

Downtown Code Design Review Committee

Meeting Minutes

November 3, 2022

Members Present:

Dickson, Moore, Mosley, Porter, Hastings, Yearwood, Lustig, Harris

Staff Present:

Hammer, Islas, Ventura, Milligan, Dickerson (Legal), Hattabaugh (NDOT)

Others Present:

Paige Lincoln, Patrick McDonald, Tom Dahle, Chris Saunders, Blake Daniels, Travis Todd, Andrew Reid, Derrick Payne, Ken Ericson, Melissa Rem, Julia Markie, Lee Rubenstein, Lauren Windsor, Stephen Patton, Mike Eves, Jon Michael, David Cheek, Thomas Hatcher, James Woods, Thomas Masino, Tripp Strickland, Mary McGowan, Lee Davis

Location:

800 2nd Avenue South, Development Services Center Conference Room

I. CASES FOR REVIEW

1) Fogg Street Lawn Club

2022DTC-060-001

648 Fogg Street

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 various DTC requirements for property located at 648 Fogg Street, zoned DTC (0.35 acres), and within the Lafayette Subdistrict of the DTC.

Project Overview

The project proposes an 8,140 square foot rooftop addition with a bar, outdoor bowling, a new stair, and a new elevator core. The existing building is a one-story structure built prior to the adoption of the Downtown Code, and currently occupied by Bad Axe Throwing. There are 11 surface parking spaces on the site along Fogg Street, which are proposed to remain. A portion of the site was impacted by the closing of the at-grade railroad crossing at the intersection of 7th Avenue South and Fogg Street between 2017 and 2018.

Plan Details

The proposed rooftop addition would extend past the existing structure's front façade on Fogg Street, and over the existing surface parking lot by approximately 34 feet. This would result in an 18' 3" floor to floor height for the "ground floor," which would be occupied by the surface parking lot for the foreseeable future (Figure 1). The owner envisions a second phase of this project (Figure 2) that would transform the surface parking lot into an outdoor patio space and bar, screened by planters, and street trees planted within a planting strip – meeting MCSP requirements.

MODIFICATION REVIEW

The DTC requires that additions or expansions of 1,000 square feet or greater (such as this one) "improve the pedestrian realm according to the Major and Collector Street Plan, add street trees (where possible), meet parking lot landscaping standards, and shall not increase the degree of nonconformity (DTC page 15)." However, the project, as proposed, does not meet the typical interpretations of several DTC requirements, including:

1. Active Use Ground Floor Requirement
 - Required: An active use on the ground floor fronting Fogg Street (a secondary street)
 - Phase 1 Request: Providing active use on the rooftop addition, but not on the ground floor
 - Phase 2 Intent: Activate the space underneath the rooftop addition with outdoor patio and bar space
 - Request for interpretation: Does Phase 1 meet the street activation intent of the DTC regulation?
1. Build-To Zone Requirement ("the specified depth along a property's street frontage in which the required minimum façade width must be located." (DTC page 67))
 - Required: 0'-10' build-to zone on Fogg Street

- Phase 1 Request: Meeting the build-to zone for the rooftop addition, but not at ground floor
 - Phase 2 Intent: Meeting build-to zone on ground floor with outdoor patio and bar space
 - Request for interpretation: Does Phase 1 meet the intent of the build-to zone requirement?
2. Minimum Façade Width (“the minimum amount of the frontage that must be defined by a building.” (DTC page 67))
 - Required: 80% or 107’ of the approximately 134’ lot frontage on Fogg Street
 - Phase 1 Request: The rooftop addition would occupy 49% or 65’ of the approximately 134’ lot frontage on Fogg Street
 - Phase 2 Intent: No change from Phase 1
 - Request for interpretation: If the DRC determines that Phase 1 meets the intent of the build-to zone requirement, does Phase 1 meet the intent of the minimum façade width requirement?
 3. MCSP Requirement
 - Required: 8’ sidewalk and 4’ planting strip with street trees on Fogg Street
 - Phase 1 Request: Not included
 - Phase 2 Intent: Included
 - Request for interpretation: Given the nature of the proposed Phase 1 addition, should MCSP compliance be postponed to Phase 2?

STAFF RECOMMENDATION

As the nature of this project is not anticipated by the existing Downtown Code regulations, Planning Staff recommends that the DTC DRC provide project-specific and site-specific interpretations of the aforementioned DTC requirements in relation to the project’s first phase.

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

1. The rooftop addition should be designed and constructed so that it will not extend over the pedestrian realm post-MCSP improvements.
2. Prior to Final Site Plan review and approval, the applicant shall integrate feedback from the DTC DRC meeting.
3. If the scope of work associated with the first phase of the project were to change, the DTC DRC must review and approve a new concept plan.
4. Concept plans for any subsequent phases shall be reviewed by the DTC DRC.

