

LEARNING WITH MONTREAL: THE DESIGN REVIEW PROCESS

Adrian Sheppard, FRAIC
President, Architectural and Urban Planning Committee
City of Montreal

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First and foremost, I wish to thank the City of Toronto and the organizers of the Symposium for their invitation. I am happy to be here, to learn from my colleagues and to share my own views on the subject with others. I have been involved in public participation and in design review boards in Montreal for very many years. I believe in the process of design reviews for I have seen it work successfully more often than not.

I like the title of this symposium, *Towards a Made-in-Toronto Solution*. It reflects a basic truth, namely that the process of architectural reviews, to be successful, must be done according to local needs, local cultures, and local traditions. It cannot simply be imported *in toto* from somewhere else.

As an opening axiom, I would state that a society creates beautiful, vital, and workable cities only when it wants them, if it believes in them, and if it is willing to make certain compromises to implement them. This is another way of saying that urban and architectural quality cannot be achieved if there is no political will, if the politicians are unwilling to raise the bar or create the needed administrative tools.

I have been invited to talk about the ways and means Montreal conducts its architectural and planning reviews. I must remind you that our mechanisms are not easily transferable to Toronto, or for that matter any other city on account of our peculiar political and administrative circumstances. In 2002, the provincial government amalgamated all the autonomous municipalities on the island into a “New Montreal”. Ironically, the unification decentralized the old city’s planning and urban development powers and transferred many of them to the 27 boroughs that were created. It was a way, so they thought, of sweetening the merger pill. In the meantime, on account of an electoral promise by our Premier, Jean Charest. A partial de-merger has begun, and one can well imagine the chaos that exists now.

Before the merger Montreal had two design review bodies: the Jacques-Viger Commission, a consultative Board which I presided, and whose mandate was to review most planning and architectural projects proposed to the city by either the public or the private sectors. Virtually all projects of consequence ended up in front of this commission. The other body, the CCMPBC, the *Comite consultatif de Montreal pour la protection des biens culturels*, dealt only, as the name implies, with the protection of

heritage properties, or with new projects that impacted on heritage buildings. The relationship between the two Boards was assured through the joint appointment of two members. At present the city has a multitude of mechanisms to control planning and architectural designs, from the central city's CAU (*Comite d'architecture et d'urbanisme*), to the 27 borough boards (yes, 27), to the *Conseil du patrimoine de Montreal*, to a mechanism for local referendums, to various instruments to hold public hearings, and on and on.

I would like to discuss now the workings of the present committee, the *Comite d'architecture et d'urbanisme* (CAU) which replaced the *Commission Jacques-Viger* (JVC). I have formulated my talk in the form of several questions and answers. I hope you will not find this form of presentation somewhat naïve. I have defined three groups of questions: those related to the concept of the CAU, those related to the workings of the Committee, and those related to the composition of the Panel. I am using the term Review Board and CAU interchangeably.

To whom does the review board answer?

There is an ongoing debate as to whether the Board should be created as an extension of the city's Urban Development Service or as an extension of the Executive Committee. The Jacques-Viger Commission was a child of the former, and as such submitted its recommendations to the Urban Development Service. The present CAU, on the other hand, is a creature of the Executive Committee and thus all recommendations are made directly to it, hence to the politicians. I believe the former system was the better of the two, for the civil servants are more sheltered from outside pressures and are more in tune with the workings of the Board.

Should the Board be limited to a consultative role or be granted executive powers?

The CAU is a consultative body, as was the JVC. In our view, that is the way it ought to be. It is congruent with a democratic system that the ultimate decisions of importance are made by the elected representatives, as they are the ones who stand or fall on their decisions. This does not negate the fact that in many American and European cities, review boards are given executive powers, sometimes very broad ones, and their cities are not the poorer for it. A valid compromise would be to give the Board approval authority, which is not quite the same as executive powers. Without the approval of the Board, the permit department could not issue a building permit.

Should work of the Board, (i.e., presentations and deliberations) be undertaken publicly done *in camera*?

At the former CCMPBC and the JVC, all meetings and deliberation were held in private. The present CAU has continued this tradition of confidentiality. It would be dishonest to pretend that all agree with this view. Some members of the media, several social activists, and a minority of professionals believe this is wrong because in a democratic society the process ought to be totally transparent and members of the Board should be held accountable for their views. I believe in the opposite. The fairest and most effective way to undertake our task is in private, away from the eyes of the media. The reasons are many: First, the Board is not made up of politicians who are voted in and who can be

voted out by the public because of certain decisions it might have made. Political accountability, in opposition to professional accountability, does not apply to a panel of experts. Second, an architect or a developer ought to feel totally at ease discussing even the most far-flung idea. They may wish to test the waters, or grasp the intent of the city, or simply initiate a discussion. Should the hearings be open to the public, the media could nip a new idea in the bud. Third, the Board should reach its conclusions by consensus without pointing a finger at any member. A very public process would cramp the styles of the debate or could polarize the discussions. Finally, members of the Board are appointed based on their knowledge and integrity and must remain totally independent. What is asked of them is to exercise judgment without being subjected to any form of political or media pressure.

