

Bulletin 65: Advisory Design Panels – Standards for Procedure and Conduct

May 2017

1.0 Background and Authority

- 1.1 Architects and Retired Architects AIBC 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.
- 1.2 The AIBC Council has developed Council Rules 7: Advisory Design Panels, and this bulletin explains the application of these Rules.
- 1.3 The AIBC acknowledges that ADPs are regulated by various levels of government. This bulletin is not intended to conflict with governmental regulations; rather, it is meant to provide terms of reference establishing standards of consistency and fairness for all persons involved. Any conflicts identified should be brought to the AIBC's attention.
- 1.4 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 result in withdrawal of AIBC support.
- 1.5 The AIBC will consult with the Design Panel Committee (DPC) before making decisions noted in the bulletin. The AIBC's DPC reviews the qualifications of applicants who have indicated a willingness to serve, and recommends nominations on behalf of the AIBC for appointments in jurisdictions with legally constituted ADPs.

2.0 Nomination and Services of Panelists on ADPs

- 2.1 The AIBC encourages architects to serve on ADPs. Architects participating on such panels are dedicated to assisting local governments, municipalities and districts, which are responsible for design, urban planning and zoning decisions, in order to help them arrive at the best decisions possible in the public interest.

Objectives

- 2.2 To provide all jurisdictions throughout B.C. with an appropriate selection of architects prepared to devote such time and attention necessary to provide objective advice that will protect the public interest in matters relating to the physical environment.
- 2.3 To demonstrate to the public the philosophies, objectives and capabilities of architects.

- 2.4 To provide an opportunity for all architects to contribute to the public good and gain broader experience through serving on an ADP.

Eligibility for Nomination and Service

- 2.5 All architects (including DPC members, with disclosure of that fact to the jurisdiction) who have been nominated by the AIBC, are eligible to serve as ‘architect-members’ of ADPs.
- 2.6 Only in exceptional circumstances, such as when no architects are available, may a Retired Architect AIBC serve as an “architect member” of an ADP. To nominate a Retired Architect AIBC to a specific ADP, a written request from the jurisdiction must be provided to the AIBC.
- 2.7 Associates (Retired Architects AIBC, Intern Architects AIBC and Architectural Technologists AIBC) of the AIBC are eligible and encouraged, as are Architects AIBC, to become appointed to ADP ‘at-large’ positions or on behalf of other organizations or community interest groups. However, such nominations are not the business of the AIBC. The AIBC only nominates ‘architect-members’ of ADPs. Associates filling ‘at-large’ positions of ADPs are reminded of their general obligations under the *Architects Act*, AIBC Bylaws, Code of Ethics and Professional Conduct (Code of Ethics), Council Rules 7: Advisory Design Panels, and any related policies.

Criteria for Nomination

- 2.8 In reviewing qualifications and preparing nominations to a jurisdiction, the AIBC considers the following criteria for candidates:
- 2.8.1 willingness to serve on that jurisdiction’s ADP, as indicated on the completed AIBC Advisory Design Panel Application;
- 2.8.2 familiarity with (but not necessarily residence in) that jurisdiction;
- 2.8.3 professional experience relevant to the types of project usually reviewed by that jurisdiction’s ADP;
- 2.8.4 record of experience on ADPs; and
- 2.8.5 freedom from any conflict of interest that might affect the objectivity of advice given as an ADP member. Note: both business and personal relationships enter into this consideration. (see AIBC Code of Ethics ruling (a) under Bylaw 31.0).

Procedure for Nomination

- 2.9 Before new nominations are required, the AIBC contacts the jurisdiction representative responsible for its ADP and obtains the following information:
- 2.9.1 current membership of ADP;
- 2.9.2 number of positions becoming vacant requiring nominations;
- 2.9.3 duration of ADP appointment;

