



TYPE IV

Certificate of Appropriateness Application Package

Unreasonable Economic Return

**OFFICE OF PLANNING
ATLANTA URBAN DESIGN COMMISSION**
55 Trinity Avenue S.W., Suite 3350
Atlanta, Georgia 30303
(404)330-6145

Updated November 27, 2012



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Certificate of Appropriateness Application Package

Step by Step Checklist

- Review **CERTIFICATE OF APPROPRIATENESS PROCESS**.
- Refer to the **Deadlines for Certificate of Appropriateness Applications** table for application deadline, sign posting deadline, and corresponding hearing date.
- All Applicants should **submit relevant** material to support their application (See application for details). The Commission may defer applications if materials are not sufficient to evaluate the proposal. All plans or revisions to original plans must be dated. All documents (including copies of plans) submitted for review will not be returned to the Applicant.
- All Applicants submitting a **Type II, Type III, Type IV**, or a **Review and Comment Application** to the Commission must provide two (2) to-scale sets of plans and twelve (12) sets of reduced plans (no larger than 11" X 17"). In addition, it will be necessary to submit 12 copies of any other materials the Applicant would like the Commission to consider (i.e. photographs, project description, cover letter, etc.).
- Submit a CD with no more than ten photographs, that document the current exterior conditions of the structure and site.
- Complete **Application** in full and return it to the Commission office with original signatures by the appropriate deadline date, including an original, notarized **Authorization by Property Owner**, if applicable.
- Read, sign and return the **Sign Posting Instructions** to the Commission staff and pick up the appropriate number of signs. Review **Neighborhood Contacts Form**.
- Post signs according to instructions before the sign posting deadline; return the original signed and notarized **Sign Posting Affidavit** to the Commission before your hearing date, or bring it with you to the hearing.
- The Commission Staff will publish the Agenda for your hearing date on the Urban Design Commission Website (<http://www.atlantaga.gov/government/urbandesign/meetings.aspx>).
- The Commission Staff will e-mail a **Staff Report** to you regarding your application prior to your hearing date. Review the Staff Report prior to the meeting. (This is the Staff's assessment of your project per the relevant regulations).
- At the Commission hearing you can make a **Presentation** about you proposal. While not required, you are strongly advised to attend the hearing to answer questions, etc.

Certificate of Appropriateness Process

A Certificate of Appropriateness must be issued by the Atlanta Urban Design Commission before a building permit can be issued for changes to the exterior of any individually designated building, or any building in a designated district.

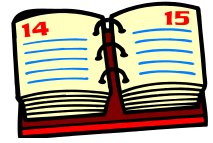
Step One:

Obtain appropriate application materials from the Atlanta Urban Design Commission and check the deadline schedule to determine important dates and deadlines for your application.



Step Two:

Submit completed application, with original signatures, and all supplemental material on the appropriate deadline.



Step Four:

At the initial Commission meeting, the Applicant and those in support will have ten minutes to speak regarding the application. Those speaking in opposition will have ten minutes to speak regarding the case. Commission members may ask questions of the Applicant and other parties. The Commission will vote to establish the economic review panel. The Applicant is responsible for providing Staff with written transcripts of the initial Commission meeting in which the Applicant makes a full presentation.



Step Three: The Urban Design Commission meets on the 2nd and 4th Wednesday of every month at 4:00 p.m. in City Council Chambers. The Commission is comprised of 11 city residents, each with a required professional background and appointed by the Mayor and the City Council. Consult the deadline schedule for the hearing date that corresponds to your application deadline.



Step Five:

At the final Commission meeting, the economic review panel will present their findings. The Commission will vote to accept or reject the findings of the economic review panel.



Step Six:

If approved for a Certificate of Appropriateness, the Applicant should bring the demolition permit application provided by the Bureau of Buildings to have it signed by Commission Staff and receive a copy of the Certificate of Appropriateness, before filing for a building permit.

If denied, you will be unable to obtain a demolition permit. You may submit a revised application, taking into account the Commission's objections to the proposed work or file an **APPEAL** in the appropriate County Superior Court within 30 days on the Commission's decision.

