

## **Re-evaluating 'public' and 'private' in local development cultures: converging vocabularies of public good and market success in Toronto's New Urbanism**

### **Abstract**

This paper queries the utility of the analytical categories of *public* and *private* in the development and planning processes of two New Urbanist communities in suburban Toronto, Canada. Through an analysis of the situated conditions under which these projects were planned and delivered, the paper demonstrates the extent to which the distinction between public interests and market forces is often exaggerated, and yet reproduced by the local development culture. Drawing on a critical review of theories of hybridity, this paper argues that 'public' and 'private' should not be reified as intrinsic actor categories, but rather problematised as key constructions through which development actors constitute, understand and reflect upon their ongoing activities and interactions. This approach shifts critical attention away from the issue of labelling toward the deeper questioning of how and why these constructions are mobilised in situated development processes. In the cases considered here, the distinct nature of the New Urbanist development process in Toronto's suburban fringe compelled a shared normative language of public good and market success amongst a community of actors seeking to bring the projects to fruition, thus complicating traditionally assumed divisions of public and private actors, roles and motivations. The paper concludes by suggesting implications of this analysis for the general study of development processes.

### **Introduction**

This paper queries the utility of the analytical categories of public and private in the development and planning processes of two New Urbanist housing projects in suburban Toronto, Canada. New Urbanism is variably characterised by the revival of traditionalist architecture and design principles to promote 'compact, mixed-use, walkable and reasonably self-contained communities' (Grant, 2006, 3). New Urbanist projects are often considered exceptions to the norms of conventional speculative housing development in several respects, including: vision/concept, layout and planning, built form and architecture, use and accessibility and in some cases long-term management and maintenance. The scale of the developments and the objective of constructing entirely new neighbourhoods or 'communities', often on the fringes of existing urban areas (i.e. in the suburban greenfield context) or indeed surrounded by pre-existing neighbourhoods and non-residential urban land uses (i.e. in urban infill context) immediately complicates the public-private distinction commonly assumed within idealised models of the development process (cf. Gore and Nicholson, 1991). The intertwining of the interests of developers, architects, financial institutions and the state in the approval and delivery of these schemes usually engenders a lengthy negotiation process that fits within or redresses the local and regional mandates for maintaining urban efficiency, promoting sustainability and quality of life (Brain, 1997), whilst increasing the local tax base and boosting the local economy. Through this process of negotiation 'the distinct agendas of these different players are dovetailed into one another' and New Urbanist projects 'emerge as an alloy of private capital and public authority' (Brain, 1997, 259).

To implement a plan for an entirely new community, thus, suggests that New Urbanism represents a radical break from more conventional forms of (suburban tract) housing provision.

Yet, the in-depth study of two such projects in suburban Toronto, which concluded in 2006 (therefore pre-credit crunch<sup>1</sup>), revealed that development processes were more often than not dominated by the mere tweaking of existing zoning and building regulations. This tweaking ensured flexibility and safeguarded public values (aesthetics, amenity, privacy etc.); captured niche market premiums for developers and builders, and secured repeat business between local authorities and the development industry. In this sense, the development processes tended to belie the simplistic characterization of planning v. the market – or public v. private, and instead implied a planning regime *on* the market. This occurred not only through the branding and marketing of new housing schemes and products as a ‘communities’, but through the self-promotion of some local authorities as brokers for the market acceptance of New Urbanism within their borders. This identification of a market-led municipal planning agenda must, however, be juxtaposed with the community of development industry actors (developers/builders and their hired consultants) remonstrating their involvement in New Urbanist projects not merely for the profits garnered (as many recorded financial losses) but because it is ‘better than what is already out there – it is creating real neighbourhoods’ (Interview, Homebuilder). Is this the public pursuit of market success and a private pursuit of the public good? That would probably be an overstatement. The suggestion here, however, is that a convergence of interests, actions and vocabularies has occurred which unsettles post-war assumptions about ‘public’ and ‘private’ interactions (i.e. a state-led public sector planning ethos wherein policy is introduced to manage hitherto unchecked private development activities) in development processes and challenges the reification of these terms as *a priori* analytical categories.

This paper thus unpacks the distinctiveness of the New Urbanist projects in terms of the social practices, ‘everyday doings and sayings’ following Schatzki (1996), of the development actors involved in bringing such projects to fruition. The intention is not to reproduce the public-private labels when referring to actors, roles and motivations. Rather, to elicit from the empirical case studies how and why development actors themselves mobilise the constructions as social devices which govern their engagement with their local development culture, and articulate an orientation to some kind of ‘good’ (be it design; planning; building; community). Empirically, this paper draws on the wider study of two New Urbanist housing projects located on greenfield sites within the suburban fringe of the greater Toronto area. In addition to the suburban case studies, two brownfield sites within the City of Toronto were also investigated from 2001-2006. In total, fifty-seven interviews with development actors (planners, policymakers, politicians, designers,

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<sup>1</sup> Though the research took place before the global economic crisis, it is worthwhile noting that the new housing market within the greater Toronto area experienced a dip in sales in 2008 and 2009 (28,000 and 33,000 units per annum respectively, compared to the annual average of 45,000 units/annum) but had recovered by 2011, recording its second best year ever (Dupuis, 2011). Low interest rates, low unemployment and net migration to the area buoyed the sale of new homes in the recovery period. In Canada, consumer spending and residential investment behaviour remained relatively unaffected by the financial crisis and the drop in the value of mortgage-backed securities (see Stats Can Report by Cross, 2011).

