

# Downtown Code Design Review Committee

## Meeting Minutes

April 4, 2019

Members Present: Casella, Dickson, Hanan, Hastings, Mosley, Kennedy

Staff Present: Hammer, Wallace, Priest, Braisted

Others Present: Kelly Cathey, Beth Ostrowski, Josh Hunter, Eric Parl, Brad Slayden, Trevor Rowe, Jamila Valero, Nick Varnado, Brian Phelps (Nashville Yards Parcel 9);Gina Emmanuel, Trevor Rowe, Bruce Baker, Kimber Walters (Ewing Redevelopment)

Location: 800 2<sup>nd</sup> Avenue South, Metro Planning Dept. – Davidson Room

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### **I. APPROVAL OF THE 2/7/2019 DTC DRC MINUTES**

Casella moved and Hastings seconded the motion to approve the February 7, 2019 meeting minutes (5-0).

### **II. CASES FOR REVIEW**

#### **1) Ewing Avenue Redevelopment**

2019DTC-012-001

701, 709, 717 Ewing Avenue

Staff Reviewer: Justin Wallace

Request for modifications to the build-to zone, facade width, and glazing standards of the Downtown Code.

Staff Recommendation: Approve with conditions.

#### **APPLICANT REQUEST**

A request to modify various standards of the Downtown Code for properties located at 701, 709, and 717 Ewing Avenue (0.97 acres), within the Lafayette Subdistrict of the DTC.

#### **DTC MODIFICATION REQUEST SUMMARY**

1. Principal Frontage
  - Required: Fogg as principal frontage
  - Proposed: Ewing as principal frontage
  
2. Major and Collector Street Plan
  - Fogg Street
    - Required: 4 ft planting strip; 10 ft clear sidewalk; 4 ft frontage zone
    - Proposed: existing conditions to remain, which includes 8 ft sidewalk
  - Middleton Street
    - Required: 4 ft planting strip; 10 ft clear sidewalk; 4 ft frontage zone
    - Proposed: existing condition to remain, which includes 7 ft sidewalk
  
3. Building Height
  - Required: 25 ft min
  - Proposed: approximately 23 ft
  
4. Wall Height within Build-to Zone
  - Max height: 4 ft.
  - Proposed: approximately 7.9 ft

## **PROJECT PROPOSAL**

This project is an adaptive reuse of two existing buildings and an addition of a new building of approximately 1,250 SF. An existing surface parking lot is being converted into a pedestrian courtyard area with space for outdoor seating and gathering. The program calls for restaurant, bar/tap room, and brewery/distillery uses.

The project entails streetscape enhancements along Ewing Avenue with pedestrian access primarily received from Ewing Avenue. No parking is provided on site, but seven on-street parking spaces are provided along Ewing Avenue.

## **ANALYSIS**

### Principal Frontage

The Downtown Code classifies streets within a hierarchy of primary, secondary, and tertiary streets. Fogg Street is recognized as a secondary street and as such becomes the principal frontage since the remaining streets are classified as tertiary streets.

Fogg Street previously served as a connection between Ewing and 8<sup>th</sup> Avenues but a segment of right-of-way has subsequently been abandoned over the railroad. Therefore, Fogg Street's function as a through street has diminished. In addition, the pedestrian stairway linking Ewing Avenue to the new Division Street bridge has increased Ewing Avenue's function as a pedestrian-oriented street. Therefore, staff finds reason for Ewing Avenue to serve as the principal frontage and Fogg and Middleton Streets to serve as minor frontages.

Buildings A, B, and C all address Ewing Avenue as a principal frontage with entrances facing the street. The proposed design does address Fogg and Middleton Streets in various ways. The design of Buildings A and B propose new storefront windows to be added to the south and north façades to address the corner. In addition, the design calls for architectural lighting and future murals to enhance the existing conditions of the north and south façades.

