DAVID BRILEY
MAYOR

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
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Nashville, Tennessee 37204
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STAFF RECOMMENDATION

422 Broadway
March 21, 2018

Application: Signage
District: Broadway Historic Preservation Zoning Overlay
Council District: 19
Map and Parcel Number: 09306307300
Applicant: Joslin & Sons Signs
Project Lead: Robin Zeigler, robin.zeigler@nashville.gov

Description of Project: Following a recent court order, the applicant is requesting after-the-fact approval of an alley projecting sign that was installed differently than it was permitted in 2011. **Recommendation Summary:** Staff recommends disapproval finding the request does not meet the design guidelines from 2011 for Signage or the current design guidelines for Signage, specifically design guidelines for projection and location.	**Attachments** **A:** Photographs **B**: Drawing of Current Request **C:** Drawing with Notes

Vicinity Map:

Aerial Map:

Applicable Design Guidelines & Order Granting Partial Summary Judgment:

<u>SIGNAGE DESIGN GUIDELINES IN 2011</u>

III. Signage
A. Guidelines: Signage Types

1. *The following are types of signs that are not reviewed:* Signage applied to the glass within display windows or transoms and temporary signs such as sandwich boards, temporary sale advertising, and real estate signs are not reviewed by the MHZC.

Temporary signage should not remain more than 30 days.
Signage located inside the building is not reviewed.

2. *The following are examples of appropriate signage: Signs located on glass elements; projecting and blade sign; awning, canopy and marquee signs; plaques and painted signs in historically appropriate location.* Banners and flags that use placement, mounts, and materials compatible to the building may be used. Plastic is not appropriate material. *Opaque canvas, cotton duck or similar natural materials are appropriate for banners and flags.*

3. *The following are examples of non-appropriate signage: plastic; permanent free-standing; over-scaled; internally-lit; signs that flash or move; LED; billboards and reader boards; signs that incorporate fluorescent, day-glo, holographic and/or photo printed letters and backgrounds.* Rooftop signs are not permitted.

B. Guidelines: Signage Number & Location

1. The number of signs permitted on a parcel shall be limited to the number of primary building entrances on the parcel plus one for each public street on which the parcel has frontage. Window signs are not reviewed.

   Not included in this number are interior window signs (which are not reviewed) address identification, directional signage, temporary and sandwich board signs and painted signs, where they are appropriate.

2. Signage should be placed in locations historically used for signage and should not obscure transoms, columns, cornices, decorative elements, or architectural features.

   New signs should respect neighboring buildings by not shadowing or overpowering adjacent structures.
   Signs may be on glass windows, glass doors or glass transoms and should be painted; silk screened, gilded, etched into the glass or may be vinyl lettering.
   Hanging signs should project from the face of the building and be placed between the first and second levels or between second level windows.
   Wall signs should be located on the fascia or horizontal band between the storefront and the second floor when it will not cover architectural details. Small wall signs to the side of an entrance are also appropriate.
   Mounting brackets should be simple in design and mounting methods should not damage the historic building. When possible, fittings should penetrate mortar joints rather than brick.
   Signloads should be properly calculated and distributed.
   Graphics on awnings may be painted, silk screened or sewn into the material.

3. Signage mounted on poles or pylons is discouraged when opportunities exist to appropriately design and place monument or building-mounted signage. Ground-mounted signs may only be

permitted when a building face is set back from the public right-of-way a distance of at least twenty feet or when a parcel is vacant.

4. Upper floor window graphics and lettering are appropriate.

5. Signage painted on brick side walls may be appropriate. Its size and placement should be compatible to historic examples in the district.

C. Guidelines: Signage Size

1. Projecting sign or blade signs on the upper façade should be limited to one-story in height and should be vertical in orientation.

   One-story height is usually considered as window sill to window sill for buildings more than two stories.

2. The projection of signs should be proportional and appropriately scaled to the building. At a maximum, signs should not project more than seven feet from the building.

   Eighteen inches or less is generally an appropriate width for projecting signs.
   Generally, blade signs should have no more than 4" between the edge of the sign and the wall; although, architectural details may require more.

