Agenda - Standing Policy Committee on Downtown Development - April 30, 2007

REPORTS

Item No.1 Urban Design Advisory Committee - Standards for Procedures and Conduct
File DDB

ADMINISTRATIVE RECOMMENDATION:

1. That there be no honorarium paid to Urban Design Advisory Committee members.

2. That the Urban Design Advisory Committee Standards for Procedures and Conduct (attached as Appendix A) and the Policy on Conflict of Interest and Confidentiality (attached as Appendix B) be approved.

Agenda - Standing Policy Committee on Downtown Development - April 30, 2007

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 4, 2005, the Standing Policy Committee on Downtown Development concurred in the administrative recommendation and recommends to Council:

1. That section 250(13) of the Downtown Winnipeg Zoning By-law No.100/2004 be amended by deleting "250(9)" and replacing it with "250(12)".

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

STANDING COMMITTEE DECISION:

On April 4, 2005, the Standing Policy Committee on Downtown Development concurred in the administrative recommendation, as amended, namely:

1. That an Urban Design Advisory Committee (UDAC) be established pursuant to the provisions of Downtown Winnipeg Zoning By-law No.100/2004 and that the following individuals be appointed to that Committee, namely:
   A. For the one year term expiring June 30, 2006:
      David Witty - Chairperson.
      David Penner
      Ted McLachlan
      Michael Scatliff

   B. For the two-year term expiring June 30, 2007:
      Terry Cristall - Vice-Chairperson
      Steve Cohlmeyer
      Heather Cram
      David Palubeski

   C. Four (4) representatives of the Historical Buildings Committee to contribute on an "as-required" basis to review those proposals within the Exchange District National Historic Site and proposals for listed buildings within the Downtown as mandated by the Historical Buildings By-law 1474/77.

DECISION MAKING HISTORY (cont'd)

STANDING COMMITTEE DECISION: (cont'd)

2. That the City Administration will bring forward an additional nominee, representing the development industry, to sit as a member of the Urban Design Advisory Committee.

3. That the implementation of an honorarium to members of the Urban Design Advisory Committee be postponed for a period of one year pending an assessment.

4. That the City Administration, in consultation with the Urban Design Advisory Committee, be instructed to develop operating procedures and a policy on conflict of interest, for submission to and approval by the Standing Policy Committee on Downtown Development.

5. That following the first year of operation of the Urban Design Advisory Committee the City Administration will bring forward a report to the Standing Policy Committee on Downtown Development describing its activities and providing a stakeholder and customer satisfaction evaluation of its work.

6. That the Proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

RE: URBAN DESIGN ADVISORY COMMITTEE – STANDARDS FOR PROCEDURES AND CONDUCT

FOR SUBMISSION TO: Standing Policy Committee on Downtown Development

ORIGINAL REPORT SIGNED BY: A/Director of Planning, Property and Development Department

REPORT DATE: April 20, 2007

RECOMMENDATION:

1. That there be no honorarium paid to Urban Design Advisory Committee members.
2. That the Urban Design Advisory Committee Standards for Procedures and Conduct (attached as Appendix A) and the Policy on Conflict of Interest and Confidentiality (attached as Appendix B) be approved.

Report Summary

Key Issues:

- City Administration recommends that there be no honorarium paid to Urban Design Advisory Committee (UDAC) members.

- The procedures and a policy on conflict of interest have been developed in consultation with the Urban Design Advisory Committee for approval by the Standing Policy Committee on Downtown Development.

- The procedures are intended to provide terms of reference that will assist Committee members in carrying out their duties to high professional standards in the public interest and to ensure consistency and fairness for all persons involved in Downtown Urban Design Review.

- The policy on Conflict of Interest and Confidentiality is intended to outline expectations placed upon UDAC members regarding real, potential or perceived conflicts of interest; outline requirements for members in the use and disclosure of confidential information supplied by applicants; and protect the public interest.

Implications of the Recommendation(s):

General Implications

(X) None

( ) For the organization overall and/or for other departments

( ) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s):

Policy Implications

() No

(X) Yes

Comment(s):
The policy on conflict of interest applies only to UDAC members and is intended to outline expectations placed upon the members regarding real, potential or perceived conflicts of interest; outline requirements for members in the use and disclosure of confidential information supplied by applicants; and protect the public interest.

