

Downtown Commission Meeting
Minutes of August 12, 2016
8:30 a.m.
1st Floor North Conference Room - City Hall

Present: Chairman Adrian Vassallo, Presiding; Vice-Chairman Michael McDonough; Mr. Jack Bebbler, Ms. Franzi Charen, Mr. Byron Greiner, Councilman Brian Haynes, Mr. Jimi Rentz, Ms. Ruth Summers and Ms. Pamela Winkler

Absent: Mr. Dane Barrager and Mr. Brent Campbell

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

Administrative

- There was consensus to approve the minutes of the July 8, 2016 Commission meeting.

Updates

Asheville Downtown Association - Asheville Downtown Association Foundation

Mr. Greiner updated the Commission on some of the activities and issues being discussed by Asheville Downtown Association, including loading zones, skateboarding, the busker pilot, and the Open Streets Event.

Chairman Vassallo updated the Commission on some of the activities of the Asheville Downtown Association Foundation, including the public art project on Lexington and the urban trail.

Downtown Projects Included in Bond Referendum and Capital Improvement Program

Mayor Manheimer provided a presentation on the General Obligation bond packages to be included on the November ballot and its projects around the City - \$32,000,000 for transportation; \$25,000,000 for housing; and \$17,000,000 on parks and recreation, including goals and proposed projects within each of those categories. She explained that Asheville has a low debt service per person compared with other cities, and that polls showed strong support.

Mayor Manheimer reviewed with the Commission a summary projects in the Central Business District (CBD) funded through the Capital Improvement Program (CIP) (past and future), bond projects, and potential Tourism Development Authority grant projects. She also provided them with notable projects near the CBD.

Mayor Manheimer, along with Assistant City Manager Cathy Ball, responded to various questions/comments from the Commission regarding the General Obligation Bonds, some being, but are not limited to: why is the Civic Center Parking Garage, which is close to it's end of life, not shown on the summary projects; is the City in the position, funding-wise, to take advantage of partnerships on public parking projects; what is the cost to fund all of the sidewalks that need to be replaced in the CBD according to the walkability study; and has the void of public restrooms in the downtown area been studied. Cathy Ball asked that the walkability study be revisited and the total costs identified.

Substation Ordinance/Duke Substation on Hilliard/Asheland

Principal Planner Shannon Tuch updated the Commission on some of the City's work relating to the ordinance establishing substation regulations. When we heard the announcement

that Duke had purchased several key properties in the City in order to build a substation infrastructure to accommodate growth in the downtown as well as other parts of the City, she realized that there are no regulations governing utility substations. Staff felt a certain amount of urgency to establish the regulations, but they needed to understand what was the City's authority to regulate a utility. Utilities are managed very differently throughout the state. Cities can adopt regulations, but they are mainly focused on screenings, setbacks, minimum lot area, buffer requirements, etc. We cannot adopt a standard that would be so costly that it would significantly increase the cost of the development of that station. Staff has developed a basic standard, but they don't think that this is the best standard. However, it's something that we know is defensible and will help provide at least some screening and some buffering regulations. That will give staff more time to continue to study the matter and see if there are other regulations they should adopt. They have talked to several stakeholder groups. She then briefly reviewed the proposed ordinance. The City Council public hearing on this proposed ordinance will take place on September 6, 2016.

Ms. Tuch responded to various questions/comments from the Commission, some being, but not limited to: is there a screening height regulation; what is the difference between a gas insulated vs. an air installed substation; will the Downtown Commission see the design of the Hilliard/Asheland substation; is there an opportunity to try to activate an active urban use between the sidewalk and the equipment; and could we make it a mandatory review before the Downtown Commission, after input from the Design Review Committee.

Ms. Tuch said that she would provide the Commission with a copy of the draft ordinance, along with some examples.

Downtown Design Review Committee

Vice-Chairman McDonough said that the Committee (1) revisited a previously reviewed project on Southside that ran into some MSD buried utilities - they will have to go back to the Tree Commission with an alternate compliance request; (2) reviewed a proposed hotel for 192 Haywood Street and there was discussion about a shared public-private parking structure; (3) discussed expanding the Key Pedestrian Streets Map through a wording amendment; and (4) reviewed the Element Hotel at 31 College Street and suggested minor improvements which the applicant was receptive of.

Rezoning on Asheland Avenue

Assistant Director of Urban and Planning Design Alan Glines updated the Commission on efforts to rezone on Asheland Avenue. The Downtown Master Plan recommended that Asheland Avenue be studied for expansion of the Central Business District (CBD). There have been a number of voluntary rezonings on the east side; however, no properties on the west side of Asheland Avenue have requested rezoning. The west side neighborhood has asked for a planting buffer and a lower height restriction. The neighborhood was also concerned about parking as there is no parking requirement in the CBD, and also some of the uses allowed in the CBD. Staff will meet with the neighborhood again, but was not sure if it's worth rezoning on the west side of Asheland. If we move forward with rezoning on the east side, Asheland Avenue provides a buffer.