2013 DEADLINES FOR URBAN DESIGN COMMISSION APPLICATIONS

Application Deadline	Type III, IV & Variance Sign Posting Deadline	Type II Sign Posting Deadline	Hearing Date
December 18 (2012)	December 25 (2012)	January 2	January 9
December 31 (2012)	January 8	January 16	January 23
January 22	January 29	February 6	February 13
February 5	February 12	February 20	February 27
February 19	February 26	March 6	March 13
March 5	March 12	March 20	March 27
March 19	March 26	April 3	April 10
April 2	April 9	April 17	April 24
April 16	April 23	May 1	May 8
April 30	May 7	May 15	May 22
May 21	May 28	June 5	June 12
June 4	June 11	June 19	June 26
June 18	June 25	July 3	July 10
July 2	July 9	July 17	July 24
July 23	July 30	August 7	August 14
August 6	August 13	August 21	August 28
August 20	August 27	September 4	September 11
September 3	September 10	September 18	September 25
September 17	September 24	October 2	October 9
October 1	October 8	October 16	October 23
October 22	October 29	November 6	November 13
November 5	November 10	November 18	*November 25
November 19	November 26	December 4	December 11

Review and Comment applications do not require sign posting prior to the hearing.

Note: November 25, 2013 meeting is on a Monday

Atlanta Urban Design Commission (AUDC)

The hours that the UDC office will accept applications for all Certificates of Appropriateness are as follows:

Monday: 8:30 am to 1:00 pm
Tuesday: 8:30 am to 2:00 pm
Wednesday: 8:30 am to 2:00 pm
Thursday: 8:30 am to 2:00 pm
Friday: No applications are accepted.

Urban Design Commission Fee Schedule

(Fees are paid when the application is submitted. The fees are non-refundable)

Type I Certificate of Appropriateness	\$10.00
Type II Certificate of Appropriateness (Staff review only)	\$10.00
Type II Certificate of Appropriateness (Commission decision)	\$100.00
Type III Certificate of Appropriateness (Additions only)	\$100.00
Type III Certificate of Appropriateness (New principal structure)	\$200.00
Type IV Certificate of Appropriateness (Threat to public health and safety)	\$100.00
Type IV Certificate of Appropriateness (Lack of reasonable economic return)	\$200.00
Court Reporter is required for a Type IV Application Due to Unreasonable Economic Return	At cost and hired by Applicant
Rezoning reviews (included in Bureau of Planning application fee)	
Subdivisions governed by Commission	\$100.00
Variances	\$100.00
National Register Nominations	No Charge



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Application# _____
Date Accepted _____

Authorization by Property Owner

(Required only if the applicant is not the owner of the property subject to the proposed application)

I, _____ (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT _____ (PROPERTY ADDRESS), AS SHOWN IN THE RECORDS OF _____ COUNTY, GEORGIA, WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.

NAME OF APPLICANT:

LAST NAME _____ FIRST NAME _____

ADDRESS _____ SUITE _____

CITY _____ STATE _____ ZIP CODE _____

OWNER'S TELEPHONE NUMBER:

AREA CODE () NUMBER _____ - _____

SIGNATURE OF OWNER

PRINT NAME OF OWNER

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMES, WHO SWEARS THAT THE INFORMATION CONTAINED IN THIS AUTHORIZATION IS TRUE AND CORRECT TO THE BEST KNOWLEDGE AND BELIEF.

NOTARY PUBLIC

DATE



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Application# _____
Date Accepted _____

TYPE IV
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
UNREASONABLE ECONOMIC RETURN

Applicant's Name _____

Applicant's Address _____

Phone # _____ Fax # _____ E-Mail _____

DESCRIPTION OF PROPERTY:

Property Address _____

ADDITIONAL MATERIALS REQUIRED:

This application must be accompanied by the **TYPE IV UNREASONABLE ECONOMIC RETURN Addendum**, any required letters, cost analyses, and relevant materials to support your project, as specified in the addendum attachment.

