

# Downtown Code Design Review Committee

## Meeting Minutes

December 2, 2021

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

*Staff Present:* Hammer, Williams, Yoo, Ventura, Islas Dickerson (Legal), York (NDOT)

*Others Present:* Jeff Cundiff, Drew Hardison, Laura DeMone, Bob Snip, Taylor Wells, Sierra Jensen, Chuck Gannaway, Morgan Stengel, Erica Garrison, Tony Giarratana, Lee Davis

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

---

### I. Approval of the 9/2/2021 DTC DRC Minutes

### II. Approval of the 11/4/2021 DTC DRC Minutes

### III. CASES FOR REVIEW

#### 1) 1010 Church

2022DTC-006-001

1000 Church 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 1010 Church Street, (1.46 acres), between YMCA Way and 10<sup>th</sup> Avenue North and within the Core Subdistrict of the DTC.

#### PROJECT OVERVIEW

The project proposes a 60-story mixed-use and residential building consisting of 500 residential units, 621 parking spaces, and a residential pool/amenity area. The project incorporates a new built space for the Downtown YMCA (57,588 square feet) at the corner of YMCA Way and Church Street.

#### PLAN DETAILS

The general bounds of the property include Church Street to the south, YMCA Way to the east, 10<sup>th</sup> Avenue North and Platform Way to the west, and Alley #121 to the north. The site contains three street frontages. The Upper Church Street frontage has the driveway entry to a porte cochere, from which the residential lobby is accessed. The YMCA Way frontage contains the pedestrian access to the new portion of the YCMA building. The 10<sup>th</sup> Avenue North frontage is below Platform Way and contains back-of-house functions and vehicular access to the parking garage.

#### CONCEPT REVIEW

- The pedestrian access to the lobby area as routed through the porte cochere is indirect; would the project be better served by having the lobby program along the Church Street frontage?
- Does the proposed garage screening mitigate the effect of above-grade parking on the streetscape and skyline?
- How does this proposed project fit in with the adjacent projects under construction along Church Street?

## DTC MODIFICATION REQUEST SUMMARY

### 1. Street Character – Upper Church Street

- Required: Shade-producing street trees shall be planted in the public ROW along the length of the lot frontage at a maximum spacing of fifty feet.
- Proposed: Provide landscape planters in lieu of street trees.
- Analysis: The DTC requires that shade-producing street trees shall be planted in the public right-of-way along the length of the lot frontage at a maximum spacing of fifty feet. The intent of this regulation is to provide for street plantings and greenery with the goal of creating a more welcoming streetscape. Given the viaduct bridge condition in this location of Church Street, staff finds that inclusion of planters would be an acceptable alternative solution in place of the street tree requirement, as long as they do not impede on the 12'-0" clear dimension of the pedestrian right-of-way as required by the MCSP.

### 2. Below-Grade Parking

- Required: All underground parking shall not be visible from the surface of the earth. The number of stories of structured parking without upper level habitable liners on all public street frontages and open spaces shall not exceed the number of levels of underground parking.
- Proposal 1: The applicant requests counting the two levels of parking below the Church Street viaduct as Underground Parking to earn additional height through the Bonus Height Program (BHP).
- Analysis 1: The parking below the Upper Church Street viaduct is below the grade at YMCA Way and accessible along 10<sup>th</sup> Avenue North, directly below Platform Way. As the site is framed by public streets on the south and east and by a private street on the west, staff is amenable to setting the ground plane at this level for the purposes of this project.
- Proposal 2: A request for un-lined parking levels visible from Church Street.
- Analysis 2: The above-grade parking is lined with the YMCA building program along YMCA Way and part of Church Street. The remainder of the frontage on Church Street between Floors 2-60 are clad with an aluminum and glazing system to maintain a continuous faceted envelope for the whole 1010 Church Street elevation. The glazing on the parking levels (Floors 2-8) has a 40% visibility frit pattern, and the residential floors above use full vision glass. The project also features a partial liner with habitable civil support space on all stories facing YMCA Way, which staff recommends meets the intent of this standard, which was recently adopted while this building was in the process of being designed. Staff is amenable to this modification due to the high quality of the proposed materials along with the use of a continuous faceted language as a way to seamlessly integrate the façade of the parking levels with the rest of the building.

