

# Downtown Code Design Review Committee

## Meeting Minutes

September 2, 2021

*Members Present:* Lustig, Porter, Moore, Hastings, Dickson

*Staff Present:* Hammer, Williams, Islas, Dickerson (Legal)

*Others Present:* Brendan Boles (Kimley Horn), Luc Barber (Mill Creek), Ryan Aguayo Padilla (Kimley Horn), Hays Layerd (Cooper Carry), Erica Garrison (Waller Law), Chris Jansen (Kimley Horn), Buck Lindsay (Winfold Lindsay Architects), Whip Triplett (Northpoint Hospitality), Ed Stelling (Northpoint Hospitality), Bruce Camber

*Location:* 800 2<sup>nd</sup> Avenue South, Development Services Center Conference Room

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### I. APPROVAL OF THE 8/5/2021 DTC DRC MINUTES

Hastings moved and Lustig seconded the motion to approve the August 5, 2021 meeting minutes (5-0-0).

### II. CASES FOR REVIEW

#### 1) Modera McGavock

2021DTC-016-001

1212-1218 McGavock Street

Staff Reviewer: Jared Islas

Staff Recommendation: Approve with conditions and defer without all conditions

#### APPLICANT REQUEST

A request for A.) approval of modifying the step-back, and minimum floor-to-floor height standards of the DTC and B.) recommendation for overall height modification to the Planning Commission for property located at 1212, 1214, and 1218 McGavock Street (0.79 acres), and within the Gulch South subdistrict of the DTC.

#### A. DTC MODIFICATION REQUEST SUMMARY

1. Step-back
  - o Required: 15' minimum step-back along public streets between the 4<sup>th</sup> and 8<sup>th</sup> stories
  - o Proposed: Eliminate the step-back requirements along 13<sup>th</sup> Avenue South
2. Minimum Floor-to-Floor Height
  - o Required: 10' minimum floor-to-floor height for upper-level floors
  - o Proposed: 9'8" floor-to-floor height for the 2, 3, and 6-26 stories

#### B. OVERALL HEIGHT MODIFICATION REQUEST SUMMARY

3. Overall Height
  - o 10 stories – Maximum Height permitted for Gulch South subdistrict general
  - o 16 stories – Maximum Height with provisions made through Bonus Height Program
  - o 29 stories – Proposed Height as part of Overall Height Modification



Figure 1: Aerial view from near the intersection of 13<sup>th</sup> Avenue South and McGavock Street

