

Downtown Code Design Review Committee

Meeting Minutes

May 5, 2022

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

Staff Present: Islas, Brooks, Williams, Dickerson (Legal),

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

Location: 800 2nd Avenue South, Development Services Center Conference Room

I. CASES FOR REVIEW

1) Modera SoBro Phase 2

2022DTC-021-002

825 6th Avenue South

Staff Reviewer: Jared Islas

Staff Recommendation: Approve with conditions and defer without all conditions

Applicant Request

A request to approve a concept plan and a modification to step-back for property located at 825 6th Avenue South, zoned DTC (3.89 acres), and within the Lafayette Subdistrict of the DTC.

Project Overview

The project proposes an 11-story residential building with ground floor retail along 6th Avenue between Mulberry Street and Division Street. Almost 75,000 sf of underground parking is provided across three levels.

Plan Details

The general bounds of the property include Division Street to the north, 6th Avenue on the east, Mulberry Street to the south, and Vine Street to the west. The proposed plan includes vehicular access on 6th Avenue and Vine Street, as well as loading on Mulberry Street. The site has been proposed to be constructed in two phases, the second phase is the focus of this concept review. The first phase was approved at the concept level at the April 7th 2022, DTC DRC meeting.

The second phase includes property on the southeastern side of the access driveway, generally fronting 6th Avenue and Mulberry Street. The building is primarily residential with ground floor retail space at the corner of 6th Avenue and the access driveway.

The building is primarily comprised of brick veneer, glass and metal on the street level, and metal panels, cementitious siding, glass, and brick veneer at the upper levels. Phase II has proposed to take advantage of the Bonus Height Program (NGBS Silver and Below Grade Parking) to earn three stories on top of the eight allowed by-right. The applicant has also stated that the property is intended to be residential-only and has agreed to memorialize that intent via a restrictive covenant.

CONCEPT REVIEW

- Is this phase of the project addressing 6th Avenue's role as a gateway into Downtown from Wedgewood-Houston? What should the applicant keep in mind as they continue to refine the design?
- Given recent conversation around interstate frontage in the DTC, is this phase of the project optimizing the site's significant exposure and visibility from the interstate?
- In a downtown with an increasing amount of slender high-rise towers, what is appropriate of mid-rise buildings with long frontages? In terms of architecture? And streetscape?

- 6th Avenue South is identified as a Secondary Street in the DTC and thus does not exclude residential uses from the list of acceptable active uses. The applicant has added 5,000 sf of retail at the corner of 6th Avenue and the access driveway in response to the DRC and Staff's desire for a more active use at this location. Is this additional commercial space sufficient? Are there additional ways this project can enhance its frontages, considering the future opportunities that surround this site?

MODIFICATION REVIEW

1. Step-back Requirements

- Required: A 15' step-back, between the 4th and 7th stories, is required for all buildings 7 stories or greater fronting public streets.
- Request: Provide a 10' step-back at the 7th story along 6th Avenue and eliminate step-back requirements along Mulberry Street.
- Analysis: Along 6th Avenue, a 10' step-back, along with a horizontal break in the façade for a courtyard at the 1st story, provide enough relief from the street. Along Mulberry Street, a step-back is not deemed necessary as it is a low intensity street that sits well below the adjacent interstate.

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 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.
2. The project shall comply with all NDOT requirements of the Traffic Impact Study (TIS).
3. Prior to Final Site Plan review, the applicant will continue to work with Planning Staff regarding the articulation and materiality of the building to refine the architectural expressions as seen from public vantage points.

Porter recused from this item. Moore moved and Hastings seconded to approve the concept plan and modification (4-0-0) with staff conditions.

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 1) Modera SoBro Phase 2 is approved. (4-0-0)

2) Paseo Tower 2

2022DTC-026-001

0 8th Avenue South and 701 7th Avenue South

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 step-back and overall height for property located at 0 8th Avenue South and 701 7th Avenue South, zoned DTC (0.85 acres), and within the Gulch South Subdistrict of the DTC.

Project Overview

The project proposes a 30-story hotel/condo building consisting of 112 residential condo units, 180 hotel keys, 4,500 square feet of retail space, and 393 parking spaces across five underground levels.

Paseo Tower 2 is located northeast of the intersection of 8th Avenue South and Division Street, directly behind the Historic Voorhees Building. This proposal comes on the same site as an OHM

approved by MPC and considered by the DTC DRC in March of 2021 – Voorhees Tower 2. The new proposal, Paseo Tower 2, builds and expands on the previous plan.

The broader Paseo South Gulch project proposes a pedestrian-oriented, campus-like setting that includes two renovated historic structures 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 seeking an OHM as part of this application.
- Paseo Tower 3 – a 30-story residential tower that will be seeking an OHM later.
- Paseo Tower 4 – a 22-story office tower that is joined to Tower 3 at the podium.

Plan Details

Paseo Tower 2's only frontage is on a portion of 7th Avenue South, a tertiary street per the DTC, that currently terminates at the CSX railroad lines adjacent to the property. Due to this, the eastern façade is generally thought of as the back of the building. Tower 2's only vehicular entrance is off Fogg Street, which was abandoned in 2019, and is now a private drive. The building's primary pedestrian entrances are on Fogg Street (the lobbies for the hotel and residential condos) and the pedestrian-only passage between the Historic Voorhees Building and Tower 2 (a restaurant and a vestibule for public garage elevators). Service and loading are proposed to occur from an access point on 7th Avenue South. Ride-share and hotel drop-off will occur along Fogg Street.