Moore moved and Lustig seconded to disapprove the concept plan and modifications as proposed, with the recommendation that the applicant work with Planning Staff to improve the proposal’s compliance with the DTC before bringing it back to the DRC. (8-0-0)

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 1) Fogg Street Lawn Club is disapproved. (8-0-0)

2) 4th and Elm Southeast

2022DTC-062-001 (CONCEPT) and 2022DTC-068-001 (MODIFY)

704-712 4th Avenue South

Staff Reviewer: Hammer

Staff Recommendation: Approve with conditions and defer without all conditions

Applicant Request

A request to approve a concept plan and modifications to step-back for property located at 704-712 4th Avenue South, zoned DTC (1.13 acres), and within the Lafayette Subdistrict of the DTC.

Project Overview

The project proposes a new 11-story residential and short-term rental building with ground floor retail and restaurant uses on 4th Avenue South and loft units fronting Elm Street and Ash Street. In total, the project will consist of 176 residential and short-term rental units, 11,844 sf of retail space, and 95 vehicular parking spaces.

Plan Details

The project site is located on 4th Avenue South between Ash Street and Elm Street. Three retail spaces and the building lobby will address 4th Avenue South, which is a primary street. Loft units designed as storefronts address Ash Street and Elm Street, which are secondary and tertiary streets respectively.

All mechanical uses are located on the alley to the east of the site, with the electrical transformer at the corner of the alley to satisfy NES requirements. All vehicular parking access and loading is taken from the alley. TIS recommendations are forthcoming and may influence site details when finalized.

The project proposes to earn 3 stories of height through the Bonus Height program, specifically through use of the public parking, underground parking, and pervious surfaces bonuses. The public parking is accessed via a separate stairway near the corner of Ash and 4th Avenue South.

CONCEPT REVIEW

- How can ground floor units be designed to successfully blend residential and commercial?
- Do varied step-backs successfully accomplish the goals of a traditional step-back?

MODIFICATION REVIEW

1. Step-back Requirement
 - Required: A 15' step-back, between the 4th and 8th stories, is required for all buildings 8 stories or greater fronting public streets.
 - Request: Provide a graduated step-back on 4th Avenue South ranging from 0' to 41'-10" between levels 2 and 5 and a step-back on Ash Street and Elm Street ranging from 0' to 274'-4" on level 2.
 - Analysis: Staff finds that modification request meets the intent of the DTC step-back requirement – allowing light and air to reach the street for the benefit of pedestrians. The modification allows for variation in the massing while maintaining a ground floor with a close relationship to the street, allowing more light and air to reach the street than if the step-back regulation was strictly applied.

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. The applicant shall comply with NDOT's recommendations and with any proposed traffic improvements that result from the project TIS.
2. 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.
3. Public bicycle parking shall be provided per Metro Code 17.20.135.
4. Furnishing zone shall be designed with a street tree grate system and trees shall include 400 cubic feet of soil volume, per the DTC.

Lustig moved and Moore seconded to approve the concept plan and modifications with staff conditions, and the added condition that if materiality is changed during the Final Site Plan process, it will come back to the DTC DRC for review. (8-0-0)

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 2) 4th and Elm Southeast is approved. (8-0-0)

3) Northcap Center

2022DTC-063-001 (CONCEPT) and 2022DTC-064-001 (MODIFY)

300 and 404 James Robertson Parkway

Staff Reviewer: 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, step-back, and upper-level floor-to-floor height for property located at 300 and 404 James Robertson Parkway, zoned DTC (1.28 acres), and within the James Robertson Subdistrict of the DTC. The site is also within the Capitol Hill MDHA Redevelopment District, which does not have a Design Review Committee; the concept plan and modifications shall then be reviewed by the DTC Design Review Committee.

Project Overview

The project proposes the adaptive reuse of an existing 21-story office building as a multifamily apartment building. The existing building's eight stories of above ground structured parking will be wrapped with a 9-story liner building with ground floor retail with residential above. In total, the project will consist of 358 residential units, 12,400sf of retail space, and maintain its 403 existing structured parking spaces.

Plan Details

The project site is located at the northwest corner of James Robertson Parkway and 3rd Avenue North. Three retail spaces, the residential lobby, and a coworking space will be located on the ground floor of the liner building fronting James Robertson Parkway. A fourth retail space will be located on 3rd Avenue, on the ground floor of the existing building. All vehicular access to the site will be off 3rd Avenue. This includes the existing structured parking access point and an auto court, which will also provide access to the building's loading zone.

The existing building will receive new aluminum window systems throughout the tower, new garage screen panels on 3rd Avenue, and new cladding material at the base of the building fronting 3rd Avenue. Its primary materials will be patched and painted. The liner building will be composed of a stone/masonry base, metal panels, and aluminum window wall system.

The applicant has stated that the development is intended to be multifamily residential apartments.

CONCEPT REVIEW

- What elements of this project should set the tone for redevelopment and/or adaptive reuse along James Robertson Parkway? Are these elements being successfully executed?
- What design and planning elements could the Planning Department offer to incentivize the adaptive reuse of existing Downtown structures?