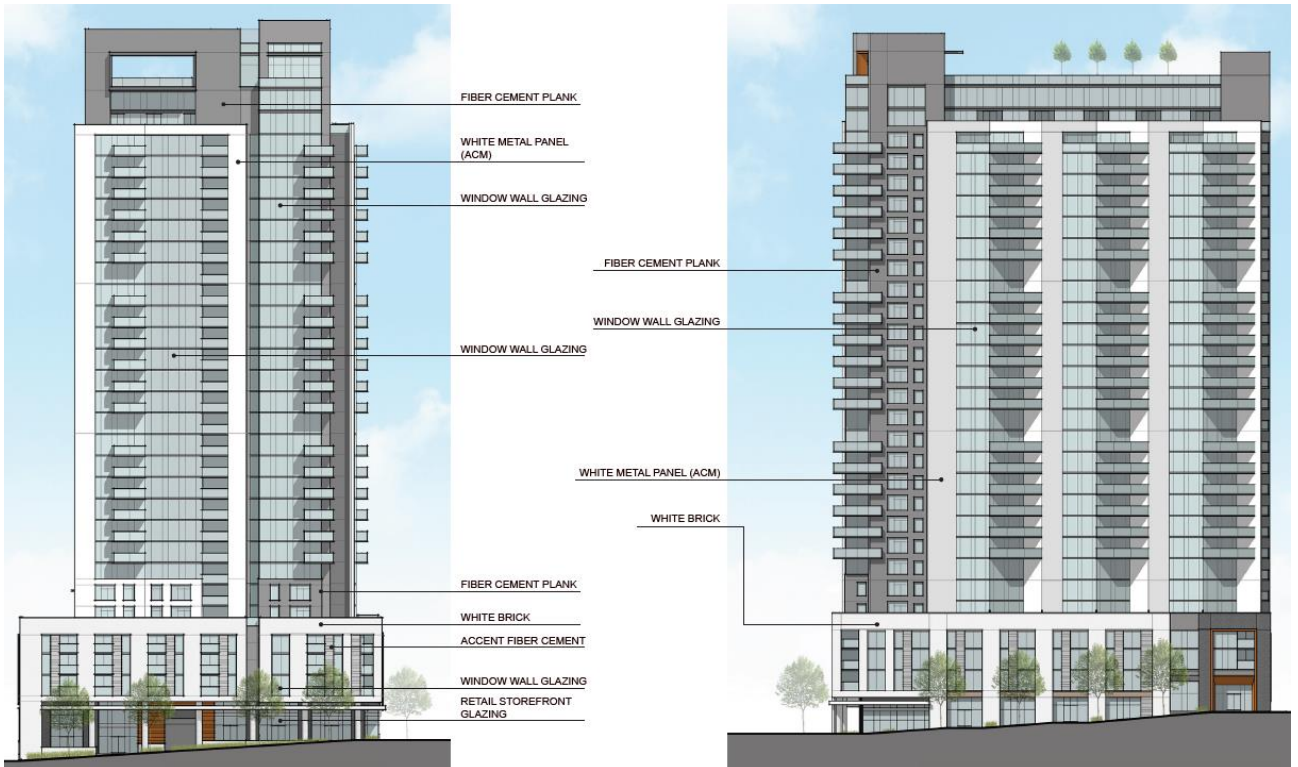


Figure 2: West Elevation (left) and South Elevation (right)

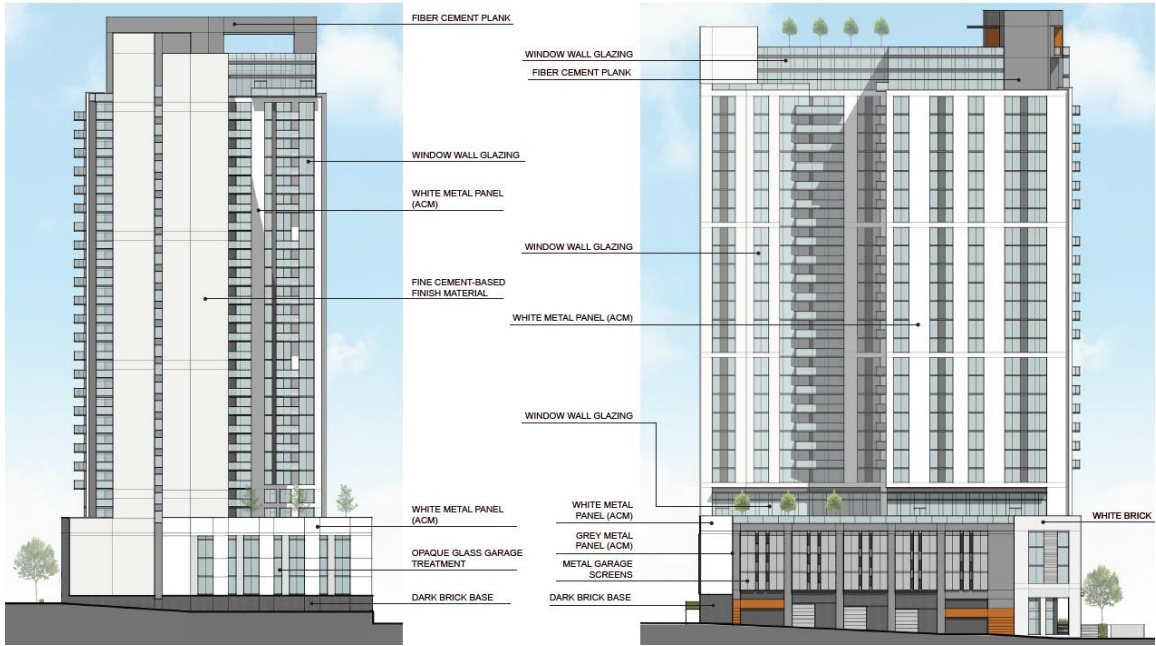


Figure 3: East Elevation (left) and North Elevation (right)



