

The South Waterfront Advisory & Advocacy Group (SWAAG) has reviewed CRE's submission of two additional documents to the proposed Kerbela site plans. We have the following comments.

A Level 3 Alternative Compliance Review project, while not required to meet the letter of the SWF form-based code, is required to meet its intent and that of the Vision Plan. That intent is the creation of a mixed-use, human-scaled, gridded, urban form that supports an engaging pedestrian experience and integrates into the connective tissue of the community.

The proposed design contains seven large deviations from the code. Those are:

1. Increase the block size from a maximum of 1400' to 3000'.
2. Increase the maximum lot size from 3 acres to 5.7 acres.
3. Increase the maximum building footprint from 30,000 sq. ft. to 39,000 sq. ft. in the SW5 portion of the lot. The portion of the building in the SW6 district would add another 20,000 sq. ft. or so to the building footprint.
4. Increase the maximum front setback from 0' to 69' from Sevier Avenue.
5. Reduce the minimum building frontage at the setback from 75% to 0%.
6. Increase the maximum side setback from 25' to 56' from the Dawson Street interior side lot line and 32' from the eastern interior lot line.
7. Reduce the ground level transparent glass on the principal frontage from 70% to 63%.

If this had been a regular Level II review, BZA and/or Council would not have approved those variances. **In order to benefit from a Level 3 Alternative Compliance review that does not require those variances, a proposal must clearly and convincingly show that it meets the intent of the code.** This proposal fails to meet that standard.

Because CRE has failed to work with the community since before the May Planning Commission meeting, and because this revision does not adequately address our concerns with respect to pedestrian friendliness and the development's lack of integration with the surrounding community, we cannot support this proposal.

COMMUNICATION WITH THE COMMUNITY

At your May meeting, Planning Commission sent the Kerbela project proposal back to the ARC for work on issues raised by community stakeholders. At the June PC meeting, CRE requested a postponement. Their representative stated that the reason for the postponement was to work with the City and the community on outstanding issues. However, there has been no communication between CRE and SWAAG or, to our knowledge, any other community

organizations, since before the May PC meeting. They did not speak with First District Council member Karyn Adams until after the most recent submission had been received by the City.

SWAAG has not been confrontational. We aimed to be reasonable and informed collaborators. This lack of CRE communication with us has been disappointing and has inhibited the exchange of ideas on resolving noncompliance issues.

NEW PROPOSAL

The new proposal is to build a tunnel under the building which connects to a viewing platform along the east west path on the north side of the property. This viewing platform would be between six and eight feet below the elevation of the private portions of the property. It is approximately 1200 sq. ft. and oddly shaped. We assume that the fence shown in earlier drawings around the private areas will also remain. CRE has labeled the tunnel and viewing deck on their drawings as a “breezeway” and a “colonnade,” respectively. These are at best misnomers and at worst misleading.

We were surprised that this is CRE’s preferred alternative because there has been much discussion about site constraints. We have been told that the site is difficult to develop partly because it’s “solid rock.” It would seem that digging a tunnel is an unnecessarily expensive solution to providing public access through the site. The primary purpose seems to be keeping the public and private realms completely segregated. And we wonder what will happen if digging the tunnel does, in fact, prove to be infeasible. Will the north south public access not be provided?

AREAS OF CONCERN

Since the community first saw the original proposal for the site, SWAAG’s concerns have focused on massing, pedestrian friendliness, allowing for future commercial on the ground floor, and ensuring that the development integrates into the urban fabric of the South Waterfront. CRE did address massing by reducing the height in the middle section of the building to a single story, and we appreciate that.

CRE’s approach to other concerns has been to treat code elements as optional. Public access around and through this large site and a transparent, engaging program at the ground floor are benefits to both the community and the future residents of this site. That is why the Vision Plan and the code that implements it calls for them. It has become clearer over time that CRE does not agree with this perspective. Attempts to encourage approaches toward the spirit and

intent of the code with respect to pedestrian friendliness and integration into the community have been resisted.

The two new drawings appear to be an attempt to address these concerns. They fail to do so adequately.

Pedestrian Friendliness. The SWF code is designed to ensure a safe, engaging pedestrian environment. Each of the seven deviations from the code impact pedestrian friendliness. The maximum lot size, maximum block size, and maximum building footprint are intended to create an urban grid, where breaks between buildings ensure safe, easy public access around the site (and through it if necessary).

