

**1. Where did this HDR study come from? Why was it originated?**

- a. Metro (Mayor's Office, Development Services and Historic leadership) heard concerns from Councilmembers and the community, in addition to being made aware of pre-emptive legislation at the State in 2024 that would impact Metro's ability to regulate development of and around historic properties. In an effort to address the concerns raised by the community and in the legislation, Metro requested an independent, third-party consultant to study the complaints related to the Metro Historic Zoning Commission. This study was requested by the Administration and funded by Metro Codes and Metro Planning, which is in alignment with previous studies done to address improvements that could be made to Metro Development Services.

**2. Would the Metro Historic Zoning go away if this bill passes?**

- a. No. The Historic Zoning Commission would not go away if the bill passes. The staff that serve the Historic Zoning Commission would join the Planning Department.

**3. Would Planning get rid of the neighborhood overlays or weaken them significantly?**

- a. No. Per Tennessee Code Annotated (TCA), the Metro Council is delegated with the authority to zone property, including removal of overlays. The Planning Commission adopted NashvilleNext in 2015, which included elements supporting historic preservation to insure healthy communities. As with any zoning regulation, changes may be considered over time that insure it is working for property owners and the community, alike. As written, BL2025-742 requires that the director of the Historical Commission have a degree and experience in historic preservation

**4. What would you do differently if historic staff were at planning? How would you integrate them into the Department?**

- a. Planning is an interdisciplinary profession. Our Department is comprised of planners, policy analysts, housing experts, landscape architects, architects and other disciplines. Our team comes together around a range of issues. We debate design and policy matters narrow and broad and think about the Department's work for this city and how to prioritize our efforts. Preservation has been top of mind in our Downtown Code update, work on 2<sup>nd</sup> Avenue, and recent efforts at Elliston Place. Historic staff would join and positively influence that work. Joint deliberation about the development of design standards, development tools, and overlays will benefit both teams. In particular, I think it would be beneficial for the historic staff to have wide exposure to the community engagement

practice at Planning and the thought process for evolving and updating standards where needed to meet current needs.

**5. Are there some things that a historic director would need to be able to do without your oversight?**

- a. Currently, the historic director can place a 90-day hold on a permit for demolition for historic properties. This is an important function that should be protected, and it is one that usually needs to be executed quickly.

Additionally, what's crucial in all decisions about any department is that its functions be seated within a defensible legal and operational framework. In consultation with Metro Legal, that is not the case today under the makeup of the Historical Commission as it relates to our Metro Code of Laws. For context, the Historical Commission is enabled by the Metro Code to hire its director, but the Metro Code does not outline zoning duties for this department or its director. Furthermore, the Historic Zoning Commission, which does have zoning duties, is not authorized to hire staff (including a director) through Metro Code. Therefore, our historic zoning staff is undertaking important duties today are not plainly authorized to do so in the Code. This situation needs to be corrected, and implications for this can be seen in a variety of ways. For example, today, historic staff relies on the Codes Department to effectuate stop-work orders because Codes is enabled to do that work and Historic is not.

If we are to protect the 90-day hold activity it needs to be rooted in a department that has functional responsibility for zoning and land use – and should be authorized by Council. This would be important in the event of conflicts arising from a decision of the Historic Zoning Commission or staff.

Again, Metro Legal has provided us with this overall understanding. If you have other questions as it relates to this function, please consult Metro Legal.

**6. Is there experience with historic preservation at the planning department today?**

- a. Planning Department staff are well trained and educated in planning and preservation issues. While urban planners may not all have technical experience specifically in historic preservation, planners are expected to understand and collaborate in many different areas that have effects on land development, such as stormwater, traffic, land use and historic preservation. Balancing a variety of interests to find the best solution is

what city planners do every day. There are staff members that have experience administering historic zoning in other jurisdictions.

Within our Design Studio division, we have trained architects and landscape architects, including those with professional experience in historic renovation, adaptive reuse, compatible infill, cultural and historic landscapes, and zoning reform. Beyond Nashville experience, our staff has been involved in preservation projects and initiatives throughout the United States, from Wyoming to Chicago to legacy cities on the East Coast.