- 2.9.4 frequency and length of ADP meetings;
 - 2.9.5 types of projects usually reviewed;
 - 2.9.6 recommendations for nominations; and
 - 2.9.7 special considerations.
- 2.10 Before new nominations are required, the current Architect AIBC or Retired Architect AIBC members of the ADP are contacted by the AIBC to provide feedback on their service.
 - 2.11 Before nominations are required, the AIBC reviews the information received from the jurisdiction and its current Architect AIBC or Retired Architect AIBC 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.
 - 2.12 In the event there are insufficient candidates available, the AIBC directly seeks architects who have not yet indicated a willingness to serve, and elicits their agreement to serve if appointed.
 - 2.13 If no Architects AIBC can be found to be nominated, the jurisdiction may request the nomination of a Retired Architect AIBC.
 - 2.14 A minimum of two weeks before nominations are required, a list of nominees is forwarded to the appropriate jurisdiction representative.
 - 2.15 Once forwarded, the list is not altered without a written request from the jurisdiction and agreement of the AIBC.
 - 2.16 The AIBC provides nominations to the jurisdiction, it does not make appointments. The appointments are made by the jurisdiction.
 - 2.17 Nominations by the AIBC of Architects AIBC and Retired Architects AIBC (or their direct invitations) to sit on various other advisory or interest groups (e.g., a civic library board) are not covered by Council Rules 7: Advisory Design Panels. However, such members and associates are still subject to the *Architects Act*, AIBC Bylaws, Code of Ethics and policies.

Length of Appointment

- 2.18 Architects or Retired Architects AIBC shall serve no more than two years on an ADP unless approval has been obtained from the AIBC for an additional two years. In no case shall an architect or Retired Architect AIBC serve more than four consecutive years on a particular ADP.
- 2.19 A period of no less than four years shall elapse between service on a particular ADP and reappointment to the same panel.
- 2.20 Exemption may be granted regarding the lengths and intervals of appointment, but only in special circumstances and with the prior written permission of the AIBC.

- 2.21 Architects who retire mid-way through their appointed term must notify the ADP directly so that another architect member can be appointed. Alternatively, the Retired Architect AIBC may seek confirmation of approval from the jurisdiction to complete their appointed term.

3.0 Professional Conduct of Architects and Associates on ADPs

- 3.1 All architects and associates, regardless of nomination or appointment source, are obliged to conduct themselves in a manner consistent with the *Architects Act*, AIBC Bylaws, Code of Ethics, Council Rules 7: Advisory Design Panels, and any related policies.
- 3.2 At no time shall an architect, associate, or honorary member of the institute attempt to influence an ADP or individuals serving on an ADP. Lobbying of ADPs, either by architects appearing before an ADP, as interested members of the public, or representing clients, is prohibited. Lobbyists should be directed to the appropriate jurisdiction's processes for ADPs and AIBC Bulletin 65: Advisory Design Panels – Standards for Procedure and Conduct. The AIBC should be contacted if further clarification or action is required.
- 3.3 Architects, associates, and honorary members of the institute may comment on issues before an ADP through formal processes established by local government for stakeholder or community engagement.
- 3.4 The following roles and responsibilities articulate the policies of the AIBC as to the professional obligations of Architects AIBC and Retired Architects AIBC and behavior relative to participation on ADPs.

Roles

- 3.5 To give impartial, professional advice directly on any proposal or policy affecting the community's physical environment.
- 3.6 To assist planning departments and jurisdiction council in the formulation of design policy and criteria.
- 3.7 To protect the public from persons professing to have the qualifications and right to practice the profession of architecture in B.C. when they do not.
- 3.8 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 rulings and commentary thereunder, panelists' statements or criticisms must be fair and honest, characterized by courtesy and good faith.

Responsibilities

- 3.9 Objectivity:

To offer objective views on design that relate to the context of the community's physical environment, but refrain from expressing subjective views of the "style" selected by design proponents.

3.10 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.

In such instances, they must withdraw from that portion of the meeting and refrain from any statement, discussion or evaluation of the merits of that application or the parties to it.

3.11 Independence:

To resist lobbying by the applicants and to refrain from making professional overtures to the clients of applicants.

3.12 Ethical Business Practice:

To refrain from using their positions on the ADP to promote their own business in the jurisdiction where they are panel members. Architects AIBC or Retired Architects AIBC 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.

3.13 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, in such instances the Architect AIBC or Retired Architect AIBC must withdraw from the meeting and any discussion or evaluation of the merits of the application.

3.14 Responsibility:

To attend meetings regularly and on time.

