

Appearance Commission Design Alternate Application Instructions



Planning and Development • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

PRE-APPLICATION MEETING

A pre-application meeting with City staff is required **prior to** the submittal of a Design Alternate Application. For Design Alternates related to UDO Section 8 or the Raleigh Street Design Manual (RSDM) contact the Transportation Reviewer assigned to your Development Plan Application to discuss proposed transportation design alternates. To schedule a pre-application meeting or for general questions regarding the Design Alternate process to, please contact kasey.evans@raleighnc.gov.

FILING FEE: \$1,888.00

SUBMITTAL REQUIREMENTS

Design Alternate Applications can be downloaded from City's [Appearance Commission webpage](#). An application will not be considered complete until **ALL** of the following items have been submitted:

1. Payment of filing fee - All applications must be paid via check made out to the "City of Raleigh";
2. The most current version of your Development Plan (e.g. SUB-, ASR-, etc.) highlighting the Design Alternates requested must be included with your application. If the Development Plan is amended, you must update the Design Alternate Application to include a copy of the most recent version of the Development Plan **no later than 15 business days prior to the evidentiary hearing on your application**.
3. One original hard copy of the signed and notarized Certification of Owner(s) or Applicant(s);
4. A list that includes the names and mailing addresses of the following: (1) owner(s) of the subject property included in the Application and (2) the owners of all property within 100 feet on all sides of the Subject Property, all as listed in the Wake County tax records at the time of submittal. Applicants may utilize the [Label Creator tool](#) located on the City's webpage; and
5. Stamped (first class) and labeled envelopes addressed to the owner(s) and tenant(s) of the Subject Property and the owners and tenants of all property within 100 feet on all sides of the Subject Property as noted on the required list. It is requested that the envelopes be self-sealing (peel and stick) and labeled with the following return address: City of Raleigh, Planning and Development Department, P.O. Box 590, Raleigh, NC 27602-0590

**** Notarized Certification of Owner(s) or Applicant(s) and Stamped and Addressed Envelopes MUST be submitted by the filing deadline ****

FILING DEADLINES

Complete applications must be filed a minimum of 60 days prior to the date the Appearance Commission conducts the evidentiary hearing on the application. If the Development Plan is amended, you must update the Design Alternate Application to include a copy of the most recent version of the Development Plan no later than 15 business days prior to the evidentiary hearing on the application.

PUBLIC HEARING REQUIREMENT

The Raleigh Appearance Commission conducts evidentiary hearings on requests for Design Alternates. The Appearance Commission considers the application and the sworn testimony, and other relevant written and/or illustrative evidence entered into the record at the evidentiary hearing on the application.

Notification of the public hearing will take place by each of the following methods:

- **By Mail** – City Staff will prepare and mail a written notice to the owner(s) and tenant(s) of the property (the “Subject Property”) included in the Design Alternate Application and the owners and tenants of all property within 100 feet on all sides of the Subject Property. This notice will be postmarked not more than 25 calendar days and no less than 10 calendar days prior to the date of the evidentiary hearing.
- **By Web** - Notice will be posted on the City’s official website no less than 10 calendar days prior to the date of the evidentiary hearing.
- **On-Site** - Notice will also be posted by City staff on the Subject Property at least 10 days prior to the date of the evidentiary hearing.

QUASI-JUDICIAL EVIDENTIARY HEARING

You or your legal representative are **required** to attend and present your case before the Appearance Commission. The Appearance Commission will consider the application, any other relevant written and/or illustrative evidence entered into the record, including the Staff Report, and any sworn testimony, all at an evidentiary hearing. After the evidentiary hearing, the Appearance Commission will vote to approve, approve with conditions, or deny the application.

Appearance Commission meetings are typically held the 1st and 3rd Thursday of each month in the City Council Chamber, Room 201 of the Raleigh Municipal Building located at 222 W Hargett Street. Meetings begin at 4:30 p.m. unless otherwise specified. The Appearance Commission conducts evidentiary hearings on Design Alternate Applications at its meeting on the 1st Thursday of each month.

The Appearance Commission conducts an evidentiary hearing and makes its decision based on the written and oral evidence in the record. Members of the Appearance Commission must refrain from *ex parte* communications (communications outside of the hearing itself) regarding upcoming or ongoing cases including the applicant and other members of the Appearance Commission. All testimony before the Appearance Commission must be “sworn” testimony; therefore, all persons wishing to speak on the matter must be sworn in.