### 3. Encroachment

- Required: Structures shall not encroach beyond the front of the Build-to Zone. The build-to zone is 0-10' for storefront frontage in the Core subdistrict.
- Proposed: Request for a building encroachment over an irregular piece of right-of-way that juts into the property for a below-grade retaining wall of the viaduct bridge. The portion of retaining wall that protrudes above the sidewalk along Church Street would be demolished with the new construction; the retaining wall below the sidewalk would remain.

- Analysis: The right-of-way line above Church Street has a jog that reflects the original barrier wall for the viaduct. Given that the viaduct structure below will remain intact and uncompromised, staff finds it acceptable to encroach with the building façade as shown into the right-of-way line on Upper Church Street given the barrier wall for which the line was drawn will be removed with this project.

### **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 the conditions:

1. The applicant shall continue ongoing discussions with NDOT and work together to address NDOT recommendations. Revisions resulting from the implementation of these recommendations may be reviewed by Planning Staff, who may approve minor revisions.
2. Bonus Height must be assessed to determine compliance with the DTC and certified prior to building permit approval.

The Design Review Committee asked that it be added to the record that they strongly support this project taking access from Upper 10<sup>th</sup> Avenue (Platform Way), rather than Church Street. While not noted in the report, the Design Review Committee also noted that this project is also requesting an active use modification. Hastings moved and Lustig seconded the motion to approve the modification request (7-0-0) with an additional two conditions:

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 Metro Legal.
4. The street tree modification shall only apply where a viaduct condition exists.
5. The access on Church Street may be permitted but if access can be achieved to Platform Way, the project shall take access from Platform Way.

### **RESOLUTION**

**BE IT RESOLVED by the Downtown Code Design Review Committee that case 1) 1010 Church is approved. (7-0-0)**

#### **2) Gay Street NES Site**

2022DTC-003-001

419 Gay Street

Staff Reviewer: Jared Islas

Staff Recommendation: Approve with conditions and defer without all conditions

#### **Applicant Request**

A request to approve modifications to active use requirements, and to approve civic frontage for property located at 419 Gay Street, zoned DTC (2.05 acres), and within the James Robertson Subdistrict of the DTC.

#### **Project Overview**

The project proposes to replace the existing NES Central Substation due to additional power demands. The existing Central Substation, located on the same parcel, will be removed. However, the existing enclosure will remain.

#### **Plan Details**

The parcel is on the northern half of the block bounded by 2<sup>nd</sup> Avenue North, Gay Street, and James Robertson Parkway. Only a portion of the parcel is being affected by the proposed parcel. Two vehicular access entries with garage doorways are proposed along Gay Street. The pedestrian zone in front of the new substation will be improved to provide a 9' sidewalk and street trees. The façades of the substation are proposed to have three unique, yet related, styles of screening. "Patch" - a section of perforated corrugated aluminum within a precast frame will front

the segment of Gay Street along the river. A “Weave” wall pattern will be used on either side of that. For the segment of Gay Street between 1<sup>st</sup> Ave N and 2<sup>nd</sup> Ave N, a concrete wall with strategic changes in color and texture will be used.

## CONCEPT REVIEW

- Is this a successful screening method for a substation?
- How can utility uses be best incorporated into mixed-use urban areas?

## MODIFICATION REVIEW

### 1. Active Use Requirements

- Required: An active use is encouraged on Secondary and Tertiary streets, particularly if that street is the only public street frontage.
- Request: No active use along ground floor.
- Analysis: Due to the utility use of the site, an active use along the ground floor would be challenging to accomplish. Staff finds that reasonable efforts have been made to incorporate visually interesting façades along the entire street frontage.

### 2. Civic Frontage

- Required: Civic buildings shall be reviewed by minor modification.
- Request: Review the proposed improvements to the utilities property as a civic building.
- Analysis: The DTC states that civic buildings should be inherently unique, should be designed with prominence and monumentality, should be oriented to streets, and should follow the intent of the applicable DTC subdistrict. Staff finds that these efforts have been made as part of the proposed design.

## STAFF RECOMMENDATION

The proposed substation strives to meet the principles of the DTC to create and nurture the character of the James Robertson Subdistrict with an active and attractive street and streetscape. Given the inherent nature of the use of the building as a utility, modifications to standards are warranted. Staff recommends approval of the conceptual plan and associated modifications with the following condition:

1. Applicant will continue to work with NDOT and Planning on the ROW/streetscape requirements along Gay Street, or additional ROW may need to be dedicated.

