

# Downtown Code Design Review Committee

## Meeting Minutes

June 2, 2022

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

Staff Present: Hammer, Islas, Brooks, Leeman, Dickerson (Legal), Hattabaugh (NDOT)

Others Present: Matthew Hamby, Jim Beckner Jr., Hays Layerd, Erica Garrison, Taylor Ott, Andrew Donchez, Eric Klotz, Kim Hawkins.

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

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### I. MINUTES

Hastings moved and Dickson seconded to approve the May 5, 2022 meeting minutes. (5-0-0)

### RESOLUTION

**BE IT RESOLVED** by the Downtown Code Design Review Committee that the minutes for the May 5, 2022 meeting are approved. (5-0-0)

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### II. CASES FOR REVIEW

#### 1) 900 Division Street

2022DTC-029-002

900 Division Street

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 900 Division Street (0.26 acres), west of 9<sup>th</sup> Avenue S, and within the Gulch South Subdistrict of the DTC.

#### PROJECT OVERVIEW

The project proposes a 7-story hotel building consisting of 22 multi-bedroom units, 3,669 square feet of retail space, 30 below-grade parking spaces, and a rooftop pool/amenity area.

#### PLAN DETAILS

The general bounds of the property include Division Street to the south, Allen #231 to the west, and 9<sup>th</sup> Avenue S to the east. The project fronts onto Division Street, where the main entries to the retail/restaurant space and lobby are located. The parking garage entry is located on 9<sup>th</sup> Avenue South, and the loading is at the exterior of the building on the alley. Rideshare operations will be conducted within the garage from 9<sup>th</sup> Avenue S.

#### CONCEPT REVIEW

- How is the proposed architectural massing fitting within and contributing to the surrounding context?
- Given the proposed hotel use and high-volume suite capacity, how will vehicular and pedestrian circulation function on site and minimize adverse congestion impact to the surrounding area?

#### A. DTC MODIFICATION REQUEST SUMMARY

##### 1. Sill Height – 9<sup>th</sup> Avenue South

- Required: For storefront frontage, the maximum sill height is 3 feet above grade.

- Proposed: Along 9<sup>th</sup> Avenue South, the building's east façade glazing has sill heights above the maximum of 3 feet above grade – ranging from less than 3 feet above grade to over 9 feet above grade.
- Analysis: Given that the sill heights are maintained at less than 3 feet above grade at the corner glazing right at the intersection of Division Street, and that the larger sill heights are further north on 9<sup>th</sup> Avenue South due to the grading of the site (away from the intersection), Planning Staff finds this modification to be acceptable.

**2. Mechanical Screening – Division Street**

- Required: Loading docks, service entrances and maintenance areas shall be shielded from view from adjacent public streets, pedestrian corridors, and open spaces.
- Proposed: Screening is not currently shown to shield the loading area located on Alley #231 from Division Street.
- Analysis: Planning staff recommends that appropriate screening is incorporated into the site plan per DTC standards.

**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 shall remove the signs for rideshare operations from the ROW and conduct all rideshare within the garage off 9<sup>th</sup> Avenue S. The applicant shall coordinate with NDOT on any proposed site plan improvements that may result from the project TIS.
2. If implementation of final NDOT recommendations results in updates to the building or site design, revisions to these plans shall be reviewed by the DTC DRC.
3. The proposed project will meet all building and zoning code requirements for hotel use including, but not limited to, including the correct number and distribution of ADA accessible hotel rooms; any necessary lobby provisions, etc. If the proposed use changes, the project shall come back before the DTC DRC to review the proposed update.
4. The applicant shall design screening for the loading area on the alley, to help shield views from Division Street.

Porter recused from this item. Hastings moved and Moore seconded to approve the concept plan and modification (5-0-0) with staff conditions with an additional condition:

5. Vehicular access from 9<sup>th</sup> Avenue shall remain unobstructed without arms or gates or any other equipment that would deny rideshare full access.
6. Applicant shall continue to work on plan to allow for pedestrian drop-off within the alley.

**RESOLUTION**

**BE IT RESOLVED by the Downtown Code Design Review Committee that case 1) 900 Division is approved. (5-0-0)**

**2) Paseo Towers 3 and 4**

2022DTC-031-001

714 8th Ave. S, 700, 706, and 710 Division St.