All applicants are advised to have an attorney represent them as this is a legal proceeding. Applicants that are entities, including governmental entities, corporations, LLCs, LLPs and Partnerships must be represented by an attorney. Engineers, architects, real estate agents, planners and other non-attorneys may only appear as witnesses; they may not appear on behalf of an applicant or those opposed to an application in a representative capacity. In addition, only an expert can testify regarding matters that require expert testimony such as impacts of proposed activities on property values, traffic, or stormwater runoff. Individuals opposed to an application may appear and represent themselves at the hearing (entities opposing an application, however, must be represented by an attorney as explained above).

ADDITIONAL INFORMATION:

The aforementioned is provided for informational purposes only. For further information, applicants are advised to consult the appropriate sections of the North Carolina General Statutes, the City Code, and the City’s Unified Development Ordinance (“UDO”).

For further information on the quasi-judicial hearing process, please review “A Citizen’s Guide to Evidentiary Hearings” available on the [City’s website](#).

Appearance Commission Design Alternate Application



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The purpose of this request is to seek a Design Alternate from the Appearance Commission. This application and all further action shall be consistent with Unified Development Ordinance (UDO) Section 10.2.17. The consideration and decision of this request shall be based on the applicable standard, as outlined in UDO Section 10.2.17. **The associated development plan must have completed at least one round of plan review prior to submitting a design alternate application.**

Project Information		
Project Name:	Case #:	
PIN:	Zoning District:	
Property Address:		
City:	State:	Zip:
Property Owner Information		
Name:	Address:	
Email:	City:	
Phone:	State:	Zip:
Attorney Information		
Name:	Address:	
Email:	City:	
Phone:	State:	Zip:
Applicant Information, if not the Property Owner*		
Name:	Address:	
Email:	City:	
Phone:	State:	Zip:
I am seeking a Design Alternate from the requirements set forth in the following:		
	UDO Section 1.5.3 – Outdoor Amenity Area	
	UDO Section 1.5.6 – Build-to	
	UDO Section 1.5.8. – Pedestrian Access	
	UDO Section 1.5.9 – Transparency	
	UDO Section 1.5.10 – Blank Wall	
	UDO Section 1.5.12 – National Register Historic District Residential Garage Parking Options	
	UDO Section 3.3.3 – Building Massing	
	UDO Section 7.1.7 – Vehicle Parking Lot Landscaping	
	UDO Section 7.2.3 – Landscaping and Screening	
	UDO Section 7.4.12 – Lighting	
	UDO Section 8.3.2, 8.3.4 and 8.3.5 – Blocks, Lots and Access	
	UDO Section 8.4 – New and Existing Streets	
	UDO Section 8.5 – Street Cross Sections	
	Raleigh Street Design Manual (RSDM) – UDO Section 10.2.17.E (Findings)	

Description of Request(s):

SUBMITTAL CHECKLIST (all documents are required):	
	Completed Design Alternate Application
	Notarized Certification of Owner(s)
	Completed Design Alternate Findings, for each design alternate request
	Plans and support documentation, including most recent version of development plans
	Stamped and addressed envelopes and mailing list per UDO Section 10.2.1.C.1
	Design Alternate Fee: \$1,888.00

SUBMITTAL INFORMATION

Submit all documents, except for the required addressed envelopes and notarized certification of owner to:
 Kasey Evans
kasey.evans@raleighnc.gov
 919-996-2689

Deliver the stamped and addressed envelopes and Notarized Certification of Owner(s) to:

Planning and Development Department
 Attn: Kasey Evans
 Customer Service Center
 One Exchange Plaza, Suite 400
 Raleigh NC 27601

NOTARIZED CERTIFICATION OF OWNER(S)

For multiple owners, attach additional Notarized Certification of Owner(s) pages.

If the owner is a corporation, this must be signed by an authorized corporate officer; if the owner is a partnership, this must be signed by a general partner; if the owner is a limited liability company, this must be signed by the Manager for a manager managed LLC, or all the members for a member managed LLC, or such other person with delegated authority to sign on behalf of the LLC, to the extent allowed by the General Statutes.

Owner Information		
Name(s):		Project PIN(s) / Address(es):
Mailing Address:		Email:
City:		Phone:
State:	Zip:	Fax:

I, _____, the undersigned, being first duly sworn, depose and say that I voluntarily submitted this Design Alternate Application to the City of Raleigh; that I am the owner(s) of the property described and which is the subject matter of this Application; that all answers to the questions in this application, and all plot plan(s), sketches, data and other supplementary information attached to this application are honest and true to the best of my knowledge and belief. Submission of an incomplete or incorrect application may result in a delay in processing or the rejection of my application.

