surrounding houses would have been allowed, with possible density bonuses if the Victorian house on the site had been retained and incorporated in the development. The demolition of a house for a larger parking lot would also have been denied, on the basis that such a use did not fit in the goals established for the area's heritage, residential and land use planning.

One weakness of counterfactual analysis is that the "before" condition of a house or site can only be based on photographs or the opinions of the community if the researcher is not familiar with the
area over the ten year period. I have no accurate way to surmise the actual predemolition condition of the vanished housing stock.

If the house was in bad condition, would its occupants be complaining about the lack of maintenance and housing code violations? It is assumed that in denying the permit under Program B, that the municipality will continue the comprehensive building code inspections and follow-up technical advisory service to ensure that the house is maintained in liveable condition. It is assumed that the planning tools used as incentives such as tax abatement will also encourage upgrading.

The same problem regarding demolition is evident in the development permit application for 129 West 11th Avenue. Under Program B, a permit to erect a semi-detached dwelling would be denied outright. The semi-detached structure actually built is not in character or scale with the surrounding dwellings. The structure is built on a common model which uses the maximum floor area allowable, colloquially known as a Vancouver Special.

The condition of the existing house prior to demolition cannot be determined with counterfactual analysis. If the heritage house was in relatively good condition, it could have been retained and upgraded in exchange for an increased density bonus on the property with the approval of the Technical Advisory Committee.

It is interesting to note that Program B's land use control allows the conversion of single family residences to multiple units, and also allows for the deconversion of multiple unit residences to single family dwellings. The RT-2 land use control also allowed for these changes. Both Program B and the RT-2 land use controls allowed the
interior alterations of residences for increased living area and conversion purposes.

Using planning tools as incentives, the Technical Advisory Committee can negotiate on redevelopment, rehabilitation and new construction. There must be care taken with the use of discretion to ensure that redevelopment and new construction meets the goals established and applied for the case study area. The incentives are not to be used to create an upper class residential area, or to exclude a variety of housing types and forms. The misuse of discretion should be checked by the requirement that the Director of Planning have final approval on all development permit applications approved within the case study area.

The summary below shows the land use decisions that would have been made under RT-2 and Program B land use controls using counterfactual analysis.

<table>
<thead>
<tr>
<th>Permits Approved and Work Undertaken</th>
<th>RT-2</th>
<th>Program B</th>
</tr>
</thead>
<tbody>
<tr>
<td>demolitions</td>
<td>three approved</td>
<td>three denied</td>
</tr>
<tr>
<td>35 unit apartment</td>
<td>one approved*</td>
<td>one denied</td>
</tr>
<tr>
<td>interior alterations</td>
<td>seven approved</td>
<td>seven approved</td>
</tr>
<tr>
<td>additions</td>
<td>one approved</td>
<td>one approved</td>
</tr>
<tr>
<td>erect a two storey semi-detached house</td>
<td>one approved</td>
<td>one denied</td>
</tr>
</tbody>
</table>

* approved under RM-3 zoning

It is in the major land use decisions, the provision of compatible redevelopment and demolition that Program B differs radically from the
RT-2 land use. Since the Technical Advisory Committee is given discretion to allow increased density and other incentives in exchange for building retention and upgrading, the Committee has a powerful negotiating stance.

One can only speculate on what upgrading would have taken place if tax rebates had been offered for exterior work on meritorious heritage structures. Residents in the case study area specify direct financial assistance as the most preferable form of incentive. If the response in the City of Victoria is any indication, tax rebates would be popular in the case study area.

Again the Technical Advisory Committee would have an incentive to offer upgraders and at the same time will have some input on the external treatment of any facade work undertaken under the incentive program.

The importance of public participation in an established residential area program cannot be overemphasized. Visual evidence in the case study area shows that there are numerous pre 1970 houses that have been converted into multiple unit conversions without going through the development permit process. Residents should be informed of potential area development and plans. Community involvement in the planning process will give residents a chance to review future development and allow them the opportunity to find out how the planning process works.

A counterfactual analysis of development permit approvals will not bring out the unrecorded conversions or the maintenance requirements in the area. What is needed is a working community committee which can advise the planning department as to area concerns and needs. A program of code enforcement and technical assistance should be enacted with the knowledge and support of the planning committee and the committee should
be advised of development permits pending and other related planning decisions.