Figure 4: Site Plan and Ground Level Floor Plan



## **PROJECT OVERVIEW**

The Modera McGavock project proposes a 29-story residential building consisting of approximately 400 apartment units, 16,000 square feet of ground-level retail space, rooftop amenity space, and both underground and above-ground parking for a total of 466 vehicular parking spaces.

The project is located between two towers of significant height and will be prominently visible from the eastbound Broadway and Demonbreun Street gateways into downtown Nashville. The proposed height of the Modera McGavock tower mediates a transition in height from the buildings on either side of it.

## **PLAN DETAILS**

Modera McGavock is located at the northeast corner of 13<sup>th</sup> Avenue South and McGavock Street. The proposed building has frontages on 13<sup>th</sup> Avenue South, which is classified as an “Other Street” per the DTC, and McGavock Street, which is classified as a Tertiary Street. Both frontages provide ground floor active uses, and exemplary streetscape and architectural elements.

The 13<sup>th</sup> Avenue South frontage includes a 12’ deep covered arcade with space for outdoor dining, and public terraces that provide additional relief from the vehicular activity along 13<sup>th</sup> Avenue. The pedestrian entrance for the residential part of the building is off McGavock Street. Vehicular entrances to the site are off the alley located to the north. Service and loading also occur from the alley. Pick-up and drop-off will occur within the parking garage. The positioning of these “back of house” functions and active streetscapes on 13<sup>th</sup> Avenue and McGavock meet and exceed the expectations of the DTC’s requirements for streets.

### **A. DTC MODIFICATIONS ANALYSIS**

#### 13<sup>th</sup> Avenue South Step-backs

The DTC requires buildings in the Gulch South subdistrict, that are greater than 8 stories, to have a 15-foot step-back at some point between the 4<sup>th</sup> and 8<sup>th</sup> story. Modera McGavock proposes to eliminate the step-back requirement along 13<sup>th</sup> Avenue South due to the articulation of the tower portion of the building.

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. In the case of the Modera McGavock project, the canyon effect is mitigated by its frontage on 13<sup>th</sup> Avenue South, and the interstate. Given the wide right-of-way, a significant visual and physical relief is provided before the next buildable area on the west side of 14<sup>th</sup> Avenue South.

The proposed step-back along 13<sup>th</sup> Avenue South occurs on the 4<sup>th</sup> story and varies due to the angled facades of the upper levels of the building. It is as little as 2’ in some areas; however, is much greater in other areas. The elimination of the step-back standards in this location allows the façade to articulate to the highest extent possible while maintaining an efficient floor footprint.

#### Minimum Floor-to-Floor Heights

The DTC requires the minimum upper-level floor height of an individual story to be 10’ along storefront frontages. The intent of this is to establish reasonable floor-to-floor heights, while preserving proportionality. Without reasonable limits to the height of each floor, unpredictable outcomes could occur that are contrary to the intent of height limitations. The Modera McGavock project is proposing a 9’8” floor-to-floor height for the 2<sup>nd</sup>, 3<sup>rd</sup>, and 6<sup>th</sup> through 26<sup>th</sup> floors.

Staff finds that the proposed height of these floors is not enough to negatively affect the proportions of the building. By limiting the floor-to-floor height of these stories, the overall height of the building is also limited, thus making the 29 requested stories feel less imposing.

## **B. OVERALL HEIGHT MODIFICATION 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 pursue 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 not 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. The Upper-Level Garage Liner and Underground Parking bonus is being used to line three levels of above grade parking along 13<sup>th</sup> Avenue South and McGavock Street and provide an additional three levels of underground parking. Additional bonuses being utilized include Public Parking, and Sustainability (NGBS Silver). These have earned the project the six additional levels attainable through the Bonus Height Program. Another nine levels were achieved but exceed the Bonus Height Maximum of 16 stories.