Additionally, in my previous role in Washington, D.C. with the National Capital Planning Commission, my responsibilities included administering historic guidelines required by the Federal Government on development in that city, including around some of the nation's most important historic assets and landmarks.

**7. What are the Planning Department's current historic preservation activities?**

- a. The Planning Department is involved in historic preservation at several levels – policy, zoning, overlays, and community engagement.

REGULATORY One area of preservation policy that the Planning Department is responsible for overseeing is the Neighborhood Landmark Overlay process. This is a process outlined in the Zoning Code that allows for adaptive reuse of meaningful structures in various neighborhoods throughout the city. It allows for uses that would not typically be permitted by the underlying base zoning in return for protection and preservation of the structure. Many times, these overlays are also coupled with a Historic Landmark Overlay.

REGULATORY Additionally, department staff make recommendations to the Metro Planning Commission on the application of historic overlays (Preservation, Conservation, etc.) to property across the County. Planning staff also work closely with property owners for development proposals that feature a historic resource, both designated and undesignated.

COMMUNITY ENGAGEMENT AND REGULATORY In 2018, Planning staff lead a robust community engagement process that identified opportunities for preservation in Music Row. This effort required careful consideration of the historic resources in the neighborhood and existing zoning entitlements. Since the adoption of the Music Row Vision Plan by the Planning Commission in 2019, Planning staff has turned away dozens of zoning requests that would put historic resources in Music Row in jeopardy. While these preventative measures have been successful, staff is currently drafting a pro-active form-based code that would codify

transfer of development rights out of Music Row to more appropriate parts of the city. Staff anticipates bring this zoning reform to the community for review in late 2025.

**POLICY** In 2025, Planning staff will be moving forward with the Ecological Conservation Strategy, which includes the analysis of our historic landscapes throughout the county. As part of this initiative, we will identify the natural and cultural landscapes that have informed Nashville's evolution, and work toward the best way to integrate this information into the city's future growth.

#### **DESIGN AND IMPLEMENTATION/COMMUNITY ENGAGEMENT**

Following the Christmas Day blast on 2nd Avenue, Planning staff has led efforts in rebuilding, designing and constructing a new street design, integration of art into the cityscape, and rezoning to alleviate demolition pressures. These efforts have been done through an iterative design process with significant community input. Moving forward, Planning is leading the effort to reconsider the role of historic 1st Avenue and Riverfront Park, including supporting the Parks Department in an initiative to invest in Fort Nashborough.

**REGULATORY** Planning staff coordinates with various departments on historic preservation opportunities within the MDHA redevelopment districts, and within Downtown Code zoning. Planning staff attends MDHA's design review committee meetings which includes areas of North Nashville, East Nashville, and Downtown, and provides input on historic renovation and infill proposals.

**REGULATORY AND POLICY** Since adoption of the Downtown Code, 19 buildings – outside Historic zoning overlays – have been preserved through the Bonus Height Program. Additionally, the Design Studio is currently moving forward with significant amendments to the Downtown Code's Bonus Height Program to further incentivize the preservation of historic and cultural resources. The bonuses have been calibrated based on a third-party market study, with robust input from the development community.

**POLICY AND COMMUNITY ENGAGEMENT** Beginning in 2023, Planning staff has coordinated with a variety of stakeholders to consider the historic landscapes in the Belle Meade Highlands neighborhood. This work continues with Metro partners to ensure the long-term viability of Warner Parks, Cheekwood, and the community that surrounds these historic assets.

- 8. We have received emails stating that this proposed move is a “monumental change for the Historical and Historic Zoning Commissions to lose their**

**independent status and be absorbed into the Planning Department.” Is this true or will they maintain their authority?**

- a. The Historical Commission and Historic Zoning Commission would continue to do the same work they currently do and remain independent Commissions. The staff members who support those Commissions would join the Planning Department.