3. Storefront-level signage, flush or projecting, should be pedestrian oriented. It should be appropriately scaled so that its style, size, and placement relates to overall storefront design.

   Six inches or less is generally an appropriate width for flush mounted signs.

D. Guidelines: Signage Materials

1. Signage materials and design should approximate materials and design typically used between 1850 and 1957. These may include materials such as wood, metal, and neon.

   Generally signs should be limited to no more than two (2) or three (3) colors, with backgrounds being a dark color.

2. Signage painted on storefront display windows is appropriate.

E. Guidelines: Historic Signs

1. Historic signs and their component elements should be retained.

2. Deteriorated or damaged signs should be repaired using historically appropriate materials.

   A historic sign should be left in its historic location. In some instances it might be necessary to move a historic sign elsewhere on the building to accommodate a new one. In these cases, another historically appropriate location should be considered. Relocating the sign to a public space on the interior, such as in the lobby or above the bar in a restaurant, is an option for severely deteriorated signs.
   Historic signs may be modified for new businesses when the essential features can be retained and remain visible.

F. Signage Lighting

1. Concealed, indirect, or spot lighting is appropriate for exterior signage. Visible fluorescent or incandescent bulbs are not appropriate.

   Bare spot lights, or high-wattage metal halide lights are not appropriate.
   Backlit or internally illuminated signage is not appropriate;

2. Backlit or internally illuminated signage, other than neon, is not appropriate.

   Box signage with internal illumination that has a solid, dark and opaque background can be appropriate if it meets all other design guidelines.

3. Neon may be used as backlighting for reverse channel letters, which have a translucent face. The depth of channel letters should be kept to a minimum.

4. Flush mounted neon box signs are not appropriate. Neon transformers should be located within the building, not within a sign box.

5. String, flashing, or racing lights are not appropriate.

PRESENT SIGNAGE GUIDELINES

IV.SIGNAGE
INTRODUCTORY PROVISIONS

NON-CONFORMING SIGNS
Sections 17.40.660 and 17.40.690 of the Metro Zoning code apply. This section further clarifies them.

Building Signs
A sign shall be brought into compliance with the provisions of these design guidelines if a sign permit is required to rebuild the sign. This does not include a panel change in a non-conforming cabinet sign, which shall be permitted.

All Signs
If the alteration or repair is caused by involuntary damage or casualty, the design may be altered or repaired to its pre-damaged condition.

Repair and Maintenance
A sign may be removed or taken off-site for repair and maintenance. The sign must be returned to the original location within 90 days of removal.

Allocation of Sign Area
The maximum sign area for each type of sign is established in the following tables. Specific requirements for each sign type are shown on the subsequent pages.
For each cell in the table, there is a maximum allowed sign area that may be utilized with any combination and any number of signs associated with that cell, unless otherwise noted.
The measurements for "linear feet" shall be at grade.

Building Signs
Wall, Awning, Canopy and Projecting Signs—1.5 square feet of sign area per 1 linear foot of building façade or 36 square feet, whichever is greater. When a projecting sign is used on a building, an additional .50 square feet of sign area per 1 linear foot of building façade shall be permitted, for a total 2 square feet per 1 linear feet of building façade.
Shingle Sign: 9 square feet per sign

Ground Signs
Monument Sign-24 square feet
Skyline Signs
75'-110'—480 square feet
101'-200'—600 square feet
201' and taller-720 square feet

GENERAL STANDARDS

Materials
All permanent, on-premises signs shall be constructed of a rigid, weatherable material such as hard plastic, wood, MDO plywood, aluminum, steel, PVC, glass, fiberglass and or Plexiglass. On-premises permanent signs shall not be constructed of nonrigid materials including, but not limited to, vinyl, fabric, canvas, or corrugated plastic. The provisions of this subsection shall not apply to approved, permitted canopies, awnings and porticoes.

Building Façade and Street Frontage Measurement

In determination of number of stories of a building, rooftop additions shall not be considered within the number of stories.

OTHER SIGN TYPES

Non Street Facing Signs
Non street-facing building facades and alley frontages, not otherwise regulated, are allocated 1 square foot of sign area per 1 linear foot of building façade, to a maximum of the sign area permitted for the primary street frontage.