developers/builders, consultants, lobbyists and residents) were undertaken in order to critically evaluate the practices of production, rather than consumption, involved in the planning and development of New Urbanism projects from the comparative perspectives of urban v. suburban and brownfield v. greenfield. As the geographical context for this study, Toronto, was, and is still, regarded as one of, if not *the*, largest concentration of New Urbanist projects in the world (Steuteville, 2000; Gordon and Taminga, 2002; Skaburskis, 2006). An initial methodological emphasis was placed on the interactions of 'public planning' and 'private development' actors and their practices in relation to each of the projects being examined. This approach, however, not only drew attention to the conceptual weakness of the public-private labels in understanding local practice (hence this paper) but it also demonstrated the uneven nature of the legitimisation process for New Urbanism. Its 'exceptionality' was revealed as a localised and politicised response to suburban growth management and urban intensification agendas, contingent upon the highly variable conditions of market acceptance, historical precedence, technocratic planning and product design flexibility (see Moore, 2010).

The first section of the paper re-engages with the literature on 'public' and 'private' in planning and development. This includes a brief assessment of the utility of the emergent concept of *hybridity* to get beyond this binary. The second section contextualises the proliferation of New Urbanist projects in Toronto and highlights the two suburban greenfield case studies for their ability to demonstrate contrasting narratives of production, invoking very different constructions of public good and market success. An analysis of the implications that a convergence of interests is having on the ground in real development projects follows. The final section concludes with a reflection on the patterns of interaction within development cultures and how the analytical approach taken in this paper resonates with planning and development studies more generally.

### **Revisiting public-private distinctions in planning and development processes**

The development process is commonly characterised as the 'development game' with negotiations between planners and developers taking place across the proverbial 'development table'. In short, planning and market interests are largely cast in antagonistic relationships within studies of urban development and indeed in more familiar parlance. The built environment is often seen in functional terms as the end result of a tug-o-war between planners and developers in the normative pursuit of *the public good*. Quite obviously this sets public and private interests at odds. Public sector bodies are often characterised as being concerned with longer-term, socially-oriented development aims, whereas private sector interests are seen as short-termist and focused only on profit margins. In media and populist forums the public-private dichotomy is seen to be perpetuated by successive failures of planning reform and the lack of corporate social responsibility on the part of a myopic development industry. As such, the terms public and private are commonly utilised

analytical categories for distinguishing between sets of actors and events in a universalised perception of the planning and development process. In simple terms, the use of the public and private descriptor in this area of concern largely accounts for the need to distinguish between some level of government or bureaucracy – as guardians of the public interest and purse – and that of developers/builders and their hired teams of consultants – those operating in the open marketplace.

Yet, the convenient distinction between public interests and private market forces in explanations of urban change and land transformation is often an exaggeration; one which belies the situated conditions within which building provision takes place. Far from the simplistic occupation of essential ‘sides’ of the development table, development processes are complex assemblages of actors, practices, constraints, collaborations and rationalities that constitute the normalisation of particular building forms and conventions of policy and practice which become accepted as the ‘way things are done’ at particular times and places. The distinction not only overlooks the complexity of building provision but also the apparent swapping of traits between those actors and practices commonly identified as public and those as private, as exemplified through the increasing significance of a public interest in market competitiveness and a private interest in policy formulation and regulation setting. Moreover, the presumed dichotomy underestimates the mobility of individual and collective professional roles, practices and rationalities which traverse, even transcend, the divide on a regular basis. And yet, the tendency to refer to actors, processes and roles as ‘public’ or ‘private’ persists not only in populist accounts of planning and development processes but within the field of practice itself.

It is difficult to imagine a critical discussion of architecture or the urban environment that did not, at some point, invoke the distinction between ‘public’ and ‘private’. Just as this dichotomy has been central to the institutional order of modern Western societies, it is ingrained in our practical experience of the spatial organization of social life and woven into the technical language and professional practices of architects and urban planners (Brain,1997, 237).

The generalised ‘development process’ for market-based speculative housing (cf. Adams 1994, Ball 2003, Golland and Blake 2004) tends to simplify and normalise actor roles into public or private; the primary specification of actor type or function being allocated according to the organisation of employment affiliation in the ‘public sector’ or the ‘private sector’. This generates a familiar list of actors and roles.

Private Roles	<i>Industry-based:</i> developers, builders, contractors, labourers, investors, trade associations and federations; <i>Consultancy-based:</i> planners, designers, architects, marketers <i>Advocacy-based:</i> watch-dog organisations and individuals monitoring processes and outcomes of development activities
Public Roles	<i>Central and Local government-related:</i> planners, engineers, building inspectors, policy makers, elected politicians; appeals bodies and QUANGOS

A third analytical category of 'civil society' should be acknowledged here, representing those 'on the ground' affected communities of actors (individuals, groups, local associations, local media etc.) that often fall outside of the classic 'public' and 'private' affiliations noted above, but whom may have a significant influence on development processes and outcomes. For the purposes of this paper, the role of civil society actors in the common generalisation of the development process is regarded as represented largely (though simplistically) by the private 'advocacy-based' category described above.