**9. What is the benefit/cost of combining departments?**

- a. This preserves Metro’s historic zoning regulatory authority, which otherwise may be stripped away by the State, and brings together multiple disciplines that shape the built environment. The Historic Commission and Historic Zoning Commission would still have dedicated staff and fiscal impact should be minimal. Planning would have responsibility for this staff and the implementation of the recommendations in the HDR report, such as increasing stakeholder involvement when a change to regulatory interpretation is being considered and considering how the Advisory Council on Historic Preservation (ACHP) guidance around a range of planning issues can be adapted to Metro Nashville.

**10. What will the process for integration look like? (30 days / 60 days / 90 days)**

- a. Place a 30-day hold on pre-litigation correspondence between historic staff and those regulated by the guidelines to understand where there are current conflicts and whether patterns exist that need to be addressed at a system level before litigation. Flag any patterns for the Board and discuss outcomes.
- b. 60 days: Conduct a soup to nuts review of the regulatory/plans review timeline to get a holistic understanding of where there may be gaps in delivering for our residents. Identify cases where outstanding codes or design issues haven’t been meaningfully resolved, especially between Departments such as Historic and the Fire Marshall. Where there are patterns of codes issues, bring those to the Board for resolution.
- c. 90 days: Work with the historic team to evaluate big picture opportunities and challenges with an emphasis on major goal-setting for the next 1-3 years around preservation. Assess professional training needs and invite middle managers within historic to our collaborative training platform, which has been in place for a year and connects colleagues across the Department to develop management and decision-making tools.

**11. Does Planning have the current capacity to take this on?**

- a. The Planning Department has spent the last 10 years evolving from a smaller primarily regulatory-oriented Department to one that has invested significantly in our regulatory team, as well as Advanced Planning and Research, Long Range Planning, and the Design studio. We’ve invested

in our operations team as we've grown, which creates a solid platform for change, and gives us access to additional resources if needed to solve a problem. When we take on a new function, such as the housing team – or send a function we have to another Department, such as our GIS function – we do that work concurrently with a program review that looks at core activities, goal-setting, resourcing and the like.

Please know that if Historic Zoning staff joins the Planning Department Historic Zoning staff will continue to do their work, and our goal will be to elevate that work and find solutions to breaking down silos that may exist today between Planning staff and Historic Zoning staff.

Additionally, if the Metro Council determines that the Historic Zoning staff should join our staff, I would anticipate a similar opportunity to have a strategic evaluation that usually is geared towards growing that activity. Nashville is growing and our preservation needs are growing – how do we scale up to that responsibility? We would likely do two things as part of that program review: 1. Get feedback from our residential areas that have overlays to determine what's working well and what can be improved; and 2. Work with the MHZC to determine how we as staff can be more effective. There would be other components to the review, but these are examples. Likely, we would seek expertise (such as advisors, experts in the community) to provide our whole team including historic with advice about doing this work well. It wouldn't happen overnight, and it's a deliberative and inclusive process. As noted in another question, I see the Historical Commission functions a bit differently from the zoning. They could also have a program review that supports their activities – but these would likely not be permanently housed within the Planning Department. So, the answer is, we have capacity, but we wouldn't just bring the team over; there would be a transition period with formal advice about integration and investment.

**12. What are 3 things Planning would change/adjust and 3 things she thinks are working well with metro historic?**

- a. **Working well:** (1) Historic preservation is an important component of good urban design; (2) relationship with committed partners such as Preservation Society of Nashville; (3) important and meaningful tools to protection for historical values and character of Nashville, e.g., Neighborhood Conservation Zoning Overlays and Historic Zoning Overlays

**Adjustment:** I think we need to facilitate a great conversation about our preservation and growth strategy for our whole city – directionally what are our major objectives and how do we get there? Planning and the historic

office each have a role to play, but those strategic objectives need to be well defined for both offices. For example, planning has been pursuing a preservation strategy downtown through the Bonus Height and OHM process that has yielded results. But we could create more impact through partnership. Once a due-north is clearly established, decision points within Metro are more straightforward. At a plans review level, collaboration with others, such as the Design Studio will be helpful around rub spots within the historic zoning process. Design studio includes architects, landscape architects and planners, who can both challenge and learn from the historic team. Historic and Design Studio both would likely benefit from robust engagement about accomplishing design quality for new construction within overlays, as well as our strategic thinking for areas of significance that do not currently have the protection of overlays. Both should aim to improve conservation of natural features, rather than solely prioritizing the built environment (a criticism I'd give both offices).