### Major and Collector Street Plan

Sidewalks are required to be constructed in accordance with the Major and Collector Street Plan for projects that reach a certain threshold of scope of work. The proposed design is compliant along Ewing Avenue but non-compliant along Middleton and Fogg Streets. For Middleton Street, the MCSP calls out a 14 ft. sidewalk corridor to include a 10 ft. clear sidewalk and a 4 ft. wide planting zone. For Fogg Street, the MCSP requires a total sidewalk width of 12 ft that includes an 8 ft clear sidewalk and 4 ft planting zone. The current width of sidewalk is approximately 7 ft along Middleton and approximately 8 ft along Fogg.

Staff finds the requested MCSP modification along Middleton and Fogg Streets within reason given the nature of the project as an adaptive reuse of an existing building and the dimensional constraints these buildings present to the full realization of the future right-of-way. As future redevelopment of the site occurs, the future right-of-way will be required at that time. The current condition of the streetscape includes a sidewalk with utility poles. The design does offer to enhance the safety of existing sidewalk by adding architectural lighting to the face of the building.

### Building Height

The minimum building height required for new buildings is 25 ft, as measured from the street. Existing buildings A and B are both one story structures with a maximum height of 18 ft. Building C, a new building, has a proposed height that is consistent with the two existing buildings. The

overall height of Building C, as measured from the sidewalk, ranges between 20 to 23 feet due to sloping terrain.

Staff finds the overall height to be consistent with the existing context of structures within the site. The tallest portion of the building faces Ewing Avenue so that the building maintains a presence along the street.

#### Fence and Site Wall Standard

The DTC outlines the following requirements for fences and site walls.

- Fences and walls built within the Build-to Zone shall not exceed 4 ft. in height as measured from the sidewalk grade.
- Fences and walls within the Build-to Zone greater than 3 ft. in height shall be a minimum of 30% transparent to allow visibility into the property.
- Fences and walls used to screen parking shall be a minimum of 2 ½ ft. above the grade of the parking lot.
- When a fence or wall is combined with plantings the majority of the plantings shall be between the right-of-way and the fence or wall.

The proposed site wall ranges in height from 4.8 to 7.9 feet at various points along Ewing Avenue. Staff finds the function of the site wall to serve multiple purposes. As highlighted in the graphic below, the retaining wall supports the area for the foundation of Building C and is perceived from the street as a raised foundation. The DTC allows 6 feet maximum for raised foundations.

The tallest portion of the wall nearest to the alley is screening outdoor mechanical equipment. The view as experienced by pedestrians is depicted as having a bioretention area with plantings that begin at the back of sidewalk. In addition, the tallest portion of the wall is addressed with architectural treatment such as signage. Staff finds that the planting bed and architectural treatment help create visual interest and alleviate the amount of surface area of the site walls along the street.

#### **STAFF RECOMMENDATION**

The requested modifications are reasonable given the context of existing buildings and nature of adaptive reuse of an existing condition. The design offers to enhance existing conditions of the sidewalk and create a welcoming and inviting destination through thoughtful implementation of various design elements.

Staff recommends approval of the modifications with conditions:

1. Site wall along Ewing shall not be greater than 8 ft as shown.
2. Tall portion of the wall shall be addressed with plantings and architectural treatment to mitigate large surface area, as shown.

Casella moved and Mosley seconded the motion to approve the modifications request with staff condition. (5-0)

#### **RESOLUTION**

**BE IT RESOLVED by the Downtown Code Design Review Committee that case 1) Ewing Redevelopment is approved with conditions. (5-0, Kennedy recused)**

## **2) Nashville Yards Parcel 9a**

2019DTC-012-001

701, 709, 717 Ewing Avenue

Staff Reviewer: Justin Wallace

Request for modifications to the build-to zone, facade width, and glazing standards of the Downtown Code.

Staff Recommendation: Approve with conditions.

### **APPLICANT REQUEST**

#### **Modifications to the Downtown Code**

A requested modification to the standards of the Core Subdistrict of the Downtown Code (DTC) for property located at 913 Church Street, located east of 10th Avenue North and south of Church Street. The proposed project is located on Parcel 9 of the Nashville Yards development, consisting of 3.88 acres of land. The project contains a 21-story hotel, a high-capacity music venue, retail and restaurant uses, and a cinema with several theaters situated on a partially-underground parking structure.