In the generalised division represented above, the public roles embody the state as 'both repository and guarantor of public values (such as equality, tolerance and justice) and as the defender of a collective conception of a public interest' (Newman and Clarke, 2009, 14). The public sector is deemed responsible for securing the provision of public goods and regulating private actions. Thus public planning and planners are expected to be impartial and to promote the public interest and operate within a rational, transparent and just legal and democratic system. By contrast, private sector development industry actors are anticipated to follow an opposite moral and professional compass, one motivated by following the money and little else. This field is conceived of in terms of the market logic and individual self-interest. More generally, these point to two fundamental kinds of imagery describing different realms of social life, not just related to planning. First, *visibility* (what is hidden or withdrawn in opposition to what is open, revealed or accessible), which describes different contexts for actions that are said to take place 'in public' or 'in private'. Second, *collectivity* (what is individual as opposed to what is collective or affects the interests of a collectivity of individuals) (Weintraub 1997, 4), which refers to different forms of agency and interest, such as actions taken by 'the public sector' or 'the private sector' or in the 'public interest' (Iveson, 2007). This paper is primarily concerned with the latter, and specifically the distinctions mobilised around and by so-called 'public' and 'private' planning and development actors. It does not substantially engage with more general questions about publicness, such as those regarding public sphere, counter-publics or emergent publics (e.g. Warner, 2002; Iveson, 2007; Mahony et al, 2010; Barnett, 2008; Latour and Weibel, 2005).

Neoliberal public management approaches have however called the naturalistic presumption of public v. private into question. Schultz and von Stein (2007, 3) argue that 'the intermediate area between state, market and community is seen as a contested field, constantly influenced by the logic of markets, the impact of various communities and conceptions of private life and finally, by state policies.' This creates significant institutional tensions, such as: collaboration and competition; openness and boundary management; entrepreneurship and good governance (Newman and Clarke, 2009, 94). Yet the impulse to categorize different kinds of human action and different realms of social life and/or the physical and social spaces in which they

occur is undeniable. Thus, it is foolhardy to suggest that some form of public/private distinction is not necessary to understand how society functions. However, as Wolfe (1997, 182) contends:

...because we need to draw distinctions between public and private, but also cannot accept any sharp and consistent way of doing so, we are best off if we give up the effort to force all moral, political and theoretical issues into a dichotomous public/private framework; rather we should recognize the existence of a third realm of social life, intermediate between public and private, that can resemble either in particular instances, but that also can be equated with neither.

Yet, as much as 'boundaries are a function of social life' (Pieterse, 2001, 238), contemporary flux in perceptions of the public-private framework suggests that rather than the essentialism of boundaries being the core of common experience, it is now the *contingency* of boundaries. This acceptance of the contingency of boundaries provides the conceptual space for the notion of *hybridity* as an empirical description of the in-betweenness of public-private; as an analytical tool for theorising patterns of power and discourse at the interstices; and as a normative register for critiquing the essentialism of fixed boundaries, valorizing mixture/blending/blurring under certain conditions or particular relations of power (Pieterse, 2001, 238). More generally, hybridity, a concept most frequently found in sociological debates of identity politics and globalisation, refers to the *effect* of 'interbreeding and mixing, juxtaposition and fusions' of 'previously uniform understandings or typically separate entities' (Steele, 2009, 192).

In recent academic planning discourse this hybridity has been associated with the increasing recognition of so called 'hybrid roles' in the sphere of planning and development. It is acknowledged that a significant amount of literature also exists on the regulatory capitalism of public-private hybridities between the state, corporate sector and civil society with respects to governance, policy networks, and contractualism (see for example, Raco 2012). These debates which are more centrally concerned with the governance implications of the mobilisation of new public-private interrelations and networks are however beyond the scope of this paper, which concentrates on the practices of development actors specifically, implicating a hybridization of identities and localised development cultures. Consider for example, then, the dual-sector planner – a consultant whose client-base consists of both public sector and private sector clients.

Central to this new role is the fusion of previously separate responsibilities that are in turn shaping planning processes and outcomes in novel and complex ways...For example, a consultant may now be employed to write a local government planning scheme, assess development proposals and provide training to public sector planners, while simultaneously representing and advocating the interests of private clients (Steele, 2009, 190)

Recent debates around the hybrid role of planners in particular (Crawford, 2009, Sehested 2009, Steele 2009) in particular have led some to postulate the emergence of a 'professional thirdspace', one quite distinct from the collaboration of multiple but largely separate planning roles that come together in project-based public-private partnerships (PPPs) (Steele, 2009, 190). The professional thirdspace of the hybrid planner is rather one that is simultaneously public and private, which

Steele contends represents 'something other than the sum of its parts' (2009, 190). Here, a new possibility of qualitatively connecting, not just merging 'originally incommensurable terms and irreconcilable realities' (AlSayyad, 2001, 3) emerges. Planners in this new hybrid role cast themselves as 'professional strategist', 'manager', 'market planner' or 'process planner' (Crawford, 2009, 164) as they oscillate between the day-to-day context of their work responsibilities and the compulsion to conform to accepted values and norms of professional and reflective practice. But with this hybridity and its potential for both reinforcing neoliberal discourses (cf. Mitchell, 1997) and creating new 'after-neoliberalist' planning opportunities (see McGuirk, 2005) breeds confusion and the possibility for professional identity crises amongst many planners (Steele, 2009). Sehested (2009, 252) observed in Danish planners a hybrid role that increasingly consisted of three types of tasks:

- Collaboration and dialogue with many types of urban actors in different network organizations;
- Coordination and communication between the many projects and networks; and,
- Management and development work, e.g. network regulation and sparring about the political goals and visions.

