

JOHN COOPER  
MAYOR



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park  
3000 Granny White Pike  
Nashville, Tennessee 37204  
Telephone: (615) 862-7970  
Fax: (615) 862-7974

**STAFF RECOMMENDATION**  
**215 Broadway and 110 3<sup>rd</sup> Avenue South**  
**July 15, 2020**

**Application:** New Construction - Violation  
**District:** Broadway Historic Preservation Zoning Overlay  
**Council District:** 19  
**Base Zoning:** DTC  
**Map and Parcel Number:** 09306404300  
**Applicant:** Broadway Hotel, LLC  
**Project Lead:** Jenny Warren, jenny.warren@nashville.gov

<p><b>Description of Project:</b> The applicant is seeking approval of construction that has already taken place without a Preservation Permit. The project includes unpermitted changes to the storefront on Broadway and the installation of ATMs on the Broadway and 3<sup>rd</sup> Avenue facades.</p> <p><b>Recommendation Summary:</b> Staff recommends disapproval of the current Broadway storefront configuration including the ATM, finding that it does not meet Section II of the design guidelines for rehabilitation and Section III of the design guidelines for new construction. Staff suggests that the storefront be reconstructed as previously permitted within 120 days. Staff recommends approval of the revised interpretation regarding ATMs and the ATM installed at the 3<sup>rd</sup> Avenue South entrance.</p>	<p><b>Attachments</b> <b>A:</b> Photographs</p>
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## Applicable Design Guidelines:

### II. Rehabilitation

#### General Principles: Street Level Facades

Original street-level facades, including storefronts, doors and entryways, display windows, transoms, bulkheads, and pilasters and columns, should be retained, and if needed, repaired using historically appropriate materials and methods.

Replacement of street-level facades should be in keeping with the style and period of the building.

### III. New Construction

**General Principles:** New construction should be consistent with existing buildings along a street in terms of height, scale, setback, and rhythm; relationship of materials, texture, details, and color; roof shape; orientation; and proportion and rhythm of openings.

#### A. Guidelines: Relationship of Materials, Texture, Details, and Material Color

The relationship and use of materials, texture, details and material colors of a new building's public facades shall be visually compatible with or similar to those of adjacent buildings, or shall not contrast conspicuously.

Masonry materials were primarily used in the historic district, and should continue to be predominant. Contemporary materials may be used if they possess characteristics similar in scale, design, finish, texture, durability, and detailing to historic materials and meet *The Secretary's Standards*. Exterior Insulation Finish Systems and vinyl are not appropriate exterior materials.

3. Wood, brick, stone, and metal were used for window, door and storefront surrounds and should be used for new buildings.
4. Storefront façade materials may vary in keeping with the materials of the existing buildings. Stone, glazed tile, painted wood, and brick are all appropriate materials.
5. Tinted glass, reflective glass, or colored glass may not be used for windows.
6. Large expanses of featureless materials are not appropriate.
7. The color of new building materials should be compatible with historic buildings within the district.

#### B. Guidelines: Orientation

1. The site orientation of new buildings shall be consistent with that of adjacent buildings and shall be visually compatible.
2. Primary building entrances shall be oriented to the primary street.
3. Entrances to buildings should be recessed.

**Background:** One business, the Moxy Hotel, occupies two buildings which are connected at the rear and thus has frontage at 215 Broadway and at 110 3<sup>rd</sup> Avenue South. The portion that fronts 215 Broadway is a contributing structure in the Broadway Historic Preservation Zoning Overlay while the later addition that fronts 3<sup>rd</sup> Ave South is non-contributing. The Broadway portion is a four-story painted brick commercial structure which was altered prior to being included into the Broadway HPZO in 2014.

The original storefront was replaced at some point prior to the overlay. In 2014, MHZC approved changes to this storefront in conjunction with permits for the Moxy Hotel. The storefront was altered as a part of the Moxy rehabilitation, but the final storefront design does not match the permits. An ATM has also been installed in the front of the building on the left side.

The entry was temporarily boarded in 2016 and an ATM was added at that time. They receive notice to remove the ATM in July of 2016 and removed it several months later.

The 3<sup>rd</sup> Avenue portion had a two-story rooftop addition added and a new storefront approved prior to the block being added to the Broadway Historic Preservation Zoning Overlay. An ATM was added to the left-side of the recessed entrance without a revision to the previous permit.

