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**MEMORANDUM**

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**TO:** PLANNING COMMISSIONERS  
**FROM:** SARAH COOK, METRO NASHVILLE PLANNING DEPARTMENT  
**SUBJECT:** CERTIFICATION OF BONUS HEIGHT COMPLIANCE WITHIN THE DTC  
**DATE:** AUGUST 29, 2024

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<b>PROJECT NAME</b>	<b>PASEO TOWER 2</b>
<b>DTC SUBDISTRICT</b>	GULCH SOUTH
<b>Parcel(s)</b>	09314060900
<b>Requested by</b>	Ryan Terrell, ESa, applicant; Fergus Campbell, MTP Paseo Phase III Land LLC – One Hanover Square NY, NY, 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 30-story mixed-use building located at 701 7<sup>th</sup> Avenue South and within the Gulch South Subdistrict of the DTC. The applicant has utilized the following bonus height programs:

1. Historic Building Preservation
2. Below Grade Parking
3. Pervious Surface
4. Public Parking

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 May 26<sup>th</sup>, 2022, the Planning Commission reviewed and approved a DTC Overall Height Modification (2022DTC-026-001) to allow 30 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:

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 historic building. Bonuses are specific to each Subdistrict and the Gulch South Subdistrict allows 2 additional stories for Historic Building Preservation.

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 or Underground Parking. Bonuses are specific to each Subdistrict, and the Gulch South Subdistrict allows 2 additional stories for Upper Level Garage Liners.

Pervious Surface

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

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.

The project has demonstrated compliance with the DTC Bonus Height Program and an approved Overall Height Modification application to attain 20 stories beyond the by-right allocation for this property:

- 106,848 SF of historic building preservation (former antiques mall at 606 8<sup>th</sup> Avenue South) was provided. This yields 106,848 SF of bonus height. Previously certified Tower 1 utilized 42,036 SF of the bonus height earned for 2 stories. The remainder of 64,812 sf is being transferred to Paseo Tower 2 for a total of 4 stories. 64,410 sf of historic building preservation was provided from the historic Voorhees building located at 700 8<sup>th</sup> Ave. South yielding another 4 stories for a total of 8 stories as specified in the overall height modification.
- 148,803 SF of below grade parking was provided. This yields 148,803 SF of bonus height for 8 stories as specified in the Overall Height Modification.
- 2,700 SF of pervious surfaces (vegetated green roof) was provided. This yields 5,400 SF of bonus height or 0.35 stories. The project is only utilizing 0 SF of the bonus height earned.
- 31,434 5 SF of public parking, on the 4th and 5<sup>th</sup> garage levels, was provided. This yields 62,868 SF of bonus height or 4 stories as specified in the Overall Height Modification.

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.

