

# Downtown Code Design Review Committee

## Meeting Minutes

June 6, 2019

*Members Present:* Casella, Kennedy, Mosley, Dickson, Porter, Yoder (designee of Hastings)

*Staff Present:* Hammer, Buechler, Priest, Wallace, Braisted

*Others Present:* Josh Hughes, Ivan Vanchev, (Heaven's Door Distillery); Joe Saatkamp, Joseph Pitchford, Rowan Brown, Jeff Koch, Garrett Rome (Embassy Suites / 1 Hotel); Beau Brady, Ned Miller (6<sup>th</sup> and Lea); Will Marsh (1200 Broadway); Blake Rutland (814 Church)

*Location:* 800 2<sup>nd</sup> Avenue South, Metro Planning Dept. – Development Services Conference Room

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### I. APPROVAL OF THE 4/1/2019 DTC DRC MINUTES

Mosley moved and Casella seconded the motion to approve the February 7, 2019 meeting minutes (6-0) with the condition that the minutes be amended to remove an erroneous recusal.

### II. CASES FOR REVIEW

#### 1) **Heaven's Door Distillery**

2019DTC-009-001

610-614 5th Avenue S.

Staff Reviewer: Justin Wallace

Request for modifications to the street tree spacing and façade width standards of the Downtown Code, and modifications to the MCSP.

Staff Recommendation: Approve.

#### **APPLICANT REQUEST**

A request to approve modifications to the Major and Collector Street Plan and various standards of the DTC for property located at 610, 612, 614 5<sup>th</sup> Avenue South (0.76 acres), within the Lafayette subdistrict of the DTC.

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

##### 1. Major and Collector Street Plan

###### 5<sup>th</sup> Avenue South

- Required: 10' clear sidewalk and 4' planting zone
- Proposed: 10' sidewalk and 4' planting zone except for in front of the historic structure where sidewalk is reduced to 8' 3" and no planting zone is provided. No planting zone is provided where layby lane is located.

###### Elm Street

- Required: 8' clear sidewalk and 4' planting zone
- Proposed: 5' sidewalk and 4' planting zone alongside existing historic structure; sidewalk widens to 8' in some areas to be provide with a pedestrian easement

2. Number of Street Trees
  - Required: 1 street tree per 50 feet of frontage (in this instance, 4 per street frontage for a total of 8)
  - Proposed: 2 on 5<sup>th</sup> Avenue, 5 on Elm Street, for a total of 7
3. Build-to Zone
  - Required: Building to be built 5-10' from front property line
  - Proposed: varies between 0-13' along 5<sup>th</sup> Avenue
4. Building Façade Width
  - Required: 80% of lot frontage to be occupied by building
  - Proposed: 62% of lot frontage occupied by building
5. Wall height within Build-to Zone
  - Required: Fences or walls within the build-to zone shall not exceed four feet in height.
  - Proposed: Site wall at courtyard ranges in height from 4' to 6.5' with an 11'-wide landscaped bed between the side wall and sidewalk.

## **PROJECT PROPOSAL**

This development proposes a 50,000 sf addition and renovation of an existing 12,000 sf historic church building. The renovated church will house an art gallery and brand center, while the addition will consist of a distillery, 350 seat theater, and restaurant uses. The new construction surrounds an open courtyard area that will be used for flexible programming.

This property is bounded by 5th Avenue South to the west, Elm Street to the south, and Alley 146 to the east.

## **ANALYSIS**

### Major and Collector Street Plan

Sidewalks are required to be constructed in accordance with the Major and Collector Street Plan for building expansions greater than 25% of the existing building footprint, or building expansions greater than 1,000 sf. The proposed site plan is compliant along 5<sup>th</sup> Avenue, except for the portion of sidewalk along the existing historic structure and for a segment where a layby lane is proposed.

Given the adaptive reuse and restoration of the historic structure and intent for the building to remain, it is reasonable request for the existing sidewalk condition to remain. Additionally, the applicant is dedicating right-of-way to expand the width of the sidewalk where possible.

The lay-by lane along 5<sup>th</sup> Avenue is expected to serve as a drop-off area for visitors and accommodates loading and rideshare out of the path of the travel lanes. The applicant is dedicating right-of-way to expand the sidewalk width to maintain a 10' clear sidewalk along the entire length of the site.

### Number of Street Trees

The site plan does not accommodate the necessary total number of street trees (8) required by the code. The plan contemplates 5 street trees along Elm Street where 4 are required and 2 street trees along 5<sup>th</sup> Avenue South where 4 are required. In total, the site plan is 1 street tree short.

