



### **Design Review Committee Opening Remarks**

At this Hearing the Design Review Committee (DRC) considers design requirements, including the City of Phoenix Zoning Ordinance presumptions (P), requirements (R\*), and Downtown Code design alternative appeals and sustainability bonus appeals.

We are comprised of nine citizens, who serve without pay, representing all areas of the city and are appointed by and advise the City Council.

### **General Rules of Procedure**

1. Call to Order. The Chair (or designee) of the DRC will call the hearing to order. All parties will be asked to introduce themselves and indicate their reason for attending the hearing.
2. The Chair asks staff to introduce themselves.
3. The Chair shall call each appeal on the agenda, announce the name of the applicant, the location of the property involved and the specific appeal requirement before the Committee. In the interest of maintaining a fair and efficient public hearing, adherence to the following time limits is required, unless modified by the Chair:
  - a. Fifteen minutes for the applicant's presentation;
  - b. Fifteen minutes for the staff's presentation and recommendations;
  - c. Fifteen minutes for community input (if more than five attendees, two minutes per person, per item);
  - d. Fifteen minutes for Committee discussion and questions;Parties should proceed without interruption by the other parties, and all arguments and concerns should be addressed to the DRC. Parties should select a spokesperson to present major points and strive to be non-repetitive. The DRC may ask questions or make comments as they relate to the specific appeal item.

### **Design Review Committee's Decision**

The Design Review Committee may take the following actions:

- Approve the request as filed
- Deny the request as filed
- Deny the request as filed and approve an alternative with or without stipulations
- Continue the request

### **Subsequent Appeal**

Decisions by the Design Review Committee are final. Any person aggrieved by the final decision of the DRC may appeal to a court of competent jurisdiction. For questions regarding the Design Review Committee hearings, please email [pdd.drc@phoenix.gov](mailto:pdd.drc@phoenix.gov).

### **Presumptions (P) (Section 507.C)**

**Appropriate reasons for overcoming a presumption include:**

1. Demonstrating that in this instance the underlying design principles will not be furthered by the application of the presumption;
2. Showing that another design principle is enhanced by not applying the presumption;
3. Demonstrating an alternative method for achieving the intent of the presumption;
4. Explaining the unique site factors that make the presumption unworkable such as lot size and shape, slope, natural vegetation, drainage, and characteristics of adjacent development which are identified through their use of materials, colors, building mass and form, and landscaping.

Increase in the cost of development is not an acceptable reason to waive a guideline or determine that a guideline is inappropriate.

**Design Alternative Appeal**

**A deviation from the development regulations indicated with (R\*), or an appeal of a decision by the Planning and Development Department regarding compliance with a presumption (P). Approval of a design alternative appeal shall result in a furtherance of the goals and policies of the Downtown Phoenix Plan and the specific intent of the subject character area, as approved by the SRC as follows:**

1. A design alternative appeal shall be reviewed and acted upon by the Design Review Committee (DRC) in accordance with the procedural requirements of Section 507.G.
2. The DRC may approve substitute methods of meeting the intent of development regulations as part of a design alternative appeal.
3. The DRC may impose conditions or stipulations with an approval of a design alternative appeal.
4. When considering a proposed design alternative for the required frontage type/design, the DRC is authorized to provide relief from other related Zoning Ordinance standards and regulations indicated with (P), (R\*) and (R), but not items indicated with (T). "Related" in this context means that relief from an item indicated by (P), (R\*), or (R) is necessary to approve the proposed design alternative.

**In order to approve a design alternative appeal, the DRC must make findings as follows:**

1. That the project is consistent with the intent, goals and policies stated for the applicable character area; and
2. That the project demonstrates design excellence by addressing at least **TWO** of the following:
  - a. Design innovation and imaginative use of space, forms and materials.
  - b. Permeability and connectivity which enables people to move within, around and through the project with ease.
  - c. The design alternative would improve safety and security by introducing human activity to the public realm with active building frontages onto streets and other public spaces, and enable "eyes on the street".
  - d. The design alternative will incorporate materials and design which enhances thermal comfort.

**Sustainability Bonus Appeal**

**An applicant may appeal a decision of the Planning and Development Department regarding sustainability bonus credits, as outlined in Section 1223, to the Design Review Committee as follows:**

1. A sustainability bonus appeal shall be reviewed and acted upon by the Design Review Committee (DRC) in accordance with the procedural requirements of Section 507.G.
2. The DRC may approve substitute methods of meeting the intent of specific bonus credits as part of a sustainability bonus appeal.
3. The DRC may impose conditions or stipulations with an approval of a sustainability bonus appeal.

**In order to approve a sustainability bonus appeal, the DRC must make findings as follows:**

1. That the project is consistent with the intent, goals and policies stated for the applicable character area; and
2. That the project is improving the overall performance of the building(s) through generally accepted building and design standards and innovation; and
3. The increased entitlements are consistent with the improved performance of the building(s)

#### **Variances within Downtown Code**

**Any variance/zoning adjustment request within Downtown must be formally reviewed by the Design Review Committee prior to processing of the variance request, unless the request is not design-related, as determined by the Design Advisor, or is regarding a sign regulation. The formal review shall be through the same public hearing process as indicated in subsection B of this section, except that the Design Review Committee shall, instead of making findings and a decision, provide a written recommendation to the Zoning Administrator regarding the variance request. The written recommendation shall, at a minimum, address the following items:**

1. Whether the request is consistent with the intent, goals, and policies stated for the applicable character area; and
2. Whether the request is consistent with the intended streetscape design and shade requirements for the applicable streetscape and frontage zones.

**The applicant shall provide a written narrative for the DRC to review and address as part of its written recommendation regarding the variance request. The narrative shall, at a minimum, include the following items:**

1. How much relief has, or could be obtained through application of a sustainability bonus;
2. A written explanation why a sustainability bonus cannot be applied or obtain the relief desired by the variance request; and
3. A written explanation of how the development and the variance request is consistent with the intent, goals, and policies stated for the applicable character area.