Staff Reviewer: Jared Islas

Staff Recommendation: Approve with conditions and defer without all conditions

**Applicant Request**

A request to approve a concept plan and modifications to build-to zone, maximum floor-to-floor heights, minimum façade width, step-back, MCSP requirements, and overall height for property

located at 714 8th Ave. S, 700, 706, and 710 Division St, zoned DTC (1.91 acres), and within the Gulch South Subdistrict of the DTC.

### **Project Overview**

The project is located at the intersection of 8th Avenue South and Division Street and includes Tower 3 – a 30-story residential building, and Tower 4 – a 22-story office building, joined together by a podium level. The project consists of 396 residential units, 522,675 sf of office space, and 11,180 sf of retail space within the two towers and podium, and 1,500 parking spaces across eight underground levels.

The broader Paseo South Gulch project proposes a pedestrian-oriented, urban neighborhood that includes two renovated historic structures, an urban park, and several new mixed-use towers.

The towers are at various stages in the review process:

- Paseo Tower 1 – a 16-story residential tower approved by-right in February of 2022; modifications were approved by the DTC DRC in March of 2021.
- Paseo Tower 2 – a 30-story hotel/condo tower that had its OHM approved by the MPC in May 2022. The DTC DRC recommended approval of the OHM and approved other modifications at the April 2022 meeting.
- Paseo Tower 3 – a 30-story residential tower seeking concept plan approval, and a recommendation on an overall height modification as part of this application.
- Paseo Tower 4 – a 22-story by-right office tower that is joined to Tower 3 at the podium seeking concept plan approval as part of this application.

### **Plan Details**

Paseo Towers 3 and 4 have frontage on 8<sup>th</sup> Avenue South, Division Street, and 7<sup>th</sup> Avenue South. The DTC classifies both 8<sup>th</sup> Avenue and Division Street as primary streets, and 7<sup>th</sup> Avenue as a tertiary street.

Alley 196/Allison Street runs through the Paseo South Gulch project site and is proposed to close and be abandoned as part of this application.

An internal drive, shared by both towers, is accessed from Division Street (ingress only) and 7<sup>th</sup> Avenue South. The internal drive provides access to the entirely underground parking, Tower 4's service and loading, and Tower 3's pick-up/drop-off area. Tower 3's service and loading are accessed from 7<sup>th</sup> Avenue.

Pedestrian entrances to the towers' lobbies and retail spaces are located along Division Street and a proposed publicly accessible pocket park. The pocket park is located between Towers 3 and 4, Paseo Tower 2, and the historic Voorhees Building.

## **MODIFICATION REVIEW**

### **1. Build-to Zone Modification**

- Required: 0'-10' build-to zone on Division Street (a primary street).
- Request: To extend the pedestrian realm along Division Street with spaces for outdoor activity, Tower 3 has a 14'-6" average build-to line, and Tower 4 has a 16' average build-to line.
- Analysis: The intent behind this requirement is to ensure that new buildings front and activate the street. Staff finds that the widened sidewalk is appropriate for the scale of the Division Street cross section, and the proposed building heights, and meets the intent of the standards by activated the public realm.

### **2. Façade Width Modification**

- Required: 80% of lot frontage on Division Street (a primary street).
- Request: To provide an ample sized entry to proposed pocket park, 78% of the lot frontage is occupied by building.

- Analysis: Staff finds that the proposed pocket park is an added benefit to activating the street, and supports the minimal reduction in lot frontage in order to enliven the site with open space.

### 3. Step-back Modification

- Required: A 15' step-back, between the 4<sup>th</sup> and 8<sup>th</sup> stories, is required for all buildings 8 stories or greater fronting public streets.
- Request: Eliminate the step-back requirements along 8<sup>th</sup> Avenue South and Division Street to allow the architectural language to continue to the street while allowing for an extension to the pedestrian realm, and along 7<sup>th</sup> Avenue South due to low pedestrian foot traffic.
- Analysis: The intent behind this requirement is to allow light and air to reach the street for the benefit of the pedestrians and to avoid a canyon effect. Staff finds that 8<sup>th</sup> Avenue and Division Street are wide enough, and the towers are set back far enough, to allow light and air to reach the street and avoid a canyon effect. Additionally, allowing the architectural language of these high-rise buildings to continue to the street will provide an enhanced pedestrian experience and valuable contribution to the skyline.