These are quite different from the stereotypical perception of a public sector planner as the bureaucratic 'rubber stamper'. Invoking, as Steele (2009, following Howe 1980), highlights the combination of incompatible ideologies that typify the hybrid role choices of public planners: 'the technician that seeks to be a value-neutral advisor to decision-makers and the politician who is a value-committed activist that advocates particular policies' (2009, 192). Sehested (2009) nevertheless found there to be considerable room for improvisation and variation in the hybrid planner role – adaptable to myriad planning situations. 'Situations created considerable leeway for the urban planners to be the co-constructors of their hybrid role; in other words, they were not merely role-takers, they were also role makers, whether consciously or unconsciously' (257).

Sehested's (2009; 2003) work, however, concentrates on urban planners' working conditions in practice and their own experience of the ways in which their roles have developed. In so doing, Sehested emphasises the extent to which 'role development occurs not only through institutional changes but also via actors' shifting interpretations of those changes: for every alteration to the role of urban planners, modifications in the role perceptions and self-images of the planners who inhabit the planning roles are required' (2009, 245). More specifically, Sehested (2009) and Steele's (2009) work emphasises the contemporary challenge for hybrid planners to 'shape market forces' (Adams and Tiesdell, 2010, 189) or activate the market and facilitate development (Hamnett, 2000). This is a particularly difficult situation for many self-identified public sector planners to accept. 'Now we have to sit on the same side of the table. We have to be part of partnerships with the former enemy and create common involvement and commitment in large urban projects' (Sehested, 2009, 255).

Yet this emergent normative vision for future planners in Western society emphasises exactly this capacity for hybridity as essential in order for planners to become ‘independent agents of public value’ (Gleeson & Low, 2000, 205) working across sectors and interests. This characteristic has been identified by the Royal Town Planning Institute and the urban think tank DEMOS as a professional skill necessary to support the creation of well-planned, inclusive and sustainable places and to avoid planners being caught between the ideological silos of public and private interests and roles (Bradwell et al., 2007). That is, to be active agents in the social reconstruction of markets, not subservient to them (Adams and Tiesdell, 2010).

This paper builds upon, yet also seeks to move beyond, this line of thinking about hybrid roles in urban planners. In particular, it moves beyond the distinctions made between the public sector planner and the private consultant planner. On one hand, this means moving the discussion beyond planners exclusively and suggesting that the resonance of the public-private boundary fetishism (Pieterse, 2001) significantly pervades the roles, perceptions and motivations of other key development actors. These changes in institutional relations are affecting the conceptualisation of the planning and development process whilst influencing the outcomes of real communities on the ground. On the other hand, the notion of hybridity is adopted here only in so far as it provides a useful outlook for problematizing the assumption of fixed boundaries for public and private in theorisations of development processes; as without an existing regard for such boundaries, the observation of hybridity would be moot (Pieterse, 2001, 226).

The emphasis of this paper is less about the hybrid nature of roles and outcomes or the potential for this conceptual register to transcend the dualism. It is rather, more about the *practices* of development actors in particular contexts that constitute what could be seen as a widening *hybridity consciousness*. That is to say, a point of view which asserts that public and private have always been provisional, contingent, historically and socially constructed categories and provides a way beyond the suggestion that things are no longer the way they used to be, if indeed they ever were. The argument herein being that what is significant about contemporary development practices in New Urbanist projects is an increased mobility of actors, ideas and motivations, and a shared vocabulary where ‘public’ or ‘private’ positionality is less specific and determinable. If the notion of hybridity offers any further conceptual significance in this regard then it is in respect to the patterns of hybridity; the polarities of a continuum which can be symmetric or asymmetric in terms of power and influence in process and outcome (Pieterse, 2001).



## **New Urbanism in and around Toronto**

The paper now turns towards unpacking the specific nature of these patterns of hybridity constituting the development processes for New Urbanist projects in and around Toronto.

New Urbanism, then known as neo-traditional design, emerged on the residential landscape of Toronto's suburban fringe in the late 1980s and early 1990s following the popularity of schemes produced in the United States. The sprawling nature of suburban housing development in the greater Toronto area (GTA) had reached a tipping point for many local authorities finding it difficult to support affordable housing delivery, protect the natural environment and maintain a high standard of amenity and service provision. Anti-sprawl, pro-affordability policy agendas of the day challenged developers to submit more community-oriented and resource-efficient scheme applications. A result was the construction of several 'experiments' with New Urbanism on suburban greenfield sites surrounding Toronto. The two case study projects examined here were examples of these early greenfield experiments: Montgomery Village, in the Town of Orangeville and Cornell, in the Town of Markham. Though experiments at their inception, by the early 2000s the influence of alternative design standards and housing products found in suburban communities like Cornell had extended to more conventional schemes (e.g. higher density town house products, neo-traditional design features such as front porches, rear garages and laneways etc.) and also to urban brownfield sites within the City of Toronto.

In this paper, the focus is exclusively on the suburban greenfield projects. Both demonstrate the extent to which a convergence of motivations and practices amongst development actors produces highly localised and very different outcomes relative to the conventional development cultures with which they competed, and in one case, exceeded.

