

# Design Review Process

## Coeur d'Alene

### Section 1

#### Design Review Board Established

##### Composition of the Board

The Design Review Board shall consist of eight (8) members with the following attributes

- Two representatives of the Planning Commission.
- One registered architect, licensed in the State of Idaho.
- One person, being licensed in building design or site design ie Landscape architecture, who resides within the city limits.
- One person who is in the real estate or development industry.
- One person who resides within any of the districts under the purview of design review.
- One citizen.

In addition, there shall be at least two "standing alternates," possessing any of the attributes above, who would be available in the event that one of the regular members is absent or must be recused from the review process due to a conflict of interest

A quorum for the purpose of rendering a decision shall be five members. However, the Board may hold a meeting with only four members present.

## Authority of the Board

The Design Review Board shall review all development proposals that are brought before it in accordance with Section 2 below. The board shall determine whether the proposal complies with adopted design standards and guidelines applicable to the district within which it is located.

The Board shall have the authority to deny the proposal, approve the proposal, or approve it with specified conditions. In no event may the board approve increases in allowable building height or Floor Area Ratio.

The Board shall have a standing meeting twice a month, but meetings may be cancelled if there is no subject matter to discuss. For any given project in any given meeting, the Board shall strive to maintain meetings that are expeditious and orderly, with an objective of conducting its review of any individual project in a meeting to within 90 minutes, including both presentation by the applicant and public comment.

Meetings of the Board shall include a period of time for public comment, but this shall be no more than 30 minutes total. Any public comment heard by the Board shall be on the subject of design – that is, how to make a project better comport with the design guidelines. No comment shall be taken on matters such as basic zoning standards, like building height, density, or use, as these matters are legislative and not open to Board modification.

The Chair of the Board is empowered to keep the meeting progressing expeditiously, including cutting off debate, determining appropriate comments by either the applicant or the public, and ensuring that all direction from the board is arrived at collectively, rather than from individual members.

Public notice of pending review by the Board shall include the following:

Posting the property with a placard.

Notice in one local newspaper.

Mailing to property owners, residents, and tenants within 300 feet of the site.

The above notices shall summarize the proposal, indicate the initial meeting date, time and location, provide a staff contact, and state that application materials may be examined at any time during the review process.

Public notice via the above methods shall be provided at least two weeks prior to the first meeting.

## Section 2 Development Requiring Review by the Board

	District	New Construction	Street Facade Alterations <sup>1</sup>	Exterior Expansion
Areas where design guidelines and standards exist with trigger points for DRC review	DC district downtown core	All exterior projects south of midblock Lakeside/Coeur d'Alene	All	All
	Infill overlay * DO-N * DO-E * MO	Any project lot over 2 stories and/or 4 dwelling units	No	No
	C-17 and C-17L districts	Any project larger than 50,000 square feet or located on a site 5 acres or larger or with more than 2 departures	Any project with more than 2 departures	No

**Note:**

1. Painting, window and awning replacement or other minor repairs are not required to go through design review where the planning director, or his or her designee, determines that the repair does not constitute a substantial change to the facade or that the replacement windows or awnings are substantially similar to those being replaced. Placement of a new awning on an existing facade is subject to design review by the planning director commission review but only 1 meeting with the commission is required. The applicant for an awning replacement must submit the items referenced in subsection 17.09.320D of this chapter to the planning director for review in order to be placed on the next available agenda.

\*Painting, window replacement or other minor repairs are not required to go through design review where the Planning Director, or his or her designee, determines that the repair does not constitute a substantial change to the facade or that the replacement windows are substantially similar to those being replaced. Awning replacements are subject to Design Review Commission Review but only one meeting with the Commission is required. The applicant for an awning replacement must submit the items referenced in Section 17.09.320(D) in order to be placed on the next available agenda.

## Section 3

### Submittal Requirements

Development proponents shall seek to engage with the City review processes as soon as possible, before numerous substantive design decisions are made and fixed. Therefore, initial meetings with the City shall not include definitive designs, but rather broader descriptions of the development program and objectives, the constraints and opportunities presented by the site, and an analysis of the neighborhood setting that surrounds the site. The City intends to work in a collaborative fashion so that the outcome can meet both the goals of the City and the proponent, as well as address concerns of people who live and own property and businesses in close proximity to the development.