3.15 Feedback:

To advise the planning department of any recommended changes in the zoning regulations.

3.16 Renewal:

To resign from the ADP after serving two consecutive years (unless otherwise approved – see 2.22)

3.17 Process:

To obtain permission from the AIBC prior to accepting any appointment (including an extension of term), as an Architect AIBC or Retired Architect AIBC, as an ‘architect-member’ to an ADP.

4.0 Design Criteria for Consideration by ADPs

4.1 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 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.

4.2 Project Analysis

- Objectives
- Program
- Design philosophy
- Sustainability objectives

4.3 City Context

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

4.4 Neighbourhood Context

- Effect on adjacent buildings and streets
- Effect on land use
- Effect on quality of life issues such as privacy and safety
- Pedestrian and vehicular systems

4.5 Site Context

- Environmental issues
- Topography
- Daylight and shadows
- Climate and microclimate response

4.6 Building Design

- Materials
- Building mass
- Roof forms
- Facade articulation and fenestration

- Building character
- Building systems

- 4.7 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.
- 4.8 An architect or associate sitting on an ADP cannot provide any alternate design proposals or drawings.

5.0 Recommended Procedures for ADPs

The objectives of these recommended procedures are to:

- 5.1 Establish and help ensure a predictably consistent and transparent application and review process;
- 5.2 Standardize the procedures in all jurisdictions while considering specific localized objectives;
- 5.3 Help ensure a fair, effective and open forum for design review;
- 5.4 Help ensure that the selection process with respect to each project is clearly communicated to all parties concerned;
- 5.5 Encourage well-documented records detailing the ADP's deliberations and issues discussed, allowing for the appropriate response from the applicant where necessary; and
- 5.6 Enable applicants to know in advance what the presentation requirements are.

The jurisdiction's staff procedures should provide:

- 5.7 Due notice of meetings to applicants and ADP members;
- 5.8 Copies (if reduced, must be discernible) of the application, including all relevant information, to ADP members;
- 5.9 For return appearances (if previous application was not supported), a summary of the previous appearance prepared by the jurisdiction and accompanying the current application documents; and
- 5.10 A start time for the meeting sufficient to allow members to become familiar with the presentation materials (e.g., models, renderings, materials boards) not included with the advance information package.
- 5.11 Whether parties other than the applicant, applicant's representatives, panelists, the ADP and jurisdiction staff are permitted to be present or not is a decision of the individual jurisdiction. Such policy is to be consistent for all design reviews in the jurisdiction.

The following ADP procedures should be in place:

- 5.12 The jurisdiction's staff will present, in the presence of the applicant, the general facts about the scheme and outline the jurisdiction's reactions and concerns as they relate to jurisdictional zoning and design guidelines. The jurisdiction's staff should not indicate their opinion of the project.
- 5.13 The applicant may make a brief presentation to summarize his/her design criteria, as appropriate.
- 5.14 Prior to further detailed examination of the display materials, the ADP may ask questions of the applicant.
- 5.15 The ADP shall review the submission in open discussion and may ask further questions of the applicant.
- 5.16 The chairperson shall ask ADP members for final comments before considering a decision regarding the project.
- 5.17 The applicant is invited to make his/her final comments.
- 5.18 The ADP shall prepare a motion or a statement of review. This should be done by a show of hands in an open forum with the applicant present.
- 5.19 Formal minutes of proceedings shall be prepared by the ADP secretary and reviewed by the chairperson, for accuracy only, prior to distribution.

6.0 Rights and Obligations of Applicant to ADPs

- 6.1 A design review process should be conducted in a manner that respects the rights of the applicant. In turn, the applicant is required to submit materials to an ADP in accordance with the signing and sealing requirements of the *Architects Act* and AIBC Bylaws as explained in Bulletin 61.