The proposed lay-by lane and existing historic structure make it difficult to accommodate an additional street tree. The applicant relocated one required tree to the Elm Street frontage and has proposed plantings and small trees within the courtyard area that will be visible from the street.

### Build-to Zone & Building Façade Width

The building addition is not built to the required build-to line along 5<sup>th</sup> Avenue South. This is, in part, to complement the placement of the existing historic structure by receding the massing of the building addition.

The courtyard area includes various elements that establish an edge condition, which meets the intent of the build-to standard to maintain a consistent street wall effect. A site wall setback approximately 11 feet from the property line, in addition to plantings, sculpture, and signage, contribute to creating an edge condition. The courtyard helps to separate the built addition from the existing historic structure.

### Site Wall Height

The DTC requires fences and walls within the build-to zone to be no greater than 4 feet.

The proposed site wall ranges in height from 4 to 6.5 feet along the edge of the courtyard and is setback approximately 11 feet from the front property line. Plantings are proposed between the back of sidewalk and the site wall to soften the impact of the wall at the edge of the sidewalk. The proposed site wall has an architectural quality with a varying texture. Finally, signage is appropriate placed on the site wall to reduce the impact of a blank wall along the sidewalk.

### **STAFF RECOMMENDATION**

The proposed distillery strives to meet the intent of the DTC to create active and attractive street and streetscapes, to protect and reuse historic structures, and to create great spaces throughout Downtown for the enjoyment of citizens and visitors. Given the thoughtfulness of design applied to the site elements and architectural quality applied to the building addition with respect to the existing historic structure, staff finds the modifications to standards are warranted. Staff recommends approval of the modifications.

Casella moved and Kennedy seconded the motion to approve the modifications request with staff condition. (6-0)

### **RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case 1) Heaven's Door Distillery is approved. (6-0)

## **2) Embassy Suites / 1 Hotel**

2017DTC-001-001

710 Demonbreun Street

Staff Reviewer: Eric Hammer

Request for modifications to the step-back, floor-to-floor height, and projecting sign standards of the Downtown Code.

Staff Recommendation: Approve floor-to-floor height, projecting sign modifications, disapprove step-back modification.

### **APPLICANT REQUEST**

A request to reapprove previously approved modifications to the floor-to-floor height, step-back location, and projecting sign standard of the DTC for a previously approved project with modifications located at 710 Demonbreun Street (1.31 acres), within the Sobro subdistrict.

### **BACKGROUND**

The project previously went before the DTC DRC in 2016 and received modifications to standards of the DTC. After some minor revisions were made, the final site plan was approved and building permits were sought and approved. Staff has been made aware that although the building permit sheets approved by Planning were in harmony with the final site plan, elevations submitted to other agencies for approval featured unauthorized changes to materials. The project is coming back before the DTC DRC as the design has been significantly revised.

### **PROJECT PROPOSAL**

The proposed project consists of dual flag hotel (1 Hotel and Embassy Suites) on approximately 1.31 acres, with 721 total guestrooms. The 1 Hotel tower is proposed at 17 stories and located at the corner of 8<sup>th</sup> Avenue South and Demonbreun. The Embassy tower is proposed at 30 stories is located at the corner of 7<sup>th</sup> Avenue South and Demonbreun. Joining the two towers is a podium with ground floor restaurant and lobby area.

### **DTC MODIFICATION REQUEST SUMMARY**

1. Floor-to-floor Height Maximum
  - Required: 25' maximum floor-to-floor height for 1<sup>st</sup>, 2<sup>nd</sup> and top story, 18' maximum floor-to-floor height for other floors.
  - Previously viewed by DRC: Modifications to the 1<sup>st</sup>, 3<sup>rd</sup> and 26<sup>th</sup> story. 26'-1" height for 1<sup>st</sup> story, 34'-6" height for the 26<sup>th</sup> story, 32'-0" height for 3<sup>rd</sup> story.
  - Proposed: Modifications to the 3<sup>rd</sup> story. 40'-3" height for 3<sup>rd</sup> story.
  
2. Floor-to-floor Height Minimum
  - Required: 10'-0" minimum upper floor height for storefront frontage.
  - Previously viewed by DRC: 9'-6" floor height for floors 6 to 27.
  - Proposed: 9'-6" floor height for floors 6 to 27.
  
3. Step-back  
7<sup>th</sup> Avenue South
  - Required: 15' step-back between the 4<sup>th</sup> and 8<sup>th</sup> stories.
  - Previously viewed by DRC: 8' step-back at the 7<sup>th</sup> story.
  - Proposed: 8' step-back at the 7<sup>th</sup> story.

