

Commissioners,

CRE is asking for approval of this site plan under Level 3 Alternative Compliance Review, meaning that while not required to meet the letter of the South Waterfront form-based code, the proposal 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**. In order to benefit from a Level 3 Alternative Compliance review, a proposal must **clearly and convincingly** show that it meets the intent of the code. It is your job as Planning Commissioners to decide how well that intent has been realized. We submit that it has not been met, and ask you to deny this application.

SWAAG supports development on this site, including the proposed density (some of us would like to see even more density!). We applaud the 55+ concept. Since the community first saw the original proposal for the site, SWAAG's concerns have centered 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.

In prior written and oral communications with you, we have focused on two specific components that illustrate lack of compliance with the Plan and code intent – the lack of an open-air public pathway through this large almost 6-acre site, and the blank wall of the parking garage along Dawson. The common threads are the lack of pedestrian friendliness and the integration of the development with the greater community.

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.

SWAAG Communication with CRE. At your direction, CRE representatives met with SWAAG and City representatives on July 20th to discuss possible modifications to the proposal submitted in July. This meeting marked the first time CRE has spoken to SWAAG since April 24. After that meeting, CRE submitted the proposal you have in front of you. It contains minimal changes. They pursued one idea, a public plaza for the Dawson/Sevier corner. That is welcome. However, we note that it is on property to be deeded to the City and the City would

be responsible for costs. In essence, CRE is proposing work for the City. Will Planning Commission approval obligate the City to perform this work? If not, without a budget commitment and a timeline from the City, we have no assurance that this will be built. The remainder of the Dawson Street frontage has been ignored (we note that CRE contends that this was at SWAAG direction. It was not.). And the north/south passage remains below ground.

CRE contends that the development they want to build isn't financially feasible if they conform to the rules. The solution to that is to either modify what to build or find another site. It is NOT to toss out the rules.

Deviations from Code. 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%.

In addition, we note that the code forbids gated communities. "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). How well this development meets the intent of the code in this respect must be evaluated as well.

We understand that you will discuss each of these items with respect to the intent of the Plan and code. We will address each in turn, and then add general comments. We also refer you to our comments from the July meeting.

- 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.**

The size of the development creates the biggest challenge to meeting the intent of the code – not the slope, not the rock, and not the buildable area. The almost 6-acre site sends an immediate signal that outsized exceptions are being sought. The lot size and block size

provisions are intended to prevent suburban superblocks and preserve a gridded, urban form. If they are not strictly met, then a safe, engaging pedestrian access through the large lot must be included. We understand that it is not feasible to construct this through the entire block from Mimosa to Sevier, but it is feasible to construct from Mimosa to the east/west pathway above Sevier. SWAAG has suggested numerous alternatives for providing this, including 1) building two structures with a public plaza between them (a la One Riverwalk), 2) connecting the buildings on the second floor (a la Livano), allowing a public pathway under that connection, and 3) retaining the one-story lobby building but adding an arcade or other engaging public pathway through it. Since CRE now has determined that tunneling on this site is feasible, another possible solution is to 4) connect the structures below ground level, with a public plaza above.

CRE, however, insists that a tunnel from the front of the building to the east/west pathway is the only feasible solution. 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, especially by women, and they do not create an urban grid.

We also note that CRE asserts that “adding a fully accessible route connecting Sevier Avenue, the courtyard, the Ghost Trail (this is new term, but we assume it refers to the east/west pathway), and Dawson Street would require hundreds of feet of additional ADA-compliant ramping.” The implication is that this would be required only if building an open-air north/south pathway. This is a strawman.

Under the tunnel alternative, CRE provides ADA-compliant access to the tunnel via an elevator. There appears to be no ADA-compliant access from the observation deck at the end of the tunnel to the east/west pathway. But there IS a connection there for non-disabled pedestrians. It appears that CRE would probably have to provide ADA access from the deck to the east/west path as well. Under the open air north/south option, CRE would have to provide ADA-compliant access from the edge of the public plaza down to the east/west pathway, and there would be no need for an elevator.

In neither option is ADA-compliant access to Sevier or Dawson contemplated. And if it were to be required under the “equal access” requirement, it would be required in both cases, tunnel or open-air.

A tunnel also separates the private from the public. Since the observation deck would be six to eight feet below the private plaza, residents and community members would not even SEE one another. The tunnel is another way for CRE to keep their development completely non-

integrated into the community – that is, a physical and social enclave, which is completely counter to the South Waterfront Plan and code.

