



**REQUEST
PROJECT**

Concept, Modification, and OHM Review
Paseo Towers 3 and 4

**Council District
Requested by**

19 – O’Connell
Ryan Terrell, ESa, applicant; Andrew Donchez,
SomeraRoad Inc., owner.

Staff Reviewer

Islas

Staff Recommendation

Approve with conditions and defer without all conditions

Applicant Request

A request to approve a concept plan and modifications to build-to zone, maximum floor-to-floor heights, minimum façade width, step-back, MCSP requirements, and overall height for property located at 714 8th Ave. S, 700, 706, and 710 Division St, zoned DTC (1.91 acres), and within the Gulch South Subdistrict of the DTC.

Project Overview

The project is located at the intersection of 8th Avenue South and Division Street and includes Tower 3 – a 30-story residential building, and Tower 4 – a 22-story office building, joined together by a podium level. The project consists of 396 residential units, 522,675 sf of office space, and 11,180 sf of retail space within the two towers and podium, and 1,500 parking spaces across eight underground levels.

The broader Paseo South Gulch project proposes a pedestrian-oriented, urban neighborhood that includes two renovated historic structures, an urban park, and several new mixed-use towers. The towers are at various stages in the review process:

- Paseo Tower 1 – a 16-story residential tower approved by-right in February of 2022; modifications were approved by the DTC DRC in March of 2021.
- Paseo Tower 2 – a 30-story hotel/condo tower that had its OHM approved by the MPC in May 2022. The DTC DRC recommended approval of the OHM and approved other modifications at the April 2022 meeting.
- Paseo Tower 3 – a 30-story residential tower seeking concept plan approval, and a recommendation on an overall height modification as part of this application.
- Paseo Tower 4 – a 22-story by-right office tower that is joined to Tower 3 at the podium seeking concept plan approval as part of this application.

Plan Details

Paseo Towers 3 and 4 have frontage on 8th Avenue South, Division Street, and 7th Avenue South. The DTC classifies both 8th Avenue and Division Street as primary streets, and 7th Avenue as a tertiary street.

Alley 196/Allison Street runs through the Paseo South Gulch project site and is proposed to close and be abandoned as part of this application.



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An internal drive, shared by both towers, is accessed from Division Street (ingress only) and 7th Avenue South. The internal drive provides access to the entirely underground parking, Tower 4's service and loading, and Tower 3's pick-up/drop-off area. Tower 3's service and loading are accessed from 7th Avenue.

Pedestrian entrances to the towers' lobbies and retail spaces are located along Division Street and a proposed publicly accessible pocket park. The pocket park is located between Towers 3 and 4, Paseo Tower 2, and the historic Voorhees Building.

MODIFICATION REVIEW

1. Build-to Zone Modification

- Required: 0'-10' build-to zone on Division Street (a primary street).
- Request: To extend the pedestrian realm along Division Street with spaces for outdoor activity, Tower 3 has a 14'-6" average build-to line, and Tower 4 has a 16' average build-to line.
- Analysis: The intent behind this requirement is to ensure that new buildings front and activate the street. Staff finds that the widened sidewalk is appropriate for the scale of the Division Street cross section, and the proposed building heights, and meets the intent of the standards by activated the public realm.

2. Façade Width Modification

- Required: 80% of lot frontage on Division Street (a primary street).
- Request: To provide an ample sized entry to proposed pocket park, 78% of the lot frontage is occupied by building.
- Analysis: Staff finds that the proposed pocket park is an added benefit to activating the street, and supports the minimal reduction in lot frontage in order to enliven the site with open space.