### *Cornell: 'In line with the market'*

Cornell in the Town of Markham located approximately 25 kilometres from downtown Toronto, was a government initiative begun in 1988. It was originally conceived as an affordable housing demonstration project spearheaded by the Province of Ontario in partnership with the Town of Markham to showcase how the regional housebuilding industry could diversify affordable housing products and tenures. In the early 1990s a competitive call for proposals enlisting New Urbanist planning and design principles occurred and the Miami-based firm DPZ (Duany Plater-Zyberk and Associates) was hired to develop the conceptual design vision and plan for a new community on the 973ha of land on the fringe of the Town's north-eastern boundary. The original draft plan approved in 1994 was for 10,000 units and an anticipated population of 30,000 to be accommodated over 15-20 years, incorporating retail/commercial and employment lands. In 1996 following significant neoliberal political reforms at the Provincial and local levels, the lands were

transferred from public ownership to a private development consortium under the condition that the New Urbanist vision and plan conceived by DPZ would be maintained and delivered to the specifications of the site-specific zoning and alternative design guidance. The original phase was constructed by four homebuilders, and despite good sales the initial phase was deemed a financial failure due to poor project management, slow and muddled construction schedules for different builders, and inadequate customer service for purchasers. Development halted at approximately 3000 residents in 1998 and new construction did not resume until 2002.

Despite its rocky start, Cornell is widely considered the model or prototype New Urbanist community in Ontario, if not Canada. Its influence has been quoted as extending 'to everything else that gets built in the GTA' (Interview, Homebuilder). It is recognised as a test site for less conventional housing products and therefore continues in its subsequent phases to attract developers/builders interested in sales-testing new products in a proven niche market location. The driving force behind Cornell's production was, and continues to be, the local authority, the Town of Markham. The Town has adopted New Urbanism as its strategic planning approach and promotes itself as 'Canada's Centre of Excellence for New Urbanism'. Behind this branding of their territory as a receptive locale for New Urbanism-inspired projects is a deeper commitment to forging a new management style of municipal planning and local economic development. One derived from an understanding of the public-private relationship as 'where the public should be looking at the long term public good of the private sector, ensuring that they are able to build good communities and make a profit at the end of the day' (Interview, Planning Consultant).

As one housebuilder involved in both the first problematic phase and subsequent phases of Cornell remarked 'it is always nice to see when a municipal council and its staff are in line with the market' (Interview, Housebuilder). For the Town's part, it has taken on the dual role of defending the original New Urbanist vision and also liaising between market interests and residents where problems arise in the production process. This dual role has been characterised by three distinct actions. First, the Town sought to liaise with builders and buyers to act as an intermediary to ensure customer satisfaction (wherein 'customers' are considered future residents and developers doing business within its borders). The idea being that future investment (both corporate and residential) in Markham should not be dissuaded due to poor communication and a reputation of municipal unresponsiveness. Second, the Town has actively pursued a relationship with developers to promote its reputation as a municipality in line with the market. It has committed itself to New Urbanism, with Cornell as its flagship project following the twenty-seven principles of New Urbanism (see [www.cnu.org/charter](http://www.cnu.org/charter)) 'as best it can within the constraints of the market' (Interview, Senior Municipal Planner). The intention is to ensure builders and developers know what to expect from the Town so that the products being produced in their borders are generally supportive of New Urbanism. Finally, the Town has defended the vision of 'pure' New Urbanism that Cornell is

said to represent. For many the commitment to keeping Cornell 'pure' equates to retaining the design of rear laneways and garages, a highly controversial element in many New Urbanist projects. Rear laneways and detached rear garages are controversial from a developer/homebuilder perspective because they imply higher costs associated with the construction of secondary roads. The building of separate garage units also presents the possibility of delays in the building schedule which can affect the occupancy rate for the homes. Rear laneways are also considered problematic by many municipal engineering and public works departments because they can restrict refuse collection, snow removal and other service vehicle access and turning radii. However, from a financial standpoint supporters (builders already building there, and residents already living there<sup>2</sup>) want the Town to maintain the Cornell formula for fear that if it is changed then the market niche for sales and re-sales will fade as 'Cornell will no longer be Cornell' (Interview, Homebuilder).

The 'Cornell experience changed the whole culture at Markham' (Interview, Senior Municipal Planner) and in order to implement it the staff, council and particularly engineers 'had to become more flexible.' A flexibility, which 'set the stage' for developers and builders but did not 'tie their hands' (Interview, Homebuilder) with respect to how the principles are achieved. From the point of view of the Town, Cornell and its continuity of strong sales in each successive phase, has demonstrated to developers that 'there is a benefit to them to be applying the principles of New Urbanism – it gets them different product achievements, significantly higher unit yields and price premiums not obtained in other developments' (Interview, Senior Municipal Planner). The fact that it is selling now is widely cited as the biggest key to its success, 'it has a high level of market acceptance and property values that have gone with that; what it gives the Town of Markham is the strength to negotiate with developers in Cornell as well as outside' (Interview, Planning Consultant).

'There was a price premium for a developer to do the lane based – we hear 20-25% price premium, so then the question for us is can you help them catch the premium. So some of them know they can if they do it right' (Interview, Senior Municipal Planner).

'Doing it right', so far, for developers has meant committing to the vision (by producing rear lane-based streetscapes).

'If the Town wants us to do lanes, we are going to do it. That happens a lot in development – you know you can fight it and wait five years or do what has been suggested to you and move forward. But we were happy to do it in this one, we just said okay fine, we know it sells and it wasn't a big imposition on us' (Interview, Developer).