Who should appoint the members to the Board?

In Montreal, in the case of the JVC and the CAU, the municipal government in consultation with the Planning Service appoints members. The President's appointment is ratified by a vote of the Executive Council. My personal view is that the Board would be better served if the appointments were made by the Planning Department rather than by the politicians. Since it is imperative for the Board to remain totally independent of the political arm of the Administration, the temptation for politicians to appoint people who are sympathetic to their administration is thus avoided. Aside from the question of autonomy, the Planning Service is more in tune with the ideas and the practices of the professional community.

How broad should the mandate of Board be?

Some believe the Board is THE place where everything related to planning, architecture, landscape architecture, street furnishings, public art, sustainability, etc. should be reviewed. Others push the envelope further believing that the Board should be given powers to establish design guidelines and development criteria for specific sites. I think this is a fundamental misunderstanding of the duties of a design review body. A Board is not a planning body, nor should it get involved in setting policies and generating new ideas. Design review is a **reactive** process and the Board's mandate is not to undertake studies but to raise the quality of design, to avoid or correct fundamental errors, to provide enlightened advice to others, and to assure that the planning and design objectives of the municipality are safeguarded.

Which projects should be submitted for review?

Obviously not all projects can or should be reviewed in a formal way. The problem of deciding which projects the Board should review is a difficult one. Each municipality must define its own parameters. For instance, in Montreal a project defined as one *de plein droit*, i.e., one which is in conformity with all existing regulations, are not submitted to the CAU, though it should be noted that it is virtually impossible to design a building of any size which fits that definition. Buildings which are either of substantial size or which are considered significant by their nature or their site, or which have a significant impact on their neighbourhood ought to be submitted.

How do the Executive Committee and the Planning Department receive the recommendations of the CAU?

By and large, both the Executive Committee and the Planning Department have reacted favourably to the opinions of the JVC and the CAU. At times, however, and for reasons that were never conveyed, our recommendations are ignored, thus eliminating an important step in the approval process. Of course, it is the privilege of the Executive Committee to disregard any advice. My recommendation would be to require the Executive Committee to state their reasons publicly for rejecting any recommendation of the Board.

How important is a code of ethics for the Board members and what should it include?

It is primordial. A review Board should not operate without a clearly defined code of ethics. At the very least it should include three important clauses: First, no member may ever be, or appear to be, in a conflict of interest of any kind. When a member is unsure of his/her position, the member should adjudicate the matter in the presence of the Board. A decision is subsequently made. Second, a member must agree to keep all discussions confidential, not only as to the nature of the deliberations and the individual opinions of the members, but also as to the nature of the projects that are submitted for review. Third, no member, including the President, may ever discuss a project individually with a developer or an architect before or after it has been submitted. All discussions must take place with the Board as a whole. The Board speaks with one and only one voice.

Which specialties, which disciplines, should be included in the Panel?

The Board is first and foremost a panel of experts appointed to exercise their judgment in matters of design. The criteria for selecting members are their knowledge of the city, their understanding of design, and their ability to work collectively as panel of experts. The obvious disciplines to be included are architecture, landscape architecture, urban design, and urban planning. Other disciplines could be represented, provided these members can participate fully in the debate about the quality of the proposals.

There is a reflex in any democratic society to want to make the Board representative of the community itself. I am referring to cultural diversity, gender equality, academic disciplines, age, and so forth. In my opinion, this is sheer nonsense. A panel of experts is not assembled on the basis their representational nature. We chose our doctors, our professionals, our consultants, our experts solely based on their competence. Once someone suggested that the City appoints a member of the “Public-at-Large”, a non-expert, to represent the views of “Society-at-Large”. It is a noble but silly idea.

Should the Board include politicians or political representative of the municipal administration?

The JVC did not include any politician, but the present CAU, by virtue of the new Charter of the city, must include a member of the Executive Committee. I think it is conceptually wrong and unnecessary. Since the power of the Panel is strictly a consultative one, and its recommendations are made to the politicians, it is somewhat

redundant and paradoxical that a politician who participated in the deliberations (and is part of a consensual decision) is asked to vote at a later date on a particular project. Either he/she finds himself in the position of approving his own recommendations or finds himself rejecting a project that he has previously approved. In one borough of Montreal, the local review board, The *Comite conseil d'urbanisme* (CCU), i.e., the equivalent of the municipal CAU, is made up of three politicians. They write recommendations which they submit to themselves and, lo and behold, they always approve the recommendation. Finally, the presence of politicians on the Board impinges on the Board's independence from the municipal council.

Or how long should members serve on the Board?

The city of Montreal has set no time limit, but renews the contract with its members, including that of the President, every year. In other words, the appointments have no specified length of tenure, but the municipality can terminate an appointment after 12 months. The system works well.

Should the panel constitute a balance between practicing professionals and academics?