We are also concerned about the prospect of the pathway having “hours of use.” City sidewalks do not shut down at night. There are no “hours of use” for the public plaza between the buildings of One Riverwalk. If a pedestrian can’t use the pathway at any time of the day or night, then it is not truly a public thoroughfare.

Providing a safe, engaging pedestrian access through the site is something CRE elects not to do, not something they are unable to do. We submit that the intent of the maximum lot size and maximum block size requirements has not been met, and **we ask you to deny items 1 and 2.**

- 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.)

The intent of this requirement is to prevent massive buildings on superblocks that are out of scale with their surroundings. **SWAAG believes the lowering of the middle part of the development to one story meets the intent of this requirement, provided an engaging public access through the one-story part of the structure is provided by something like an arcade.** Other options, such as two unconnected buildings, or buildings connected on the second story or underground, would also satisfy the intent of the code on this item.

- 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%**

Although we don’t understand why this side of the building has been declared the front, since the primary entrance is on the Mimosa side, we realize a large setback from Sevier is necessary because of the physical properties of the lot. **SWAAG has no objection to these items with respect to Sevier.**

- 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.**

The purposes of small setbacks are to ensure pedestrian friendliness and the integration of the buildings into the community. The large setbacks on Dawson and Mimosa continue to be problematic. CRE has provided no reason why they are necessary. **SWAAG requests denial of this item.**

7. Reduce the ground level transparent glass on the principal frontage from 70% to 63%.

Again, this seems to refer to Sevier, and **we have no objection to the proposed transparency on the Sevier side.** However, this requirement is also to ensure pedestrian friendliness and integration into the surrounding community. The total lack of transparency along Dawson and the inadequate transparency along Mimosa do not meet the intent of the code, and will be discussed below.

Gated Communities. We continue to be troubled at CRE's insistence on creating a physical enclave completely separate from the surrounding community. This violates one of the fundamental principles of the South Waterfront Plan and Code.

The proposed development certainly qualifies as a physical and social enclave. There are no points where residents and pedestrians are not completely separated. There is no way for the greater community to engage with this development. The proposed tunnel allows zero interaction between the public and private realms. The building turns a blank wall to Dawson and has inadequate transparency on the Mimosa side. (CRE mentions adding transparency in their new narrative, but we cannot tell where or how much they are proposing from the materials.). The proposed surface parking lot between Mimosa and the building adds to the physical separation.

SWAAG has suggested numerous possibilities for Dawson – public art, additional seating areas, farmer's market station, community rooms, mail hubs, pet salon, residential porches, balconies, etc. - essentially programming that brings people to the perimeter and provide benefits to both the residents and the greater community. CRE has, as far as we know, explored none of these.

We ask you to deny this application based on the failure of the proposal to meet the intent of the code with respect to "private developments like gated communities."

Precedent. This is perhaps the most prominent site in the South Waterfront and the first major proposal to undergo Level 3 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. SWAAG understands that developers have to make a reasonable profit, and we understand that the structures they build must meet the needs of their clients. But new development must also meet the needs of the community. We have experienced little interest in that from CRE. (Their lack of understanding of the community can be seen in the narrative of this submittal when they twice reference the "historic Bell Walk." There is, and to our

knowledge never has been, any such thing.) They have met with SWAAG reluctantly and have failed to engage the pastor of the church on the adjoining property, even though he has expressed concern about the location of the garage entrance.

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 South Waterfront Vision Plan.

We had hoped to be able to enthusiastically support this development. Due to the reasons stated above, we are unable to do so. **SWAAG respectfully requests denial of this application.**

John Cadotte, Southside Waterfront Neighborhood Association Vice-President, business owner
Rachel Craig, Island Home Park resident, former Planning Commissioner, member of the South Waterfront Oversight Committee 2005-2007

Debbie Mallard, CityView resident, Southside Waterfront Neighborhood Association President, current representative to the South Knoxville Neighborhood and Business Coalition (SKNBC)

Tommy Smith, Island Home Park resident and former First District City Council Member

Susanne Tarovella, Old Sevier resident, architect and business owner, former chair of the Design Review Board

Janice Tocher, South Woodlawn resident, former Planning Commissioner, business owner, Co-Chair SKNBC