

# Downtown Code Design Review Committee

## Meeting Minutes

September 5, 2019

*Members Present:* Casella, Oldham, Hastings, Porter, Kennedy;

*Staff Present:* Hammer, Priest;

*Others Present:* Ben York (MPW); Lee Davis, Kirsten Vaselaar, Tripp Parker, Brad Slayden (127 Rosa L. Parks Boulevard); Fiona Haulter, Brian Hubbard, Joe Bucher (1221 Broadway)

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

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### I. APPROVAL OF THE 7/11/2019 DTC DRC MINUTES

Casella moved and Hastings seconded the motion to approve the July 11<sup>th</sup>, 2019 meeting minutes (5-0).

### II. CASES FOR REVIEW

#### 1) 1221 Broadway

2019DTC-021-001

1215-1223 Broadway

Staff Reviewer: Eric Hammer

A request for A.) Approval for modifying the step-back and floor-to-floor maximum height standard of the DTC, and B.) Recommendation for overall height modification to the Planning Commission

Staff Recommendation: Approve with conditions and defer without all conditions.

#### APPLICANT REQUEST

A request for A.) Approval for modifying the step-back and floor-to-floor maximum height standard of the DTC, and B.) Recommendation for overall height modification to the Planning Commission for property located at 1215-1223 Broadway (0.78 acres), at the intersection of Broadway and 13th Avenue South, and within the Gulch South subdistrict of the DTC.

#### A. DTC MODIFICATION REQUEST SUMMARY

##### 1. Stepback

- Required: 15 foot minimum step-back is required for buildings 8 stories or greater along public streets between the 4th and 8th stories.
- Proposed: No step-back.

##### 2. Floor-to-Floor Maximum Height

- Required: 25 feet for first two floors, 18 feet for other floors, 25 feet for top floor for buildings greater than five stories.
- Proposed: 38.5 feet for first floor.

#### B. DTC MODIFICATION REQUEST SUMMARY

##### 3. Overall Height

- 15 stories - Maximum Height permitted for general Gulch Subdistrict
- 21 stories – Maximum Height with provisions made through Bonus Height Program
- 28 stories – Requested Height as part of Overall Height Modification

#### PROJECT OVERVIEW

The project proposes a 28-story office building consisting of 527,970 square feet of office space, 17,784 square feet of retail space, and both underground and structured parking for a total of 939 vehicular parking spaces. The ground floor of the building features a porte cochere which allows for pick-up and drop-off, as well as access to underground and structured parking.

## **PLAN DETAILS**

The property is located at the southeast intersection of Broadway and 13th Avenue South. 13th Avenue South frontage features retail space, while Broadway frontage allows access to the office lobby, as well as a porte cochere for vehicular drop-off. Service loading and public underground parking is accessed from an area adjacent to the porte cochere, whereas structured parking access occurs from the alleyway. Pedestrian access to the retail space can be taken from either Broadway or 13th Avenue South and the main entrance to the office lobby is located within the porte cochere.

## **DTC MODIFICATIONS ANALYSIS**

### Broadway and 13th Avenue South Street Step-backs

The DTC requires buildings greater than 8 stories to have a 15 foot step-back occur at some point between the 4th and 8th story. The proposed project does not propose a step-back. The intent of a step-back is to allow light and air to reach the street for the benefit of pedestrians and to avoid a canyon effect. Step-backs are most important for narrow streets, as increased proximity of buildings on the other side of the right-of-way has a greater potential to create a canyon effect.

However, step-backs along these rights-of-way are unnecessary in achieving this intent. Broadway is 110' in width, serving as the third widest downtown right-of-way behind James Robertson Parkway and Korean Veteran Boulevard. 13th Avenue North is adjacent to the Interstate, permanently ensuring that no structure will be immediately across 13th Avenue North from this building to contribute to a canyon effect.

### Floor-to-Floor Maximum Heights

The DTC requires ground floor heights to not exceed 25 feet. The intent of this is to establish reasonable floor-to-floor heights, while preserving proportionality. Buildings are measured in stories, without reasonable limits to the height of each floor, unpredictable outcomes could occur that are contrary to the intent of height limitations. In this case, the proposed building has a mezzanine, which 17.04.060 of the Metro Zoning Code defines as a portion of a story. Only mezzanine floors that cover more than fifty percent of the story below shall be counted as a full story. Therefore, the floor-to-floor height of the ground floor exceeds the threshold of 25 feet.

Staff finds that although the floor-to-floor height is higher than the standard, the proportionality of the building will not suffer for it. On 13th Avenue, the mezzanine is read simply as another floor whereas on the Broadway side, the movement of the architecture effectively conceals the height from finished floor to finished floor.