MODIFICATION REVIEW

1. Build-to Zone Requirement
 - Required: 20'-30' build-to zone along James Robertson Parkway
 - Request: 0' ground floor build-to zone along James Robertson Parkway
 - Analysis: As the existing building encroaches beyond the build-to zone, any liner building would need to do the same. Staff finds that the advantages of the liner building, and its screening of the existing above ground structured parking outweigh the impacts of the requested modification. Furthermore, the design of the liner building's stone/masonry base fronting James Robertson Parkway is successful in grounding the building's pedestrian experience. A slight step-back (of varied depth) occurs after the ground floor, for the remaining height of the liner building.
2. Step-back Requirement
 - Required: A 15' step-back, between the 4th and 8th stories, is required for all buildings 8 stories or greater on public fronting streets.
 - Request: Provide an 8'-14' step-back on the north side of the building and eliminate step-back requirements for the south side of the building. The south side of the building provides a change in color on the 8th and 9th floors to differentiate it from the floors below and break up the façade. Furthermore, after the 9th floor, the south side of the building provides an approx. 150' step-back to the tower.
 - Analysis: Staff finds that modification request meets the intent of the DTC step-back requirement – allowing light and air to reach the street for the benefit of pedestrians.
3. Upper-level Floor-to-Floor Height Requirement

- Required: Minimum of 10' floor-to-floor height for upper levels.
- Request: 9'8" floor-to-floor height for floors 2-9 within the liner building.
- Analysis: Staff finds that modification request meets the intent of the DTC floor-to-floor height requirement – to establish reasonable floor-to-floor height, while maintaining proportionality.

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. Prior to Final Site Plan approval, final material and color selections will be reviewed by Planning Staff and may need to be considered by the DTC Design Review Committee.
2. Prior to Final Site Plan approval, the applicant shall provide NDOT with an exhibit showing whether an on-site connection between the existing structured parking garage and the proposed auto court is feasible.
3. The proposed residential use shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by the Metro Department of Law, prior to the approval of a final site plan. If the applicant is unable to finalize this memorialization, staff may refer the item to the DTC DRC for further review.
4. The applicant shall comply with NDOT’s recommendations and with any proposed traffic improvements that result from the project TIS.
5. 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.

Mosely moved and Lustig seconded to approve the concept plan and modifications with staff conditions. (8-0-0)

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 3) Northcap Center is approved. (8-0-0)

4) 127 Rosa L. Parks Boulevard Signage

2022DTC-065-001

127 Rosa L. Parks Boulevard

Staff Reviewer: Ventura

Staff Recommendation: Approve

Applicant Request

A request for modification on properties located at 119 and 127 Rosa L Parks Boulevard, southwest of the corner of Rosa L Parks Boulevard and Commerce Street, zoned DTC (0.65 acres), to permit three modifications from the Signage Section of the DTC.

Project Overview

The project is proposing (2) 424.50 square foot skyline signs on the south and west elevations of the Temp hotel, (1) projecting sign height set at above the 4th floor windowsill and (1) monument sign located along the property line instead of the required 5 feet setback.

DTC SIGNAGE MODIFICATION REQUESTS SUMMARY

1. Skyline Signs along the Alley and 9th Ave North
 - Required: Skyline Signs have maximum sign area determined by average height of the building. 720 square feet is the total maximum sign area for heights of buildings 201 feet and taller.
 - Proposed: The building is proposing (2) skyline signs, each on a different façade, that total 849 square feet, exceeding the allowable maximum by 129 square feet.
 - Analysis: The lettered signage of the Hilton Temp Logo falls within the allowable square footage. The elongated slash increases the square footage in the manner the Downtown code measures signs. The area outlined by the elongated slash is not designed to be part of the signage, as the metal panel is clearly visible.
2. Projecting Sign along Rosa L. Parks Boulevard
 - Required: A projecting sign shall be located below the windowsills of the 4th story.

- Proposed: The proposed location of the projecting sign height is set above the 4th story windowsill.
 - Analysis: The location of the projecting sign is near an existing building. To avoid interfering with the neighboring residence and provide visibility for hotel patrons from Broadway, the project sign is set above the 4th floor windowsill.
3. Monument Sign along Rosa L. Parks Boulevard
- Required: A monument sign must be set back at least 5 feet from the front property line.
 - Proposed: The proposed monument sign is set back 8” from the property line.
 - Analysis: The proposed monument sign is within a landscaped area and sits in front of a column. The sidewalk along Rosa L Parks is wider than most streets in Downtown, so if the monument was set 5’ from the property line, the sign would not be clearly visible to pedestrians.

STAFF RECOMMENDATION

The project generally aligns with the goals and objectives of Article V of the Downtown Code. Staff recommends approval.

Hastings moved and Porter seconded to approve the modifications, citing the unique nature of the logo as support for the 20% increase in overall size. (8-0-0)

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 4) 127 Rosa L. Parks Boulevard is approved. (8-0-0)

II) Adjournment