This includes lots adjoining open spaces, pedestrian walkways, or parking areas. Ground signs are not permitted on non-street facing building facades or alley frontages.

Building Sign: Projecting Sign

Description
A projecting sign is a type of building sign that projects outward from the façade, typically at a ninety degree angle. Projecting signs are typically, but not always, vertically oriented and generally mounted above the first floor.

General Provisions
· A projecting sign must be located at least 25 feet from any other projecting sign. When building width prohibits adherence to this standard, flexibility shall be permitted through Modification to be reviewed by staff.
· A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both streets may be used, however, in no case shall the sign exceed the maximum dimensional standards below.
· A projecting sign shall be located below the windows sills of the third story.
· The top of a projecting sign shall not extend above the building eave or top of parapet.
· A projecting sign can be externally or internally illuminated in accordance with the Illumination design guidelines.
· Projecting signs that are 3-dimensional may be permitted through a modification.
· A projecting sign cannot cover windows or architectural details.

Design Standards
A Overall area allocation (max)—see allocation of sign area
B Height (max)
1 story buildings—10 feet

2 and 3 story buildings—16 feet
4 or more story buildings—20 feet
C Average spacing from façade (min)—1 foot
D Projection Width (max)—6 feet
E Depth of Cabinet (max)—2 inch or 18 inches for internally lighted or neon signs

Illumination

Illumination of signs shall be in accordance with the following requirements:

External Illumination
· External light sources shall be placed close to, and directed onto the sign and shielded to minimize glare into the street, sidewalks or onto adjacent properties.
· Projecting light fixtures used for externally illuminated signs shall be simple and unobtrusive in appearance. They should not obscure the sign.

Internal Illumination
· Channel letters may be internally lit or back-lit.
· For cabinet signs, the background must be opaque. Only graphics, text and logs may be illuminated, and a halo of one inch around graphics, text, and logos may be non-opaque.
· Exposed neon may be used for lettering or as an accent.

Prohibited Light Sources
The following light sources are prohibited:
· Blinking, flashing, chasing, and sequential lighting. This type of lighting may be allowed for Broadway (not the district but the street) only through a modification. In these cases, the chase or flash should not last less than every three seconds.
· Bare bulb illumination.

Raceways and Transformers
· Visible transformers are prohibited.

Changeable copy signs shall be in accordance with the following requirements:

RELEVANT PORTIONS FROM ORDER GRANTING PARTIAL SUMMARY JUDGMENT, FILED 10/20/2017

10. With regard to the rear sign, Metro's Motion for Summary Judgment is granted. There are no genuine issues of material fact and Metro is entitled to a judgment as a matter of law. Item No. 12 of the Permit, which governs this alteration, and the rights of each party, specifies that "the existing rear sign shall project off the rear wall as shown on the attached plans."
11. The applicable design guidelines state that placement, materials and design used should replicate those typically used between 1850 and 1957. Review is required for permanent signs that are mounted on the exterior of buildings or anchored freestanding on the property.
12. It is undisputed that the new sign has new visual elements, including yellow and blue neon, U-shaped tubes, and the addition of the language "alley entrance." The distinction from orchid to two is insignificant.
13. Because Tootsie's never applied for a permit to install any sign other than the existing one, the commission never had the opportunity to review proposed modifications to the sign. Accordingly, Metro's Motion for Summary Judgment is granted, as the undisputed facts demonstrate that Tootsie's violated the guidelines and the permit by installing a sign other than the existing sign without seeking prior commission approval.

14. Tootsie's shall apply to for MHZC to review and approve the new sign that is currently projecting off the rear wall of the building within 30 days of the entry of this order. However, Tootsie's is not required to take down the current sign at this time. After MHZC approves or disapproves the sign, Tootsies' may seek review of the MHZC's decision pursuant to Tenn. Code Ann. §13-7-409 and §27-9-102

Background: 422 Broadway is a contributing building in the Broadway Historic Preservation Zoning Overlay.

In 2011, the property owner requested rooftop and rear additions and to move an existing rooftop sign. Initially, the applicant requested to move the sign from its rooftop location to the top of the new rooftop addition. This was not found to be appropriate since the 2011 design guidelines for signage (III.A.3) specifically stated that rooftop signage was not appropriate. The commission approved the project with the relocation of the sign to the rear wall and a permit was issued on 10/19/2011.

