
MEMORANDUM

TO: PLANNING COMMISSIONERS
FROM: ERIC HAMMER, METRO NASHVILLE PLANNING DEPARTMENT
SUBJECT: CERTIFICATION OF BONUS HEIGHT COMPLIANCE WITHIN THE DTC
DATE: NOVEMBER 12, 2020

PROJECT NAME	801 AND 900 CHURCH STREET
DTC SUBDISTRICT	CORE
Parcel(s)	09305016100, 09305401700, 09305401800, 09305401900
Requested by	Kathryn Withers, Barge Design Solutions, applicant; 900 Church LLC, SP Church Project – Land LLC owners

BACKGROUND

The Downtown Code requires Planning Commission certification of compliance with the provisions of the Bonus Height Program (when those provisions are utilized for a development), before building permits can be issued.

APPLICANT REQUEST

Certification of compliance with the Downtown Code (DTC) Bonus Height Program (BHP) for a 34-story residential tower located at 900 Church Street and a 38-story residential tower located at 801 Church Street within the Core Subdistrict of the DTC. The applicant has utilized the Historic Building Preservation and Underground Parking Bonuses. The Core Subdistrict permits 30 stories by-right and unlimited stories for these properties with use of the Bonus Height Program.

BL2020-334, effective August 21, 2020 amended the DTC to better define the term “receiving site” for the purposes of the Bonus Height Program by adding the following language:

For the purposes of the Bonus Height Program, ‘receiving site’ means a single parcel or group of adjacent parcels with common ownership, or up to two adjacent parcels without common ownership. By-right height may not be transferred; only bonus height received through the BHP may be transferred.

801 and 900 Church Street meet the definition of “receiving site” by virtue of being two adjacent parcels without common ownership.

ANALYSIS

The DTC Bonus Height Program allows bonus height if provisions for certain public benefits are met. The public benefits in exchange for bonus height are outlined as such:

Historic Building Preservation

- The number of square feet of Bonus Height shall be equal to the development rights being forfeited by the preservation of the building, calculated as follows: the number of by-right stories permitted minus the number of stories of the historic building, multiplied by the square feet of the historic building footprint. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- The binding commitments shall consist of an instrument recorded in the register of deeds, that records the transferred bonus height and square feet calculations as first certified by the Planning Commission; records the preservation of the historic building in perpetuity by requiring that any exterior alterations including demolition in whole or in-part be reviewed and approved by the Metro Historic Zoning Commission following the Commission's processes, policies, Secretary of Interior's Standards and any applicable design guidelines; record the forfeiture or any future claim for additional building intensity of development, including any type of variance of the preserved historic building; and records the project's and / or receiving site's additional square feet and building height bonus derived from the transfer.
- Within a Historic Overlay or Landmark District, existing buildings are eligible to transfer any unused DTC height entitlements based on the square foot calculations outlined in this section and are subject to the BHP provisions and chart.

Underground Parking

- The number of square feet of Bonus Height shall be equal to the number of square feet in Underground Parking. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.

The projects have demonstrated compliance with the DTC Bonus Height Program. BL2020-320, effective August 21, 2020, applied a Historic Landmark Overlay District to a property located at 421 Church Street, colloquially known as the Cohen Building. The Cohen Building is within the Core Subdistrict, which permits 30 stories by-right and unlimited stories for these properties with use of the Bonus Height Program.

The projects have demonstrated via their application and a deed restriction to be filed that the footprint of the 3-story historic building is 3,920 SF which yields 105,840 SF of bonus height area, as the Core Subdistrict permits 30 stories of height. 49,429 SF of this earned bonus height area will be transferred to property at 801 Church Street and 39,162 SF of this earned bonus height area will be transferred to property at 900 Church Street. The remainder of the height not being transferred is 17,249 SF.

The projects have also demonstrated via DTC final site plan 2020DTC-046-001 that 57,402 SF of underground parking is being provided at 801 Church Street which yields a bonus height area of 57,402 SF. This bonus height will be fully applied to property at 801 Church Street.

STAFF RECOMMENDATION

Approve Certification of Compliance. Staff has reviewed the projects' utilization of the DTC's Bonus Height Program provisions and finds it to be compliant with the DTC.