### Community Meeting

The applicant held a community meeting on Tuesday, August 31, 2021 at 6:00 P.M. and sent notices to properties within 300 feet. A brief presentation was given to the one adjacent property owner in attendance. Questions and concerns were raised regarding the blasting and construction happening so close to the adjacent Adele's restaurant structure. These were addressed by development team, who also agreed to discuss further in follow-up conversations closer to when work will begin. There were also questions about the width of the alley and how loading/service trucks would be able to maneuver that space. The development team explained that the alley would be widened to 20' and an additional 10' of space would be provided under cantilevered portions of the Modera McGavock project.

### Exceptional Design

The architecture of the Modera McGavock project provides a unique exterior façade with angled tower walls along 13<sup>th</sup> Avenue South and McGavock Street. These walls respond to the architectural articulation of the One 22 One building that is currently under construction. These walls also provide layering, depth, and opportunities for complimentary balconies. A prominent vertical "spine" at the corner begins at the podium, cuts through the tower, and forms part of the building's crown.

The podium of the building includes three levels of residential liner over double-height, ground floor retail. The materials and height of the podium respond to other podiums and smaller scale buildings in the neighborhood. The covered arcade along 13<sup>th</sup> Avenue South, and the 16,000 square feet of retail at the ground level provide ample opportunities for pedestrian activity at the site.

All vehicular access, including service and loading, occur from the alley to the North of the building. This creates an uninterrupted sidewalk that wraps around 13<sup>th</sup> Avenue South and McGavock Street for the building's entire frontage. Speed ramps remove all vehicular circulation from the ground level and allow for maximum ground floor retail depths.

The East elevation addresses the proximity and scale of the neighboring restaurant by wrapping the residential liner façade treatment around the building to hide the upper-level parking garage.

Additionally, the applicant has been working with NDOT to determine any necessary traffic and mobility improvements that need to be made to the surrounding area. Pedestrian crossing improvements at 12<sup>th</sup> Avenue South and McGavock are being considered. These improvements may be included as conditions of approval on the OHM with the Planning Commission. A Traffic Impact Study is under review by NDOT and may have final recommendations that impact this proposal.



**Figure 5: View from intersection of 13<sup>th</sup> Avenue South and McGavock Street showing an active streetscape from the covered arcade and retail activation**

### **STAFF RECOMMENDATION**

The proposed project offers unique qualities and architectural expression in its site design, building massing, and overall aesthetic, and staff recommends approval of the modifications requested. Staff recommends approval of the overall height modification with the following conditions and deferral without all conditions:

1. All bonus height actions identified in this application, including those that require a deed or restrictive covenant, must be approved prior to building permit approval.
2. The applicant shall coordinate with NDOT on any proposed traffic improvements that come out the Traffic and Mobility Study.
3. If implementation of final TIS recommendations has a substantial effect on the building, or site design, revisions to these plans shall be reviewed by the DTC DRC.
4. All overhead lines along the site's frontages shall be buried.
5. The proposed residential use shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.

Hastings moved and Moore seconded the motion to approve the modification request and recommend that the Planning Commission approve the overall height modification with staff conditions. (5-0-0)

**RESOLUTION**

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

**2) 701 8<sup>th</sup> Avenue South**

2021DTC-020-001

701 8<sup>th</sup> Avenue South

Staff Reviewer: Eric Hammer

Staff Recommendation: Approve with conditions and defer without all conditions

**APPLICANT REQUEST**

The request is to modify the amount of frontage that height at key intersections applies to for property located at 701 8<sup>th</sup> Avenue South (0.33 acres), within the Gulch South subdistrict of the DTC.

**DTC MODIFICATION REQUEST SUMMARY**

- 1. Gulch South Subdistrict Intersection Height Entitlement Radius
  - o Required: 20 stories of building height (28 maximum with bonus height) permitted for frontage within 150 feet of the intersection of 8<sup>th</sup> and Division Street.
  - o Proposed: Allow 20 stories of building height (28 maximum with bonus height) for an additional 118.8' of frontage on 8<sup>th</sup> Avenue South.