### 4. Maximum Floor-to-Floor Height Modification

- Required: 25' maximum floor-to-floor height for the first and second stories.
- Request: 33'4" floor-to-floor height for Tower 4's first story to provide maximum light and transparency adjacent to the proposed pocket park and along 8<sup>th</sup> Avenue.
- Analysis: The intent behind this requirement is to ensure reasonable floor-to-floor heights, while preserving proportionality. Staff supports the proportionality of the increased first floor height.

### 5. MCSP Modification

- Required: Dedicate 8' of ROW on the west side of the 7<sup>th</sup> Avenue South centerline, and provide an 8' wide pedestrian zone and 4' wide green zone. The final streetscape width would be 56' and would include on-street parking on the west side of the street.
- Request: Dedicate 1.2' of ROW on the west side of the 7<sup>th</sup> Avenue South centerline, and provide a 8'-9' wide pedestrian zone, and a 4' wide green zone, wherever possible. Approximately 3' of the pedestrian zone will be provided through a pedestrian easement with building overhead and parking below. The request also proposes to eliminate on-street parking on the west side of the street.
- Analysis: When the MCSP requirements were put in place, 7<sup>th</sup> Avenue still crossed the CSX railroad and was a direct connection between Lafayette Street and Division Street. With the crossing removed and the connection lost, it is reasonable to expect less activity at this location. Planning staff and NDOT staff has worked closely with the applicant to strike a balance between the outdated MCSP requirements and the importance of maintaining vehicular and pedestrian movement due to 7<sup>th</sup> Avenue's connection to Fogg Street as part of the Tower 2 application. NDOT staff and Planning staff are supportive of eliminating the proposed on-street parking along the west side of 7<sup>th</sup> Avenue, and supportive of adjusting the pedestrian zone and/or green zone requirements outlined in the MCSP to what the applicant has proposed. However, a condition has been added to the staff recommendation that will require the applicant to continue discussions regarding the vehicular lane widths on 7<sup>th</sup> Avenue.

### 6. Overall Height Modification

- Required: Tower 3 is located within the Gulch South Subdistrict of the Downtown Code, where 10 stories are permitted by-right and up to 16 stories are permitted using the Bonus Height Program. Tower 4 is within 150 feet of the 8th Avenue South and Division Street intersection where 20 stories are permitted by-right and up to 28 stories are permitted using the Bonus Height Program. The

additional height for Tower 4 is being earned through the Bonus Height Program, while the additional height for Tower 3 – which exceeds the maximum bonus height – is the subject of the Overall Height Modification. Since the towers share underground parking, a podium of ground floor retail space, vehicular access, loading, and pedestrian circulation, the request for additional height on Tower 3 is considered in light of the entire project.

- Request: 30-stories (Tower 3).

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 made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program. The Open Space bonus has been used to provide a publicly accessible pocket park. Additional bonuses being utilized include Underground Parking, Public Parking, and Pervious Surfaces.
  - Community Meeting: The applicant held a community meeting on Tuesday, May 31 at 5:30 P.M. and sent notices to property owners within 300 feet. Details of the community meeting will be provided at the DTC DRC meeting on June 2.
  - Exceptional Design Analysis: The architecture of Tower 3 uses a unique pattern of precast concrete with rounded edges. Various voids expose columns, recessed glass walls, and form outdoor spaces. Tower 4 uses a sculptural planar element that implies movement along Division Street. Portions of the mass along the eastern façade are carved out to create double height loggias for outdoor spaces. At the ground level, the building is pulled up to expose concrete columns and a high degree of transparency that wraps around the pocket park, with views into the office lobby.

A publicly accessible pocket park, with access off 8<sup>th</sup> Avenue is lined with retail spaces and the office lobby. The pocket park connects to a series of activated pedestrian passageways included in previous phases of this project. Furthermore, Towers 3 and 4 contribute to the Gulch neighborhood's character that blends old and new together.

Sidewalks along 8<sup>th</sup> Avenue and Division Street have both been widened beyond MCSP requirements to allow a more gracious zone for pedestrians. Along 8<sup>th</sup> Avenue, Tower 4 has been set back enough to accommodate future road expansion. While along Division Street, a series of "porches" give dedicated space for outdoor seating. The westbound Division Street bike lane will be

reconstructed to match the preferred design standard that is provided on the eastbound side of Division Street.

