

# Downtown Code Design Review Committee

## Meeting Minutes

March 3, 2022

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

*Staff Present:* Hammer, Yoo, Brooks, Williams, Dickerson (Legal),

*Others Present:* Chad Jones (STG Design), Kevin Gangaware (CSDG), Laura Beane (ESA), Chris Barkley (HDLA), TJ Eliason (HDLA)

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

---

### I. Approval of the 3/3/2022 DTC DRC Minutes

Mosley moved and Moore seconded to approve the February 2022 DTC DRC minutes.

### II. CASES FOR REVIEW

#### 1) Phillips Plaza

2022DTC-012-001

414 Union Street

Staff Reviewer: Harriett Jameson Brooks

Staff Recommendation: Approve with conditions and defer without all conditions

#### APPLICANT REQUEST

A request to approve the design concept for the renovation of Phillips Plaza at 414 Union Street, within the Core District of the DTC.

#### DTC MODIFICATION REQUEST SUMMARY

No modifications to the DTC are requested.

#### PROJECT OVERVIEW

Phillips Plaza is located in the space between the Bank of America building (414 Union Street) and the DoubleTree Hotel (315 4th Avenue North) with Deaderick Street forming the Northwest boundary and Union Street creating the Southeast boundary.

The project proposes a renovation to the aging plaza, including updates to the materials, paving, furnishing, planting, and lighting. It includes new seating and canopy shade structures.

#### ANALYSIS

The proposed design updates and refreshes an aging outdoor space in the downtown core with contemporary materials, planting, lighting, and outdoor amenities such as charging stations and a bottle filling station/water fountain. It provides comfortable spaces for outdoor seating and gathering without compromising the function of the site as a pedestrian passage. It addresses climatic and safety concerns with canopy structures and multiple types of lighting. It proposes an attractive, textural, and relatively low-maintenance plant palette with a diverse array of evergreen and flowering trees, shrubs, perennials, grasses, and groundcovers.

This project presents an opportunity to create an accessible entrance to the plaza from the north (Deaderick Street). Currently, and in the proposed drawings, the site is only accessible via stairs on the Deaderick side. Inclusion of a universally accessible means of entry at this frontage would prevent an unnecessary burden on disabled individuals wishing to visit the site.

#### STAFF RECOMMENDATION

The aligns with the goals and objectives of the Downtown Code to create active, attractive streets and streetscapes. Staff recommends approval with the following condition:

1. The applicant shall create an accessible entrance and route through the site from Deaderick Street.

Porter recused from this item. Moore moved and Oldham seconded to approve the concept plan (4-0-0) with the following condition:

1. Applicant shall work with staff with a good faith effort to achieve the accessible entrance and route through the site from Deaderick Street to achieve a solution to both party's' satisfaction. If this accessible entrance and route through the site cannot be achieved to both party's satisfaction, the applicants shall return to the DRC.

## **RESOLUTION**

**BE IT RESOLVED by the Downtown Code Design Review Committee that case 1) Phillips Plaza is approved. (4-0-0)**

### **2) Miles Apartments**

2022DTC-011-001

516-526 Rep. John Lewis Way S.

Staff Reviewer: Nora Yoo

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 516-526 Rep. John Lewis Way S., (0.96 acres), north of Lea Avenue, and within the Lafayette Subdistrict of the DTC, including a request to modify the overall height.

### **PROJECT OVERVIEW**

The project proposes a 19-story mixed-use and residential building consisting of 637 residential units, 10,400 square feet of retail space, an 8,150 square foot pocket park along Rep. John Lewis Way South, 317 below-grade parking spaces, and a rooftop residential pool/amenity area.

### **PLAN DETAILS**

The general bounds of the property include Lea Avenue to the north, Rep. John Lewis Way South to the west, and Alley #146 to the east. The site contains three street frontages which serve different functions. The Rep. John Lewis Way S. frontage contains retail and the pocket park, along with the primary entry to the residential lobby of the building. The Lea Avenue frontage contains retail at the corner of Rep. John Lewis Way S., with some back-of-house program toward the corner of Alley #146. Parking and loading are located on the alley.

### **CONCEPT REVIEW**

- How is the proposed architectural massing fitting within and contributing to the surrounding context?
- How can the design of the proposed pocket park successfully support the intent and goal of being a vibrant public park space, welcome to all users, and avoid being read as an amenity space only for residents?
- Discussion of the material palette options presented by the applicant.

## A. DTC MODIFICATION REQUEST SUMMARY

### 1. Step-backs – Lea Avenue and Rep. John Lewis Way S.

- Required: A step-back of 15' minimum between the 4<sup>th</sup> and 7<sup>th</sup> stories is required for buildings 7 stories or greater along public streets.
- Proposed: Eliminate the step-back requirement along Rep. John Lewis Way S. and Lea Avenue.
- Analysis: The DTC requires buildings in the Lafayette subdistrict, that are greater than 7 stories, to have a 15-foot step-back between the 4<sup>th</sup> and 7<sup>th</sup> stories. This project proposes to waive the step-back requirement along Lea Avenue and Rep. John Lewis Way S., due to the massing configuration of the building. The building has an “U” shaped floor plan, creating a courtyard and pocket park along the Rep. John Lewis Way S. frontage. Due to the pocket park, approximately 42% of that street’s building frontage is set back from the ground floor by 78 feet. The intent of a step-back is to allow light and air to reach the street for the benefit of pedestrians and to define the public realm at a pedestrian-scale. Staff finds that the proposed configuration of the building massing accomplishes the intent of the regulation.