Evaluation of Program B's Effectiveness

Program B can be evaluated by comparing the results obtained under counterfactual analysis with the goals established for land use, heritage and residential planning.

1. Clearly define what type of development is allowable in which areas.
   (City of Vancouver Planning Commission, 1980; 12)
   This is the responsibility of the land use bylaw. The activity of the approving authority should be consistent in encouraging the desired development to occur. Program B allows single family housing as the only outright use. The RT-2 zoning allows single family and duplex development as outright uses which has resulted in duplex structures incompatible to the area's form, style and heritage being built. With duplexes as a conditional use, Program B maintains some design and development control over the placement and style of duplexes, and other new construction.

2. Regulate land use to support the conservation of heritage resources.
   Program B through the use of a Technical Advisory Committee would have monitored development permits and would have been able to use controls and incentives to encourage development sympathetic to the area's scale and style. Continuity in design would have been advocated through the use of increased densities and infill for the sensitive integration of old and new development. Dwellings deemed meritorious would have been eligible for tax rebates on exterior repair work undertaken with approval of the Advisory Committee.
3. **Encourage the development of the residential area's character and Identity.**

The establishment of the Technical Advisory Committee and the incentives available to the committee to provide sensitive development would have aided the structural component of this goal. Increased building code enforcement, maintenance of public services and increased interaction between municipal and community representatives would have reinforced area cohesion.

4. **Maintain and improve the quality of the residential area.**

The municipality would have achieved this goal by monitoring each development application and offering incentives to promote upgrading and quality development in the area. This goal is closely related to Goal 3. While housing choices would have been offered as conditional uses, the single family home would have also been encouraged. This would allow the municipality to control the form of residential types in the area.

5. **Maintain a supply of different housing types for different groups at affordable prices.**

Program B would recognise that not everyone can afford a single family home. By offering townhousing and infill, the cost of housing can be kept at a reasonable standard and alternatives to single family accommodation would have been offered. The upgrading of multiple conversion dwellings would have been encouraged through code enforcement and technical advice. This would have allowed decent accommodation for the single and elderly to be available in the area.
6. Increase area density to accommodate present population.

This goal would have been met by Program B's allowance of infill development on lots with back lanes. Back lane access allows secondary dwellings to have their own access to the property. Multiple conversion would also be considered for structures that are no longer economically viable as single family housing. Counterfactual analysis cannot support this conclusion but it is assumed that residents would have taken advantage of the development incentives offered under Program B.

7. Keep public costs down.

The program would have attempted to meet this goal by using the discretionary power of the Technical Advisory Committee coupled with incentives that are low cost. Incentives such as infill and increased density are opportunity costs for compatible development and maintenance of heritage resources.

Increased code enforcement and a continued high level of public servicing are costs that can be borne by the municipality. Tax rebates, one method of direct financial assistance that would have been used, will pay for itself in improved buildings, higher assessments and higher taxes.

Because of this goal some of the more ambitious incentives discussed in Program A are not included in Program B. In time, when municipal fiscal restraint is not as acute, the City may wish to reconsider other more cost-intensive incentives for heritage and residential planning.

Summary

Given the goals established for heritage, residential and land use
planning, Program B appears to be an implementable program in the Mount
Pleasant case study area. Counterfactual analysis illustrated that using
Program B's land use controls and the stated goals, development more
sympathetic to the area's heritage residential context would have
resulted.

The RT-2 land use control in the case study area does not meet some
of the goals established for land use, heritage and residential planning.
Land use was not regulated to support heritage resource conservation
(goal 2). Different housing types such as apartments and semi-detached
dwellings were allowed (goal 5) and the area's density was increased
to accommodate the present population (goal 6).

Municipal costs were kept down by the lack of any areal program
(goal 7) and the land use did clearly define what type of development
was allowable in the case study area (goal 1).

It is debatable whether goals 3 and 4, encouraging the development
of the area's character and maintaining and improving the area's quality
were met. The Mount Pleasant case study area has taken on a transitional
character in the ten year study period under the RT-2 land use control.

The Program B would have provided for local community reaction
to development through a local planning committee and the Technical
Advisory Board. With the help of financial incentives, heritage and
residential planning concerns would have been met more effectively.
CHAPTER SIX

The Use of Planning Tools for Selected Residential Areas With Heritage Values

Summary

This thesis has explored the application and modification of some traditional planning tools to selected residential areas with significant heritage values. The objective of this thesis was to investigate the compatibility of standard land use controls with goals that add housing policy and heritage considerations to land use planning. The results show that municipal planning tools can be used within certain inner city areas to meet established heritage and housing goals.