Moore moved and Lustig seconded the motion to approve the modification request (7-0-0) with an additional condition:

2. The 9' sidewalk corridor width with street trees shall be extended to 2<sup>nd</sup> Avenue.

## RESOLUTION

**BE IT RESOLVED by the Downtown Code Design Review Committee that case 2) Gay Street NES Site is approved. (7-0-0)**

### 3) Galen Nursing Signage

2022DTC-004-001

1100 Dr. Martin Luther King Jr. Boulevard

Staff Reviewer: Eric Hammer

Staff Recommendation: Approve with conditions and defer without all conditions

## APPLICANT REQUEST

A request to modify the height standard of the DTC for property located at 1100 Dr. Martin Luther King Jr. Boulevard, (5.97 acres), north of Dr. Martin Luther King Jr. Boulevard, east of George L. Davis Boulevard and west of 11<sup>th</sup> Avenue North.

## **PROJECT OVERVIEW**

The project proposes a 281.7 SF sign on the western façade of an existing office building facing an Interstate Frontage according to the Downtown Code.

## **DTC MODIFICATION REQUEST SUMMARY**

### **1. Wall Sign – General Provisions**

- Required: A wall sign shall either be located lower than the windowsills of the third story or at the top of the building, not to be placed below the windows of the highest floor.
- Proposed: 281.7 SF on-premises sign on parking garage parapet.
- Analysis: The DTC considers George L. Davis, the street this sign addresses, as Interstate Frontage. This means signage entitlements would generally calculate at 1 SF per linear foot of frontage and this parcel has approximately 470 SF of frontage. While the sign does not strictly comply with the DTC in terms of locating beneath the window sills of the third story, Interstate Frontage is meant to account for the interstate's visibility and balance that opportunity with driver safety and preservation of Nashville's skyline. The affected portion of the building is a parking ramp and locating the sign lower on the building would limit the visibility from the interstate, whereas the placement on the parapet appears more natural and legible.

## **STAFF RECOMMENDATION**

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

1. This modification shall only be associated with this specific sign and its characteristics, including but not limited to size, location, and illumination and approval shall terminate if these characteristics are altered.

Mosley moved and Lustig seconded the motion to approve the modification request (7-0-0):

## **RESOLUTION**

**BE IT RESOLVED by the Downtown Code Design Review Committee that case 3) Galen Nursing Signage is approved. (7-0-0)**

### **4) 127 Rosa L Parks Update**

2022DTC-002-001

127 Rosa L Parks Boulevard

Staff Reviewer: Hazel Ventura

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 127 Rosa L. Parks Boulevard, (0.57 acres), east of 9<sup>th</sup> Avenue North, south of Commerce Street and within the Core Subdistrict of the DTC.

### **Project Overview**

The project proposes a 17-story hotel building consisting of 297 guest rooms, 4,000 square feet of retail space, 132 parking spaces, and a pool/amenity area. This project was reviewed and received concept approval on September 5, 2019. The substantial changes include the main pedestrian entrance off the intersection of Rosa L Parks and Commerce Street, the facades of the building, and the overall height has decreased from 29 stories to 17 stories.

## Plan Details

The property is enclosed by 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. The Commerce Street frontage serves as the pedestrian entrance to the retail space and shop-n-go referenced as the market in plans. The Rosa L. Parks Boulevard frontage serves as pedestrian entrance to the hotel lobby, with vehicular access including valet and drop-off services. 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 17-story tower is proposed to straddle the alley; approval is required for this massing via the mandatory referral process through NDOT, and documentation has been received and is dated as October 7, 2020.

## CONCEPT REVIEW

- Is the design of the main entrance and porte cochere successfully integrated into the overall building?
- While above grade parking was previously proposed and is proposed again, the screening of the garage has changed from the original proposal. Is the contrasting massing and materiality of the garage successfully screening the parking and harmonious with the overall design? Does the garage have a negative, positive, or neutral effect on the public realm?

## MODIFICATION 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 Commerce Street frontage to allow for outdoor dining.
- Analysis: 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 instance, the portions of the building that are beyond the build-to zone are set back to provide space for outdoor seating and serve as an extension of the grab and go shop on the ground floor of the building.