The project also connects to an elevated street, which would be built on top of the current right-of-way of 10th Avenue North. The existing 10th Avenue North would be referred to as “Lower” 10th Avenue North and the elevated portion would be referred to as “Upper” 10th Avenue North. Agreements related to this section of elevated street were approved by Council bill BL2016-531, whereas agreements regarding the north side were approved by bills BL2018-1064 and BL2018-1442. Vehicular access to the parking structure would be from both Lower and Upper 10th Avenue North.

#### **Requested modifications to DTC standards:**

1. Allow measurements from grade and of height from Upper 10<sup>th</sup> Avenue North.
2. Allow frontages that do not meet required build-to zone.
3. Allow floors with deficient glazing.
4. Allow stories that exceed maximum floor-to-floor height.
5. Omit street trees along Lower 10<sup>th</sup> Avenue North.
6. Allow entrances to structured parking exceeding 35' on Lower 10<sup>th</sup> Avenue.

### **ANALYSIS**

Parcel 9a of the Nashville Yards project is proposed to have an atypical site configuration that utilizes the Church Street elevated viaduct and like Parcels 2 & 3, connects to Upper 10th Avenue North. Many of the modifications are requested due this unique situation and complications of connecting to an existing viaduct and a new elevated street. Many of the requests are similar to those granted to Parcels 2 & 3 of Nashville Yards, which activated the Broadway and Church Street viaducts, as well as Upper 10th Avenue North.

#### **Measurements from grade and of height from Upper 10th Avenue North**

The DTC requires both measurements from grade and measurements of height to be calculated from the average elevation of the public sidewalk. Grade is used for standards like minimum ground floor height and ground floor glazing. The DTC also specifies that height is measured in stories and is measured from each street frontage. Other than being used to measure overall building height, where height is measured from determines the maximum height for individual stories.

The presence of an elevated street over an existing public street presents an extenuating circumstance not envisioned by the DTC in which one frontage interacts with two different streets at the same vertical plane. The applicants are proposing active uses on Upper 10<sup>th</sup> Avenue North, which would continue the pedestrian oriented paseo that originates in Nashville Yards Parcels 2 & 3 to the west. As the modification would allow measurements from grade and of height to be taken from the active and functional ground floor, staff supports this request, as the modification would not grant additional height entitlements; no part of the site will approach maximizing the height entitlement of 30 stories.

Allow frontages that do not meet required build-to zone

The Church Street frontage proposed does not meet the Core subdistrict standard of a 0'-10' build-to zone with an 80% minimum façade width for primary streets. Although a combination of pedestrian easements and sidewalk within the right-of-way is being provided, the frontage falls below the requirement. Church Street is an elevated viaduct in this location and connecting the building frontage to the existing viaduct will require the use of a significant expansion joint. The frontage is proposed to be at the grade of the viaduct and activated with ground floor uses as well as outdoor dining and seating areas.

The modification request results in frontage that meets the intent of the DTC by utilizing the additional space between the façade and the back of the sidewalk for outdoor dining and other active pedestrian amenities. The building defines the sidewalk corridor and manages the transition from the viaduct and expansion joint to the building frontage appropriately, given the site constraints.

Using an expansion joint in the manner shown may require mandatory referral or other Council action. Staff supports this modification with the condition that approval from other agencies and/or the governing body must be obtained. Staff will require any easements or rights-of-way to be finalized before the issuance of building permits. Staff is also in support of the use of planters and trellises on the viaduct to bring vibrancy to the sidewalk corridor and recommends their memorialization with a condition.

Allow floors with deficient glazing

Storefront frontage requires 25% of the surface area of upper floors to have openings or glazing. In this case, the 3<sup>rd</sup> floor of the mixed-use building and upper stories of the music venue lack glazing that meets the minimum standard for upper stories.