Most of Tower 2's southern façade will directly abut the podium of Paseo Towers 3 and 4. The southwestern corner of Tower 2 will abut a new pocket park associated with Paseo Towers 3 and 4.

MODIFICATION REVIEW

2. Step-back Modification

- Required: A 15' step-back, between the 4th and 8th stories, is required for all buildings 8 stories or greater fronting public streets.
- Request: Eliminate the step-back requirements along 7th Avenue South due to low pedestrian foot traffic.
- Analysis: While the required step-back does not occur along the entire length of the 7th Avenue frontage, a step-back does occur at the 4th story for the southern portion of the structure. This separates the building's podium from its tower. Additionally, with 7th Avenue being the rear of the building, less pedestrian activity is expected. Thus, staff is supportive of the proposed modification request to the step-back requirement.

3. MCSP Modification

- Required: Dedicate 8' of ROW on the west side of the 7th 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 7th Avenue South centerline, and provide a 9' wide pedestrian zone and eliminate the required green zone and on-street parking on the west side of the street.
- Analysis: When the MCSP requirements were put in place, 7th Avenue still bridged over the CSX railroad and was a direct connection between Lafayette Street and Division Street. With the bridge demolished and the connection lost, it is reasonable to expect less activity at this location. However, with 7th Avenue's proposed connection to Fogg Street, there will still be vehicular and pedestrian through movement. NDOT and Planning Staff are supportive of eliminating the proposed on-street parking along the west side of 7th Avenue South. This

reduces the final streetscape width from 56' to 48', meaning this project is only responsible for dedicating 4' of ROW. NDOT and Planning are not supportive of adjusting the pedestrian zone and/or green zone requirements outlined in the MCSP. A condition has been added to the staff recommendation that will require the applicant to continue working through this with NDOT and Planning.

4. Overall Height Modification

- Required: 10 stories are permitted by-right, in the Gulch South subdistrict. An additional six stories can be earned using the Bonus Height Program for a total of 16 stories.
- Request: 30 stories.

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 Historic Building Preservation bonus has been used to add Historic Landmark Overlays to the Historic Antiques Mall and the Historic Voorhees Building and transfer unused entitlements to Paseo Tower 2. Additional bonuses being utilized include Underground Parking, Public Parking, and Pervious Surfaces.
- Community Meeting: The applicant held a community meeting on Tuesday, May 3 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 May 5.
- Exceptional Design Analysis: The architecture of Tower 2 presents alternating modules of glass and metal on the upper levels create a visually dynamic texture in the skyline. Meanwhile, the masonry podium grounds the building at a similar pedestrian scale to that of the Historic Voorhees building and provides a contemporary interpretation of its industrial character in the form of materials, façade articulation and division.

The preservation and renovation of the Antiques Mall and Voorhees Building as Historic Landmarks brings new purpose to these buildings. Furthermore, the inclusion of them as part of the broader Paseo South Gulch project, contributes to the Gulch neighborhood's character that blends old and new together.

A series of connected pedestrian-only outdoor areas and passages have been proposed throughout the Paseo South Gulch project site. Together, along with the sidewalks on Fogg Street, 8th Avenue South, and 7th Avenue South, a cohesive atmosphere has been created. Pedestrians can use these passages to

access various retail and lobby entries that front them. Spaces for outdoor dining, street trees and other landscaping throughout contribute to a vibrant and active streetscape.

The Paseo Tower 2 site is also set to include a new connection between Fogg Street (private) and 7th Avenue South, which will improve connectivity by linking two dead-end streets. The specific details of this street connection and design are key to the functionality of the overall site. Additionally, a HAWK signal and crosswalk, to be installed across 8th Avenue South, will further connect the Paseo South Gulch project site to the rest of the Gulch neighborhood, and provide a necessary pedestrian crossing of 8th Avenue.

Tower 2 includes 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. And finally, the applicant has agreed to a deed restriction to prohibit the conversion of their residential condo units to short term rental (STR), which guarantees the new housing units remain in perpetuity.

- Supplemental Policy Considerations: In addition to these considerations, this property is part of the Division Street Supplemental Policy within the Downtown Community Plan. This supplemental policy that was put in place after the construction of the Division Street Viaduct reads as follows:

Properties along the Division Street Extension may be considered for high-rise building height (20 stories and taller) in exchange for public benefits provided by the development, including, but not limited to, affordable and workforce housing, the Downtown Code's Bonus Height Program, modification processes, or rezoning to a Specific Plan. Building design should also result in a unique architecture that seeks to improve the public realm and city skyline.

Paseo Tower 2 has maximized the DTC Bonus Height Program available to the site, and results in unique architecture that adds to the city skyline. The proposed building height of 30 stories falls within the range that the supplemental policy deems acceptable for this site.

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 condo 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 7th Avenue South (public ROW), and the related MCSP and ROW requirements on 7th 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.

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

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 2) Paseo Tower 2 is approved. (5-0-0)

II) **Adjournment**