I HEREBY AUTHORIZE THE STAFF AND MEMBERS OF THE ATLANTA URBAN DESIGN COMMISSION TO INSPECT THE PREMISES OF THE ABOVE DESCRIBED PROPERTY. I HEREBY DEPOSE AND SAY THAT ALL STATEMENTS HEREIN AND ATTACHED STATEMENTS SUBMITTED ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT OR AGENT FOR APPLICANT

DOUG YOUNG, EXECUTIVE DIRECTOR



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ADDENDUM

TYPE IV CERTIFICATE OF APPROPRIATENESS

UNREASONABLE ECONOMIC RETURN

Directions: Complete responses must be provided for ALL questions. Incomplete applications will not be accepted. If extra space is needed, please attach information and reference attachments for the appropriate question.

Unreasonable economic return: To prove the existence of a condition of unreasonable economic return, the applicant must establish, and the commission must find, the following, that the building or site is incapable of earning a reasonable economic return. This finding shall be made by considering, and the applicant shall submit to commission evidence establishing, each of following factors:

- (1) The applicant's knowledge of the landmark designation of the time of acquisition, or whether the property was designated subsequent to acquisition.

- (2) The current level of economic return on the property as considered in relation to the following:
 - a) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.

 - b) The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

 - c) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the prior three (3) years.

 - d) Real estate taxes for the previous four (4) years and assessed value of the property according to the two most recent assessed valuations.

- e) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

 - f) The fair market value of the property immediately prior to its designation and the fair market value of the property (in its protected status as designated building or site) at the time the application is filed.

 - g) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or both.

 - h) Any state or federal income tax returns on or relating to the property for the past two (2) years.
- (3) That the property is not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents regarding:
- a) Any real estate broker or firm engaged to sell or lease the property.

 - b) Reasonableness of the price or rent sought by the applicant.

 - c) Any advertisements placed for the sale or rent of the property.
- (4) The feasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:
- a) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

- b) Estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of proposed alterations.

 - c) Estimated market value of the property in the current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

 - d) In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

 - e) The infeasibility of new construction around, above or below the existing protected building or site, and the infeasibility of a transfer or development rights, including an assessment of the monetary value that could be derived from such a transfer, pursuant to section 16-28.023 of the Code of Ordinances.
- (5) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.
- (6) That the applicant has the present intent and the secured financial ability, demonstrated by documentary evidence and by those plans and materials which would otherwise be required in order to secure a foundation permit from the Bureau of Buildings, to replace the Landmark Building or Site with a replacement building, as the term “building” is defined in section 16-29.001 of the Code of Ordinances, which has a total square footage equal to the square footage of the footprint of the building or site proposed to be demolished or moved.
- (7) Provide photographs of the existing conditions of the building, both exterior and interior.



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Economic Incentives for Historic Preservation

Landmark Historic Property Tax Abatement Program

The owner of an income-producing building, which is listed in the National or Georgia Register of Historic Places and has been designated by the City of Atlanta as a Landmark Building or a contributing building in a Landmark District, may obtain preferential property tax treatment. The building must be in standard condition. For purposes of tax assessment for City of Atlanta taxes, excluding bonded indebtedness, the fair market value of the building and up to two acres of land surrounding it, is frozen for eight years at the level existing at the time of application and certification. In the ninth year, the fair market value is fixed at one-half the difference between the frozen value and the current fair market value. The application for this tax freeze must be filed with the county tax assessor's office by December 31st of the year before the freeze will go into effect. For further information, contact Doug Young, Atlanta Urban Design Commission, 55 Trinity Avenue, SW, Suite 3350, Atlanta, Georgia 30303-3520 (404-330-6145) or dyoung@atlantaga.gov.

Rehabilitated Historic Property Tax Abatement Program

The owner of a building, which qualifies for listing in the Georgia Register of Historic Places and has undergone a major rehabilitation initiated after January 1, 1989, may obtain preferential property tax treatment. For purposes of tax assessment for City of Atlanta taxes, excluding bonded indebtedness, the fair market value is frozen at the pre-rehabilitation level for a period of eight years. In the ninth year, the fair market value is fixed at one-half the difference between the frozen value and the current fair market value. Qualifying rehabilitations must meet the standards promulgated by the Department of Natural Resources and must have increased the fair market value of the building by not less than 50% for owner-occupied residential real property, or not less than 100% for income-producing real property. The application for this tax freeze must be filed by December 31st of the year before the freeze will go into effect. For further information, contact Ced Dolder, Tax Incentives Coordinator, at the Georgia Department of Natural Resources, Historic Preservation Division, 34 Peachtree Street, NW, Suite 1600, Atlanta, Georgia 30303-2316 (404-651-5567) or ced_dolder@dnr.state.ga.us.