#### 8<sup>th</sup> Avenue South

- Required: 15' step-back between the 4<sup>th</sup> and 8<sup>th</sup> stories.
- Previously viewed by DRC: step-back varies, minimum 7' step-back at the 7<sup>th</sup> story.
- Proposed: 10' step-back at the 7<sup>th</sup> story.

#### 4. Projecting Sign

- Required: 20' maximum height and 6' maximum projection.
- Previously viewed: 275' maximum height and 8.5' maximum projection.
- Proposed: 275' maximum height and 8.5' maximum projection.

### **MAJOR REVISIONS**

#### Western Tower Facade

The western tower has changed brands from the Curio Collection to 1 Hotel and the applicants have changed the design of that tower and podium to accommodate that new brand.

The tower's massing has changed including a reduction of the step-back by approximately 2'. In addition, the lower portion of the tower and several terraces will have greenery installed. The greenery is evergreen and will be "grown-out" prior to installation in order to have the green appearance be immediate, not reliant on several years of growth to mature.

Staff views the changes and addition of the greenery as positive and in keeping with the intent of the DTC, as the design creates visual interest and features a strong human-scale streetscape.

#### Expansion of EIFS

The previously approved plans included E.I.F.S. as a building material on the northern façade, with the majority concealed behind the adjacent Cambria hotel. The material was located in less visible areas, kept away from facades of prominence and monumentality.

The new plans dramatically expand the use of E.I.F.S., particularly in areas of prominence, such as the eastern tower and portions of the western tower that are not effectively screened by the Cambria Hotel. Previously, the material of that façade was proposed to be a metal panel system, which is featured on other sides of the façade. While Planning staff is certainly aware of the well-documented water infiltration issues of defective E.I.F.S. installation, even facades that are properly treated with E.I.F.S. material can be easily damaged and often appear dated within mere years of installation. The modification to the step-back for both 7<sup>th</sup> Avenue South and 8<sup>th</sup> Avenue South increases the amount of visible E.I.F.S. on the building.

The expansion of E.I.F.S. on the western tower would occur on portions of the building that face the Cambria Hotel, which is set back significantly from 8<sup>th</sup> Avenue South. As the Cambria steps back, the E.I.F.S. material, colored "Incredible White" will be quite perceptible to passersby.

The expansion of E.I.F.S. on the eastern tower occurs on the north façade, which faces an interior lot line, but rises to 30 stories. The applicants are proposing that the lower 65' of the façade remain as metal panel system, but the remainder of the façade be E.I.F.S.

The revised height of the tower places it in a tier occupied by other high-rises like the J.W. Marriott, the Sobro and the Westin. These buildings will remain prominent fixtures of Nashville's skyline for decades to come and Planning staff is concerned that the north façade of the western tower will not weather and age in a way that is flattering to Nashville's growing skyline. Planning staff has requested the applicants bring samples of the materials to this meeting for the benefit of the DRC.

**STAFF RECOMMENDATION**

Due to the changes to the façade impacted by the step-back, staff is recommending the DRC not reapprove this modification. Staff recommends re-approval modifications to the floor-to-floor heights and projecting sign standards. Staff would support all requested modifications if materials shown on previously approved plans were to be restored.

Casella moved and Kennedy seconded the motion to approve the modifications request with the following condition (6-0):

1. Applicant must revise northern elevation to address concerns regarding materiality and articulation of that façade.

**RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case 2) Embassy Suites is approved with conditions. (6-0)

### 3) 6<sup>th</sup> and Lea

2019DTC-016-001

530 6th Avenue S.

Staff Reviewer: Jessica Buechler

Request for modifications to the step-back and transformer location.

Staff Recommendation: Approve.

#### APPLICANT REQUEST

A request to approve modifications to the step-back standard and transformer location standard of the DTC for a previously approved project with modifications located at 530 6<sup>th</sup> Avenue South (1.32 acres), within the Lafayette subdistrict of the DTC.

#### BACKGROUND

The project previously went before the DTC DRC in 2015 and received modifications to the step-back standard along 6<sup>th</sup> Avenue South and Lea Avenue. The project is coming back before the DTC DRC since the design has been revised. The details of the step-back modification have changed and the applicant is additionally requesting a modification to the transformer location standard.

#### PROJECT PROPOSAL

The project is proposing a 10 story mixed-use development with frontage on 6<sup>th</sup> Avenue South and Lea Avenue. The project does not include the corner property. The property has approximately 20' of grade change from 6<sup>th</sup> Avenue South to the alley along Lea Avenue. The project is using bonus height to obtain the 2 additional stories above the 8 allowed in the Lafayette Subdistrict.