In September of 2013 it was discovered that the rooftop addition was not constructed in accordance with the permitted plans, the building had been painted without review, and the signage was different than the sign that had been approved to be moved from the rooftop to the alley facade. Since that time, the matter has been in court. On October 20, 2017, the court decided that the applicant should apply to the MHZC to retain the sign. This recommendation is in regard to the sign only.

Analysis and Findings:

The applicant proposes to retain a new sign that is similar to the historic sign that was initially approved to be relocated. When the application was reviewed in 2011, the design guidelines for signage dimensions were not applied to the request since it was the understanding of staff and the commission that a historic sign was being relocated. There was no indication that the sign would be fully recreated, with an additional element added and with a different design. Had that been the case, Staff would have encouraged the Commission to apply all of the design guidelines.

Figures 1 and 2: Figure 1 shows the sign in place at the time of the request and Figure 2 is the current sign installed.

Figures 1 and 2 are evidence that the sign is no longer a historic sign and it also not a true reconstruction. The images show that the sign installed is different from the historic sign that was in place at the time of the initial request. There are more neon bars on the sides of the sign than were there originally. The bottom of the sign was a simple metal bar and is now additional neon. A drawing submitted during the court case, not submitted to the commission at the time of the application request, notes that the top of the neon sign is a "new formed capper with purple neon." Another note states that "all graphics to be recreated as the original;" however the graphics are different than the original. For example the words "World Famous" had been to the left of the top of the middle "T" and is now over the first half of the name "Tootsie's" and the orchid is in a different location. The bottom portion of the sign, which was not evident at the time of the request to move the sign is noted as "new formed addition with neon as illustrated."

Figure 3: The scaled drawings of the sign, submitted by the applicant, note that the "reused existing historic sign" will be installed on "new brackets."

The "new formed addition" at the bottom of the sign was not requested of the Commission. Figure 3 shows a close up of the plans submitted and that were included as a part of the permit. In addition, the dimension of the sign shown on the plans is different than the current signage dimensions. The permitted plans show the sign as being approximately three feet (3') tall and nine feet (9') long with an approximate nine foot (9") projection. The current sign is three feet and ten inches (3' 10") tall and seven feet and six inches (7' 6") long with an approximate eight foot six inch (8' 6") long projection.

The historic sign was approved to be moved, without an analysis of the design guidelines, as a way to maintain the historic sign. The sign that was installed is not the historic sign and nor is it a true replication; therefore staff recommends fully applying the design guidelines as if this were a new request. Staff maintains that the project does not meet section E for historic signs because the historic sign was not retained.

Because the signage was installed in 2011, staff used the design guidelines in place at that time to analyze the appropriateness of the request. However, wanting to provide all opportunities that might currently be available, the current design guidelines have also been used.

Signage Types:
2011 Design Guidelines: The sign, in its new location, is a projecting neon sign which is listed in the design guidelines as an appropriate type of signage.
Current Design Guidelines: Neon also meets the current design guidelines.

Signage Number:
2011 Design Guidelines: According to the design guidelines, this property has the option of having up to four signs. Currently, the building has one sign on the rear of the building, one mural on the side, and one wall sign on the front of the building. This number does not include the signs located on the inside of windows as interior signage is not reviewed by the Commission.

Figure 4: The side sign is an example of signage inside of the glass that is not reviewed by the Commission because of its interior location.

Current Design Guidelines: The current design guidelines do not dictate the number of signs but instead calculates appropriate signage by a square foot allotment based on the width of the building. This building has an alley allotment of fifty-three square feet (53 sq. ft.). The projecting sign is under that maximum at twenty-eight square feet (28 sq. ft.).

Signage Location:
2011 Design Guidelines: Signage should not obscure architectural features and this sign is mounted on a window casing. In the past, projecting and walls signs have not been allowed where they hang in front of or cover a window. Originally the sign was proposed to be located on a portion of the new rear wall but the rear design of the addition was altered without a revision to the permit.
Current Design Guidelines: Current design guidelines also do not allow for signage to obscure architectural features.