We agree that the maximum lot size requirement can be waived; it is not necessary to legally subdivide this large lot. We also agree that the maximum building footprint requirement can be waived. However, **waiving those means that the intent of the maximum block size requirement must be met.** That requires safe, engaging pedestrian access through the large lot. A tunnel may provide north south pedestrian transportation through the site, but it in no way provides that safe, engaging pedestrian experience. Tunnels are dark and hidden, and by default, isolating. They are often perceived as unsafe. SWAAG has suggested several alternatives for providing a safe, engaging pedestrian access through the site. CRE has not been receptive to these suggestions. **Providing this is something CRE elects not to do, not something they are unable to do.**

The maximum setbacks keep buildings and pedestrians close, so that pedestrians can interact with the building frontage. And adequate ground floor transparency provides an engaging pedestrian experience. We agree it is not practical to require a 0' setback along Sevier, but the setbacks on Mimosa and Dawson are very large. In addition, the ground floor transparency is not adequate on the Mimosa side and ground floor transparency on Dawson is non-existent.

Blank walls are inherently unfriendly to pedestrians. We reiterate our concern that the Dawson side of the development is essentially the blank wall of the structured parking. Plans do show an art installation at the Dawson/Sevier corner, which we appreciate. But that is not sufficient to enliven that entire block. Structured parking should be wrapped in a public-facing program to provide pedestrian interaction and "eyes on the street." Too much of the Mimosa side is also blank wall.

CRE contends that slope prevents them from providing more community engagement opportunities along Dawson. But Knoxville is a hilly town, and other developments have successfully contended with this issue.

In addition, surface parking lots in front of buildings are discouraged in the code because they are not pedestrian friendly. CRE seems to regard the Mimosa side as the back of the building, but that is where the primary entrance is located. The surface lot between Mimosa and the building negatively impacts the pedestrian experience. We have been reluctant to criticize the surface lot, hoping that this deficiency would be compensated for along Dawson and elsewhere on the site.

Isolation from the community. CRE continues to ensure as little interaction between their residents and the community as possible. The large setbacks and low transparency at ground level turn an unfriendly face to the community.

The proposed tunnel cements this separation of the public and private realms. It fails as a strategy for satisfying the block size requirement. That requirement is to prevent superblocks and instead create an urban grid so that buildings are integrated into the community.

The tunnel and the elevation of the viewing deck (6 to 8 feet below the elevation of the private plazas and separated from them by retaining walls and fences) make interaction between the public realm and the private realm impossible. Residents would not even be able to directly access the public viewing deck or the east west walkway on the north side of the property from the private plazas. They would have to walk to the front of the building and go through the tunnel. The separation between the public and the private is extreme.

The code's prohibition of gated communities is to prevent exactly this kind of development. "Private developments such as 'gated communities' are prohibited in the Knoxville South Waterfront. **They inhibit access to public spaces and create physical and social enclaves**" (City of Knoxville Zoning Code 7.1.4.A.2). The proposed development certainly qualifies as a physical and social enclave, and as such does not meet the intent of the code.

CRE seems uncomfortable with an urban environment. They appear to want the benefits of an urban location (access to downtown via Gay Street bridge, nearby commercial activity on Sevier Avenue and at Kerns Food Hall, the new trail being constructed along the former rail line), while holding their development apart from the urban community. This is an approach fundamentally at odds with the SWF Vision Plan.

Mixed Use. The recommendation to design the ground floor on the Mimosa side to accommodate future retail as was done at One Riverwalk has still not been incorporated. None of us know what this area will be like in ten years, or twenty. It is critical to plan for the future

by creating building stock that can accommodate the highest and best use, even if the current market cannot support traditional retail. Taller ceiling and exterior ADA access to multiple locations on the ground floor should be provided at a minimum.

We suggest including shared crossover program that benefits the community and residents, e.g. public facing pack/ship mail hub, rentable community room, membership-based pet salon and/or small tool and gadget rental, etc.

Precedent. This is perhaps the most prominent site in the South Waterfront and the first major proposal to undergo Level III review. What happens here will set a precedent for other South Waterfront projects, especially those that follow the Alternative Compliance Review process. It is vital to “get this right.”

CONCLUSION

Given that this development is subject to the Level 3 Alternative Compliance process and therefore to your personal and professional judgement, we urge you to carefully consider that this proposal is not alternative compliance, but a formal request for permission to intentionally disregard the intent of the Vision Plan and code. Because of that, along with CRE’s unwillingness to work with the community, we cannot support this proposal.

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