## **OVERALL HEIGHT MODIFICATIONS ANALYSIS**

The process for an Overall Height Modification is outlined in the DTC as follows:

1. The Executive Director of the Planning Department shall determine whether the development has made reasonable efforts to sue all appropriate bonuses available in the Bonus Height Program.
2. The applicant shall hold a community meeting providing notices to all property owners within 300 feet.
3. The Planning Commission shall review the modification request and may grant additional height for exceptional design, including but on limited to unique architecture, exceptionally strong streetscape, and improvement of the project's relationship to surrounding properties.

### Bonus Height Program

A Determination Letter, signed by the Executive Director of the Planning Department, is attached to this staff report and states the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program. Efforts include fulfilling requirements of the Public Parking, and Underground Parking bonuses, as well as committing to earn LEED certification.

### Community Meeting

The applicant held a community meeting on September 3 and sent notices to properties within 300 feet with no members of the community appearing in opposition.

### Unique Architecture

The following architectural qualities contribute to unique design:

- The building's architectural expression is continued on all four sides of the building, including treatments on the side lot line and alley frontages, giving the building a cohesive look. Although the adjacent site to the east may redevelop, there are no imminent plans to do so. Care was taken to ensure the highly visible view of the building from Broadway relates to the rest of the building.
- Proposed materials are either custom-made or otherwise high quality.
- The structured parking portion of the building has been designed to allow for future conversion to other uses and uses the same architectural movement as the building above it.

### Enhanced Streetscape

- Along 13th Avenue South, the project proposes to dedicate additional right-of-way for a wider sidewalk than the MCSP calls for. Properties to the north and south of this site are either planning significant redevelopment or are under construction, making 13th Avenue South an even more frequently travelled and important sidewalk corridor than envisioned by the MCSP.
- Instead of a tree grate system, this project proposes a robust landscape area that exceeds the expectations on right-of-way plantings.

### Improvement of Project's Relationship to Surrounding Properties

- Because architectural treatment are provided on all 4-sides, including those facing side property lines and alleys, the general aesthetic of the building may be viewed and experienced by pedestrians from various points on Broadway and throughout the Gulch.

### **STAFF RECOMMENDATION**

The project offers unique qualities and architectural expression in its site design, building massing, and overall aesthetic. However, there are some areas of concern and design elements that could be further improved:

- The screening for the parking garage is custom perforated reflective stainless steel. While the reflectivity of the material aligns with the glazing of the rest of the building, there are concerns regarding the impacts on pedestrians and drivers in the event the reflectivity creates an unpleasant blinding affect. Care must be taken to the sheen of the selected metal does not produce negative externalities.
- Street trees are not shown in sufficient detail to evaluate available soil size. Although 400 square feet is the minimum required by the DTC, it is often insufficient for most shade trees to reach their crown potential at maturity. The intersection at which this building is located is a gateway to Downtown and care should be taken to ensure that the streetscape continues to be enhanced to the maturity of the trees. Metro Public Works has published guidance on optimal soil volumes that allow healthy street tree development.

Staff recommends approval with the following conditions and deferral without all conditions:

1. Applicant shall select a sheen of metal that will demonstrably not produce a blinding effect. Staff to review final design.
2. Applicant shall utilize the Street Tree Standards and Specifications document guidelines for soil volume and design methods produced by Metro Public Works to ensure the vitality of enhanced streetscape. Staff to review final design.

Applicant offered the following substitute language for staff condition #1:

"Applicant shall select a sheen of metal that will demonstrably not produce a blinding effect. The applicant may select a glazing system that will also demonstrably not produce a blinding effect as an alternative to the metal panel system. Staff to review final design."

Staff states the substitute is acceptable and accomplishes the same intent as staff's recommended condition.

Oldham moved and Porter seconded the motion to approve the modifications request with the substitute condition #1 and staff condition #2 and recommend that the Planning Commission approve the overall height modification. (5-0)

**RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case 1) 1221 Broadway is approved and a recommendation of approval of the overall height modification to the Planning Commission. (5-0)

## 2) 127 Rosa L Parks Boulevard Hotel

2019DTC-023-001

127 Rosa L Parks Boulevard

Staff Reviewer: Eric Hammer

A request to modify the build-to zone and minimum frontage standards of the DTC, as well as modify the application of the MCSP to this site.

Staff Recommendation: Approve with conditions and defer without all conditions.

### **APPLICANT REQUEST**

A request to modify various standards of the DTC for property located at 129 Rosa L. Parks Boulevard, (0.68 acres), east of 9<sup>th</sup> Avenue North, south of Commerce Street and within the Core Subdistrict of the DTC.