Regulatory Implications

(X) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s):

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

(X) No

( ) Yes

Comment(s):

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):

Report

REASON FOR THE REPORT:
In accordance with the Downtown Winnipeg Zoning By-law, an advisory committee appointed by Standing Policy Committee on Downtown Development may establish its own procedures, subject to approval by Standing Policy Committee on Downtown Development.

HISTORY:
On April 4, 2005, the Standing Policy Committee on Downtown Development concurred in administrative recommendations, as amended, namely:

1. That an Urban Design Advisory Committee be established pursuant to the provisions of Downtown Winnipeg Zoning By-law 100/2004 and that the following individuals be appointed to that Committee, namely:

    A. For the one year term expiring June 30, 2006:
        David Witty - Chairperson
        David Penner
        Ted McLachlan
        Michael Scatliff

    B. For the two-year term expiring June 30, 2007:
        Terry Cristall – Vice-Chairperson
        Steve Cohlmeyer
        Heather Cram
        David Palubeski

    C. Four (4) representatives of the Historical Buildings Committee to contribute on an "as-required" basis to review those proposals within the Exchange District National Historic Site and proposals for listed buildings within the Downtown as mandated by the Historical Buildings By-law 1474/77.

2. That the City Administration will bring forward an additional nominee, representing the development industry, to sit as a member of the Urban Design Advisory Committee.

3. That the implementation of an honorarium to members of the Urban Design Advisory Committee be postponed for a period of one year pending an assessment.

4. That the City Administration, in consultation with the Urban Design Advisory Committee, be instructed to develop operating procedures and a policy on

conflict of interest, for submission to and approval by the Standing Policy Committee on Downtown Development.

5. That following the first year of operation of the Urban Design Advisory Committee, the City Administration will bring forward a report to the Standing Policy Committee on Downtown Development describing its activities and providing a stakeholder and customer satisfaction evaluation of its work.

6. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

DISCUSSION:

1. Honorarium

The April 4, 2005 report recommended that members of this Committee be paid an honorarium of $150 for each meeting attended for the following reasons:

- Members of this committee are all design professionals who are being asked to provide advice on matters for which they would normally be paid.
- Meetings will take place during normal business hours and therefore may infringe on the earning ability of Committee members.
- It is anticipated that from time-to-time, meetings will be scheduled to expedite design review and therefore there may be exceptional demands on the time of Committee members.

After further assessment, it is recommended that no honorarium be paid to UDAC members.

2. Standards for Procedures and Conduct

The Standards document is intended to provide terms of reference that will assist Committee members in carrying out their duties to high professional standards in the public interest and to ensure consistency and fairness for all persons involved in Downtown Urban Design Review.

Key elements include:

1.0 Organization and Service
- Membership
- Nomination
- Qualifications
- Term of Service
- Quorum
- Meetings

2.0 Professional Conduct

- Roles
- Responsibilities

3.0 Design Criteria for Consideration
- Project Analysis
- Downtown Zoning By-law Key Considerations
- Urban Design Guidelines

4.0 Recommended Procedures

5.0 Rights and Obligations of Applicants

Policy on Conflict of Interest and Confidentiality
The policy is intended to outline expectations placed upon UDAC members regarding real, potential or perceived conflicts of interest; outline requirements for members in the use and disclosure of confidential information supplied by applicants; and protect the public interest.

Internal and External Consultation Process
Legal Services, Corporate Services Department reviewed the UDAC Standards for Procedures and Conduct and the UDAC Policy on Conflict of Interest and Confidentiality. No concerns were identified.

May 5, 2005 - City staff met with UDAC to present and discuss a draft of the Standards for Procedures and Conduct and Conflict of Interest Disclosure Guidelines.

November 26, 2006 - City staff presented a final draft of the Standards for Procedures and Conduct and a Conflict of Interest and Confidentiality Policy to the UDAC. Members were provided with a hard copy for review and were asked to provide feedback. No concerns were identified.

Financial Impact Statement Date: April 11, 2007

Project Name:

URBAN DESIGN ADVISORY COMMITTEE – STANDARDS FOR PROCEDURES AND CONDUCT

COMMENTS:

The recommendations contained in this report are that there be no honorarium paid to Urban Design Advisory Committee members and that the Urban Design Advisory Committee Standards for Procedures and Conduct (attached as Appendix A) and the Policy on Conflict of Interest and Confidentiality (attached as Appendix B) be approved.