In order for this process to work effectively, the proponent must be willing to consider options, not merely to details, but to basic form, orientation, massing, relationships to existing sites and structures, surrounding street and sidewalks, and how the building is seen from a distance. Accordingly, renderings, models, finished elevations and other illustrations that imply a final design will not be accepted at initial meetings. As the review proceeds and the proponent receives direction from the Board, more detail will be requested.

#### **Materials to be submitted for pre-application meeting with Planning Staff**

- Site Map, showing property lines, rights-of-way, easements, topography
- Context Map, showing building footprints and parcels within 300 feet.
- Summary of development program: areas for each use, number of floors, etc.
- General parking information: # stalls, access point(s), surface or structure

#### **Materials to be submitted for an initial meeting with Design Review Board**

All of the above, plus:

- Photographs of nearby buildings, with a key map
- Views of the site, with a key map
- Generalized massing, bulk and orientation of the proposal
- Elevation along the block, showing massing of the proposal
- List of any “design departures” being requested

#### **Materials to be submitted for second meeting with Design Review Board**

- Site plan with major landscaped areas, parking, access, sidewalks, amenities
- Elevations of the conceptual design for all sides of the proposal
- Perspective sketches (but not finished renderings)
- Conceptual model is strongly suggested (this can be a computer model)

### **Materials to be submitted for final meeting with Design Review Board**

- Refined site plan and elevations
- Large scale drawings of entry, street level façade, site amenities
- Samples of materials and colors
- Finished perspective rendering(s)

## **Section 4**

### **Findings and Recommendations**

#### **Compliance with Standards and Guidelines**

The applicant has the obligation to prove that the project complies with the adopted design standards and guidelines, which serve as the basis for the design review. The Design Review Board may not substitute the adopted standards and guidelines with other criteria of its own choosing. Nor may it merely express individual, personal opinions about the project and its merits. Nevertheless, it may apply its collective judgment to determine how well a project comports with the standards and guidelines and may impose conditions to ensure better or more effective compliance. It also must be recognized that there will be site-specific conditions that need to be addressed by the Board as it deliberates. The standards and guidelines may not address all possible situations that arise. The Board has the authority to address issues beyond those in the standards and guidelines, even though they must constitute the *focus* of the review. The Board is authorized to give direction to an applicant to rectify aspects of the design to bring it more into compliance.

If it appears that only by imposing numerous conditions could a proposal be brought into compliance and there appears to be a lack of interest on the part of the applicant to do so, the Board is expressly authorized to issue a denial.

#### **The Record of Decision shall include:**

- A brief description of standards and guidelines that have been met.
- A description of standards and guidelines not met and any conditions.
- Any “design departures” being sought and the resolution.
- Public comments germane to design how they have been addressed.
- The final decision, with any conditions listed.
- Time limit for an appeal.

#### **Distribution of Decision**

The record of decision will be mailed to the applicant, authorized representatives, and any other persons who have become “parties of record” by examining the

application, attend the design review meetings, or otherwise indicating their interest by writing to the Planning Department. Once the final decision has been issued and the appeal period is exhausted, the decisions shall be filed with the County Assessor as a part of the deed of record and title, so that subsequent owners are made aware of the conditions of approval.

## **Section 5**

# **Appeals of a Decision of the Design Review Board**

## **Appellate Body**

Appeals of decisions of the Design Review Board shall be to the City Council, which shall sit as a quasi-judicial appeals body. No communication with Council members regarding an appeal shall be permitted by appellants or applicants outside of the public meeting within which the appeal proceedings occur. Ex parte communication between Council members and any party to an appeal will require the member to be recused.

## **Appeal of the Record**

The appeal is of the decision of the Design Review Board and the record that was compiled regarding it. No new evidence or materials shall be allowed by any party in the appeals proceedings. The appeal hearing is not a *de novo* hearing.

## **Limited to Parties of Record**

Only the applicant, staff, appellants and their representatives, and the appeals body may participate in the appeals hearing. Although the hearing is open to the public, no general public testimony will be taken. Any party of record providing testimony may be cross-examined by any other party of record.

## **Burden of Proof**

The appellant must show evidence that an error was made in the decision or that design standards were ignored or incorrectly applied. Merely objecting to the development, and its height, or intensity will not be grounds for an appeal and an appeal may be rejected. Petitions of objection are not considered relevant as they do not constitute proof of error. Objections to parking or traffic impacts shall not be grounds for an appeal, as these are not design review criteria. Basic zoning standards and allowances embodied within the code shall be presumed to be correct in view that they were adopted through prior legislative actions and are not subject to appeal.