Federal Income Tax Credit Program

If a property is listed in the National Register of Historic Places, the owner or long-term lessee of an income-producing property is entitled to an investment tax credit of up to 20% of the qualified rehabilitation expenses of a substantial rehabilitation performed in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation. All buildings, sites and districts designated by the City of Atlanta are required to meet the criteria for listing in the National Register of Historic Places. For further information, contact the Georgia Department of Natural Resources at the address, telephone number, and email above.

State Income Tax Credit Program

The owner of a building, which qualifies for listing in the Georgia Register of Historic Places and is planning to start a substantial rehabilitation on or after January 1, 2004, is eligible to apply for the credit. The program provides property owners of historic properties who complete a Department of Natural Resources-approved rehabilitation the opportunity to take 10% of the rehabilitation expenditures as a state income tax credit up to \$5,000. If the home is located in a target area, the credit may be equal to 15% of the rehabilitation expenditures up to \$5,000 and for any other certified structure; the credit may be equal to 20% of rehabilitation expenses up to \$5,000. Department of Natural Resources-approved rehabilitations must meet the standards promulgated by the Department of Natural Resources and must have qualified rehabilitation expenses that exceed the lesser of \$25,000 or 50% of the adjusted basis of a historic home used as a principal residence, \$5,000 for a historic home used as a principal residence in a target area, or the greater of \$5,000 or the adjusted basis of the building for any other certified historic structure. Further, at least 5% of the qualified rehabilitation expenses must be allocated to work completed on the exterior of the structure. For further information, contact the Georgia Department of Natural Resources at the address, telephone number, and email above.

City/County Urban Enterprise Zone Tax Abatement Program

Ad valorem property tax exemptions covering a ten-year period can be obtained by owners of qualifying historic multi-family and non-residential structures located in urban enterprise zone eligible areas. There is no minimum acreage requirement for proposed zones. Tax abatements are also available for commercial, industrial, and mixed-use properties. For housing urban enterprise zones, structures suitable for rehabilitation/renovation must provide a minimum of four multi-family housing units. For further information, contact Garnett Brown, the Urban Enterprise Zone Administrator at the Atlanta Bureau of Planning, 55 Trinity Avenue SW, Suite 3350, Atlanta, Georgia 30303-3520 (404-330-6145) or gbrown@atlantaga.gov.

Development Impact Fee Exemption

The owner of a city-designated Landmark Building or a contributing in a Landmark District, which will undergo a rehabilitation or conversion, may obtain a 100% exemption from the payment of Development Impact Fees for building permits associated with the rehabilitation/conversion project. Such an exemption must be obtained prior to the issuance of a Building Permit. For further information, contact Mary Miller, Atlanta Bureau of Buildings, 55 Trinity Avenue SW, Suite 3900, Atlanta, Georgia 30303-3520 (404-330-6691) or mamiller@atlantaga.gov.

Façade Easements

A preservation easement is a legally enforceable commitment by a property owner to preserve the facades of a historic structure so that its exterior architectural features remain unchanged in perpetuity. Properties must be National Register-eligible structures. Federal and State income tax deductions can be taken as well as the possibility of other tax advantages related to a property's decrease in value as a result of an easement donation. For further information, contact Easements Atlanta, Inc. c/o the Atlanta Preservation Center, 327 St. Paul Avenue, SE, Atlanta, Georgia 30312 (404-688-3353) or www.preserveatlanta.com.

Transfer of Development Rights (TDR)

See Section 16-28.023 of the Code of Ordinances of the City of Atlanta for information.