Chapters One and Two of the thesis traced the development of the heritage movement in the United States and Canada, and illustrated the developing synthesis of heritage management with other established forms of planning. Instead of heritage planning being limited to the recognition and designation of specific landmarks, aspects of heritage management are being incorporated in comprehensive planning.

The development of the area conservation concept as in Old Strathcona, Edmonton shows how land use controls can be used to meet goals for heritage and residential planning. The First Shaughnessy Plan in the City of Vancouver identifies specific incentives that allow sensitive redevelopment in exchange for the maintenance of heritage structures.

Chapter Three outlines some planning tools that have been adapted for use to promote the retention of heritage resources and to encourage residential upgrading in comprehensive areas. The case examples used are drawn from diverse sources in the United States and Canada.
By establishing common goals for land use, heritage and residential planning, this thesis then investigates what planning tools could be implemented in a residential area with heritage values. Counterfactual analysis is used to compare two different sets of regulations, one existing and one proposed, in a case study area. The effects of the two different land use regulations are then evaluated in terms of their effects on development in the same place and time.

**Thesis Findings**

The consensus of authorities in the heritage planning field indicates that municipalities are now recognizing the importance of planning for their heritage resources. This thesis describes some municipal planning tools and illustrates how they can be modified to meet goals that include heritage retention.

The synthesis of heritage and municipal land use planning is relatively new and undocumented in western Canada. The two western Canadian case examples of programs that use traditional land use controls to attain goals for heritage and residential planning are recent developments.

By examining a Vancouver residential area with heritage values as a case study, the thesis illustrates how planning tools can be selected and used to achieve goals for heritage, residential and land use planning.

The planning tools used are not outlandish or expensive but emphasize administration and management in the program area. The Program B developed for hypothetical application in the Mount Pleasant case study area would have used land use controls and municipal services to promote heritage resource retention and encourage residential upgrading. Implemented
through a land use bylaw, the Technical Advisory Committee would have been established and given the authority to allow infill, multiple conversion and increased floor space ratio in return for the continued maintenance of heritage resources.

Comprehensive building code inspections could have been followed up by a technical advisory service that would have ensured that substandard housing be brought up to municipal safety provisions. A problem with strict code enforcement is that the other areas also in need of code monitoring might have suffered. Code enforcement is a planning tool that is used as a "stick". The incentives offered through Program B would have been "carrots" to promote structure upgrading and perhaps would have been just as effective as strict code enforcement in improving the condition of housing.

Through the establishment of an active liaison with area residents and the creation of a joint planning committee, the community would be better apprised of planning issues and proposed developments. The provision of complimentary public works and services would be ranked by the response of area residents.

The one form of financial incentive offered in the case study area would have been a municipal tax rebate for approved rehabilitation projects. A three year moratorium on tax increases would have been offered to those eligible.

**Counterfactual Analysis as a Method**

Counterfactual analysis is used to illustrate the possible effects of implementing Program B in the Mount Pleasant case study area. Development
permit data obtained from the City of Vancouver is used to compare the difference in the implementation of Program B's land use control against the RT-2 land use control in effect for the area.

Only development permits that have been approved by the City are available for analysis. The counterfactual analysis would have been more complete if all development permits including those not allowed and modified prior to approval could have been used.

With development permits serving as the means upon which to base an analysis, work undertaken without a permit and missing permits are gaps in the data. A multi-family redevelopment at 151-153 12th Avenue fits into the scale and style of the area, but the applicable development permit is not filed. Some of the permits have information too scanty to base an analysis upon. This has been duly noted in the counterfactual analysis tables.

A table in Chapter Five provides a comparison of the development permits approved and denied using the RT-2 and Program B land use controls. Under Program B's land use control, three demolition permits approved under RT-2 zoning would have been denied. Program B would have offered an increased floor space ratio and site coverage in return for the maintenance and incorporation of an existing heritage residence in a development.

The thirty-five unit three storey apartment building approved under RM-3 zoning would have been denied under Program B's land use control. Instead, an alternate massing of townhousing sympathetic to the area's residences would have been considered as a conditional use.

