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BULLETIN 65: ADVISORY DESIGN PANELS – STANDARDS FOR PROCEDURES AND CONDUCT

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(This revision replaces its November 2007 predecessor. It reflects new language to clarify and reinforce the intention that architects are nominated to design panels and removes reference to disclosure of information which is covered by provincial Freedom of Information & Protection of Privacy legislation.)

Architects nominated by the Architectural Institute of British Columbia (AIBC) serving as volunteer members of Advisory Design Panels (ADPs) are dedicated to carrying out their duties and responsibilities to high professional standards in the public interest. To assist architects in meeting their obligations, the AIBC has developed a set of standards, endorsed by Council, presented under headings ‘A’ through ‘E’ below.

NOTE: *For purposes of this bulletin only, the words "member" or "architect" are deemed to include only those registered as architects. It does not include any other registrant of the AIBC.*

The AIBC acknowledges that ADPs are regulated by various levels of government. This bulletin is not intended to conflict with governmental regulations but, rather, to provide terms of reference that would ensure standards of consistency and fairness for all persons involved. Any conflicts that are identified should be brought to the attention of the AIBC.

ADPs are to be advisory only. They are not to be used as a mandatory or authoritative (i.e. decision-making) element of a regulatory process. The contrary situation exposes its participants to inappropriate risk and will cause withdrawal of AIBC support.

A. NOMINATION AND SERVICE OF ARCHITECTS ON ADPs

The AIBC encourages architects to serve on ADPs. The AIBC Design Panel Committee (DPC) is empowered to review the qualifications of architects who indicate a willingness to serve, and to recommend nominations on behalf of the AIBC for appointments by municipalities with legally constituted ADPs.

1. Objectives

- (a) To provide the municipalities of B.C. with an appropriate selection of architects prepared to devote such time and attention as is necessary to provide objective advice that will protect the public good in matters relating to the physical environment.
- (b) To demonstrate to the public the philosophies, objectives and capabilities of architects.
- (c) To provide an opportunity for all architects to contribute to the public good and gain broader experience through serving on an ADP.

2. Eligibility for Nomination and Service

All architects in good standing (including DPC members, with disclosure of that fact to municipalities) as defined in the *Architects Act*, and who are nominated by the DPC, are eligible to serve as ‘architect-members’ of ADPs.

(Associates of the AIBC are eligible and encouraged, as are architects, to become appointed to ADP ‘at-large’ positions or on behalf of other organizations or community interest groups. Such nominations are not the business of the AIBC.)

3. Criteria for Nomination

In reviewing qualifications and preparing nominations to a municipality, the DPC considers the following criteria for candidates:

- (a) willingness to serve on that municipality’s ADP, as indicated on the completed AIBC Design Panel Application;
- (b) familiarity with (but not necessarily residence in) that municipality;
- (c) professional experience relevant to the types of project usually reviewed by that municipality’s ADP;
- (d) record of experience on ADPs; and
- (e) freedom from any conflict of interest that might affect the objectivity of advice given as an ADP member. Both business and personal relationships enter into this consideration.
(cf. Code of Ethics ruling (a) under Bylaw 31.0).

An architect’s race, ethnicity, age, gender, sexual orientation, religion or political affiliations shall not be criteria for nominations. Architects nominated shall reflect the overall commonality and diversity of the membership of the AIBC.

4. Procedure for Nomination

- (a) Before new nominations are required, the DPC contacts the municipal representative responsible for its ADP and obtains the following information:
 - i. current membership of ADP;
 - ii. number of positions becoming vacant requiring nominations;
 - iii. duration of ADP appointment;
 - iv. frequency and length of ADP meetings;
 - v. types of projects usually reviewed;
 - vi. recommendations for nominations; and
 - vii. special considerations.