### 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 port cochere.
- Analysis: 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 instance, the building's ground floor façade along Rosa L Parks is recessed to accommodate a porte cochere. The porte cochere and main entrance to the hotel is connected to the sidewalk corridor.

### 3. Parking Requirement

- Required: The number of stories of structured parking without upper-level habitable liners on all public street frontages and open spaces shall not exceed the number of levels of underground parking.
- Proposed: There is no underground parking. All parking is above grade.
- Analysis: The intent of the DTC is to ensure that active uses are placed along the street frontages, activating the sidewalk corridor. The designers have screened the above grade parking garage almost entirely on all street frontages. The original concept design was approved with above grade parking garage and no below grade parking. The DTC was recently amended to limit the amount of above grade parking.

**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. Prior to final site plan submittal to the Planning Department, the applicant shall submit for review a Traffic Impact Study. The TIS shall be reviewed and approved by NDOT and Planning prior to final site plan approval.
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.

Lustig declared a conflict and recused. Hastings moved and Dickson seconded the motion to approve the modification request (6-0-1):

**RESOLUTION**

**BE IT RESOLVED by the Downtown Code Design Review Committee that case 4) 127 Rosa L Parks Update is approved. (6-0-1)**

**5) 125 11<sup>th</sup> Avenue North**

2022DTC-001-001

125 11th Avenue North

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 125 11<sup>th</sup> Avenue N, (0.79 acres), south of Church Street and within the Mid-Gulch area of the Gulch South Subdistrict of the DTC.

**PROJECT OVERVIEW**

The project proposes a 26-story mixed-use and residential building consisting of 387 residential units, 17,500 square feet of retail space, 425 parking spaces, and a residential pool/amenity area.

This project is located adjacent to 1111 Church Street, and both projects will share pedestrian access on the Upper Church Street level to a staircase along Comer Alley that allows non-vehicular access between the upper and lower levels of the viaduct.

**PLAN DETAILS**

The general bounds of the property include Church Street to the north, 11<sup>th</sup> Avenue North to the east, and Alley #225 to the east. The site contains three street frontages which serve different functions. The Upper Church Street frontage serves as the pedestrian entrance to the residential lobby, as well as ground-floor retail and a round-about driveway (with parking garage access) for vehicle drop-offs. The Lower Church Street frontage contains the loading area and the second parking garage entry. The 11<sup>th</sup> Avenue North frontage contains pedestrian-accessed retail space, in addition to some back-of-house program at the corner of Lower Church Street.

Alley #225 (Comer Alley) runs through the site, spanning between Grundy Street to Lower Church Street. The 26-story tower is proposed to straddle this alley adjacent to Upper Church Street; approval is required for this encroachment over the alley through the mandatory referral process.

## CONCEPT REVIEW

- Is the current site plan on Lower Church Street successfully facilitating effective pedestrian connections, between the proposed staircase, Comer Alley, 11<sup>th</sup> Avenue North, and the Gulch Greenway?

## DTC MODIFICATION REQUEST SUMMARY

### 1. Step-backs – Church Street

- Required: A step-back of 15' minimum between the 4<sup>th</sup> and 8<sup>th</sup> stories is required for buildings 8 stories or greater along public streets.
- Proposed: Eliminate the step-back requirement along Upper Church Street.
- Analysis: 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> stories. This project proposes to waive the step-back requirement along Upper Church Street, due to the massing configuration of the building. The building has an “L” shape configuration, with the short leg of the “L” set back south from the Church Street frontage by approximately 138' above the second story (refer to plans of the 2<sup>nd</sup> Floor and Typical Residential Floor 3-23). Approximately 40% of the Upper Church Street frontage is set back from the ground floor by this significant dimension. 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 in a site-specific way.

### 2. Street Character – Upper Church Street

- Required: Shade-producing street trees shall be planted in the public right-of-way along the length of the lot frontage at a maximum spacing of fifty feet.
- Proposed: Eliminate street trees and provide a wider sidewalk to maintain the same right-of-way distance from the road. Provide planters and landscaping adjacent to the building along the right-of-way.
- Analysis: The intent of this regulation is to provide street plantings and greenery to create a welcoming and pleasant streetscape. Given the viaduct condition in this location of Church Street, staff finds that inclusion of planters would be an acceptable alternative solution in place of the street tree requirement, as long as they do not impede on the 12'-0" clear dimension of the pedestrian right-of-way as required by the MCSP.