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<sup>2</sup> The focus of this research was on the producers rather than consumers of New Urbanism, but residents and resident associations were interviewed in both case studies. The impact on the findings and the critical theorisations presented herein was limited, thus to comment further on this civil society 'role' would be unfounded.

'Their comments and their vision are not lost on us, we know or it is not hard to guess what they want to bring forward. That is part and parcel with Cornell, and it is also just our familiarity with the process and their familiarity, this is not new, we are not a small developer, we know what the game is' (Interview, Developer).

For the most part the developers/builders involved in delivering Cornell did not self-identify themselves as 'New Urbanist builders'; but most if not all considered themselves to be 'community builders', rather than 'housebuilders'. Some have embraced the principles of New Urbanism within their repertoire of 'products' for reasons ranging from social responsibility to market-research responsiveness.

'I like New Urbanism better than your standard housing, but it is tougher to build and it is not understood by the building community. But I felt it was more of an opportunity than a hindrance...it offers much more to the buying public. But you have to use it to differentiate yourself, market it as New Urbanism, don't try to make it into what the other (conventional housing) is' (Interview, Homebuilder).

'As a builder we are more forward looking. We are not just interested in volume, but community and not just 'community' because we have amassed so much land that we call it a community... don't misunderstand me though, I use it as part of marketing. But part of my due diligence is to look at 'smart growth'. If I have got wireless connectivity, municipal transport at my doorstep...these are things to sell along with the fact that my homes are good quality and more sustainable than my competition...So it does permeate what I do, I use it to my fullest advantage because I am smart enough to understand it and to talk about it and not to lie about it' (Interview, Homebuilder)

'We just do what we think is right to build better communities, and if people think that is good and that is called innovative, great. We don't necessarily dream up things though, we look at what is being done elsewhere, and we try to provide a better community for an aging society and changing demographics – we are very market research-led' (Interview, Homebuilder).

### *Montgomery Village: 'an interesting experiment...but it ends there'*

Generally considered as one of the first New Urbanist development schemes in Canada, Montgomery Village is today virtually indistinguishable from any other conventional housing scheme. In short, it is an experiment that failed. The site, located in the Town of Orangeville, approximately 80km northwest of downtown Toronto, consisted of a 57 hectare parcel owned by a local builder/developer. The idea to develop the site as a fully-wired 'tele-community' following neo-traditional design principles was spearheaded by the developer and a plan was conceived which would accommodate approximately 700 new homes complete with front porches, rear laneway access and detached rear garages, as well as a mixed-use 'main street' neighbourhood centre planned on a 19<sup>th</sup> century grid. The developer-led vision was driven forward by one of the most renowned planning and design firms in the Toronto area and it involved the adoption of alternative design standards by the local authority. Resistance to these changes plagued the delivery of Montgomery Village from the beginning. Despite gaining the support of the municipal Director of Planner, the scheme's alternative standards for road widths, turnings and rear laneways (amongst other issues) met with severe opposition from the municipal engineering and public works staff. By the mid-1990s only a smattering of the original 'Village' homes were constructed on the grid street

pattern and none of the technological features nor neo-traditional vision for the project survived the economic failure of the first phase's production. Subsequent phases were completed following the sale of the building lots on the pre-approved plan of subdivision to another local builder who consequently dropped the original New Urbanist vision and eventually reverted back to conventional low density designs with wide lot frontages and attached front-facing multi-car garages. The alternative design standards adopted by the municipality were rather quietly 'relaxed', the rationale being that regulations introduced at the time to enable Montgomery Village as a New Urbanist project (e.g. accessory units) which did not materialise must now be simplified; 'there is no longer any reason to maintain a distinction from other areas within the Town's boundaries' (Interview, Director of planning).

Attempting something different from the suburban housing market norm in a time of economic recession (early 1990s) was risky, but Montgomery Village's production narrative was about more than poor market performance. From the beginning the developer-led vision met with opposition from the local municipal council and staff. Despite support from within the Planning office, the wider municipal reception of the 'alternative' nature of the scheme criticised what was seen as the 'importing' of design solutions deemed inappropriate to the local context. New Urbanism in Orangeville became defined by the existence of rear-laneways and detached garages and the headaches this would cause for rubbish collection, snow removal and emergency service vehicle access. As a result the 'snapshot' of New Urbanism that did materialise in the first phase actually served as a promotion, not of New Urbanism, but rather for more conventional housing products in the local market. Montgomery Village, as it partially existed, stood as a reminder to potential builders and homebuyers of what they did not want – small lots, high density, rear access and detached garages.

'It is something different, but it has never been something that we held up as an example to other developers and said why don't you do this, because quite frankly other conventional developments have occurred and the sales from these areas have outstripped sales in Montgomery Village, and in fact as time went on the Montgomery Village concept got modified' (Interview, Director of Planning).

The interaction of development actors in the Montgomery Village case is illustrative of something quite distinctive from Cornell. Montgomery Village began as a developer's vision not a government initiative. This individual developer wanted to deliver something innovative and sustainable, and he knew it was very different from what the local market demanded or had historically accepted. Convincing the municipal planners, and more significantly, the local council to support the proposal entailed recasting it as a pilot project for an alternative way to deliver new housing and promote more sustainable patterns of live-work behaviour.