#### ATM Background

In 2004 Metro Legal provided the opinion that the Commission has the authority to review ATMs. Based on a four month discussion about ATMs in the adjacent Second Avenue Historic Preservation Zoning Overlay, the Commission voted in favor of an interpretation that would not allow ATMs to puncture the façade or obscure the architectural features of buildings, but that would allow them to be located inside buildings or in an alcove not on the primary façade. Based on that policy the Commission disapproved four (4) ATMs in the Second Avenue Historic Preservation Zoning Overlay that were installed without Preservation Permits. The ATMs were removed by the owners in the following month.

#### **Analysis and Findings:**

In 2014, a permit was issued for the Moxy Hotel, which included alterations to the façade of 215 Broadway. Permit #201400341, issued during pending legislation and then

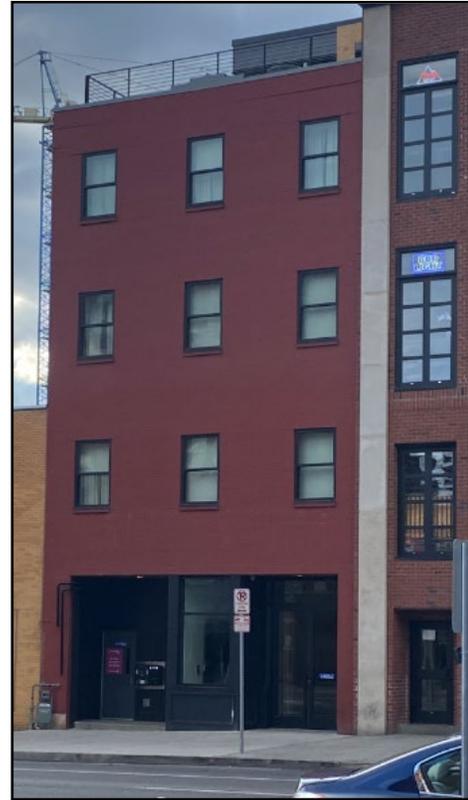


Figure 1: 215 Broadway in March 2020

revised on 4/22/2016, after the expansion of the overlays, shows a storefront with a projecting central bay and recessed double doors with transoms on either side (Figures 2 & 3). This was constructed as per the permitted plan on the right side, with full-light doors, and in the central bay. However, the left side was not built out according to the permitted plans (Figure 4). Instead of installing double glass doors with a transom, a solid wall was constructed with two nearly solid doors and no transom. An ATM was also installed here.



Figures 2 & 3: Storefront as approved in 2014

Staff finds the current configuration to be inappropriate, as it does not match the permit and does not comply with General Principles, Section II of the design guidelines which state “Replacements of street-level facades should be in keeping with the style and period of the building.”



Figures 4: Storefront as currently configured.

The lack of transparency on the left side, including the solid transom, the nearly solid doors and the ATM are not typical of a historic primary façade on Broadway.

Staff recommends that the doors and transom be installed into the left side of the storefront, as per the plans approved in 2014, which would also result in removal of the ATM installed without a permit.

### ATMs

An ATM was installed on the 3<sup>rd</sup> Avenue façade.

This and other violations of ATMs installed without a permit prompted staff to reevaluate the 2004 interpretation. Staff recommends a revised interpretation as follows for the Broadway, Second Avenue and Downtown Historic Districts.

Proposed:

*ATMs may be appropriate in the following building locations:*

- *Alcoves or recessed entries on primary facades that are a minimum of 6' deep where the ATM will not require removal of historic features. The ATM may be free-standing or attached to a non-historic wall within the alcove/recess and should sit in a minimum of 1' from the primary wall. The width of the machine and any supporting structure shall not exceed 3' in width.*
- *Alcoves or recessed entries on secondary or rear facades that are a minimum of 3' deep and where the ATM will not require removal of historic features. [For the Second Ave district, we would add language that First Ave is considered a "primary" facade.] The ATM may be free-standing or attached to a non-historic wall within the alcove/recess and should sit in a minimum of 6" from the side or rear wall. The width of the machine and any supporting structure shall not exceed 3' in width.*

*ATMs are not appropriate in the following locations:*

- *Where they require the removal of historic features or wall material.*
- *Where they would require the installation of an alcove or recess that is not historically appropriate for the building or the district.*
- *Free standing in open spaces such as surface parking lots or plazas.*

*Where an ATM is appropriate, it should not have any signage beyond a simple sign on the machine itself and it should not require additional lighting.*

In terms of additions to buildings in the overlay, the design guidelines largely contemplate new conditioned space; however, the "general principles" of section III for "New Construction" provides the guidance that new construction "should be consistent with existing buildings along a street in terms of height, scale, setback, and rhythm; relationship of materials, texture, details, and color; roof shape; orientation; and proportion and rhythm of openings." An ATM machine, alone, would not meet this guidance, in terms of height, scale, rhythm, color, roof shape, orientation, and proportion and rhythm of openings; however, if installed within a recess, a location that makes it more integral to the existing buildings, many of those requirements may no longer be relevant. Section III.B for new construction states that "additions should not be visually

jarring or contrasting. Additions to historic buildings should be minimal.” The revised potential interpretation, specific to ATMs, strives to keep the addition of an ATM minimal and non-visually jarring by requiring a step back from the exterior wall, minimizing signage, and disallowing additional lighting.