The permit approved under RT-2 land use control to construct a two storey semi-detached house would also have been denied under Program B.
The semi-detached house at 129 West 11th Avenue is out of character and scale with the surrounding area.

Program B would have allowed multiple conversions, townhousing and infill as conditional uses but would not have allowed the construction of semi-detached housing. The permit to demolish the original heritage house at 129 West 11th Avenue would have been denied under Program B, and density incentives would have been offered if the present structure could be incorporated in a redevelopment. Restrictive covenants ensuring the perpetual maintenance of the original house would have been required in exchange for increased floor space ratio.

Interior alterations and additions undertaken within the case study area would have been approved under both of the land use controls. The Technical Advisory Committee would have requested that working drawings of the additions and alterations be presented to them and the Director of Planning.

While counterfactual analysis can suggest the type of policy decisions that would have been made given Program B's land use control, it does not take into account the other planning tools which make up Program B. The development permits used for analysis do not mention municipally related services and their effect on the case study area. Similarly, building code enforcement and follow-up, complimentary public works and the provision of municipal information services are also not evaluated. The effectiveness of the municipal tax rebate for approved rehabilitation projects can only be speculated upon.

Counterfactual analysis does not evaluate the community's response to the two land use controls. Program B would have implemented an active
liaison between planners and residents which could have helped shape the program to the aspirations of the community.

Under Program B, infill housing would have been considered if the residence on the site was deemed "meritorious" by the City of Vancouver Heritage Advisory Committee. The counterfactual analysis does not illustrate what sites would be considered for infill housing. It is assumed that the infill provision would attract considerable interest and that several homeowners in the case study area will use infill as a method to upgrade their properties. Method weaknesses are evident in that all development permit applications including applications that were refused, altered and then approved are not available for scrutiny. Better base data and more complete information on development in the case study area would have been helpful.

Given these restrictions, counterfactual analysis does allow alternatives to current policy to be systematically analysed. It is difficult to ascertain the negative effects of Program B without actual implementation. Like all programs, Program B would have required monitoring and fine tuning to meet the goals established for land use, heritage and residential planning. The advisory discretion given to the Technical Advisory Committee would have to be closely monitored by the Director of Planning to prevent abuses.

Program effectiveness can be measured in land use results and the reaction of the case study area residents. Would development compatible to the established goals be proposed and built? Would the residents actively participate in Program B?
Program B and the counterfactual analysis serve to illustrate what planning tools can be used to meet land use, heritage and residential planning goals in the case study area. The program while not actually implemented serves as an indicator of how municipalities can adapt traditional planning tools to maintain heritage resources and to encourage residential upgrading in inner city areas.

Suggestions for Future Research

Work undertaken in this thesis points to directions for future research. From a legal perspective, sensitive land use control for heritage residential areas is a new, relatively unused concept. Municipalities must imaginatively examine available legal and administrative powers to develop heritage sensitive programs. Once these powers are defined, municipalities must select the most effective powers and implement them in ways that benefit heritage and land use planning goals.

Municipalities are faced with the challenge of incorporating heritage policies and goals into their land use programs. An analysis of municipal administrative processes and the clarification of ways that civic administrations can amalgamate heritage planning into their daily routine would be extremely helpful. A management review of the provision of civic services related to heritage planning is badly needed.

In terms of municipal heritage programs already in place in western Canada, a review and effectiveness evaluation would be of vital interest to local policy makers. The two case study areas examined in this thesis could be analysed to determine whether the plan goals and objectives have been met by new compatible development. Any changes in forseen and actual
development and plan modifications could be discussed in light of the plan goals and implementation.

Conclusion

Heritage planning can be enacted for the public interest if it serves the ends of the whole public rather than those of some sector of the public. (Meyerson and Banfield, 1955; 322) The public interest is defined and acted upon by elected representatives who are accountable to the electorate for their decision-making and actions. The development and evolution of heritage planning in the United States and Canada illustrates an increasing public interest, acceptance and participation in heritage related matters.

Once crisis reactive, heritage planning is now becoming an integral part of the overall municipal planning process. With heritage planning as a policy initiative, municipal planners are challenged to develop implementable, effective heritage programs that meet established municipal goals. Through policy development and planning initiatives, Canadian municipalities can effectively manage and conserve the heritage of the past and the present as a legacy for the future.


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