### **DTC MODIFICATION REQUEST SUMMARY**

1. Build-to Zone – Commerce Street
  - Required: The building must be built within 0-10 feet of the property line for 80% of lot frontage
  - Proposed: The building is setback over 10 feet in excess of 20% of the façade along portions of the Rosa L. Parks Boulevard frontage to allow for outdoor dining.
2. Build-to Zone – Rosa L. Parks Boulevard
  - Required: The building must be built within 0-10 feet of the property line for 80% of lot frontage.
  - Proposed: The building is setback over 10 feet in excess of 20% of the façade along portions of the Rosa L. Parks Boulevard frontage to allow for a portico.
3. Major and Collector Street Plan – Commerce Street
  - Required: Frontage zone of 4 feet is required.
  - Proposed: 18 feet of the Commerce Street façade encroaches into the frontage zone to a maximum of 1.5 feet.

### **PROJECT OVERVIEW**

The project proposes a 24-story hotel and residential building consisting of 250 guest rooms, 134 residential units, 4,000 square feet of retail space, 245 parking spaces, and a pool/amenity area.

### **PLAN DETAILS**

The general bounds of the property include Commerce Street to the north, 9<sup>th</sup> Avenue North to the west, and Rosa L. Parks Boulevard to the east. The site contains three street frontages, all of which serve distinct functions as shown in Figure 2, above. The Commerce Street frontage serves as the pedestrian entrance to the residential lobby and is also addressed by two ground floor retail tenant spaces. The Rosa L. Parks Boulevard frontage serves as both the vehicular and pedestrian entrance to the hotel lobby, with valet and drop-off services occurring along this frontage. 9<sup>th</sup> Avenue North frontage serves as the entry to the parking garage, as well as other mechanical elements, with retail space at the intersection with Commerce Street.

Alley #63 runs through the site, with major loading areas and back-of-house operations taking place along it. The 24-story tower is proposed to straddle the alleyway; approval is required for this massing via the mandatory referral process through Metro Public Works.

### **ANALYSIS**

#### Build-to-Zone – Commerce Street

Buildings with storefront frontage along primary streets are required to have a 0-10' build-to zone, defining 80% of the frontage. The area in red illustrates frontage not built to the required build-to line. Commerce Street was created by widening Cumberland Alley and joining it to Payne Street, although the two were offset from each other. The alignment of the resulting right-of-way creates an oddly shaped frontage on this site that coincides with somewhat challenging topography.

The intent of the shallow build-to zone is to create a close relationship between buildings and the public realm, activating the sidewalk corridor. In this case, the portions of the building that are not within the build-to zone are intended for outdoor dining and serve as an extension of the active retail and restaurant uses proposed within the ground floor of the building. The proposed build-to zone meets the intent of the DTC.

#### Build-to-Zone – Rosa L. Parks Boulevard

Buildings with storefront frontage along primary streets are required to have a 0-10' build-to-zone, defining 80% of the frontage. The building's ground floor façade on Rosa L Parks Boulevard is recessed in order to accommodate a porte cochere, resulting in 50.7% of the façade being within the 0-10' build-to zone.

The proposed configuration minimizes negative impacts to the sidewalk corridor. It utilizes the alley for exiting the porte cochere and is limited to one entry of 12 feet in width. For a hotel of this scale, off-street drop-off facilities are both necessary and often preferable to on-street facilities that further disrupt pedestrian activities along the sidewalk corridor.

#### Major and Collector Street Plan

The Major and Collector Street Plan identifies Commerce Street as a constrained right-of-way. The standard cross section dimension calls for a 10 foot clear sidewalk and 4 foot furnishing zone at the back of curb and a 4 foot frontage zone. Frontage zones are meant to accommodate pedestrian activities such as outdoor dining and may be on private property.

In this case, a portion of this façade is within the frontage zone for with a maximum 1.5 foot encroachment. As the building is seeking other modifications with the explicit purpose of activating the exterior of the building with outdoor dining and other pedestrian amenities, which is the intent of the frontage zone, this modification is in keeping with the intent of the frontage zone and the encroachment proposed is negligible.

#### **STAFF RECOMMENDATION**

The project generally aligns with the goals and objectives of the Downtown Code to create active, attractive streets and streetscapes. Staff recommends approval with the following condition and deferral without the condition:

1. The applicant must apply for and obtain approval of a mandatory referral for portions of the tower that overhang the alley, including any and all agreements Metro Public Works deems necessary to allow the proposed massing and function.

Casella moved and Oldham seconded the motion to approve the modifications request with staff condition #1. (5-0)

#### **RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case 2) 127 Rosa Parks Boulevard Hotel is approved. (5-0)