

Downtown Commission Meeting  
Minutes of September 9, 2016  
8:30 a.m.  
1st Floor North Conference Room - City Hall

**Present:** Chairman Adrian Vassallo, Presiding; Vice-Chairman Michael McDonough; Mr. Brent Campbell, Ms. Franzi Charen, Mr. Byron Greiner, Councilman Brian Haynes (left meeting at 9:00 a.m. due to review of a conditional use permit), Mr. Jimi Rentz, and Ms. Ruth Summers

**Absent:** Mr. Dane Barrager, Mr. Jack Bebbler and Ms. Pamela Winkler

Chairman Vassallo called the meeting to order at 8:30 p.m. and informed the audience of the public hearing process.

**Administrative**

- Mr. Greiner moved to approve the minutes of the August 12, 2016, meeting. This motion was seconded by Vice-Chairman McDonough and carried unanimously.

**Updates**

**Asheville Downtown Association**

Mr. Greiner updated the Commission on the Asheville Downtown Association, i.e., information to be used as the discussion continues for the Haywood Street properties; reports of skateboarding; illegal use of loading zones; rat infestation in Pritchard Park; September 16 Downtown After Five; Oktoberfest; crosswalk refurbishing; and the passing of Jim Daniels.

**Downtown Design Review Committee**

Vice-Chairman McDonough said that Downtown Design Review Committee's review of the hotel at 192 Haywood Street will be covered under New Business. Sasha Vrtunski added that there has also been a meeting of the Joint Design Review Committee and that group had begun reviewing the Downtown Design Guidelines and working on potential revisions.

**Old Business**

**Commission Recommendations for Downtown Development Review**

Chairman Vassallo said that the Commission held a special meeting on September 1, 2016, to discuss and draft recommendations for City Council regarding downtown development review. The following was compiled:

1. Levels of review for projects in the CBD:

The thresholds for review should be left as they currently are. Reducing the threshold for Level III projects will discourage developers from building more densely in our downtown, where it is appropriate to develop more intensity. Past experience shows that developers will intentionally build right up to the Level II threshold to avoid City Council review.

After discussion, this recommendation was adopted on a 7-1 vote, with Councilman Haynes voting "no."

2. The process for Level III projects in the CBD:

The Downtown Commission recommends that all Level III reviews be Conditional Zoning reviews in the CBD. This will allow for the developer and City Council to communicate before the public hearing, and gives Council more latitude in decision-making.

After discussion, this recommendation was adopted unanimously.

3. Hotels in/around the CBD:

As proposed, the Commission is not taking a position on whether hotels should be treated differently, but if City Council decides that hotels should have a different review process, the Commission recommends that the standards for hotels be very clear, and that expectations are consistent so that developers know what is expected and that the process is not politicized.

After discussion, this recommendation was adopted on a 7-1 vote, with Mr. Greiner voting "no."

4. Additional methods of outreach:

The Downtown Commission supports staff recommendations for greater public information and outreach including, but not limited to, the following:

- Project information for Level II and III projects should be posted on the new City of Asheville Downtown webpage when they are submitted for Technical Review Committee (TRC) Review
- Posting sites with Z signs for design reviews at Downtown Commission meetings
- Requiring that neighborhood meetings shall occur at least 10 days before TRC submittal
- Add tenants to mailings by developer for required neighborhood meeting

After discussion, this recommendation was adopted unanimously.

5. The Downtown Commission recommends that Council consider an UDO Amendment for parking to be required for all new development, tied to demands of the use.

After discussion, this recommendation was adopted unanimously.

## **New Business**

### **Downtown Design Review for 192 Haywood Street (Level III - Conditional Use Permit)**

At this time, Councilman Haynes left the meeting because of the future review by the entire Council of the Conditional Use Permit.

Urban Planner Sasha Vrtunski said that PHG LLC has submitted a request for a Level III review for the construction of a 7-story, 185 room, 178,412 square foot (sf) hotel with on-site parking located on 2.05 acres in the Central Business District (CBD). This project is considered a

Level III (Conditional Use Permit) review pursuant to Section 7-5-9.1 of the Unified Development Ordinance (UDO).