Along the Lea Avenue frontage, the building façade has a number of elements that help to add texture to the massing on this side – setback glazing and exposed columns at the retail corner of Rep. John Lewis Way S, a ‘wedge’ on the upper stories to the west, and a glazed corner wrapping on the upper stories to the east. The surface variation created by these elements variegates the plane of this face, to help break up the massing, in turn responding to the intent of the step-back. Note: part of the glazed corner wrapping does encroach on the Lea Avenue right-of-way, and this is currently being reviewed by NDOT to determine next steps (see next section below).

### 2. Frontage – Lea Avenue

- Required: Storefront frontages have a required build-to zone of 0'-10' along Tertiary streets.
- Proposed: Conform to the build-to zone on the ground floor, with an upper-floor encroachment into public right-of-way with the southeast overhang on Lea Avenue.
- Analysis: The encroachment entails a small wedge of inhabitable unit space that protrudes over the property line by 10” at its widest dimension, approximately 60' above grade at the southeast corner of the building. Due to the minor size of this encroachment, along with it occurring at a height above the pedestrian realm, Planning staff finds this minor encroachment acceptable, contingent on NDOT’s review and approval. NDOT must review all encroachments and approval must be given by mandatory referral or other approved process.

## 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, contribution to the skyline, improvement of the project’s relationship to surrounding properties, and improvement to the character of the neighborhood. In some instances, consideration may be given where a project results in implementation of significant community improvements (e.g. quality open space, upgrading public infrastructure, or others determined by the policies of Metro departments) and/or contributes to the implementation of community improvements determined by the policies of Metro departments.

### 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 applied various bonuses available in the Bonus Height Program, including application of LEED silver certification, Pervious Surfaces, Open Space, and Underground Parking bonuses. The project has made strides to meet exceptional design criteria by limiting and placing all parking underground, creating a publicly-accessible urban pocket park/plaza at the center of the project, and proposing a deed restriction to prohibit short term rental (STR) conversion.

Through these bonuses, the project is earning 202,561 square feet in bonus height area, plus 2 stories for the proposed LEED certification. The project is seeking 263,568 square feet and 11 stories over base entitlements through the overall height modification process, to reach the total of 19 proposed stories.

### Community Meeting

The applicant held a virtual community meeting on Monday, February 28 at 5:30 P.M. and sent notices to properties within 300 feet. 12 people were in attendance, including the development team, Planning staff, and one neighboring property owner. A brief presentation was given to the attendees. The adjacent property owner inquired about the alley dimensions and expressed concern that the lack of a step-back on Lea Avenue could leave their property in more shadow than if the step-back were in place. They were in agreement that the proposed pocket park would be a welcome addition to this area.

### Exceptional Design

The architectural massing of the Miles Project creates a courtyard pocket park along Rep. John Lewis Way S. which has frontages to approximately 10,400 square feet of retail spaces on two sides, and the lobby entry along the back. The park will be open to the public and will provide over 200 linear feet of seating in an activated lawn and plaza area where residents, visitors, and pedestrians can gather. The pocket park is a welcome addition to the urban fabric of this emerging residential neighborhood.

The façade articulation of areas that project and peel away, along with the carved-out balcony amenity area on the northern building wing, allow for opportunities for material shifts and provide relief and texture to the overall building massing.

The project proposes adding 637 housing units, 48% of which will be micro-studios of approximately 350 square feet each on average. The addition of residential units in this area will increase the supply of downtown housing options, responding to the need for more housing units in the urban core. The integration of micro-units embraces the potential for vibrant density in this downtown neighborhood, and the applicant has agreed to a deed restriction to prohibit short term rental (STR) conversion.

All vehicular access, including service and loading, occur on the alley to the east of the building. This creates an uninterrupted widened sidewalk that wraps around Rep John Lewis Way S. and Lea Avenue for the building's entire street frontage. All parking is located below grade, and the proposed parking ratio of less than half the number of parking stalls (317) to number of units (637) indicates an emphasis on encouraging pedestrian and multi-modal transit in this central downtown location.

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. A Traffic Impact Study is under review by NDOT and may have final recommendations that impact this proposal and may be included as conditions of approval on the OHM with the Planning Commission.

#### **STAFF RECOMMENDATION**

The project generally aligns with the goals and objectives of the Downtown Code. Staff recommends approval with the following conditions and deferral without all conditions:

1. The applicant must apply for and obtain approval of a mandatory referral to encroach over the Lea Avenue right-of-way, including any and all agreements NDOT deems necessary to allow for required functionality.
2. 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.
3. The applicant shall coordinate with NDOT on any proposed traffic improvements that result from the project TIS.
4. 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.
5. All overhead lines along the site's frontages shall be buried.
6. 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.

Lustig recused from this item. Moore moved and Dickson seconded to approve the concept plan, approve the requested modification, and recommend approval to the Planning Commission (4-0-0) with staff conditions and an additional condition:

7. Staff shall work with applicant to craft language and protections to maintain accessibility within the plaza space.

#### **RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case 2) Miles Apartments is approved. (4-0-0)

### **III) Adjournment**