Figure 5: Current view of signage being requested.

Size:
2011 Design Guidelines: The height of the sign is appropriate at three feet and nine inches (3' 9") but it projects more than the design guidelines allowed for in 2011. The sign projects more than eight feet (8'); whereas the design guidelines allowed for a maximum projection of seven feet (7').
Current Design Guidelines: Additionally, the projection does not meet the current design guidelines which allow for a total projection of six feet (6') and the sign projects more than eight feet (8).

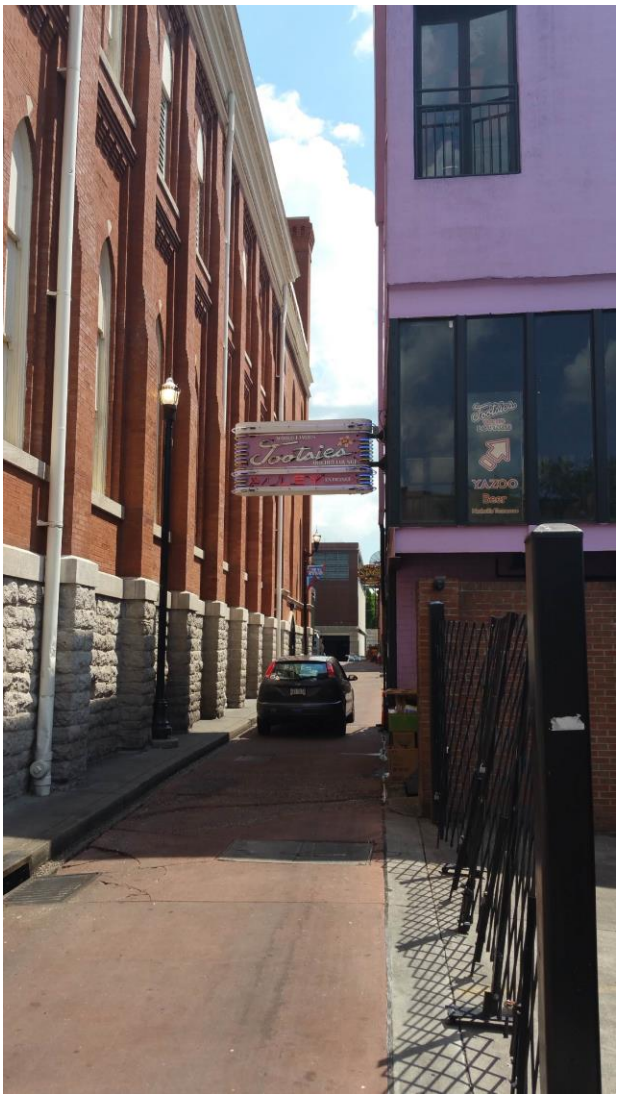
Materials & Lighting:
2011 Design Guidelines: The sign is a metal and neon sign, which meets the design guidelines for materials.
Current Design Guidelines: The materials also meet the current design guidelines.