Using a site plan, floor plans and sketches of uses per floor, Ms. Vrtunski said that the project site consists of one parcel totaling 2.05 acre. The primary frontage is on Haywood Street, which is not a Key Pedestrian Street in this area. The site is outside of the Traditional Downtown Core, and is in the Tallest Height Zone. The parcel also has frontage on and along Carter Street and North French Broad Avenue, with North French Broad being the only Key Pedestrian Street.

The project proposed to build a 9-story hotel building with 185 rooms and 200 parking spaces in an internal parking structure. The total commercial building square footage is 178,412 sf and approximately 1300 sf of patio space. Building height is 77 feet, to the floor of the top story. Overall height not including roof elements is approximately 87 feet.

Although not required, the applicant is providing 200 parking spaces in a structure, including 8 handicapped spaces and 10 bicycle parking spaces. There have been recent concerns about hotels providing enough parking, and it is not clear if 200 spaces is adequate parking for the use. The parking structure borders the southern property line and is visible only from N. French Broad where the access is located. The driveway on N. French Broad is shown at 20 feet wide. Access to a loading area is shown on Carter Street, and the driveway is proposed to be 28 feet wide, which is larger than allowed by the UDO (7-8-18(f) (11)).

The street frontage of this site along Haywood Street is 342 feet. There are three driveways shown along Haywood Street, with two of them very close together for a drop-off. Per 7-8-18 (f)(11) of the UDO, only one curb cut would be allowed.

The sidewalks along Haywood and Carter Streets and North French Broad Avenues are 10 feet wide. The drop-off on Haywood Street is shown with bollards in the sidewalk, which would significantly impact pedestrians or handicapped individuals.

Plans show the required street trees along the frontages of Haywood (9 trees); Carter Street (7 trees) and N. French Broad Ave (4 trees). Plans also show the required landscaping for the parking structure (19 trees and 37 shrubs). Additional landscaping is not required, but is proposed on the site plan. Open Space is not required in the CBD.

The Downtown Commission reviews all demolitions of buildings over 5000 square feet. The demolition of 202 Haywood Street, the former Buncombe County Sheriff's office, will be necessary for the construction of this hotel. The building is a 28,400 sf masonry building built in 1984. This building is built to a suburban form, and would not meet current UDO requirements today for setbacks, fenestration and other standards.

The proposed design meets with the UDO requirements except as listed below.

The following modifications are being requested per the UDO, but have not been granted at this time:

1. **Number of Driveways** - Per Section 7-8-18(f) (11), new curb cuts are limited to a single standard driveway per 200 feet along a block face per development. The plans show three curb cuts along Haywood Street. One is a connection to a drop-off and the parking deck at the rear. The other two curb cuts are a part of a drop-off at the front of the building, and includes bollards across the sidewalk. Staff and the Design Committee are not supportive of the drop-off on Haywood Street. At this time, the Transportation Department has not granted this modification.
2. **Driveway width** – Per Section 7-8-18 (f) (11), driveways are limited to a width of 24 feet. The proposed loading dock driveway on Carter Street is shown at 28 feet. A

modification will have to be approved by the Transportation Department for the greater width. Planning staff is not opposed to this modification.

The following variances are required and will be decided by the Planning & Zoning Commission with recommendation from the Downtown Commission:

1. **Building Setback greater than 0'** is not permitted in the CBD per Section 7-8-18(f)(5). Along North French Broad Avenue, the parking garage is set back from the sidewalk at an angle, the setback varies from 3 feet to approximately 41 feet. The angle of the street in relation to the parcel lines create an awkward shape, roughly triangular in shape. Parking structures are recommended to be lined with a habitable building. Only the stair tower is complying with this goal.

The applicant is proposing a wall at the street, ranging from approximately 31 to 21 feet tall which mimics a compliant structure. The wall has some vegetative screening and shows a potential bike share location. Because this is not a part of an actual building, but is really a wall, it does not comply with the zero setback for buildings. Moreover, behind the wall there are several trees and bushes shown on the plan. At the southern end of the wall, a glassed in stair tower, 39 feet tall, has been added which helps meet the intent of the ordinance of a two story building at the street.