3. Step-back Modification

- Required: A 15' step-back, between the 4th and 8th stories, is required for all buildings 8 stories or greater fronting public streets.
- Request: Eliminate the step-back requirements along 8th Avenue South and Division Street to allow the architectural language to continue to the street while allowing for an extension to the pedestrian realm, and along 7th Avenue South due to low pedestrian foot traffic.
- Analysis: The intent behind this requirement is to allow light and air to reach the street for the benefit of the pedestrians and to avoid a canyon effect. Staff finds that 8th Avenue and Division Street are wide enough, and the towers are set back far enough, to allow light and air to reach the street and avoid a canyon effect. Additionally, allowing the architectural language of these high-rise buildings to continue to the street will provide an enhanced pedestrian experience and valuable contribution to the skyline.

4. Maximum Floor-to-Floor Height Modification

- Required: 25' maximum floor-to-floor height for the first and second stories.



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- Request: 33'4" floor-to-floor height for Tower 4's first story to provide maximum light and transparency adjacent to the proposed pocket park and along 8th Avenue.
- Analysis: The intent behind this requirement is to ensure reasonable floor-to-floor heights, while preserving proportionality. Staff supports the proportionality of the increased first floor height.

5. MCSP Modification

- Required: Dedicate 8' of ROW on the west side of the 7th Avenue South centerline, and provide an 8' wide pedestrian zone and 4' wide green zone. The final streetscape width would be 56' and would include on-street parking on the west side of the street.
- Request: Dedicate 1.2' of ROW on the west side of the 7th Avenue South centerline, and provide a 8'-9' wide pedestrian zone, and a 4' wide green zone, wherever possible. Approximately 3' of the pedestrian zone will be provided through a pedestrian easement with building overhead and parking below. The request also proposes to eliminate on-street parking on the west side of the street.
- Analysis: When the MCSP requirements were put in place, 7th Avenue still crossed the CSX railroad and was a direct connection between Lafayette Street and Division Street. With the crossing removed and the connection lost, it is reasonable to expect less activity at this location. Planning staff and NDOT staff has worked closely with the applicant to strike a balance between the outdated MCSP requirements and the importance of maintaining vehicular and pedestrian movement due to 7th Avenue's connection to Fogg Street as part of the Tower 2 application. NDOT staff and Planning staff are supportive of eliminating the proposed on-street parking along the west side of 7th Avenue, and supportive of adjusting the pedestrian zone and/or green zone requirements outlined in the MCSP to what the applicant has proposed. However, a condition has been added to the staff recommendation that will require the applicant to continue discussions regarding the vehicular lane widths on 7th Avenue.

6. Overall Height Modification

- Required: Tower 3 is located within the Gulch South Subdistrict of the Downtown Code, where 10 stories are permitted by-right and up to 16 stories are permitted using the Bonus Height Program. Tower 4 is within 150 feet of the 8th Avenue South and Division Street intersection where 20 stories are permitted by-right and up to 28 stories are permitted using the Bonus Height Program. The additional height for Tower 4 is being earned through the Bonus Height Program, while the additional height for Tower 3 – which exceeds the maximum bonus height – is the subject of the Overall Height Modification. Since the towers share underground parking, a podium of ground floor retail space, vehicular access, loading, and pedestrian circulation, the request for additional height on Tower 3 is considered in light of the entire project.
- Request: 30-stories (Tower 3).



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The process for an Overall Height Modification is outlined in the DTC as follows:

- 1) *The Executive Director of the Planning Department shall determine whether the development has made reasonable efforts to pursue all appropriate bonuses available in the Bonus Height Program.*
 - 2) *The applicant shall hold a community meeting providing notices to all property owners within 300 feet.*
 - 3) *The Planning Commission shall review the modification request and may grant additional height for exceptional design, including but not limited to unique architecture, exceptionally strong streetscape, contribution to the skyline, improvement of the project's relationship to surrounding properties, and improvement to the character of the neighborhood. In some instances, consideration may be given where a project results in implementation of significant community improvements (e.g. quality open space, upgrading public infrastructure, or others determined by the policies of Metro departments) and/or contributes to the implementation of community improvements determined by the policies of Metro departments.*
- **Bonus Height Program:** A Determination Letter, signed by the Executive Director of the Planning Department, is attached to this staff report, and states the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program. The Open Space bonus has been used to provide a publicly accessible pocket park. Additional bonuses being utilized include Underground Parking, Public Parking, and Pervious Surfaces.
 - **Community Meeting:** The applicant held a community meeting on Tuesday, May 31 at 5:30 P.M. and sent notices to property owners within 300 feet. Details of the community meeting will be provided at the DTC DRC meeting on June 2.
 - **Exceptional Design Analysis:** The architecture of Tower 3 uses a unique pattern of precast concrete with rounded edges. Various voids expose columns, recessed glass walls, and form outdoor spaces. Tower 4 uses a sculptural planar element that implies movement along Division Street. Portions of the mass along the eastern façade are carved out to create double height loggias for outdoor spaces. At the ground level, the building is pulled up to expose concrete columns and a high degree of transparency that wraps around the pocket park, with views into the office lobby.

A publicly accessible pocket park, with access off 8th Avenue is lined with retail spaces and the office lobby. The pocket park connects to a series of activated pedestrian passageways included in previous phases of this project. Furthermore, Towers 3 and 4 contribute to the Gulch neighborhood's character that blends old and new together.

Sidewalks along 8th Avenue and Division Street have both been widened beyond MCSP requirements to allow a more gracious zone for pedestrians. Along 8th Avenue, Tower 4 has been set back enough to accommodate future road expansion. While along Division Street, a series of "porches" give dedicated space for outdoor



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seating. The westbound Division Street bike lane will be reconstructed to match the preferred design standard that is provided on the eastbound side of Division Street.

Towers 3 and 4 include several key attributes that positively impact the surrounding neighborhood. First, by including entirely underground parking, the project uses all its proposed building height for active uses. Towers 3 and 4 complete the overall Paseo portion of the Gulch neighborhood and have actively contributed to the restoration and investment in the neighborhood by adaptively reusing two historic structures and introducing a much-needed urban park space. And finally, the applicant has agreed to a deed restriction to prohibit the conversion of their residential units to short term rental (STR), which guarantees the new housing units remain in perpetuity.

STAFF RECOMMENDATION

The project aligns with the goals and objectives of the Downtown Code. Staff recommends approval with the following conditions and deferral without all conditions:

1. All bonus height actions identified in this application, including those that require a deed or restrictive covenant, must be approved prior to building permit approval.
2. The applicant shall coordinate with NDOT on any proposed traffic improvements that result from the project TIS.
3. If implementation of final TIS recommendations has a substantial effect on the building or site design, revisions to these plans shall be reviewed by the DTC DRC.
4. All overhead lines along the site's frontages shall be buried.
5. The proposed residential units shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.
6. The applicant will continue to work with NDOT and Planning Staff to refine the connection between Fogg Street (a private drive) and 7th Avenue South (public ROW), and the related MCSP and ROW requirements on 7th Avenue, to ensure a safe and easily navigable experience for pedestrians, and vehicles, including in the location where Tower 2 extends over the streetscape.
7. Prior to Final Site Plan review, the applicant will provide elevations and sections that explain the relationship between the south-facing façade of the Tower 2 and the abutting north-facing façade of Towers 3 and 4 to ensure that the condition does not have a negative impact on the proposed pocket park.



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**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
800 Second Avenue South
P.O. Box 196300
Nashville, Tennessee 37219-6300

April 26, 2022

Attn: Eric Klotz, AIA, NCARB
ESa
1033 Demonbreun Street, Suite 800
Nashville, TN 37203

Re: Determination on DTC Bonus Height Program Efforts for Paseo Towers 3 and 4

Mr. Klotz:

This letter serves as a determination to submit an Overall Height Modification application for Paseo Towers 3 and 4. This letter does not indicate support or guarantee project approval.

The proposed development includes Tower 3 – a 30-story residential building, and Tower 4 – a 22-story office building, joined together by a podium level with ground floor retail space.