Towers 3 and 4 include several key attributes that positively impact the surrounding neighborhood. First, by including entirely underground parking, the project uses all its proposed building height for active uses. Towers 3 and 4 complete the overall Paseo portion of the Gulch neighborhood and have actively contributed to the restoration and investment in the neighborhood by adaptively reusing two historic structures and introducing a much-needed urban park space. And finally, the applicant has agreed to a deed restriction to prohibit the conversion of their residential units to short term rental (STR), which guarantees the new housing units remain in perpetuity.

### **STAFF RECOMMENDATION**

The project aligns with the goals and objectives of the Downtown Code. Staff recommends approval 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 result from the project TIS.
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 units shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.
6. The applicant will continue to work with NDOT and Planning Staff to refine the connection between Fogg Street (a private drive) and 7<sup>th</sup> Avenue South (public ROW), and the related MCSP and ROW requirements on 7<sup>th</sup> Avenue, to ensure a safe and easily navigable experience for pedestrians, and vehicles, including in the location where Tower 2 extends over the streetscape.
7. Prior to Final Site Plan review, the applicant will provide elevations and sections that explain the relationship between the south-facing façade of the Tower 2 and the abutting north-facing façade of Towers 3 and 4 to ensure that the condition does not have a negative impact on the proposed pocket park.

Lustig recused from this item. Hastings moved and Dickson seconded to approve the concept plan and modifications as well as recommend approval of the Overall Height Modification to the Metropolitan Planning Commission (4-0-0) with staff conditions.

### **RESOLUTION**

**BE IT RESOLVED by the Downtown Code Design Review Committee that case 2) Paseo Towers 3 and 4 is approved. (4-0-0)**

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### **3) 125 7<sup>th</sup> Avenue North**

2022DTC-032-001

125 7th Avenue North

Staff Reviewer: Harriett Jameson Brooks

Staff Recommendation: Approve with conditions and defer without all conditions

### **APPLICANT REQUEST**

A request for concept plan review, and to modify the standards for upper-level floor height of the DTC for property located at 125 7<sup>th</sup> Ave. N., west of 7<sup>th</sup> Avenue North, south of Commerce Street and within the Core Subdistrict of the DTC.

## **DTC MODIFICATION REQUEST SUMMARY**

1. Upper Level Floor-to-Floor Height – Fourth Level
  - Required: The maximum floor-to-floor height above the second story is 18 feet.
  - Proposed: The floor-to-floor height of Level 4 is 20 feet.

## **PROJECT OVERVIEW**

The project proposes a 21-story hotel consisting of 426 guest rooms and three levels of below-grade parking (287 spaces).

## **PLAN DETAILS**

The general bounds of the property include Commerce Street to the north, 7<sup>th</sup> Avenue North to the east, and alleys to the west and south. The site shares access to these alleys with historic Hume-Fogg High School, its neighbor to the south and southwest.

The site contains two street frontages. The Commerce Street frontage serves as the pedestrian entrance to a restaurant and includes an outdoor dining space. The Seventh Avenue North frontage is characterized by the hotel entrance and lobby, as well as the garage entry.

Along Commerce Street, four remnant parcels owned by MDHA (7 ft deep) are situated between the proposed site and public right-of-way. The applicant is working with MDHA to obtain an easement for right-of-way dedication, outdoor dining, planting beds, and pedestrian space on the MDHA-owned property.

Loading and other back-of-house uses are proposed for the west façade, along Polk Alley.

## **CONCEPT REVIEW**

- Is the project successfully responding to the context of neighboring historic structures, including Hume-Fogg High School?

## **ANALYSIS**

### Upper-level floor-to-floor height – Fourth Level

The required maximum floor-to-floor height above the second level is 18 ft. This project proposes a double-height ballroom space on the fourth floor, making the floor-to-floor height 20 ft on that level, a modification of 2 feet from the requirement.

This modification enables the intended program for the building and does not adversely affect the composition of the façade or the liveliness and activity of the public street. The proposed floor-to-floor height of the fourth level meets the intent of the DTC.

## **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 conditions:

1. The applicant shall provide documentation of their agreement with MDHA for an easement enabling sidewalk improvements on its property.
2. The applicant shall work the NDOT to complete a Traffic Impact Study prior to Final Site Plan Approval.

Porter recused from this item. Moore moved and Lustig seconded to approve the concept plan and modification (5-0-0) with staff conditions.

**RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case 3) 125 7<sup>th</sup> Avenue North is approved. (5-0-0)

**II) Adjournment**