The uses of the proposed site are unique and have specialized characteristics that would preclude full compliance. The deficient story of the mixed-use building contains nine theaters and the deficient stories of the music venue house a facility with the capacity to contain 4,000 persons. Theaters and entertainment venues, both for cinematic and live performances, purposefully do not allow meaningful transparency into their interior by design. In addition, facades on these buildings which are not affected by these conditions exceed the minimum standard significantly. Due to these factors, staff supports this request.

Allow stories that exceed maximum floor-to-floor height

Maximum height for individual stories cannot exceed 25' from finished floor to finished floor for each of the first two stories and cannot exceed 18' floor-to-floor for stories above that, except that the top story can be 25', provided the building is more than 5 stories in height.

The two portions of the façade that exceed 18' are related to the specialized uses of the cinema and high-capacity music venue that were explained in the previous modification analysis. As the DTC generally regulates height by stories rather than feet, a reasonable floor-to-floor height maximum is established to account for a variety of activities found in downtown buildings. Theaters and high-capacity music venues are not activities typically proposed for 2<sup>nd</sup> or 3<sup>rd</sup> stories of multistory buildings. These uses necessitate larger floor-to-floor heights compared to typical uses found in upper story buildings throughout Downtown. Because of the nature of the proposed uses, staff supports this request for the floors noted in this analysis.

#### Omission of street trees along Lower 10th Avenue North

The design team for this project has also requested to omit street trees along Lower 10th Avenue North. The DTC emphasizes the sidewalk corridor as a vital part of the urban character of every neighborhood and identifies pedestrian paths, landscaped planters, street furnishings, and street trees as elements that contribute to that character. Lower 10th Avenue is not an ideal location for street trees, as access to natural light will be limited by the presence of Upper 10th Avenue and ability to provide an adequate planting strip is stymied by the Upper 10<sup>th</sup> Avenue superstructure. Due to the site conditions, staff is in support of this request.

#### Allowing entrances to structured parking exceeding 35' on Lower 10th Avenue

The site is proposing to take access from Upper and Lower 10<sup>th</sup> Avenue North only. Two of the four vehicular openings into the site are dedicated to service uses and are on Lower 10<sup>th</sup> Avenue, including a significant internal loading area. The two remaining openings are entrances to structured parking, with one entry on Upper 10<sup>th</sup> Avenue North and one entry on Lower 10<sup>th</sup> Avenue North. The entry on Lower 10<sup>th</sup> Avenue North, is 42' in width, exceeding the required 35' maximum opening standard by 7'.

The superstructure of Upper 10<sup>th</sup> Avenue requires support columns at regular intervals to maintain structural integrity. Due to the spacing, there is a column directly in front of the non-compliant entry into structured parking. To accommodate turning movements, the proposed widths show the minimum deviation necessary to accomplish effective turning movements.

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions. Although the site layout is atypical, the proposed project is consistent with the DTC's vision for activated ground floor uses and pedestrian-scale site design. As some modifications have been recommended for approval based on the connection of the site to the Church Street viaduct, all necessary additional approvals should be obtained relating to that feature prior to the approval of building permits. Additionally, due to the size of the project and transportation needs of the site, the applicants should coordinate with Metro Nashville's Transportation Demand Management (TDM) Program to assess and implement TDM strategies.

1. Approvals relating to the direct connection of the site to the Church Street viaduct must be obtained from requisite agencies or the governing body, as applicable.
2. Applicants should coordinate with Metro Planning and Metro Public Works on bicycle infrastructure connections between 10th Avenue North and Commerce Street.
3. Church Street sidewalk corridor must utilize planters or trellis features as shown in submitted plans. Staff to review at final site plan.
4. Applicants must coordinate with Metro's TDM program to assess and implement TDM strategies.

Mosley moved and Hastings seconded the motion to approve the modifications request with staff conditions. (6-0)

**RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case 2) Nashville Yards Parcel 9a is approved with conditions. (6-0)