Tower 3 is located within the Gulch South Subdistrict of the Downtown Code, where 10 stories are permitted by-right and up to 16 stories are permitted using the Bonus Height Program. Tower 4 is within 150 feet of the 8th Avenue South and Division Street intersection where 20 stories are permitted by-right and up to 28 stories are permitted using the Bonus Height Program. The additional height for Tower 4 is anticipated to be earned through the Bonus Height Program, while the additional height for Tower 3 – which exceeds the maximum bonus height – is the subject of the Overall Height Modification.

The towers share underground parking, a podium of ground floor retail space, vehicular access, loading, and pedestrian circulation. As such, the request for additional height on Tower 3 is considered in light of the entire project.

Exhibits submitted to Planning Staff on April 13, 2022, demonstrate the use of the following Bonus Height Program options:

- Open Space – Approximately 88,200sf of bonus height is being earned by providing a 0.29 acre publicly-accessible pocket park
- Underground Parking – Approximately 553,618sf of bonus height is being earned by providing eight levels of underground parking
- Public Parking – Around 167,558sf of bonus height is being earned by providing three levels of public parking
- Pervious Surfaces – Around 21,200sf of bonus height is being earned by providing pervious surfaces on amenity deck levels

Additionally, the project has committed to the following exceptional design elements that further support its Overall Height Modification request:

- Unique Architecture/Contribution to the Skyline – Tower 3 uses a unique pattern of precast concrete with rounded edges. Various voids expose columns, recessed glass walls, and form outdoor spaces. Tower 4 uses a sculptural planar element that implies movement along Division Street. Portions of the mass along the eastern façade are carved out to create double height loggias for outdoor spaces. At the ground level, the building is pulled up to expose concrete columns and a high degree of transparency that wraps around the pocket park, with views into the office lobby.



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- Exceptionally Strong Streetscape – A publicly-accessible pocket park, with access off 8th Avenue South is lined with retail spaces and the office lobby. The pocket park is also accessible to Division Street and 7th Avenue South, via pedestrian passageways located within the service drive area. Sidewalks along 8th Avenue South and Division Street have both been widened to allow a more gracious zone for pedestrians. Along Division Street, a series of “porches” give dedicated space for outdoor seating.
- Relationship to Surrounding Properties/Character of the Neighborhood – The proposed pocket park connects to a series of activated pedestrian passageways included in previous phases of this project. Furthermore, the entire site contributes to the Gulch neighborhood’s character that blends old and new together.
- Significant Community Improvements – The project has been set back enough along 8th Avenue South to accommodate future road expansion. Additionally, the westbound Division Street bike lane will be reconstructed to match the preferred design standard that is provided on the eastbound side of Division Street. Finally, commitments have been made by the applicant to contribute towards a pedestrian connection across the railroad. This contribution may include an area dedicated to the crossing’s landing on the project site, or a monetary contribution (of which will need to be finalized), to go towards the planning or implementation of the crossing. The applicant will need to coordinate with NDOT and Planning on this multimodal infrastructure improvement.

With these commitments, along with the efforts to utilize the Bonus Height Program to its fullest potential, this project may proceed with the next step in the Overall Height Modification process – submitting a formal application. The project will receive detailed review by Metro Planning and other Metro departments and agencies once a formal application has been submitted. Some specific conditions may be addressed during the overall height modification process while other more minor details may be addressed through the final site plan process.

Please note that this letter does not waive the project from the requirements of Metro Planning or other Metro departments and agencies. Reconsideration of this determination may be warranted if the applicant team is unable or unwilling to follow through with any of these requirements, or with any of the commitments described above.

Sincerely,

A handwritten signature in cursive script that reads "Lucy Alden Kempf".

Lucy Kempf
Executive Director
Metro Nashville Planning Department

CC:

Ryan Terrell
Andrew Donchez
Taylor Ott
Kim Hawkins
Doug Sloan