Date

Signature

STATE OF NORTH CAROLINA

COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing application for the purpose stated therein and in the capacity indicated:

_____.

Date

Official Signature of Notary

[NOTARY SEAL]

_____, Notary Public
Notary's Printed or Typed Name

My Commission expires:

Design Alternates Relating to Outdoor Amenity Area (UDO Section 1.5.3) Design Alternate Findings

The Appearance Commission, after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17, may alter the outdoor amenity area requirement, if all of the following findings are satisfied.

1. The approved alternate meets the intent of the Outdoor Amenity Area regulations;

2. The approved alternate provides usable outdoor space that does not hinder pedestrian comfort or safety; and

3. The approved alternate uses landscaping, seating, GSI, or other features and is clearly accessible for uses.

Design Alternates Relating to Build-to (UDO Section 1.5.6) Design Alternate Findings

The Appearance Commission, after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17, may reduce the build-to requirement, if all of the following findings are satisfied.

1. The approved Design Alternate is consistent with the intent of the build-to regulations;
2. The approved Design Alternate does not substantially negatively alter the character-defining street wall or establish a build-to pattern that is not harmonious with the existing built context; and
3. The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort or safety.

Design Alternates Relating to Pedestrian Access (UDO Section 1.5.8) Design Alternate Findings

The Appearance Commission, after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17, may allow a non-street fronting entrance, if all of the following findings are satisfied.

1. The approved Design Alternate is consistent with the intent of the street-facing entrance regulations;
2. The pedestrian access point is easily identifiable by pedestrians, customers and visitors;
3. Recessed or projecting entries or building elements have been incorporated into the design of the building to enhance visibility of the street-facing entrance; and
4. The pedestrian route from the street and bus stops and other modes of public transportation to the entrance is safe, convenient, and direct.

Design Alternates Relating to Transparency (UDO Section 1.5.9) Design Alternate Findings

The Appearance Commission, after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17, may reduce the required transparency, if all of the following findings are satisfied.

1. The approved Design Alternate is consistent with the intent of the transparency requirements;
2. The street-facing building facade utilizes other architectural, artistic, or landscaped treatments to create visual interest to offset the reduction in transparency.

Design Alternates Relating to Blank Wall (UDO Section 1.5.10) Design Alternate Findings

The Appearance Commission, after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17, may additional blank wall, if all of the following findings are satisfied.

1. The approved Design Alternate is consistent with the intent of the blank wall regulations;
2. The increase in blank wall area is offset by additional architectural treatments and increased vertical landscaping;
3. The approved alternate proposes a design compatible with adjacent context and does not produce adverse outcomes for neighbors or pedestrians; and
4. The approved alternate uses blank wall to elevate the overall design.

Design Alternates Relating to National Register Historic District Residential Garage Parking Options (UDO Section 1.5.12) Design Alternate Findings

The Appearance Commission, after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17, may approve an alternate garage option, if all of the following findings are satisfied.

1. The approved Design Alternate is consistent with the intent of the garage option regulations;

2. Measures are taken to mitigate the visual impact of the garage design; and

3. The required garage setbacks are met.

Design Alternates Relating to Building Massing (UDO Section 3.3.3) Design Alternate Findings

The Appearance Commission, after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17, may approve an alternate building massing standard, if all of the following findings are satisfied.

1. The approved Design Alternate is consistent with the intent of the building massing regulations;

2. The approved alternate uses an architectural base distinguishable from the building above that enhances the pedestrian environment through a change in material, fenestration, ornamentation, rhythm; or other sculpting of the base

3. If the approved alternate proposes a building setback behind the sidewalk in lieu of a required stepback, the resulting open space includes pedestrian amenities such as seating areas, trees and landscaping or outdoor dining

4. The building uses other architectural treatments to mitigate wind impacts, increase light at pedestrian level, and visually reduce the scale of the building; and

5. The building does not cause undue shadow impacts on public spaces, amenity areas, and surrounding streets.

Design Alternate Findings

The Appearance Commission, after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17, may approve a design alternate if all of the following findings are satisfied.

1. The approved Design Alternate is consistent with the intent of the vehicle parking lot regulations;
and
2. The approved Design Alternate is considered equal to or better to the standard.

Design Alternates Relating to Landscaping and Screening (UDO Section 7.2.3) Design Alternate Findings

The Appearance Commission, after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17, may approve a design alternate, if all of the following findings are satisfied.

1. The approved alternate is consistent with the intent of the landscape and screening regulations;

2. The approved alternate does not substantially negatively impact the comfort and safety of pedestrians;

3. The approved alternate utilizes other architectural or landscaping treatments to create visual interest; and,

4. The approved alternate is considered equal to or better than the standard.

Design Alternates Relating to Lighting (UDO Section 7.4.12) Design Alternate Findings

The Appearance Commission, after conducting a duly noticed quasi-judicial evidentiary hearing in accordance with Sec. 10.2.17, may approve an alternate lighting design, if all of the following findings are satisfied.