#### DTC MODIFICATION REQUEST SUMMARY

##### 1. Step-back

###### 6<sup>th</sup> Avenue South

- Required: 15' step-back between the 4<sup>th</sup> and 7<sup>th</sup> stories
- Previously approved: 0' step-back at the 5<sup>th</sup> story for a 45' portion of the building.
- Proposed: 0'-6' step-back at the 4<sup>th</sup> story for a 70' portion of the building.

###### Lea Avenue

- Required: 15' step-back between the 4<sup>th</sup> and 7<sup>th</sup> stories
- Previously approved: 15' step-back at the 3<sup>rd</sup> story.
- Proposed: 8' step-back at the 2<sup>nd</sup> story.

##### 2. Transformer location

- Required: Applicable site elements shall be located along the alley, along an interior property line, or internal to the property.
- Proposed: Transformer location located along Lea Avenue adjacent to the sidewalk and not enclosed within the building.

## **ANALYSIS**

### Step-backs

The DTC requires a 15' step-back between the 4<sup>th</sup> and 7<sup>th</sup> stories for buildings taller than 7 stories. Along 6<sup>th</sup> Avenue South the applicant is proposing a 0'-6' step-back for a 70' tower element. 60% of the frontage is still meeting the step-back standard. Along Lea Avenue the applicant is proposing an 8' step-back at the 2<sup>nd</sup> story. Due to the grade change along the site, the step-back along Lea Avenue is occurring at the same elevation as along 6<sup>th</sup> Avenue South. Staff is recommending approval of the step-back modifications since they are fairly minor in nature and are still in keeping with the intent of the DTC for urban design considerations for light and air. The facades also incorporate balconies and changes in plane to break-up the massing of the building wall along the street frontages.

### Transformer location

The DTC requires that applicable site elements, such as transformers, shall be located along the alley, along an interior property line, or internal to the property. In the previously approved plan the transformers were located off of the alley. The applicant is proposing to move them to Lea Avenue based on information from NES.

Planning staff is recommending approval of the transformer location. The applicant has provided Planning staff with correspondence from NES stating that the transformers can't be located off of the alley due to clearance issues and it would be an inefficient use of space and cost prohibitive to put them underground. While the transformers are now located on the street, the applicant has designed the transformer enclosure to integrate with the building design.

## **STAFF RECOMMENDATION**

Staff recommends approval of the step-back modifications and transformer location.

Casella moved and Dickson seconded the motion to approve the modifications request condition.  
(6-0)

## **RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case 3) 6<sup>th</sup> and Lea is approved. (6-0)



**4) 1200 Broadway Mural Review**

Unnumbered

1200 Broadway

Staff Reviewer: Eric Hammer

Review mural for conformance with condition

Staff Recommendation: No Recommendation.

**THIS ITEM WAS A CONDITION OF MODIFICATIONS GRANTED ON MARCH 2<sup>nd</sup>, 2017 BY THE DTC DRC.**

Mosley moved to approve removal of the condition. Without a second, this motion failed.

Mosley moved and Kennedy seconded the motion to approve removal of the condition the motion. (5-0, Casella recused.)

**Provision of Sidewalks: 814 Church**

T2019031359

814 Church, Nashville, TN 37203

Staff Reviewer: Eric Hammer

Request to waive the sidewalk requirement to fully comply with the MCSP widths for 9<sup>th</sup> Avenue, James Robertson Parkway, and Church Street.

Staff Recommendation: Waive requirement for work associated with this permit with conditions.

**FINDING**

The Downtown Code DRC (DTC DRC) found that due to the scope of the project and constraints of the site, a waiver to allow the existing sidewalks to remain was appropriate. The existing structure to be renovated would need to be moved or removed to achieve the full MCSP cross-section on 9<sup>th</sup> Avenue and Church Street. The frontage on James Robertson Parkway was not being changed as part of the renovations, and the DRC found a waiver appropriate in that case.

**RESULT**

The Downtown Code Design Review Committee (DTC DRC) convened on 6/6/2019 and approved the request to waive the requirements of Metro Code 17.20.120 - Provision of sidewalks with two conditions:

1. Mitigate substandard street tree “grates” with a more modern product after consultation with the Urban Forester.
2. Patch small cracks in the 9<sup>th</sup> Avenue sidewalk.

This approval is only for work associated with the activities described in building permit T2019031359 and this motion does not relieve future redevelopment from full compliance with all applicable standards.

Dickson moved and Casella seconded the motion to disapprove the request as presented (6-0)

**RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case Provision of Sidewalks: 814 Church is approved with conditions.