The applicant's rights include:

- 6.2 Prior to Making an Application:
 - 6.2.1 To receive from the jurisdiction 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;
 - 6.2.2 To receive from the jurisdiction a date and time commitment for presentation of the proposal, as well as submission deadlines that pertain to the scheduled date;
 - 6.2.3 To receive a schedule of all ADP meetings;
 - 6.2.4 To receive a list of ADP members, both voting and attending but not voting, by name and affiliation;
 - 6.2.5 To receive copies of any material or information not provided by the applicant but that will be available for review by the ADP in the context of the submission;

- 6.2.6 To have the opportunity to identify potential conflicts of interest so that specific ADP members may be recused for specific applications;
 - 6.2.7 To receive a specific agenda indicating the identity and ordering of all items for discussion;
 - 6.2.8 To be assured that the jurisdiction's staff have sufficiently reviewed an application such that basic staff concerns have been provided to the applicant in a timely fashion and thus may be addressed in a submission;
 - 6.2.9 To be assured that ADP members have received sufficient information in advance to be able to make informed commentary;
 - 6.2.10 To expect ADP members to understand and uphold their responsibilities; and
 - 6.2.11 To be assured that any unresolved urban design issues between the applicant and staff are clearly tabled for review by the ADP.
 - 6.2.12 For projects designed by an Architect AIBC, a presentation shall be made by, or under the supervision of an Architect AIBC attending in person, as described in the Code of Ethics 34.1 (c): "When an authority having jurisdiction receives a formal presentation (e.g., to a design panel, public hearing, advisory commission or elected body) on an architectural matter, the presentation shall be made by (or under the attending, personal supervision of) an architect." ADP members are obliged to report apparent contravention of this bylaw to the institute.
- 6.3 At the First Appearance:
- 6.3.1 To be introduced or permitted to introduce oneself to the ADP;
 - 6.3.2 To have each ADP member in attendance identified by name and affiliation, preferably with a written name card or similar;
 - 6.3.3 To have the opportunity to respond to any presentation made by a member or staff member prior to deliberations taking place;
 - 6.3.4 After questions to the applicant are completed and comments have been made by ADP members, to be able to listen to the formulation and decision of support or non-support, all given in open forum;
 - 6.3.5 To be able to attend at deliberations, hear comments and suggestions first hand, and be aware of the decision regarding support/non-support prior to conclusion of the meeting; and
 - 6.3.6 In the case of non-support, to be able to hear from members their concerns and any comments they may have regarding their concerns.

- 6.4 After the First and Subsequent Appearances:
 - 6.4.1 To promptly receive 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;
 - 6.4.2 To 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;
 - 6.4.3 To be able to focus revisions on the above deliberations; and
 - 6.4.4 To receive a clear statement from the jurisdiction's staff about procedures in lieu of ADP reappearance, (as may be provided by legislation, bylaw or otherwise) in accordance with policies and procedures adopted by the relevant jurisdiction's council. For example, these options could include comments that, if incorporated by the applicant in their proposal, would result in support for the proposal, thereby eliminating the need for reappearance.
- 6.5 Prior to a Subsequent Appearance(s):
 - 6.5.1 To 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
 - 6.5.2 To receive a specific agenda indicating the identity and ordering of all items for discussion.
- 6.6 At Subsequent Appearance(s):
 - 6.6.1 To 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.

Bulletin Amendment History (2000 – 2017)

- 2017 May 2. Fourth Revision. It incorporated Council Rules 7: Advisory Design Panels and emphasized that the *Architects Act*, AIBC Bylaws, Code of Ethics, Council Rules 7: Advisory Design Panels, and AIBC policies apply to the conduct and practice of architects and Retired Architects AIBC. It confirmed that both Architects AIBC and Retired Architects AIBC, under special circumstances, are eligible to be nominated to advisory design panels. Improved bulletin organization, reformatted.
- 2013: August. Third Revision. It emphasized that the *Architects Act*, AIBC Bylaws and AIBC policies apply to the conduct and practice of architects; and it replaces the word “municipality” with “jurisdiction” to reinforce the concept that not all authorities having jurisdiction are municipalities.
- 2010: June. Second Revision. It reflected new language to clarify and reinforce the intention that architects are nominated to design panels and removed reference to disclosure of information covered by provincial Freedom of Information & Protection of Privacy legislation.
- 2007: November. First Revision
- 2001: March. Second Edition. *The Standards for Procedures and Conduct of Advisory Design Review Panels* document was converted into Bulletin 65.
- 2000: First Edition. Published as *The Standards for Procedures and Conduct of Advisory Design Review Panels*.

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