Figure 5: ATM installed at 3<sup>rd</sup> Avenue South entrance.

If the revised interpretation of the design guidelines is agreed upon, the violation at the 3<sup>rd</sup> Avenue South entrance would meet the guidelines. The ATM is located within a deep recess (approximately 6' 2" deep) on the façade and is stepped back from the exterior wall by more than one foot (1'). It is installed in a new side-wall so did not require removal of any historic features. It measures approximately fifteen inches (15") wide, which would meet the three foot (3') wide maximum. The signage is located on the machine itself. No additional lighting or signage has been added or is proposed.

If the Commission finds that the 2004 interpretation is still valid, the ATM meets the design guidelines due to its location. The interpretation the Commission established in 2004 does not allow for ATMs on primary facades. Although this entrance appears as a primary façade, this part of the building is a later addition to the Broadway facing building and is non-contributing and so could be considered a secondary façade.

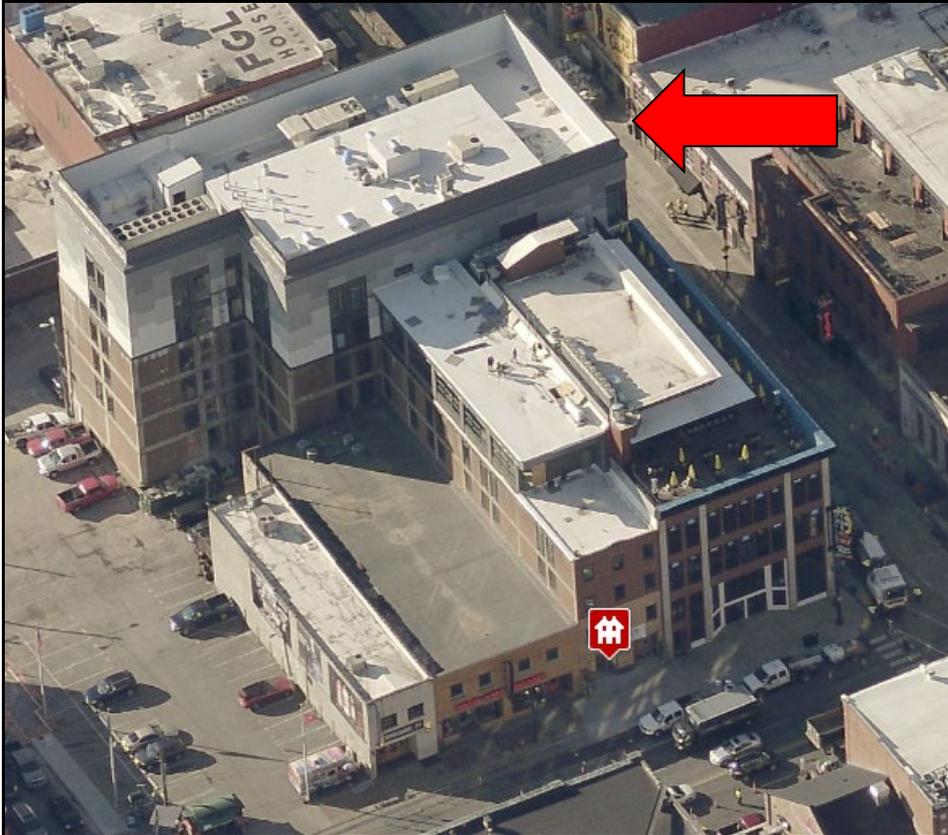


Figure 6: Aerial picture. 215 Broadway indicated by pin. The entrance to the Moxy Hotel is in a separate but connected building, along 3<sup>rd</sup> Avenue South.

### Recommendation

Staff recommends disapproval of the current Broadway storefront configuration including the ATM, finding that it does not meet Section II of the design guidelines for rehabilitation and Section III of the design guidelines for new construction. Staff suggests that the storefront be reconstructed as previously permitted within 120 days. Staff recommends approval of the revised interpretation regarding ATMs and the ATM installed at the 3<sup>rd</sup> Avenue entrance.