2. **Maximum wall length over 145' for floors above 75 feet in elevation** is required per Section 7-8-18. The length of the Haywood Street façade is close to 220 feet long. The height of the top floor is measured from the Primary Pedestrian Entrance which is in the middle of the front façade. The floor height at this point is 77 feet high.

This provision in the CBD code came out of the Downtown Master Plan process. The length of 145 feet is based on the length of the Flat Iron Building. The intention is that above 75' from the ground plane, there will not be overly massive contiguous wall planes. In order to comply with this standard, the top floor along Haywood Street would have to be made smaller and with fewer rooms. Although the building is providing generous stepbacks, and is meeting the reduced floor plate standard, these do not address the mass of the wall at the higher elevation.

3. **Streetwall Stepback** - A streetwall stepback is required along the primary frontage (Haywood Street) based on the width of the right-of-way. As proposed, the building is providing a stepback, but at a lower level, after the first floor. The step back is also greater than required – 20 feet deep. The project is meeting one of the intents of this requirement - to ensure light and air at the sidewalk and that the building face will not overwhelm the pedestrian realm – but it is still not complying with the full standard. The standard assumes that there is a 2-story building at the street, as 2-story buildings are a requirement in the CBD. While overall, this project is 8 stories tall, it does not have 2 stories at the street.

Section 7-8-18 (f) (13) states that "a variance may be sought as set forth in Section 7-5-9.1 from the step-back requirements by meeting design guidelines that specify a clear visual demarcation provided between the base of the building and upper floors corresponding to the height of the street wall." The design includes a base, middle, cap layout with differentiation of materials to aid in staff's support in this variance request.

The Design Review Commission discussed this request and there was some concern that a one-story façade will be out of character with other buildings in the vicinity. It was suggested that making the eastern corner of the building into a true 2-story element would help in relation to the existing context (Carolina Apartments, Hyatt).

The materials are indicated on plans to be a combination of masonry, fiber cement panels, synthetic finish system (EFIS), glass and aluminum framing. The base masonry is proposed in slate gray and dove gray colors. There are fiber cement panels with wood finishes of “bark” and “cedar”. The window units have finishes of dark bronze and anodized aluminum. The upper sections of the building have a synthetic finish system in a lighter, off-white color (“Gossamer veil”). The design and materials are proposed in a way to clearly differentiate the base from the upper stories and to create vertical articulation above to break up the massing of the structure. Equipment on the rooftop is screened with aluminum panels.

Signage/ lighting are not considered under this review.

### **External Vista Points**

For buildings over 75 feet tall, the CBD standards require that the applicant show how the building will fit into the surrounding context. The UDO outlines 6 vista points, and the City provides photographs to the applicant. In this case, 3 vista points have been provided where the building is visible. It was not visible from the other 3 points.

In the vista point from across the Smoky Park Bridge, the building appears to be prominent because of the lack of neighborhood context of other larger buildings in this area. From other points around downtown as specified by the ordinance, there is not a concern about the height of views.

### **Design Guidelines:**

The proposed buildings meet most aspects of the Design Guidelines. While pedestrian activity/interest is always a goal for any downtown project, a building that is exclusively a hotel use can face challenges in providing activity or interest at the ground level; this design seeks to do so by providing a great deal of glass along the Haywood and Carter Street facades.

Positive or compliant aspects of the design with the Guidelines include:

- Materials and design of screening of dumpsters or mechanical should reflect building and unified development proposal (7A/Pg 6)
- Recessed principle entrance in order to identify the entrance and provide shelter (11A/pg9)
- Incorporate canopies at the pedestrian entrance and doors with large areas of glass (11B/C, pg9)
- Three-dimensional articulations added to plane to provide variations and visual interest (13A)
- Provide a clear differentiation between ground floor and upper levels (1D)
- Rooftop terraces are encouraged (B)

Some challenges or weak points in compliance with the Guidelines include:

- Parking structures should be masked with a habitable use (5C, pg 5)
- Consider the existing context of the built environment and whether a street wall may be incorporated to reflect and enhance the character in the vicinity (5A, pg 15)
- Where possible, building mass is oriented to preserve view corridors and roof forms help to frame views (11A, pg18)

### **Downtown Design Review Committee:**

The Design Review Committee met two times and discussed the hotel project. The first meeting included the design team for this project on July 19, 2016. At that meeting, the

committee discussed several issues including the North French Broad edge of the project and how it could meet the required zero setback. The committee also discussed the drop-off on Haywood Street, and the Streetwall setback.