'I was frustrated with what I saw in the suburbs. So I thought it was an opportunity to learn about and do something about it. ...One of the forces to contend with is a competition based on price. So it's how much, not what. And whenever there is a kind of price war rather than a kind of competition

based on the quality of the offering we don't do well, because we are interested in the *what* and not particularly the *how much*. So Montgomery Village looked at the *what*' (Interview, Developer).

With the private development interest and his hired design consultants leading the project, the municipal planning role was entirely reactionary.

'... the Town was in a more reactive mode rather than proactive to provide the scheme. So therefore it was a question of trying to see how this new form of development could be accommodated by the Town' (Interview, Director of Planning).

This reactionary mode entailed fitting regulations to suit the market shifts and developer-led changes. For example, the provision for retail/commercial plots on the 'Main Street' blocks was flexibly zoned to enable one-hundred percent residential, which is what eventually transpired thereby eliminating the 'village' centre from the plan. Moreover, following the sale of the remaining building plots to the second builder, the Town approved amendments to the plan for the later phases of the development to revert back to standard plot sizes and housing products delivered in other conventional schemes. In this particular case, the developer's pursuit of a new, alternative form of development was underwritten by local authority scepticism for the market success of a New Urbanist project. Hence the pre-emptive enactment of regulatory security measures to counteract the inevitable failure to deliver the 'far-fetched' developer-led vision. A protectionist role on the part of the planning officials and hired consultants thus aligned to safeguard the developer/builder's interests. They were enabled to still deliver a new community, albeit one far less distinctive than originally intended, without meeting with lengthy delays due to planning amendment or building permit requirements. These individuals saw it within their role to ensure that what they were asking of the industry was not too far removed from the realities of the local marketplace.

It is interesting to compare and contrast remarks made by politicians, municipal staff and the developer for the difference in emphasis placed on so called 'public' values, such as sustainability and quality of life vis-à-vis the 'private' market discourse:

'...you can't ask for a kind of vision of an area that the market is not going to deliver, because then nothing is going to happen and nobody wins from that' (Interview, Local Councillor).

'I recognize that these things are market-driven and if there was a really strong demand for similar housing other builders would have fallen into line and constructed that type of housing and clearly there is not sufficient demand or at least a willingness to pay a premium for that type of development. The builder's can sell all of the more standard type of housing they build, so I guess we are to some extent at the mercy of the market' (Interview, Mayor of Orangeville).

'The industry is not interested in New Urbanism and smart growth, because it has found a culture and a way of operating that in a way works and they are afraid as merchants, as manufacturers, however you see them. Their view is not to seek urban quality of life. I always found that this is a short term view, that the sustainability of places does affect their business. But in a way it is too long a view for most developers to take' (Interview, Developer).

'The evolution of Montgomery Village has taken away from it being as special a place as was originally conceived, it is more conventional...It was an interesting experiment but it ends there, it didn't become mainstream' (Interview, Director of Planning).

Thus, the 'soft' factors of quality of life and sustainability were more commonplace within central developers' reflections, whereas a 'hard' market outlook punctuated the politicians' and planner's remarks.

### **Conceptions of 'Good' in Development Processes**

Economists use the term *public good* to refer to an 'indivisible collective benefit' (Weintraub 1997, 5). As outlined earlier, municipal planners and policy-makers are commonly assumed to be in pursuance of *the* public good, suggesting an elusive, intangible benefit that can be derived from multiple spheres of publicly-oriented and normatively-valued actions. There is a tendency to essentialise the pursuit of the public good as the exclusive domain of the 'public sector', or to contend that municipal planning operates in isolation of market forces and resists the need to seek competitive advantage (i.e. through generating opportunities for economic development and increasing the local property tax base). Thus when a market-led perspective in planning (cf. Adams and Tiesdell, 2010) or a 'public-good' perspective in the development industry is identified, critique and cynicism tend to follow; the former is seen as the inevitable impact of neoliberalism whilst the latter is seen as tokenistic lip service.

Cornell and Montgomery Village were two of the earliest 'experiments' with New Urbanist housing production in Canada. In both cases the municipal planners and politicians pursued a market-sensitive approach, with very different motivations and outcomes. Both local authorities introduced flexible regulatory measures through their zoning and building standards, the one to support developer/builder experimentation with designs which fulfil the conceptual plan; the other to pre-empt inevitable market failure. For the Town of Markham, Cornell became its flagship project, the embodiment of the New Urbanist vision they have invested in for all future development within their borders. For the Town of Orangeville, Montgomery Village transgressed into a snapshot of a developer's fanciful vision, out of step with the realities of the local market, unable to find a foothold in the local development culture. Cornell thrived through its ability to carve out a niche in the local housing market by capitalising on being different, and offering choice beyond the mainstream. Montgomery Village faltered because it was perceived as too different, unable to compete with the more conventional schemes. In the case of Cornell, the original vision for a New Urbanist community was created, promoted and implemented through a process very much micro-managed by the public sector (first the Province, then the Town of Markham). In contrast, Montgomery Village was envisioned as a sustainable alternative to suburban sprawl by an aspirational developer, with the municipality in reactionary mode.

These examples demonstrate one instance where the municipal emphasis on market success of the development project was instrumental in the valorisation of New Urbanism not only for that specific project but as a local planning doctrine. And the other, an instance where the same emphasis on the market success of the development project rejected New Urbanism outright as a legitimate option for the local development culture to pursue. They also underscore the fact that developer motivations to build a New Urbanist project are varied, ranging from personal convictions or commitment to a vision; due diligence; social responsibility; design innovation and product testing; and the capturing of niche markets. It might be suggested that there is a stronger argument to be made for the observation of a marketization of municipal planning than there is for that of developer altruism. Nevertheless, the significant point here is not the swapping of so-called 'public' or 'private' motivations and values but rather the identification of a shift in the patterns of hybridity (Pieterse, 2001); the relative contingency of the boundaries effecting asymmetries of power and influence within a local development culture.