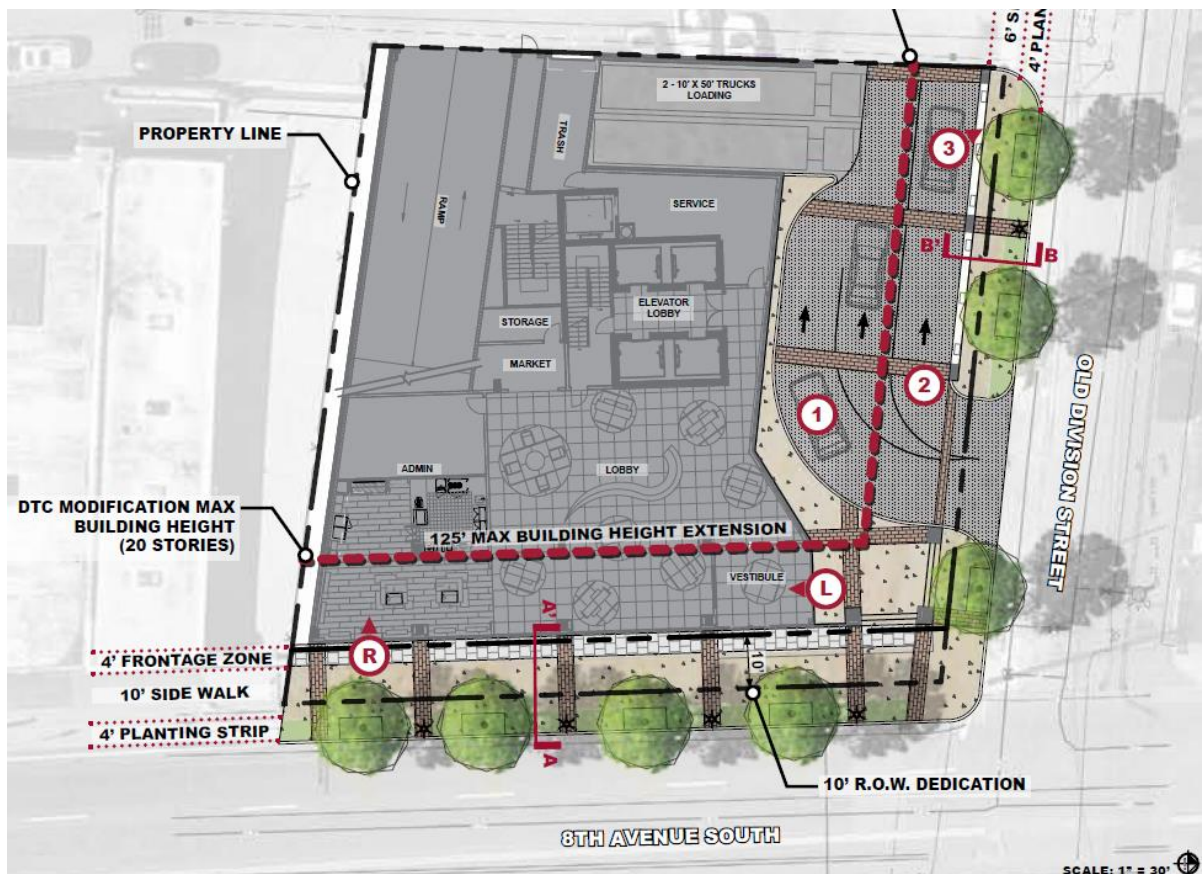


Figure 1: Site Plan





Figure 2: East Elevation



Figure 3: North Elevation



Figure 4: South Elevation

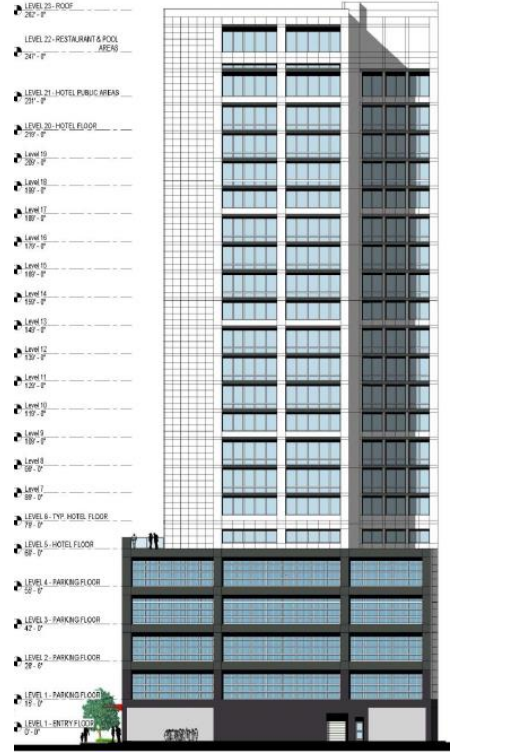


Figure 5: West Elevation



## PROJECT OVERVIEW

701 8<sup>th</sup> Avenue South (Shades Hospitality) proposes a 22-story hotel consisting of approximately 237 keys, 2,250 square feet of retail/restaurant space and 148 structured parking spaces.

## PLAN DETAILS

701 8<sup>th</sup> Avenue South is located on 8<sup>th</sup> Avenue South, south of Gleaves Street and north of Division Street. The site is also adjacent to two other rights-of-way, Old Division Street and Alley #153. Porte cochere access is proposed from Old Division Street, which is considered by the DTC to be an alley, not a street. Loading and garage access is proposed from Alley #153. The hotel lobby and a small coffee/wine bar are proposed on the ground floor along 8<sup>th</sup> Avenue South. The project proposes to utilize the LEED ND bonus for an additional two stories for a total of 22 stories. The property is already located at the eastern extent of the existing Gulch LEED ND neighborhood.

## ANALYSIS

### Gulch South Subdistrict Intersection Height Entitlement Radius

The Gulch South subdistrict links building height to a hierarchy of streets. Most of the subdistrict, listed as “Subdistrict General” in the standards, is entitled to 10 stories, with the ability to earn an extra six stories through the bonus height program. Properties along key east-west streets connecting the Core and SoBro to a rapidly growing Midtown (Broadway, Church, Demonbreun) are entitled to 15 stories, with the ability to earn 6 more stories for a total of 21 stories.