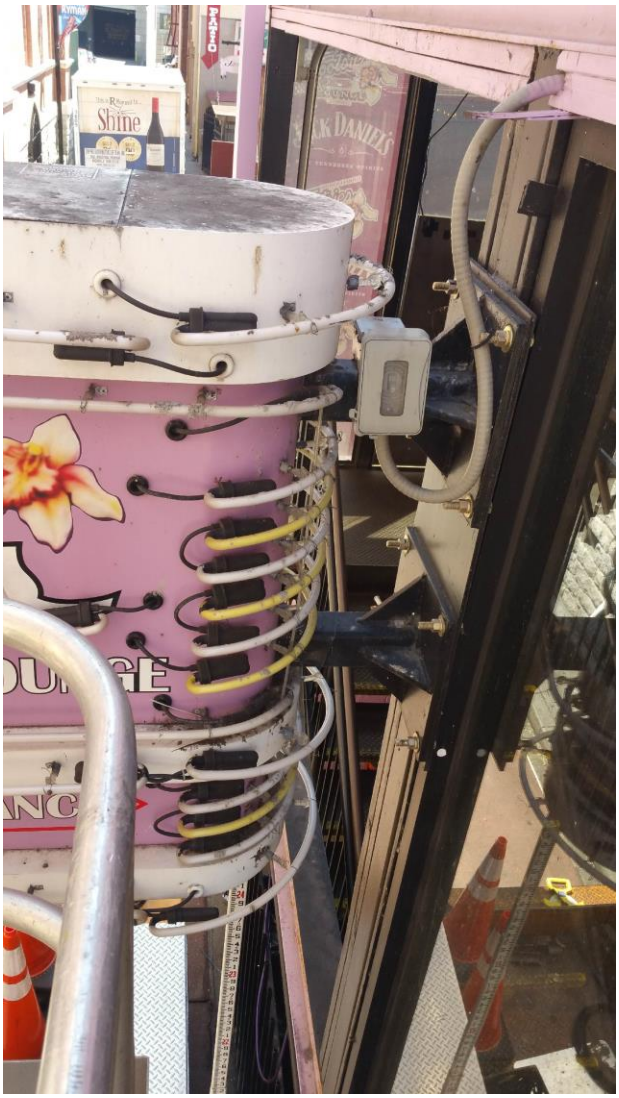
Recommendation: Staff recommends disapproval finding the request does not meet the design guidelines from 2011 for Signage or the current design guidelines for Signage, specifically design guidelines for projection and location.

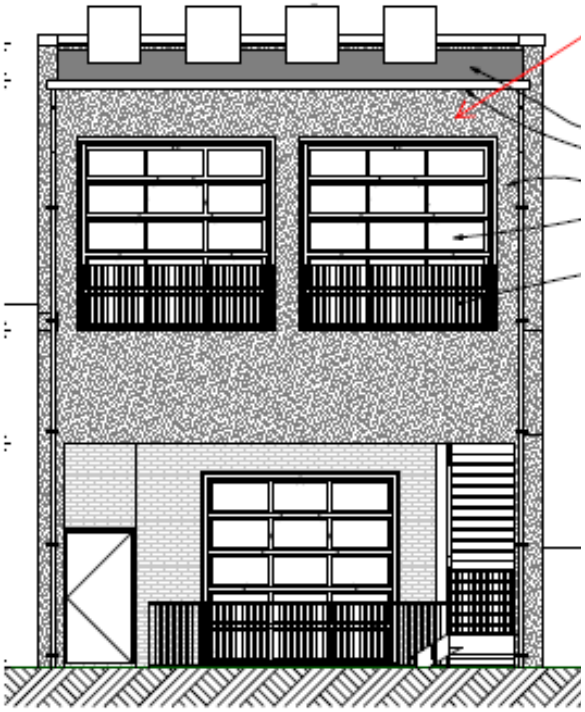
A: ADDITIONAL PHOTOGRAPHS

Signage proposed to be relocated as seen in its original location, prior to the construction of the rooftop and rear additions.