- (b) Before new nominations are required, the current architect-members of the ADP are contacted by the DPC and the following information obtained:
 - i. opinions and recommendations on the ADP's operation;
 - ii. time and commitment required to serve on the ADP;
 - iii. recommendations for nominations; and
 - iv. special considerations.
- (c) Before nominations are required, the DPC reviews the information received from the municipality and its current architect-members. This information is combined with a review of the candidates' qualifications in order to create a list of nominees. Where possible there shall be a minimum of two nominations for each position available.

In the event there are insufficient candidates available, the DPC directly seeks architects who have not yet indicated a willingness to serve, and elicits their agreement to serve if appointed.
- (d) A minimum of two weeks before nominations are required, a list of nominees is forwarded to the appropriate municipal representative.
- (e) Once forwarded, the list is not altered without a written request from the municipality and a majority agreement of the DPC.

Nominations by the AIBC of architects (or their direct invitations) to sit on various other advisory or interest groups (e.g. civic library board) are not handled through the DPC.

All architects (regardless of nomination or appointment source) are obligated to conduct themselves in a manner consistent with AIBC Bylaws, Code of Ethics and policies (cf. Bylaw 33.3 and ruling thereunder).

5. Length of Appointment

Architects shall serve no more than one term (two years maximum) on an ADP unless approval has been obtained from the AIBC for one additional term. In no case shall an architect serve more than four consecutive years on a particular ADP. A period of no less than four years shall occur between service on a particular ADP and reappointment to the same panel.

Exemption may be granted regarding the lengths and intervals of appointment, but only in special circumstances and with the prior written permission of the DPC of the AIBC.

B. PROFESSIONAL CONDUCT OF ARCHITECTS ON ADPs

The following roles and responsibilities articulate the policies of the AIBC as to the professional obligations of architects and behaviour relative to participation on ADPs.

1. Roles

- (a) To give impartial, professional advice directly on any proposal or policy affecting the community's physical environment.
- (b) To assist the Planning Department and Municipal Council in the formulation of design policy and criteria.

- (c) To protect the public from persons fraudulently professing to have the qualifications to practise architecture or architectural design.
- (d) To represent the profession as architects performing a public service. In compliance with AIBC Bylaws 34.5 and 34.6, along with Code of Ethics rules and commentary thereunder, architects' statements or criticisms must be fair and honest, characterized by courtesy and good faith.

2. Responsibilities

- (a) **Objectivity:** to offer objective views on design that relate to the context of the community's physical environment, but refrain from expressing subjective views against the "style" selected by design proponents.
- (b) **Freedom from Conflict:** to act according to standards of unbiased credibility. In compliance with AIBC Bylaw 32.1 and Code of Ethics rulings thereunder, ADP members must disclose any involvement in an application being reviewed or any other personal or business relationship that might constitute or be perceived as a conflict of interest. They must withdraw from the meeting and refrain from any statement, discussion or evaluation of the merits of that application or the parties to it.
- (c) **Independence:** to resist lobbying by the applicants and to refrain from making professional overtures to the clients of applicants.
- (d) **Ethical Business Practice:** to refrain from using their positions on the ADP to promote their own business in the municipality where they are panel members. Architects may list their present or prior membership on ADPs as a statement of fact in advertisements or client promotions, but are not to make undue claims or imply any ability to influence ADPs.
- (e) **Protection of Public:** to inform the AIBC of alleged contraventions of the *Architects Act*, AIBC Bylaws or Council rulings (e.g. misrepresentation, illegal practice or unprofessional conduct). In compliance with AIBC Bylaws 32.5 and 33.3 and Code of Ethics rules thereunder, the architect must withdraw from the meeting and any discussion or evaluation of the merits of the application.
- (f) **Responsibility:** to attend meetings regularly and on time.
- (g) **Feedback:** to advise the Planning Department of any requirements of change in the zoning bylaws.
- (h) **Renewal:** to resign from the ADP after serving two consecutive years.
- (i) **Process:** to obtain permission from the DPC of AIBC prior to accepting any appointment (including an extension of term) as an architect-member to an ADP of a municipality.