There are no financial implications associated with these recommendations.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By: Legal Services, Corporate Services Department

External Consultation With: Urban Design Advisory Committee

THIS REPORT SUBMITTED BY:

Department Planning, Property and Development
Division Planning and Land Use
Prepared by: Lee Caldwell, Senior Urban Designer
PPD File No.

Appendix A

URBAN DESIGN ADVISORY COMMITTEE
STANDARDS FOR PROCEDURES AND CONDUCT

The Standing Policy Committee on Downtown Development (SPCDD) appointed the Urban Design Advisory Committee (UDAC) on April 4, 2005 pursuant to the provisions of the Downtown Winnipeg Zoning By-law 100/04.

The UDAC is intended to support the City of Winnipeg's urban design review process by offering local knowledge, experience and encouragement toward achieving design excellence for all new development; making recommendations to the Director of Planning, Property and Development regarding urban design approval of development applications; and downtown urban design guidelines, standards, or criteria.

Volunteer members of the UDAC are dedicated to carrying out their duties and responsibilities to high professional standards in the public interest. To assist members in meeting their obligations, the UDAC has developed a set of standards, approved by the SPCDD, presented under the five headings below.

This document is intended to provide terms of reference that will ensure standards of consistency and fairness for all persons involved.

1.0 ORGANIZATION AND SERVICE

1.1 Membership: The UDAC established under the Downtown Winnipeg Zoning By-law 100/04 consists of the following members appointed by the SPCDD: 1 chairperson; 3 architects; 3 landscape architects; 1 planner; 1 member of the development industry; 1 member of CentreVenture; 4 members of the Historical Buildings Committee "as- required"[1].

1.2 Nomination: The City shall solicit nominations for membership from the Manitoba Association of Architects, the Manitoba Association of Landscape Architects, the Manitoba Professional Planners Institute, the Urban Development Institute and CentreVenture Development Corporation. While members of the UDAC are nominated by their professional organization, they do not represent them. The City may solicit nominations for membership from other development or design related organizations at its discretion.

The UDAC chairperson shall be appointed by the City.

1.3 Qualifications: Members of the UDAC shall be appointed based on their knowledge and experience of urban design and their experience and understanding of the development industry.

1.4 Term of service: Members shall be appointed to the UDAC for a single term of two years and may be re-appointed for an additional term.

1.5 The UDAC may expel a member for violating procedures established by the Committee.

1.6 At the request of a member who cannot attend meetings of the Committee for a period of time, the UDAC may suspend the membership of a member for up to 3 months.

[1] Historical Buildings Committee members will contribute to UDAC to review development proposals within the Exchange District National Historic Site and proposals for listed buildings within the Downtown as mandated by the Historical Buildings By-law 1474/77.

1.7 For the purposes of determining quorum, vacancies created by resignations, forfeitures of membership, expulsions and suspensions are not included in the total number of members of the UDAC.

1.8 The Committee shall establish its own procedures subject to approval by the SPCDD in accordance with Downtown Winnipeg Zoning By-law No. 100/2004.

1.9 Quorum: For the purposes of decision-making, 50% of the total number of members appointed to the UDAC constitutes quorum; and all matters must be decided by a majority of the members of the Committee who are present at the meeting.

1.10 Meetings: Regular meetings will be held once a month. At the discretion of the City, meetings to deal with urgent matters may be held in addition to regular meetings.

2.0 PROFESSIONAL CONDUCT

The following roles and responsibilities articulate the policies of the UDAC as to members' professional obligations and behaviour relative to participation on UDAC.

2.1 Roles: to offer local knowledge, experience and encouragement toward achieving design excellence for all new development; to provide recommendations to the Director of Planning Property and Development regarding: (a) whether or not to grant urban design approval for a particular development; and (b) downtown urban design guidelines, standards, or criteria.

2.2 Responsibilities

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

2.2.2 Freedom from Conflict: to act according to standards of unbiased credibility. UDAC 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 as outlined in the UDAC Policy on Conflict of Interest and Confidentiality.

Disclosure preferably will be made prior to the matter being presented to the Committee.

If the member is in attendance at the meeting where the matter is on the agenda, he/she shall make the disclosure, then 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.