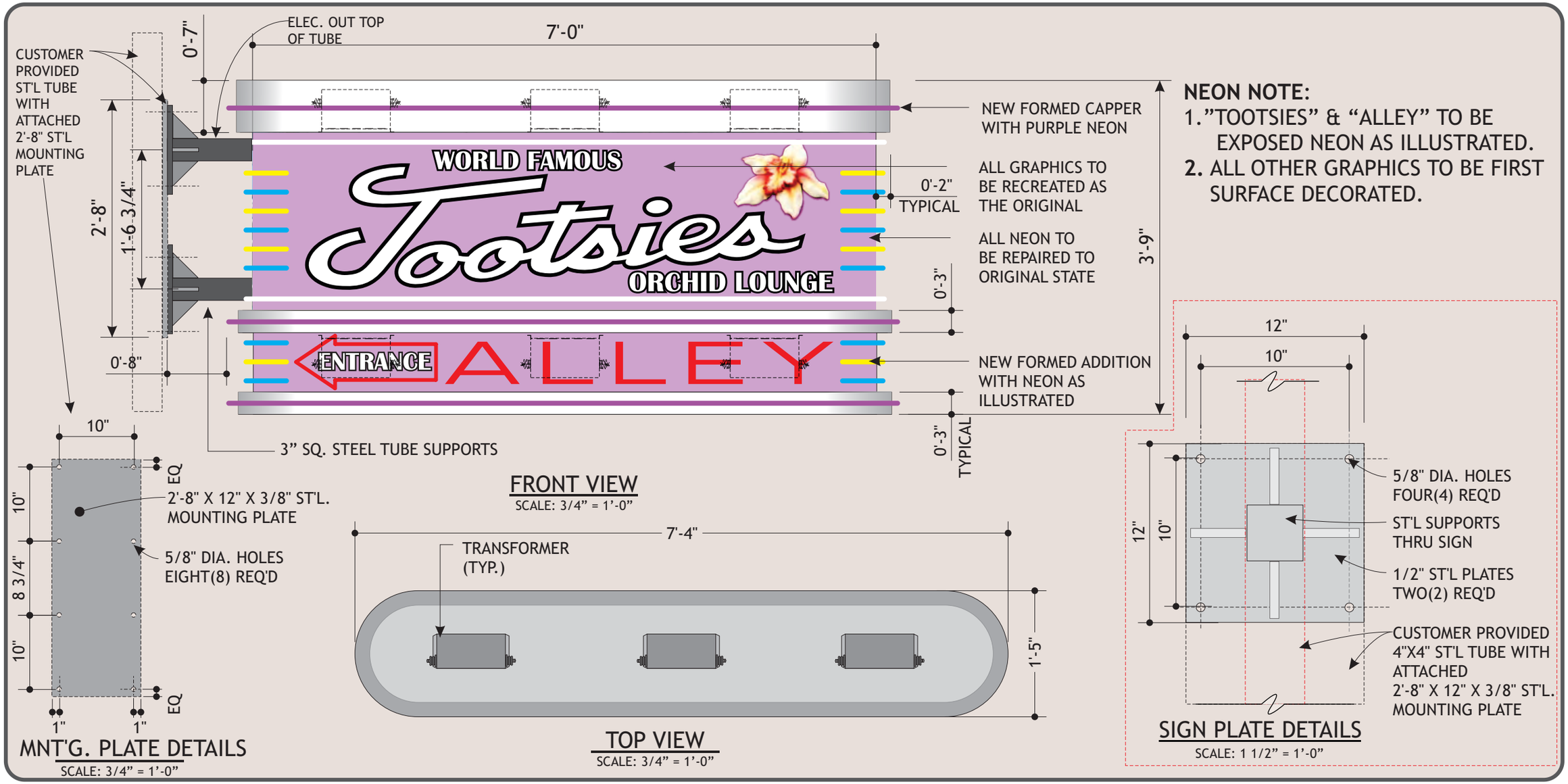
Front façade on 11/8/2017


Tootsies
YAZOO


Shine
PATIO



Rear addition on 11/8/2017 compared to addition approved in 2011. Although the changes in these two designs were not requested, Staff did not pursue them since either design could meet the design guidelines.



PROJECT TITLE:	TOOTSIE'S
LOCATION:	TOOTSIE'S - 422 BROADWAY - NASHVILLE., TN
JOB CONTACT: DILEO	PROJECT MANAGER: KIM CLARK
DRAWING NO:	131239-K10-01