### 3. Street Character – Lower Church Street

- Required: Shade-producing street trees shall be planted in the public right-of-way along the length of the lot frontage at a maximum spacing of fifty feet.
- Proposed: Eliminate street trees from Lower Church Street due to lack of sunlight exposure below the viaduct.
- Analysis: Due to the low-light condition of Lower Church Street, it is understood that it could be challenging to sustain thriving trees below the viaduct per the standard recommendation. Planning recommends the applicant work with their landscape architect to develop a planting plan with low-light plantings in planters or other potential ideas as an acceptable alternative solution in place of the street tree requirement, as long as elements such as planters do not impede on the clear dimension of the pedestrian right-of-way.

## 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 must apply for and obtain approval of a mandatory referral to encroach over the alley right-of-way, including any and all agreements NDOT deems necessary to allow the proposed alley bridging and functionality.

2. Prior to final site plan submittal to the Planning Department, the applicant shall submit for review a Traffic Impact Study. The TIS shall be reviewed and approved by NDOT and Planning prior to final site plan approval.
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. The proposed right-of-way acquisition on 11<sup>th</sup> Avenue North is conditional to further discussion and approval by WeGo, NDOT, Metro Planning, and any other impacted parties.
5. All overhead lines along the site's frontages shall be buried.
6. Bonus Height must be assessed to determine compliance with the DTC and certified prior to building permit approval.
7. 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 declared a conflict and recused. Hastings moved and Mosley seconded the motion to approve the modification request (6-0-1) with an additional condition:

8. The applicant shall continue to study screening techniques for the structure parking screening on 11<sup>th</sup> Avenue North. Staff shall review and may approve final screening/cladding.

### **RESOLUTION**

**BE IT RESOLVED by the Downtown Code Design Review Committee that case 5) 125 11<sup>th</sup> Avenue North is approved. (6-0-1)**

#### **6) 1100 Broadway**

2021DTC-026-001

1100, 1150, 1156 Broadway, 105 11th Avenue North, 1117 Porter Street and 0 Porter Street

Staff Reviewer: Eric Hammer

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 1100, 1150, 1156 Broadway, 105 11th Avenue North, 1117 Porter Street and 0 Porter Street, (3.08 acres), south of Church Street and within the Mid-Gulch area of the Gulch South Subdistrict of the DTC.

#### **PROJECT OVERVIEW**

The project proposes a 41-story residential and hotel tower and 28-story office tower consisting of 320 residential units, 383 hotel rooms, 28,455 square feet of retail and restaurant space, 747,908 square feet of office space, and 1,966 parking spaces. Both pedestrian and vehicular access is proposed on all four street frontages and a monumental stair is proposed to connect elevated Broadway to 11<sup>th</sup> Avenue North.

#### **PLAN DETAILS**

The general bounds of the property include Broadway to the south, 11<sup>th</sup> Avenue North to the east, Porter Street to the north, and 12<sup>th</sup> Avenue North to the west. The site contains four street frontages that serve different functions. The Broadway frontage primarily serves as the access and lobby for the 28-story office building and the Porter Street frontage primarily serves as the entrance to the hotel and residential tower, while the 11<sup>th</sup> Avenue North and 12<sup>th</sup> Avenue North frontages serve as secondary accesses for the site. The corner of 11<sup>th</sup> Avenue North is addressed by retail.

Five levels of structured parking are proposed, all of which are lined on the 11<sup>th</sup> Avenue North, Broadway, and Porter Street frontages (12<sup>th</sup> Avenue North upper levels are screened but not lined). Three levels of underground parking are proposed.

## CONCEPT REVIEW

- How do the distinct aesthetic languages of each of the architectural volumes (Residential/Hotel tower; Office tower; Porter Street low-rise; garage screening on 12<sup>th</sup> Avenue North) read together and as a whole?
  - Is there a successful cohesion between these languages?
- Does the architecture at the base along the various street elevations of the project create a successful pedestrian and streetscape experience?

