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**MEMORANDUM**

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**TO:** PLANNING COMMISSIONERS  
**FROM:** JARED ISLAS, METRO NASHVILLE PLANNING DEPARTMENT  
**SUBJECT:** CERTIFICATION OF BONUS HEIGHT COMPLIANCE WITHIN THE DTC  
**DATE:** MAY 12, 2022

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<b>PROJECT NAME</b>	<b>MODERA MCGAVOCK</b>
<b>DTC SUBDISTRICT</b>	GULCH SOUTH
<b>PARCEL(S)</b>	09309017900, 09309017700, 09309017600
<b>REQUESTED BY</b>	M. Hays Layerd, Cooper Cary Architects, applicant; Rajesh Aggarwal, Good Health Management, property owner

**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 29-story mixed-use building located at 1212/1214/1218 McGavock Street within the Gulch South Subdistrict of the DTC. The applicant has utilized the following bonus height programs:

1. Upper-Level Garage Liner and Underground Parking
2. Public Parking
3. LEED or equivalent

The Gulch South Subdistrict permits 10 stories by-right at this location, and up to 16 stories for developments that utilize the Bonus Height Program. On September 23, 2021, the Planning Commission reviewed and approved a DTC Overall Height Modification (2021DTC-017-001) to allow 29 stories.

As part of the Overall Height Modification application, this project demonstrated use of the Bonus Height Program beyond the cap of 16 stories within the Downtown Code.

**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:

Upper-Level Garage Liner and Underground Parking

- The number of square feet of bonus height shall be twice that of the number of square feet in Upper-Level Garage Liner. The number of square feet of bonus height shall be equal to the number of square feet in Underground Parking. Bonuses are specific to each Subdistrict, and the Gulch South Subdistrict allows 2 additional stories for Upper-Level Garage Liners and Underground Parking.

Public Parking

- The number of square feet of bonus height shall be twice that of the number of square feet in Public Parking. Bonuses are specific to each Subdistrict, and the Gulch South Subdistrict allows 2 additional stories for Public Parking.

LEED or equivalent

- Bonuses for individual buildings are given upon precertification of LEED silver, gold, and platinum (or an equivalent, nationally recognized, third-party system overseeing green building and/or sustainable development practices). Bonuses are specific to each Subdistrict, and the Gulch South Subdistrict allows 2 additional stories for LEED or equivalent.

The project has demonstrated compliance with the DTC Bonus Height Program and an approved Overall Height Modification application to attain 19 stories beyond the by-right allocation for this property:

- 37,974 SF of upper-level garage liner (residential space on the second, third, and fourth floors) was provided and yields 75,948 SF of bonus height. Additionally, 89,379 SF of underground parking was provided and yields 89,379 SF of bonus height. The project is utilizing 165,327 SF of the bonus height earned for 10 stories as specified in the Overall Height Modification request.
- 28,023 SF of public parking, on Level B1, was provided. This yields 56,046 SF of bonus height or 3 stories. The project is utilizing 56,046 SF of the bonus height earned for 3 stories as specified in the Overall Height Modification request.
- Silver status NGBS Green certification is being provided. This yields 2 stories of bonus height. The project is utilizing 2 stories of the bonus height earned as specified in the Overall Height Modification request.

As these bonus amounts match the commitments made to the Planning Commission as part of the Overall Height Modification, they are deemed to be used at this site. No bonus height is eligible for transfer to another site within the DTC.

Upon fulfilling remaining requirements prior to issuance of building permits, the proposed development project shall be allowed to build the approved Overall Height Modification request.

**STAFF RECOMMENDATION**

*Approve Certification of Compliance.* Staff has reviewed the project’s utilization of the DTC’s Bonus Height Program provisions and finds it to be compliant with the DTC and Overall Height Modification 2021DTC-017-001.

**PARCEL MAP**