In response to Vice-Chairman McDonough, Mr. Glines said that there could be a way to do an overlay district on the west side to get some of the benefits of the CBD. Something like this (studying neighborhoods in the surrounding edges of CBD) can be a part of the Downtown Master Plan update.

33-35 Page Avenue Demolition

Downtown Development Specialist Dana Frankel said that the contractor began interior abatement work on August 3 to remove hazardous materials and that work is expected to be completed within the next 1-2 weeks. A fence has been installed around the property and the adjacent parking lot will be closed for the abatement period and demolition. The contractor is responsible for notifying surrounding property owners and business owners and staff is also notifying stakeholders. The target date to begin demolition is August 22 and on that date, the site will be prepared for demolition. The demolition itself (approximately 4 hours) is expected to take place on August 23. There will be traffic and pedestrian control during the demolition itself. The contractor will then remove the building materials from the site and begin putting in fill materials, if necessary. Once that is done (by August 25), grading will be completed and the site will be topped with 4 inches of gravel, at grade with the connecting sidewalks. The fence should be removed the week of August 29 and the site will remain open and unfenced.

In response to Ms. Winkler, Ms. Frankel said that she did not have any information on rat eradication but she would check with the contractor.

New Business

Downtown Design Review - Element Hotel, 31 College Place

Urban Planner Jessica Bernstein said that the applicant is requesting design review for the construction of a new hotel in the Central Business District (CBD). This project is considered a Level II review pursuant to Section 7-5-9.1 of the UDO.

The project site consists of one parcel with a portion of the adjacent parcel (total area yet to be determined), located at 31 College Place, just outside of the Beaucatcher Tunnel. The site has its primary frontage on College Street and backs up to I-240 to the north. The project site is outside of the traditional downtown core but is situated along a Key Pedestrian Street and is within the intermediate height zone.

The applicant is proposing to construct a new hotel with approximately 100 rooms. The building is seven stories (approximately 85 feet to the top of the tallest architectural element and about 68 feet to the highest occupied level).

Access will be via the existing driveway into the shared surface parking lot. The applicant will be upgrading a large portion of the surface parking, including restriping and landscaping. There are between 39-54 spaces within the upgraded parking area and an additional 17 spaces structured below the building.

The project includes widening the sidewalk along the project frontage to a minimum of 10 feet. The sidewalk also leads into the site where there is a small retail space at the corner of the building, providing a visible access point from the Key Pedestrian Street. This area is also enhanced with an outdoor patio and covered by a guest balcony space above, activating the southwest corner of the building.

Landscaping for the project includes street trees, parking lot landscaping and a street buffer.

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

- *Pedestrian entrances:* As noted above, the design includes a highly visible public pedestrian entrance into a retail space from College Street.
- *Windows, doors and other openings:* The designs are compliant on applicable frontages with respect to fenestration, showing 70% along College Street (reassessed at the six foot height level) and greater than 20% on all upper elevations. Along the ground level on

College Street, there are screened openings to the parking level and significant glass on the level above, which due to the grade fall across the site, functions more as a “ground level” at the eastern end of the structure.

- *Screening of Mechanical Equipment:* The architect has chosen to screen the mechanical equipment with a metal louver surround as shown on plans.
- *Street Wall:* The project is located outside of the Traditional Core and the width of the ROW is greater than the height of the building, so no street wall step back is required.

The following modification is being evaluated as a part of the Technical Review Committee review:

1. **Driveway Width** - Per Section 7-8-18(f)(11), the maximum driveway width in the CBD is 24 feet. The applicant is requesting to keep the existing wider driveway width (40 feet) based on the multiple users and directions accessed by the driveway. This modification is evaluated by the City Traffic Engineer.

The following variance will be decided by the Planning & Zoning Commission with recommendation from the Downtown Commission:

1. **Lot Coverage** – Per Section 7-8-18(f)(13)(c), a new building is required to be constructed along a minimum of 80 percent of the frontage line of the lot. Because this project includes a lot recombination, it could be technically possible to draw the new lot line in such a way that the standard would be met, however it makes better sense to create a more regular lot boundary and coordinate shared access of the driveway and parking area with the other existing users of the site and request the variance.

Materials and Design Organization: The materials are indicated on plans to gray stone and metal screens on the (public) ground level and brown brick on second level. After a wide alabaster band to aid in differentiating the base of the building, the upper levels rely more on vertical emphasis to break up the massing of the structure, using areas of alabaster, black or graphite EIFS and brown brick. Metal awnings and balconies are focused on the southwestern end of the building and draw attention to the public entry points. The cap consists of a wide horizontal cornice. *Signage/ lighting are not considered under this review.*

Design Guidelines: The proposed building meets most aspects of the Design Guidelines. While pedestrian activity can sometimes be overlooked by hotel uses which tend to be more oriented to vehicular access, the project includes a retail space at the most visible corner and widened sidewalks that will be beneficial both to visitors as well as pedestrians travelling along this corridor. As mentioned above, the design integrates a variety of materials and large expanses of glass to break up the façade. There is not a very cohesive development pattern in the vicinity to draw from for relating to form, building height or materials. Also while surface parking lots are not the ideal for the CBD, this project needs to work within the existing situation of multiple users on the same shared site and the proposal will upgrade and improve the adjacent parking field, softening it from the street.