## A. DTC MODIFICATION REQUEST SUMMARY

### 1. Step-backs – All Frontages

- Required: A step-back of 15' minimum between the 4<sup>th</sup> and 8<sup>th</sup> stories is required for buildings 8 stories or greater along public streets.
- Proposed: Approve alternative compliance with step-back intent through relief in the project's massing.
- Analysis: The step-back standard of the DTC is intended to allow for light and air to permeate to the pedestrian realm and to frame the massing along the street at a pedestrian scale. Staff recognizes alternative design approaches may also support this intent. This project's proposed alternative places the tower movements on two corners and creates a break in the massing at the 6<sup>th</sup> level.

### 2. Structured Parking – Ratio

- Required: The number of stories of structured parking without upper-level habitable liners on all public street frontages and open spaces shall not exceed the number of levels of underground parking.
- Proposed: Three levels of underground parking, five levels of structured parking lined on all sides except 12<sup>th</sup> Avenue North.
- Analysis: The intent of this standard is to curtail excessive unlined structured parking where opportunities to place parking underground exist. The standard requires that the parking be fully lined from all public streets in order to be removed from the calculation of the ratio. In this case, the five levels of structured parking are lined with habitable space on three frontages but are only cladded on the fourth frontage, 12<sup>th</sup> Avenue North. This configuration meets the intent of the ratio by completely removing the visual impact of the structured parking on the three most active frontages while proposing an amount of underground parking that approaches compliance with the required ratio.

## 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, at its discretion, 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 project proposes use of LEED, Upper-Level Garage Liners, Underground Parking and a transfer of previously earned Open Space bonus to fully utilize all appropriate bonuses.

#### Community Meeting

The applicant has scheduled a community meeting on December 15, 2021 to be held prior to the Planning Commission meeting for this Overall Height Modification.

#### Exceptional Design

This proposed project has multiple design features that address the various exceptional design criteria. The project proposes an exceptional streetscape by not only successfully addressing the pedestrian realm on multiple grades, but also facilitating a connection between the Broadway viaduct level and the 11<sup>th</sup> Avenue North ground plane via a monumental staircase. The design also features quality materials and infrastructure like a proposed mid-block connection across Broadway.

The project also strives to accomplish the goals of the Mid-Gulch Supplemental Policy, which gives guidance that additional height may be appropriate on some sites so long as the buildings are designed in accordance with the Mid-Gulch Supplemental policy. The specific objectives of this supplemental policy achieved by this project include:

- Proposed developments adjacent to the Broadway or Church Street viaducts should be designed with both the upper and lower levels in mind. For the Broadway and Church Street viaducts, north of 11th Avenue, active ground floor uses are encouraged.
- Proposed developments adjacent to Broadway or Church Street may be considered for frontage build-to dimensions greater than the current maximum of 10' when that dimension facilitates providing a wider, pedestrian-oriented streetscape.
- Proposed developments adjacent to the Broadway or Church Street viaducts should provide a publicly accessible way for pedestrians to traverse between the lower and upper street levels. Clear and concise wayfinding signage should be included.

While the policy also discourages vehicular access directly on Broadway, the final TIS recommendations may indicate that this access is necessary. Given the supplemental policy and criteria for exceptional design within the DTC, staff asks the following:

1. Are the exceptional design components provided proportional to the height requested?
2. Is height appropriate at this location, given the goals of the policy?
3. Are there other design elements that could improve or refine the design of this project?

#### **STAFF RECOMMENDATION**

The project aligns with the goals and objectives of the Downtown Code and the design directly addresses the Mid-Gulch Supplemental Policy. Staff recommends approval with the following conditions and deferral without all conditions:

1. The applicant shall coordinate with NDOT on any proposed traffic improvements that result from the 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. Bonus Height must be assessed to determine compliance with the DTC and certified prior to building permit approval.
4. 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 Metropolitan Department of Law.
5. The TIS shall be reviewed, and recommendations made by NDOT prior to the project being considered by the Planning Commission.

Hastings declared a conflict and recused. Lustig moved and Moore seconded the motion to approve the modification request and recommendation of approval of the overall height modification to the Planning Commission (6-0-1):

6. The western elevation, particularly the garage screening, shall be reviewed by staff prior to final site plan approval.

**RESOLUTION**

**BE IT RESOLVED by the Downtown Code Design Review Committee that case 6) 1100 Broadway is approved. (6-0-1)**

**7) Recess Nashville**

2021DTC-024-001

0 Elm Street and 625 4th Avenue South

**INFORMATIONAL PRESENTATION ONLY – NO VOTE**

**V) Adjournment**