C. DESIGN CRITERIA FOR CONSIDERATION BY ADPs

The following design criteria are examples of what would reasonably be considered for review by the applicant and members of the ADP. The scope and nature of the criteria used may vary with the size or special circumstances of a project. The intent is not to judge the design or to propose solutions in any form but, rather, to articulate the issues. This *can be* facilitated by the existence of an Official Community Plan (OCP), *sustainability checklist* and/or endorsed design guidelines. It is incumbent upon the applicant to provide clarifications and solutions.

1. Project Analysis:

- (a) Objectives
- (b) Programme
- (c) Design philosophy
- (d) Sustainability objectives

2. City Context:

- (a) Effect on view
- (b) Contribution(s) to the public realm

3. Neighbourhood Context:

- (a) Effect on adjacent buildings and streets
- (b) Effect on land use
- (c) Effect on quality of life issues, such as privacy and safety
- (d) Pedestrian and vehicular systems

4. Site Context:

- (a) Environmental issues
- (b) Topography
- (c) Daylight and shadows
- (d) Climate and microclimate response

5. Building Design:

- (a) Materials
- (b) Building mass
- (c) Roof forms
- (d) Facade articulation and fenestration
- (e) Building character
- (f) Building Systems

The items above are examples of what may be considered when the community has specific regulatory policies in place for neighbourhood character or building types.

D. RECOMMENDED PROCEDURES FOR ADPs

1. The **objectives** of these recommended procedures are to:

- (a) establish and ensure a predictably consistent and transparent application and review process;
- (b) standardize the procedures in all Municipalities while considering specific localized objectives;

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- (c) ensure a fair, effective and open forum for Design Review;
 - (d) ensure that the process with respect to each project is clearly communicated to all parties concerned;
 - (e) encourage well-documented records detailing the ADP's deliberations and issues discussed, allowing for the appropriate response from the applicant where necessary; and
 - (f) enable applicants to know in advance what the presentation requirements are.

2. Municipal staff procedures should provide:

- (a) due notice of meetings to applicants and ADP members;
- (b) copies (if reduced, must be discernible) of the application, including all relevant information; to ADP members;
- (c) for a return appearance (if applicant previously received non-support) a summary of previous appearance, prepared by the authority having jurisdiction and accompanying the current application documents; and
- (d) a start time for the meeting sufficient to allow time for members to become familiar with the presentation materials (e.g. models, renderings, materials boards) not included with the advance information package.

3. The following ADP procedures should be in place:

- (a) Municipal staff will present (in the presence of the applicant) the general facts about the scheme and outline the Municipality's reactions and concerns as they relate to Municipal zoning and design guidelines. Municipal staff should not indicate their opinion of the project.
- (b) The applicant may make a brief presentation to summarize their design criteria, as appropriate.
- (c) Prior to further detailed examination of the display materials, the ADP may ask questions of the applicant.
- (d) The ADP shall review the submission in open discussion and may ask further questions of the applicant.
- (e) The Chairperson shall ask ADP members for final comments before considering a decision regarding the Project.
- (f) The applicant is invited to make their final comments.
- (g) The ADP shall prepare a motion or a statement of review. This should be done in an open forum, by a show of hands with the applicant present.
- (h) Formal minutes of proceedings shall be prepared by the ADP Secretary and reviewed by the Chairperson, for accuracy only, prior to distribution.

E. RIGHTS & OBLIGATIONS OF APPLICANTS TO ADPs

A Design Review process should be conducted in a manner that respects the rights of the applicant. These rights in turn create an inherent duty for the applicant, chief amongst which is the submission of a professionally prepared application (including signed and sealed drawings).