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

- Surface parking masked by landscaping to soften edges (5B)
- Inclusion of pervious materials (tentative) (6B) and placing dumpster away from street side (7B)
- Incorporate awnings at the pedestrian entrance and doors with large areas of glass (11B/C)
- Screening of rooftop equipment (14A)

- Provide a clear differentiation between ground floor and upper levels with material and module changes (1D)

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

- Surface parking should be hidden by a habitable building (5A)
- Encourage granite curbing (8D)

The applicant met with the Design Review Committee on two occasions and many of the suggestions provided by the group have been incorporated into the design, including activation of the public retail space at the corner, additional structural awnings for visual interest and to draw attention to entry points and adding more windows on upper levels. Additionally, the Design Review Committee was supportive of the variance request for lot coverage rather than meeting compliance by creating an awkward lot configuration.

Staff recommends approval of the design for the building and site as shown, as well as the requested variance and modification, as the project meets the goals of the UDO and the intent of the design guidelines.

Using a PowerPoint, Mr. Kirk Johnson, architect, reviewed the context of the project, showed the proposed materials, and explained their variance and modification requests.

Vice-Chairman McDonough gave a brief synopsis of the Design Review Committee's review of this project. He appreciated the developer, architect and engineer being open to the Committee's suggestions.

Mr. Himanshu Karvir said that with the 17 underground parking, there will be 63 parking spaces, and they have an agreement with their neighbor to share an additional 27 parking spaces all the time. He said their neighbor is mostly an office building with parking during the day, and their use will mostly be in the evenings.

Mr. Johnson responded to Ms. Summers when she wondered if the developer will be required to install a left-hand turn lane or have a traffic light installed, due to the traffic at this part of Tunnel Road.

At the request of Vice-Chairman McDonough, Mr. Wallace, architect, said that the building hasn't been designed technically yet, however, a building this size will probably require 2-3 mechanical systems generally mounted an equal distance from themselves. He said they will make very effort to keep them at least 10 feet away from the parapet.

Ms. Charen wondered if there was discussion about this being a gateway directly coming out of the tunnel.

There was discussion, initiated by Vice-Chairman McDonough, regarding the cap facing College Street.

In response to Vice-Chairman McDonough, Ms. Bernstein said that the City's Traffic Engineer will evaluate the modification request regarding the driveway width. Any Downtown Commission comments will be forwarded to the Traffic Engineer to be included in his review. The applicant will have to demonstrate why the modification is needed. Vice-Chairman McDonough felt that a 40-foot driveway is pretty wide for pedestrians to cross. If two driveways are needed, perhaps a landing spot in the middle can be constructed for pedestrians.

Ms. Summers moved to recommend approval of the design for the Element Hotel as presented, including the requested variance, based on site plans, elevations and materials

provided and the discussion heard during this review, including the condition that the applicant work with the Traffic Engineer to address the possibility of a pedestrian island in the middle of the driveway. This motion was seconded by Mr. Greiner and carried unanimously.

Old Business

Downtown Development Review Process: Discussion on Recommendations to City Council

Assistant Director of Planning & Urban Design Alan Glines said that at City Council's direction, staff has been discussing downtown development review thresholds. He explained the thresholds for Level II and Level III projects. The conditional zoning process allows early conversations with City Council with conditions that the Council and the developer agree too. The conditional use permit process does not allow early Council discussion. The City Council public hearing, which is quasi-judicial in nature, is the appropriate venue for Council to hear discussion and make a decision. He then reviewed some of the projects from the different thresholds. A forum was held on March 23, 2016, which public input was sought on the following items (1) levels of review for projects in the Central Business District (CBD); (2) the process for Level III projects in the CBD; and (3) hotels in/around the CBD.

After the March forum, City staff reported their results to City Council and there was considerable discussion regarding the need to expand public input into this process. Staff then used the Open City Hall tool, and looked at other cities that have different review processes to see if the level of review changes the kind of development they see.

Mr. Glines then reviewed a summary of the results with the Commission. After discussion, Mr. Glines said that prior to the Commission's September meeting, staff will provide draft recommendations to the Commission and if a quorum of the Commission members gather to discuss the draft recommendations, the meeting will be noticed. Then at the September meeting, the Commission can provide a consensus recommendation on the three items to City Council.

Public Comment

Assistant Planning & Urban Design Director Alan Glines responded to a question raised by Mr. Hyatt regarding the Asheland Avenue rezoning.

Adjournment

At 11:10 a.m., Mr. Greiner moved to adjourn the meeting. This motion was seconded by Mr. Rentz and carried unanimously.