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Neighborhood Contacts

While it is not a requirement of the Applicant to contact a neighborhood representative, or meet with a neighborhood committee, the Urban Design Commission strongly encourages you to do so prior to the submission of the application. Neighborhood Representative Contact, listed by Historic/Landmark District:

<p><u>Adair Park Historic District</u> Adair Park Today Jeanne Mills, (404) 753-6265 or 765 Catherine St., Atlanta, GA 30310 Derrick Duckworth (404) 755-1596 or dlduckworth@gmail.com</p> <p><i>Meets 1st Tuesday of each month*</i></p>	<p><u>Grant Park Historic District</u> Grant Park Neighborhood Association Paul Simo, GPNA Historic Committee Chair (404)-788-5659 or preservision@yahoo.com (404) 234-2853 or PaulZucca@aol.com</p> <p><i>Meets 1st Tuesday of each month*</i></p>
<p><u>Atkins Park Historic District</u> Atkins Park Neighborhood Association Linda Guthrie, Chair, Historic Preservation Committee roseguthrie@gmail.com</p> <p><i>*Meets bi-monthly</i></p>	<p><u>Inman Park Historic District</u> Inman Park Neighborhood Association Erin Kane, V P Historic Preservation Committee (404-275-9759) or historic.preservation@inmanpark.org</p> <p><i>Meets 3rd Wednesday of each month*</i></p>
<p><u>Brookwood Hills Conservation District</u> Brookwood Hills Community Club, Inc Matthew G. Tolleson, President (404) 664-2427 or matt.tolleson@turner.com</p> <p><i>Meets 1st Monday of each month*</i></p>	<p><u>Martin Luther King, Jr., Landmark District</u> Historic District Development Corporation Jesse Clark, Executive Director Jesse@hddc.net or info@hddc.net (404) 215-9095</p> <p><i>*</i></p>
<p><u>Cabbagetown Landmark District</u> Cabbagetown Neighborhood Improvement Association Jared Serwer, Chair, Preservation Committee jaredserwer@gmail.com or hp@cabbagetown.com</p> <p><i>Meets 1st Monday and 2nd Tuesday of each month*</i></p>	<p><u>Oakland City Historic District</u> Oakland City Community Organization Henry E. Roque, President (404) 942-7363 or roqueh@netzero.net</p> <p><i>Meets 2nd Saturday of each month*</i></p>
<p><u>Castleberry Hill Landmark District</u> Castleberry Hill Neighborhood Association Calvin Lockwood, Chair, Land-use / Zoning Committee (404) 221-0201 or calvin@calvinlockwood.com</p> <p><i>Meets 3rd Monday of each month*</i></p>	<p><u>West End Historic District</u> West End Neighborhood Development, Inc. Handy Johnson (404) 656-6540 or handyj46@yahoo.com</p> <p><i>Meets 1st Tuesday of each month*</i></p>
<p><u>Druid Hills Landmark District</u> Druid Hills Civic Association Steven Cappel, Chair, Historic Preservation Committee (404) 373-8791 or khfstc@aol.com</p> <p><i>Meets 3rd Wednesday of each month*</i></p>	<p><u>Whittier Mill Historic District</u> Whittier Mill Village Neighborhood Association Cindy L. Dennis 2052 Butler Way, Atlanta, GA 30318 404-735-3367 or misscindylouwho@gmail.com Rhett Kilpatrick (rhettak@hotmail.com)</p> <p><i>Meets 3rd Thursday of each month*</i></p>

*Please confirm meeting date(s) and procedures with District contact.

Updated as of 11/27/2012



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Type IV Certificates of Appropriateness Sign Posting Instructions

Notice of Hearings: Per Section 16-20.008(c)(2) of the City of Atlanta Land Development Code, as amended, prior to any meeting of the commission at which an application for a Type III or IV Certificate of Appropriateness shall be considered, the following form of notice is required.

The director shall cause the property involved in the proposed change to be posted at least 15 days prior to the hearing. Such posting shall be in a conspicuous place on the property, by a sign or signs (as provided below) not less than six (6) square feet in area, bearing information as to the time, date, and place of the hearing and the nature of the proposed change.

One such sign shall be placed adjacent to each street the property abuts.

Do not mutilate, remove, modify, or relocate the sign posting(s).

INSTRUCTIONS:

Your application will be placed on the Meeting Agenda for _____, therefore, your sign must be posted by _____ and must remain posted until the day after the meeting.

*As the applicant (application number _____), I acknowledge having received these instructions for **Type IV Certificates of Appropriateness Sign Posting Requirements.***

Printed Name

Signature

Date