SPECIFICATIONS & FINISHES: BLACK WHITE PMS 257

1. RENOVATE/INSTALL ONE (1) PROJECTING SIGN AS ILLUSTRATED AND SPECIFIED.

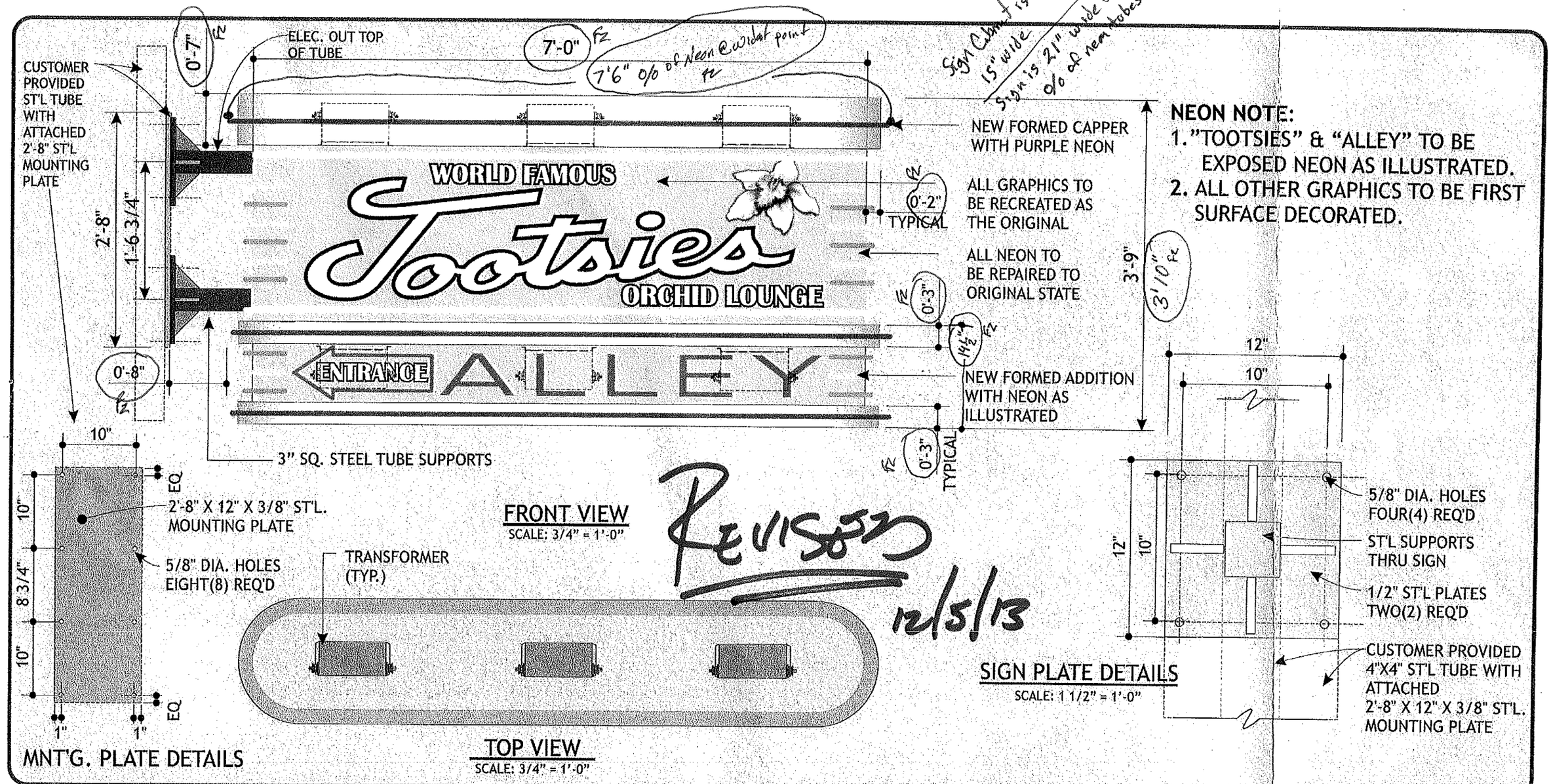
CUSTOMER IS RESPONSIBLE FOR ACQUISITION AND COMPLIANCE WITH ALL PERMITS AND CODES REGARDING THIS SIGN. PMS 186

X DATE:

DESIGNED BY: CT/RM	DATE: 12-04-13
WORK ORDER NO.: 370841	
PAGE 1 OF 2	

APPROVALS FOR MANUFACTURING
ENGINEERING:
INSTALLATION:
PROJECT MANAGER:

JOSLIN AND SON SIGNS
630 Murfreesboro Rd. Nashville, TN 37210
615.255.3463 1.800.545.9557



NEON NOTE:

1. "TOOTSIES" & "ALLEY" TO BE EXPOSED NEON AS ILLUSTRATED.
2. ALL OTHER GRAPHICS TO BE FIRST SURFACE DECORATED.

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LOCATION:	TOOTSIE'S - 422 BROADWAY - NASHVILLE., TN
JOB CONTACT: DILEO	PROJECT MANAGER: KIM CLARK
DRAWING NO:	131239-K10-01

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