If the member is absent from the meeting, he/she shall make the disclosure to the chairperson of the Committee prior to the meeting; or declare his/her interest at the first meeting he/she attends following consideration of the matter.

The member shall refrain at all times from attempting to influence the matter.

All disclosures and withdrawals shall be recorded in meeting notes.

2.2.3 Confidentiality: meetings of the UDAC shall be held in camera and matters discussed in camera must be kept confidential by members of the Committee.

2.2.4 Independence: to resist lobbying by the applicants and to refrain from making professional overtures to the clients of applicants.

2.2.5 Ethical Business Practice: to refrain from using his/her position on the UDAC to promote his/her own business. UDAC members may list their presence or prior membership on UDAC as a statement of fact in advertisements or client promotions, but are not to make undue claims or imply any ability to influence UDAC.

3.0 DESIGN CRITERIA FOR CONSIDERATION

Urban design review is primarily intended to ensure the thoughtful integration of development proposals into their local context and consistency with the standards articulated in Plan Winnipeg and CentrePlan. Urban design review will focus on the quality of the public environment.

Design review of building architecture should not be preoccupied by "style' rather it should consider buildings and open space as a totality. From this perspective, the success of a building will be determined by its ability to make a positive contribution to the public realm – facing and animating the street and ensuring that all adjacent open space is used positively.

The following design criteria are examples of what would reasonably be considered for review by the applicant and members of the UDAC. 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 but rather to articulate the issues. City of Winnipeg policies and guidelines shall be utilized as essential tools in evaluating development proposals.

3.1 Project Analysis
- Objectives
- Programme
- Design Philosophy

3.2 Key Considerations (Downtown Zoning By-law 100/2004)
- Building placement
- Façade treatment and building entrances
- Driveways and building services
- Signs

3.3 Urban Design Principles (Urban Design Guidelines)
- Pedestrian comfort, safety and accessibility
- Identifiable places
- Urban tradition of streets and blocks
- Vistas and linkages
- Interface between interior and exterior space

Architectural Design Principles
- Quality and character
- Public art
- Heritage conservation
- Refinement and integration
- Sustainable design

4.0 RECOMMENDED PROCEDURES

4.1 The objectives of these recommended procedures are to**:**

4.1.1 Establish and ensure a predictably consistent and transparent application and review process

4.1.2 Ensure a fair, effective and open forum for Urban Design Review

4.1.3 Ensure that the process with respect to each project is clearly communicated to all parties concerned

4.1.4 Encourage well-documented records detailing the UDAC's deliberations

4.1.5 Allow for the appropriate response from the applicant where necessary and enable applicants to know in advance, what the presentation requirements are

4.2 City staff should provide:

4.2.1 Due notice of meetings to applicants and UDAC members

4.2.2 Copies of the application, including all relevant information to UDAC members, for a return appearance (if applicant previously received non-support) a summary of previous appearance, prepared by the City and accompanying the current application documents

4.2.3 A start time for the meeting sufficient to allow time for members to become familiar with the application

4.3 UDAC meeting procedures include:

4.3.1 The Chair will request disclosure of conflict of interest

4.3.2 City staff will present the general facts about the scheme. In circumstances where the applicant is making a subsequent appearance City staff will outline items in question from the previous submission. UDAC may discuss the development applications prior to the presentations.

4.3.3 The applicant will make a brief presentation to summarize their proposal. They will explain the design principles and concept, how the design relates to its site and wider area and how the development responds to the city's urban design objectives as expressed in the SPCDD endorsed Urban Design Guidelines/Downtown Winnipeg

4.3.4 The UDAC may ask questions for clarification through the Chair

4.3.5 The Chair will ask UDAC members for comments

4.3.6 The applicant will be dismissed from the meeting

4.3.7 The UDAC will discuss the comments and the Chair will summarize the comments and prepare a statement of recommendations

4.3.8 Notes of proceedings will be prepared by the City and reviewed by the Chair, for accuracy, prior to distribution to the Committee members and the applicant

5.0 RIGHTS & OBLIGATIONS OF APPLICANTS

The 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.