The applicant's rights include:

1. Prior to Making an Application:

- (a) receive from the Municipality either a list of required materials for review by the ADP, or preferably, a generic list of submission requirements with those required for a specific application noted. This list should be appropriate to the scale of the project;
- (b) receive from the Municipality a date and time commitment for presentation of the proposal, as well as submission deadlines which pertain to the scheduled date;
- (c) receive a schedule of all ADP meetings;
- (d) receive a list of ADP members, both voting and attending-but-not-voting, by name and affiliation;
- (e) receive copies of any material or information not provided by the applicant but which will be available for review by the ADP in the context of the submission;
- (f) have the opportunity to identify potential conflicts of interest, so that specific ADP members may be asked to step down for specific applications;
- (g) receive a specific agenda, indicating the identity and ordering of all items on the agenda;
- (h) be assured that Municipal staff have sufficiently reviewed an application such that basic staff concerns have been provided to the applicant in a timely fashion, so that they may be addressed in a submission;
- (i) be assured that members have received sufficient information in advance to be able to make informed commentary;
- (j) expect ADP members to understand their responsibilities; and
- (k) be assured that any unresolved urban design issues between the applicant and staff are clearly tabled for review by the ADP.

***NOTE:** No persons other than the applicant, architect, applicant's consultant, or municipal staff shall be given permission to make a presentation, except under special circumstances agreed to by the applicant and municipal staff. (cf. Bylaw 34.1 and ruling (c) thereunder in Code of Ethics)*

2. At the First Appearance:

- (a) be introduced or able to introduce oneself to the ADP;
- (b) have each ADP member in attendance identified, by name and affiliation, preferably with a written name card or similar;
- (c) have the opportunity to respond to any presentation made by a member or staff member, prior to deliberations taking place;
- (d) after questions to the applicant are complete, and comments have been made by ADP members, be able to listen to the formulation and decision of support or non-support, all given in open forum.

- (e) be able to attend at deliberations, to hear comments and suggestions first hand and be aware of the decision regarding support/non-support prior to leaving the meeting;
- (f) in the case of non-support, be able to hear from members their concerns and any comments they may have to address their concerns.

NOTE: *During the review process for any project, the Municipality and ADP shall decide whether or not parties other than the applicant and its representatives, the architect, the ADP and Municipal staff may be present in the venue and such policy is to be consistent for all Design Reviews in the Municipality.*

3. After the First and Subsequent Appearances:

- (a) receive promptly a written summary of the ADP deliberations, decision and comments, as well as potential revisit date(s) with attendant resubmission deadlines and a clear indication of what materials are required for resubmission;
- (b) have the opportunity to request clarification or amendments to minutes where the applicant feels they are inaccurate or incomplete, with the understanding that any suggested clarifications and amendments with which staff are in disagreement will be reviewed with the ADP;
- (c) be able to focus revisions on the above deliberations; and
- (d) receive a clear statement from Municipal staff about procedures in lieu of ADP reappearance, as provided in the Local Government Act and in accordance with policies and procedures adopted by the relevant Municipal Council. For example, these options could include comments which, if incorporated by the applicant in their proposal, would result in support for the proposal, thereby eliminating the need for reappearance.

4. Prior to a Subsequent Appearance:

- (a) receive copies of any material or information not provided by the applicant but which will be available for review by the ADP in the context of the submission; and
- (b) receive a specific agenda, indicating the identity and ordering of all items on the agenda.

5. At Subsequent Appearance(s):

All as for the first appearance, plus the following:

- (a) have ADP discussion, deliberations and comments limited to the items in question from the previous submission, without revisiting earlier accepted work or work not criticized and therefore deemed to be adequate.

The AIBC's Design Panel Committee welcomes feedback and suggestions.

The AIBC does not provide legal, accounting or insurance advice and expressly disclaims any responsibility for any errors or omissions with respect to legal, accounting or insurance matters that may be contained herein. Readers of AIBC documents are advised to consult their own legal, accounting or insurance representatives to obtain suitable professional advice in those regards.