Despite the very different narratives of production and outcomes on the ground, in both the cases described above, actors on both sides of the proverbial 'development table' related to one another with shared values, beliefs and norms – and they generally shared notions of how things are and should be done within their local context. It is, however, the context or situated conditions that differed between the two projects which account for the gulf in development actor practices which valorized one project and vilified the other. There was little evidence of the stereotypical 'us v. them' in each of these projects. Surprises and confrontations did occur, but these could more accurately be defined as in-fighting. That is to say the conflicts and tension were prevalent *within* not *between* so-called 'private' and 'public' camps. So for example, municipal officials within different departments argued over refuse collection and snow removal and the road widths required for vehicle turning; whilst competing homebuilders working within the same development argued about how to enable or control product modifications in order to garner competitive advantage within a multi-builder scheme. But *across* the table, there appeared to be a degree of 'engineered certainty' (Amin and Thrift, 2002, 26) – of mutually consented predictability emerging in instances where municipal planners (and their respective councils) were as much concerned about market acceptance for new housing forms, products and schemes as were the developers and homebuilders producing them. There was a shared rationale to safeguard one's (and this could be the collective one's) own interests against poor market performance; either with respect to increasing housing sales, securing votes, increasing the local tax base, or building a reputation with potential investors; that is to say securing 'repeat customers' – be they developers or home buyers. There was also a shared rhetoric of 'community' and 'sustainability' that punctuated both local authority and developer visions for New Urbanist projects. Both were complicit in using these for marketing and branding purposes and both were capable of reflecting on these as contemporary indicators of a successful scheme.



## Conclusions

The labelling of development actors, roles and values as 'public' or 'private' is usually undertaken in the absence of due consideration for complexity and context, which constitute geographically and socio-politically specific practices, rationalities and identities. As Sehested (2009, 251) argues, the relationship between context and roles is fundamental to the institutional meaning structure to which any professional actor affiliates themselves. This stresses the importance of understanding the framing of individual and collective actions according to the norms and values, routines and habits, and the sense of appropriateness to a given situation. The inference from this assessment is that development processes are much more complex than simply the resolution of assumed public/private conflict and tension across the metaphorical 'table'. The contextual conditions underpinning interactions (e.g. negotiations and collaborations) is critical in that all development actors, regardless of the public-private label, are constrained by the situated, often messy, interpretation of problem identification, the promulgation of a dominant narrative of demand or need for change; and the reflection of this discourse in their own repertoire of institutional practices (Jacobs et al, 2003) – in short the normalisation of what is accepted as 'good' and appropriate practice.

It is also the situated conditions and 'cultures' of development and planning practice that variably normalise and perpetuate the discourse of antagonism between public and private. This is despite a recognition amongst development actors involved in the case studies that 'there is a dialectic between the public interest and private development which when it is working is a very good creative tension' (Interview, Design Consultant). That is, context, institutional meaning and professional identity or roles are not mutually exclusive. In academic enquiry, then, questions of development process and structures of housing or more generally building provision should not blindly reify the discursive categories of public and private, but rather pay closer attention to the situated conditions within which the discourse finds resonance (see for example McGuirk and Dowling 2009). So this includes a closer examination of the informing ideas, truth claims, problem definitions and prescriptive reforms that become commonplace amongst a particular social body or group of development and planning actors (including civil society), which invariably inform policy beliefs as well as seldom questioned articulations of 'best practice'. It also demands that academic reflection on the hybridisation of professional identities rejects an *a priori* assumption of the utility and value of the analytical categories of 'public' and 'private'.

The emergent discussion of hybridity in roles, functions, values and identities previously ascribed to as characteristically 'public' or 'private' and the postulation of an inherent 'fuzziness' (de Roo and Porter, 2007) in the conceptualisation of the development process might suggest the

declining utility and validity of the public and private as analytical or even descriptive categories of social understanding. But to dismiss the dichotomy outright is equally problematic given that development and planning actors themselves reproduce the categorisation when they reflect upon their professional identity and meaning in society. The public/private label of actors, roles, functions and processes appears to lend or act as an ideological support or practical vocabulary that allows these actors to continue to do what they do on a daily basis. That is to make technical (perceived as value-neutral) market-oriented development decisions or advocate and lobby (perceived as value-committed) for social change through the planning, designing and construction of the built environment.

Understanding how the 'meanings of public and private are not merely descriptive and normative [but] cultural categories that help shape social identities and relationships' (Newman and Clarke, 2009, 11) is imperative to contemporary study of development processes, New Urbanist or other. The challenge is circumventing the impulse to delineate different groups of people, models of thought and spheres of action as inherently 'public' or 'private' prior to critically unpacking the cultural significance of the use of these oppositional categories (Weintraub 1997). Thus what is of greater significance perhaps than the question of what is public and what is private is why and how the dichotomy is normalised and perpetuated in different contexts of development and planning. The two New Urbanist case studies examined in this paper served to highlight the very real impacts on the ground that the contingency, rather than essentialism, of public/private boundaries elicits.

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