Evaluate conflict resolution practices around some narrow code issues with other departments, such as modifications within inches of ingress and egress points with the Fire Marshall. Swift resolution of minor code issues is critical to ensuring that overlays remain a valuable and welcome tool within neighborhoods. I have an impression based on feedback from Codes and the Fire Marshall that there is not a good process for addressing conflicts – and residents fall victim to those disagreements.

Continue the current work to improve guidelines on Broadway.

### **13. How do we know developers won't be prioritized over historic preservation?**

- a. First, NashvilleNext offers a vision that we adhere to for promoting preservation and managing growth together. Prior to its adoption, the Metro Planning Commission adopted the 1998 Historic Preservation Functional Plan, so we have a history of elevating historic preservation priorities. As we look to update NashvilleNext later this year, we have the opportunity to update this 1998 plan and work with Historic staff and local nonprofit preservation organizations. Additionally, historic preservation can be accomplished a number of different ways, and one of them is through requirements associated with private development review.

For example, Planning staff has required protections for 19 buildings not otherwise protected by overlays downtown since the inception of the Downtown Code. This form-based code enables the Planning Commission to require certain outcomes when developing property, including for preservation. Planning just further strengthened the hand for preservation

in our recent update to the Downtown Code, currently under consideration at Council.

Outside of Downtown, we are similarly working through a preservation strategy at the Belle Meade Theatre site through Specific Plan (SP) zoning, and we also recently required a developer to agree to the Elliston overlay as part of a development agreement across the street. So, I would argue that if the right policy is in place, development can be an effective tool to accomplish preservation. Still, even with these successes, the strategy is still somewhat defensive.

To have a more proactive preservation strategy, funding and acquisition need to be part of the approach. The Planning office and General Services have a new partnership with the Special Projects Committee that is real estate-focused and includes objectives around Metro lands and functions. Acquiring vulnerable historic properties for public purposes is a potential lane and needs to be investigated.

**14. How would you ensure MHC's work will be protected, such as archeology, cemetery preservation, and historical markers?**

- a. The duties of the Historical Commission are distinct from zoning. Their work is important and should be protected and enhanced. A question that could be posed for this and any other Metro duty is: what is the best alignment to elevate the work and drive towards excellence. Sometimes that is through an independent department organization, and sometimes it is by situating a function within a larger department so it can further its reach in our community and better develop services (e.g., historic programming) and assets through stronger capabilities. This was the strategy with the housing team – and its staff has tripled since joining the Planning Department. In this instance, however, the Planning Department is not the right place for many of the Historical Commission functions, such as documenting historical properties, programming events and maintaining cemeteries. If that duty comes to Planning through this legislation, I would conduct a short program evaluation with Mayoral Administration oversight and work with that team to find the best fit for their functions and expertise, likely with another organization that has expertise in historical archives or maintaining property. That program review could be presented to the Commissions and Council. However, I think Council today is in a position with this legislation to take a moment of pause and treat the Historical Commission separately from the zoning work. It could enable a period of thoughtful evaluation and demonstrate support of the staff and those functions.

**15. If someone has concerns or questions who can they reach out to?**

- a. We are happy to try to answer any questions Council may have about Planning's role. Council can always reach out to myself, my Chief of Staff Richel Albright, or Lisa Milligan and Brett Withers.

However, please know that as a department we do not plan to weigh in formally on the organization of government. If the Council decides that Historic Commission's staff should be moved into the purview of the Planning Department and work with the staff of the Planning Commission we would, of course, work to incorporate them into our department much like we have done when we've been asked to bring on a Housing Division, which also works with its own separate and independent commission.