I have been in active practice for twenty-odd years, and I have been in academia for 25 years. I mention this because I am totally at ease in both milieus and am aware of the respective strengths and weaknesses of each. The argument in favour of the academicians is well-known: they are detached from the world of developers; they are more objective, they do not accumulate professional IOUs, and they are more cognisant of the latest or best architectural and planning ideas. Furthermore, academics are trained to deal with abstract ideas, and with conceptual and analytical thinking. On the other hand, the universe of academia is often far removed from that of practice which must deal with real restrictions, real budgets, real time frames, real clients and real legal constraints. In Montreal, active professionals dominate the Board with significant building experience. The academics have all previous professional experience. This mix of knowledge and skills works very well. I have learned that architects and developers react best to comments made by confreres who are acknowledged for the excellence of their work.

How does the Board operate?

The procedure followed in Montreal is efficient and well accepted. Once a proposal is entered in the bureaucratic pipeline for the purposes of getting a building permit, the Urban Development Service (*Le service de l'urbanisme*) follows a well-scripted procedure. Depending on the nature of the project, the Service determines whether the project must be presented to the CAU or not. The law is clear about which projects require approval by the Board. The Planning Service's mandate is to study the project in detail, evaluate its architectural and planning merits, flag down problem areas, and make their recommendations to the Board.

Once the report of the Planning Service is completed, a copy is sent to all the members of the Board a few days before the project is presented and reviewed. The hearings begin with a presentation by the planner-in-charge of the project at the city. This presentation is done in the absence of the client or their consultants. Subsequently, the client and his/her

architect are invited, not to do a second presentation, but to discuss the main issues at stake. After the encounter, the Board deliberates and decides on which recommendations to make. As I mentioned earlier, the recommendations are submitted to the Executive Committee in the form of an *Avis*, an official written statement. The *Avis* is prepared by the secretary of the CAU and approved by the President.

How often does the Board meet?

The answer is simple: as often as is required. It may be on a weekly, by-weekly, or monthly basis. The concern of everyone is to accelerate the process as much as possible. It is irresponsible to delay projects on account of administrative complexities. The CAU always meets at the same time, on Friday morning.

How are dissenting views dealt with at the CAU?

The Board does not write minority and majority reports to reflect the possible differences in opinions that may have been expressed during the deliberations. Decisions are reached only by consensus, never by majority vote. The Panel will keep on discussing the critical issues until a consensus is reached. Minority and majority opinions result in a degree of ambiguity and doubt for the civil servants, the politician, and the promoters of the project.

How quickly are the written recommendations prepared?

In most cases the recommendations are prepared and submitted in less than a week. On occasion, for more complex or large projects it may take two weeks. The Board believes, once again, that time is of the essence.

Is there a limit to the number of times a project can be submitted to the Board?

There is no limit a project can be submitted. The maximum I have encountered for ordinary projects is three submissions. The CAU will not discuss a proposal a second or third time if the project has remained unchanged or has not considered the recommendations of the Board. If, on account of new circumstances, the architect is obliged to incorporate important changes in the project, the Planning Service negotiates these changes directly with the developer and decides if the project ought to be resubmitted to the Board.

How does the Board facilitate the process?

The Board is very sensitive to the question of costs of producing plans, models, studies, reports, etc. It encourages architects to present their projects while still in their embryonic stage. This avoids unnecessary expenditures for the client and speeds up the approval process. The Board is quite comfortable with simple preliminary studies if they are precise and clear. It is painful to see architects submit proposals in the form of nearly completed working drawings, only to have the project rejected.

How do architects, as opposed to developers, react to the work of the Board?

Some architects have a reflexive reaction to oppose any form of control, even advice. They consider themselves “artistes” and any interference in their work cramps their style. For some, it can be simply a matter of ego, or a frustration by having to deal with

additional obstacle, or an objection to having their peers comment on their work. Others feel quite the opposite; they welcome the comments of the Board because they appreciate a new and critical view of their work. The better architects are often grateful because the decisions of the Board help in convincing difficult clients to do the right thing.

IN CONCLUSION

I do not believe design excellence can be achieved without political will and without professional excellence. I also believe we in Canada can be as successful in attaining high quality in architecture as, say the Dutch, the Belgians, or the Finns. We are not less intelligent, less talented, less wealthy. Our problem is simply that we are more permissive and more suspicious of design controls. It is regrettable.

A review panel without teeth or one that is subject to manipulation is a charade and does more harm than good. It increases the level of cynicism amongst the development community and the professionals. Pretension in life is worse than apathy. I am a teacher of architecture, and I have come to realize that excellence can be taught, can be shown, and can be achieved with a little prodding and proper guidance.

One should dismiss the oft-repeated criticism that peer reviewers are subjective, or that they operate according to unclear criteria, or that their judgments are inevitably arbitrary. One should also dismiss the arguments that review boards suppress self-expression and creativity. All we must do is look around and see what uninhibited self-expression has afforded us.

As a final thought I would like to remind those who are about to set up a mechanism for design review to create a system that is simple, light, fair, accessible, and credible. A design review board is not a board of censure manned by condescending judges. It should be no more and no less than a mechanism that helps society produce a better environment. All it takes is a certain level of intelligence, much good will, and a healthy dose of idealism.

Thank you.