Additionally, frontage located at several key intersections, including 8<sup>th</sup> Avenue South and Division Street, are entitled to up to 20 stories, with the potential to earn 8 more stories for a total of 28 stories. This applies to frontage 150’ from the key intersection. The property in question has approximately 4.25’ of frontage within 150’ of the intersection and is requesting to apply the 20-story height at key intersections entitlement to remainder of the property.

The intent of this standard is to frame important intersections with additional height. The property does not touch the intersection of 8<sup>th</sup> Avenue South and Division Street and has a mere 4.25’ of frontage within the 150’ radius from that intersection. Expanding the amount of applicable frontage from 4.25’ to 123.05’ on the basis that the height is marking the important intersection is not consistent with the intent. Additionally, the proposed design has significant issues, including a bulky massing with four levels of unlined structured parking with a ubiquitous use of “synthetic stucco”.

While it has been noted that other tall buildings are planned within the general area, those projects are either utilizing the bonus height program or have received an overall height modification as part of the intense design process where additional height is earned by going above and beyond the bonus height program and providing truly exceptional architecture and site design.



**Figure 6: Portions of Property within 150’ of Intersection of 8<sup>th</sup> and Division (noted in black)**

**STAFF RECOMMENDATION**

Staff recommends disapproval of the application as submitted.

Hastings moved and Dickson seconded the motion to disapprove the modification request. (5-0-0)

**RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case 2) 701 8<sup>th</sup> Avenue South is disapproved. (5-0-0)

III) **Adjournment**