The applicant's rights include:

5.1 Prior to Making an Application

5.1.1 Receive from the City either a list of required materials for review by the UDAC, 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

5.1.2 Receive from the City a date and time commitment for presentation of the proposal, as well as submission deadlines, which pertain to the scheduled date

5.1.3 Receive a schedule of all UDAC meetings

5.1.4 Receive a list of UDAC members, by name and affiliation

5.1.5 Receive copies of any material or information not provided by the applicant but which will be available for review by the UDAC in the context of the submission

5.1.6 Have the opportunity to identify potential conflicts of interest, so that specific UDAC members may be asked to step down for specific applications

5.1.7 Receive a specific agenda, indicating the identity and ordering of all items on the agenda

5.1.8 Expect UDAC members to understand their responsibilities

5.1.9 Expect to be treated fairly and respectfully in accordance with the City's respectful workplace approach

5.1.10 Be assured that any unresolved urban design issues between the applicant and City staff are clearly tabled for review by the UDAC

5.2 At the First Appearance

5.2.1 Be introduced or able to introduce oneself to the UDAC

5.2.2 Have each UDAC member in attendance identified, by name preferably with a written name card or similar

5.3 After the First and Subsequent Appearances

5.3.1 Receive promptly a written summary of the UDAC 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

5.3.2 Have the opportunity to request clarification or amendments to meeting notes 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 UDAC

5.3.3 Be able to focus revisions on the above deliberations

5.3.4 Receive a clear statement from City staff about procedures in lieu of UDAC reappearance. 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.

5.4 Prior to a Subsequent Appearance

5.4.1 Receive copies of any material or information not provided by the applicant but which will be available for review by the UDAC in the context of the submission

5.4.2 Receive a specific agenda, indicating the identity and ordering of all items on the agenda

5.5 At Subsequent Appearance(s)

All as for the first appearance, plus the following

5.5.1 Have UDAC 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

Appendix B

URBAN DESIGN ADVISORY COMMITTEE
POLICY ON CONFLICT OF INTEREST AND CONFIDENTIALITY

1.0 PURPOSE

1.1 To outline the expectations placed upon Urban Design Advisory Committee (UDAC) members with regard to situations where there may be real, potential or perceived conflicts of interest.

1.2 To outline the requirements for UDAC members in the use and disclosure of confidential information supplied by applicants.

1.3 To protect the public interest.

2.0 APPLICATION

2.1 This policy applies to all members of the UDAC.

3.0 SCOPE

Activities constituting conflict of interest include, but are not limited to: a circumstance in which members pecuniary or other personal interests may, or may appear to interfere with the impartial exercise of their UDAC responsibilities, and or present an opportunity to use a public appointment for financial gain or other private advantage.

3.1.2 Actual conflict of interest is a circumstance in which members know they have private interests that may interfere with the impartial exercise of their UDAC responsibilities, and/or be furthered as a result of decisions or actions taken or recommended by the Committee.

3.1.3 Potential conflict of interest is a circumstance in which members can foresee they have private interests that may interfere with the impartial exercise of their UDAC responsibilities, and/or be furthered as a result of decisions or actions taken or recommended by the Committee.

3.1.4 Apparent conflict of interest is a circumstance subject to the test of reasonableness. The test may be applied to: the perception that a conflict exists (is it a reasonable perception?); the person who holds the perception (is he/she a reasonable observer?); and/or the basis on which the perception is put forward (is it a perception which a reasonably well-informed person could properly have?).

4.0 CONDUCT

4.1 Conflict of interest

4.1.1 When an applicant's design or development proposal, is under consideration by the UDAC, any member of the UDAC associated with the applicant or application shall disclose such interest.

4.1.2 Any such member who has any direct relationship with any applicant, or serves to gain or lose from any association with any applicant shall declare it and shall absent him/herself from any and all discussion of that applicant and shall have no voice or vote in the assessment of that applicant.

4.2 Confidentiality

4.2.1 UDAC members shall treat as confidential all information they are privy to in dealing with urban design review applications.

4.2.2 At the conclusion of design review meetings, any and all drawings, reports and analysis pertaining to design review applications shall be returned to City staff for disposal.

5.0 PROCEDURE

5.1 At the beginning of any UDAC design review meeting, the Chair of the committee shall ask members to disclose any conflict of interest pertaining specifically to the business at hand.

6.0 BREACH OF POLICY

6.1 Any breach of confidence, or failure to disclose a conflict of interest, is considered a serious matter and will be dealt with by the Chair of the UDAC as appropriate.

6.2 Decisions shall be resolved in favour of UDAC's credibility in the community.