1. The approved alternate does not substantially negatively impact the comfort and safety of adjacent tenants, property owners, and/or pedestrians.

Design Alternates Relating to Blocks, Lots, and Access (UDO Sections 8.3.2, 8.3.4, and 8.3.5) Design Alternate Findings

The Appearance Commission may, in accordance with Section 10.2.17, approve a design alternate from the provisions of Sections 8.3.2, 8.3.4, and 8.3.5 relating to blocks, lots, and access, subject to all of the following findings. For design alternates related to block perimeter, please provide the exact linear footage and exhibit/depiction of the existing or proposed block.

1. The approved Design Alternate is consistent with the intent of Sections 8.3.2, 8.3.4, and 8.3.5;

2. The approved Design Alternate does not increase congestion or compromise safety;

3. The approved Design Alternate does not conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site (no Design Alternate shall be approved when the City Council has authorized a roadway design project in the vicinity, where the roadway design has not yet been finalized); and

4. The Design Alternate is deemed reasonable due to one or more of the following:
 - a. Given the existing physical environment, compliance is not physically feasible

 - b. Compliance would not meaningfully improve connectivity

 - c. Compliance is not compatible with adjacent uses[s]; or

 - d. The burden of compliance is not reasonable given the size of the site or the intensity of the development.

Design Alternates Relating to New and Existing Streets (UDO Section 8.4) Design Alternate Findings

The Appearance Commission may, in accordance with Sec. 10.2.17, approve a design alternate from the provisions of Section 8.4 relating to streets, subject to all of the following findings.

1. The approved Design Alternate is consistent the intent of Article 8.4;
2. The approved Design Alternate does not increase congestion or compromise safety;
3. The approved Design Alternate does not create additional maintenance responsibilities for the City;
4. The approved Design Alternate has been designed and certified by a Professional Engineer, or such other Design Professional licensed to design, seal, and certify the alternate;
5. The approved Design Alternate will not adversely impact stormwater collection and conveyance;
and
6. The Design Alternate is deemed reasonable due to one or more of the following:
 - a. Given the existing physical environment, including but not limited to the following, compliance is not physically feasible:
 - i. An existing building would impede roadway expansion;
 - ii. Transitioning from a different street section; or
 - b. The burden of compliance is not reasonable given the size of the site or intensity of the development.

Design Alternates Relating to New and Existing Streets (UDO Section 8.5) Design Alternate Findings

The Appearance Commission may in accordance with Sec. 10.2.17.E approve a design alternate from the provisions of UDO Section 8.5 relating to street cross sections, subject to all of the following findings.

1. The approved Design Alternate is consistent the intent of Article 8.5;
2. The approved Design Alternate does not increase congestion or compromise safety;
3. The approved Design Alternate does not create additional maintenance responsibilities for the City;
4. The approved Design Alternate has been designed and certified by a Professional Engineer, or such other Design Professional licensed to design, seal, and certify the alternate;
5. The approved Design Alternate will not adversely impact stormwater collection and conveyance;
and
6. The Design Alternate is deemed reasonable due to one or more of the following:
 - a. Given the existing physical environment, including but not limited to the following, compliance is not physically feasible:
 - i. An existing building would impede roadway expansion;
 - ii. Transitioning from a different street section; or
 - b. The burden of compliance is not reasonable given the size of the site or intensity of the development.

Design Alternates Relating to the Raleigh Street Design Manual (RSDM) Design Alternate Findings

The Appearance Commission shall conduct a duly noticed, quasi-judicial public hearing and approve a design alternate from the provisions of the Raleigh Street Design Manual upon a showing of all of the findings set forth below. For design alternates related to block perimeter, please provide the exact linear footage and exhibit/depiction of the existing or proposed block.

1. The approved Design Alternate is consistent with the intent of the Raleigh Street Design Manual;
2. The approved Design Alternate does not increase congestion or compromise safety;
3. The approved Design Alternate does not create additional maintenance responsibilities for the City;
4. The approved Design Alternate has been designed and certified by a Professional Engineer, or such other Design Professional licensed to design, seal, and certify the alternate;
5. The approved Design Alternate will not adversely impact stormwater collection and conveyance; and
6. The Design Alternate is deemed reasonable due to one or more of the following:
 - a. Given the existing physical environment, including but not limited to the following, compliance is not physically feasible:
 - i. An existing building would impede roadway expansion;
 - ii. Transitioning from a different street section; or
 - b. The burden of compliance is not reasonable given the size of the site or intensity of the development.