Staff brought the plans back to the committee on August 16 after the project had been to TRC, and a full plan set was available. During the TRC review, staff discovered that the building did not comply with the maximum wall length above 75 feet. The committee members present at the meeting (Moffitt, Winkler) were very adamant that the variance should not be approved, and that the architect/developer should find a way to comply with the UDO requirement. Several suggestions were made about either shortening the building, or breaking the top floor into two sections with a separation in between them. The committee also made recommendations about the North French Broad edge of the project and recommended bringing a stair tower closer to the street, to help define a two story element at the street. Lastly, the committee also discussed the Street wall setback. The surrounding context was discussed and it was agreed that the surrounding buildings suggest that a 2 story or greater streetwall at the street is appropriate.

Staff comment on the requested variances:

- The greatest challenge for this project is the wall length over 145' for the top floor which is 75 feet above ground level. Staff does not support this variance. The Design Review Committee members who were present on August 16 felt strongly that this variance should not be supported either. Staff is not aware of any prior variances for this standard since it was adopted into the code in 2010.
- The variance for the streetwall setback and the greater setback along N. French Broad are supported through the design which attempts to meet the intent of the UDO, and mitigates the impacts of not meeting the code.

Overall, staff does not recommend approval of the design for the building and site as shown. If the length of the top floor is reduced, or broken into two separate towers, staff would be supportive of the project. Staff is supportive of the variance to the streetwall setback. Staff supports the variance for the setback on N. French Broad Avenue. Some changes to the wall along N. French Broad could make it a stronger design. Overall, the project complies with most UDO requirements and the intent of the standards for two of three variance requests. Also, many key design guidelines are met with this design.

In response to Vice-Chairman McDonough, Ms. Vrtunski said that there is no public parking planned in their parking structure. Ms. Summers suggested the applicant talk with the developer about possibly adding some public parking in their parking deck due to the extreme need for public parking in that area.

Representing the applicant, Mike Dale of Altamont Environmental and Bill Zehrung, architect with McMillan Pazdan Smith Architecture, reviewed the project in detail along with the variances requested, materials and views, pointing out some discrepancies between the renderings and the site plans.

Mr. Zehrung noted that if the project was not granted the modification for the drop-off on Haywood Street, they would like to maintain the architecture as it is, and it would serve as a public space in front of the entrance. The applicant supplied two more additional views of the project from the I-240 Bridge using Google streets.

Ms. Vrtunski, Assistant Planning & Urban Design Director Alan Glines and Mr. Zehrung responded to various questions/comments from the Commission regarding the various aspects of the project, e.g., requested variances, parking structure, mechanicals, if the parking will be self-parking or valet parking, restaurant/bar, etc.

Throughout the considerable discussion, some alternatives were presented to eliminate the need for the variance regarding the maximum wall length of 145 feet along the Haywood Street façade. Mr. Vassallo noted that he would like to see a southern view of the parking deck (from the south on North French Broad).

Ms. Summers asked if the rooftop bar would be open to the public and if there would be food service. Mr. Zehrung responded that yes, the rooftop patio/bar will be open to the public and it will have food provided by the kitchen on the premises.

Chairman Vassallo opened up the public hearing at 10:20 p.m.

Ms. Linda Saylor, representing the Christian Science Church, had questions regarding the sidewalk/driveway connection; the height of rear side wall; and the height of the parking deck compared to the Church height. Mr. Zehrung responded to the questions raised.

Mr. Alistair Hyatt commented about public art for the project.

Chairman Vassallo closed the public hearing at 10:31 p.m.

Vice-Chairman McDonough moved to continue review of this matter until the October 14, 2016, meeting to allow the applicant to address the maximum wall length of the 145 feet along the Haywood Street façade, and the length of the wall along Carter Street and other recommendations suggested by the Commission. This motion was seconded by Mr. Rentz and carried unanimously.

#### **Public Comment**

#### **Adjournment**

At 10:45 a.m., Mr. Greiner moved to adjourn the meeting. This motion was seconded by Ms. Summers and carried unanimously.