



CITY OF ATLANTA

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

August 26, 2015

Agenda Item: Review and Comment (RC-15-308) for site work at **370 Old Ivy Road (Sarah Smith Elementary School)**- Property is zoned R-3.

Applicant: Kenneth M. Proctor
370 Old Ivy Road

Facts: Sarah Smith Elementary School is located in the North Buckhead Neighborhood in NPU B. The school is split into two campuses. The Commission has reviewed and commented on several projects on both campuses. This request is for the primary campus.

Analysis: The following code sections apply to this application:
Per Section 6-4043 of the Atlanta City Code:

- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

The Applicant is proposing to remove existing grass and dirt in the playground area and install synthetic turf. Other schools have requested to install synthetic turf to help combat drainage and pooling issues. There is no information in the package regarding why the Applicant is requesting to install synthetic turf. Staff suggests the Applicant clarify why the installation of synthetic turf is requested.

While Staff would like additional information regarding the reason for the request, Staff finds that synthetic turf is generally an appropriate alteration to the site. Synthetic turf is highly durable and easier to maintain than grass. One issue is that some synthetic turf products get too hot and require watering or a sprinkler system to cool it down. This of course creates an additional maintenance issue. Staff suggests the Applicant clarify whether the proposed material will require a sprinkler system.

The Applicant is proposing to install a new half basketball court and foursquare court. Staff finds the location of the proposed courts are appropriate and a great amenity for the school. Staff has no general concerns regarding the installation of a new half basketball court or foursquare court.

Staff Recommendation: Staff recommends the Commission deliver its comments at the meeting.



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STAFF REPORT

August 26, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-309) for an addition / carport enclosure at **2687 Baker Ridge Drive** - Property is zoned R-4 / Collier Heights Historic District.

Applicant: Emmett Johnson
2687 Baker Ridge Drive

Facts: According to the District inventory sheet, this single family dwelling was built in 1957 and is considered contributing to the District. The 2008 photograph (no difference was seen in 2013, so no new photograph was taken) shows the original semi-attached, single-bay carport on the right side of the house with metal posts and a metal framed, metal roof. The carport is completely open on the sides and rear, though wood privacy fence / gate appears to block the front of the carport.

Based on the photographs provided by the Applicant, the concrete slab within the carport area has been broken up.

The Applicant proposes to enclose the carport with wood framing and siding, with a framed opening in the front and two window openings on the side. They also propose to add another section of driveway to the left of the existing driveway that would end in front of the screened in porch.

The District regulations only address alterations to the front and side facades of a house on an interior lot, therefore the Staff will only make comments regarding the front and sides of the carport and the driveway proposal.

Analysis: The following code sections apply to this application:

Per Section 16-20Q.005 of the Atlanta Land Development Code, as amended:
The following general regulations shall apply to all properties located within the Collier Heights Historic District.

Sec. 16-20Q.005. General regulations.

The following general regulations shall apply to the Collier Heights Historic District.

(1) General criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.

- b. In the Collier Heights Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20Q do not specifically address the application including but not limited to multifamily residential, institutional, commercial and mixed use structures:
- i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property shall be retained and preserved. Distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall not be removed.
 - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and materials.
 - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (2) Certificates of appropriateness. Certificates of appropriateness within this district shall be required as follows:
- (a) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - (c) The following work requires a certificate of appropriateness:
 - (i) To alter the front or side façades and front or side roof planes of a structure;
 - (ii) To alter the rear façade or rear roof plane of a structure that is located on a corner lot, as defined by section 16-28.007(3);
 - (d) Type required.
 - (i) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Code of Ordinances.
 - (ii) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - (v) The following shall require a Type II certificates of appropriateness which shall be reviewed by the commission:
 - (a) To alter a principal structure, except as noted in section 16-20Q.005 (2)(d)(iv);
 - (b) Revisions to Type II certificate of appropriateness applications previously approved, conditionally or otherwise, by the commission; and
 - (c) All site work, except as noted in section 16-20Q.005(1)(b)(iv).
 - (vi) The following shall require a Type III certificates of appropriateness which shall be reviewed by the commission:
 - (a) All new principal structures;
 - (b) Additions to principal structure;
- (3) The compatibility rule. In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (i.e. roof form, architectural trim, façade material, window type and material, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height, setbacks, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use on that block face."
- (a) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - (b) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
 - (c) When no structure exists on a block face that would qualify as a comparable structure under the compatibility rule, the comparisons shall be made to a qualifying structure(s) on the block, and if no such structure exists on the block, the comparison shall be made to a qualifying structure(s) on an adjacent block face or block, and if no such

structure exists on an adjacent block face or block, the comparison shall be made to a qualifying structure(s) located in the district.

Sec. 16-20Q.006. Specific regulations.

In addition to the general regulations set forth in section 16-20Q.005, and any other applicable regulations, the following regulations shall apply to all properties in the District:

- (1) Building façades, materials, and massing.
 - (b) Front, side and rear yard setbacks for all new principal structures shall be subject to the compatibility rule. The front and rear yard setbacks of additions shall be subject to the compatibility rule. The side yard setbacks of additions shall not be subject to the compatibility rule but shall be no closer than the side yard setbacks of the existing principal structure.
 - (e) The compatibility rule shall apply to the overall design, size, scale, massing and width of new principal structures and additions.
 - (g) The compatibility rule shall apply to all building façade materials on all façades, and in addition to all other applicable regulations, as follows:
 - (h) The presence and dimensions of the exposed face of lap siding and wood shingles.
 - (i) The presence and type of brick and pattern of brickwork.
- (11) Attached garages and carports.
 - (a) The presence, location, and design of carports or garages for all new principal structures shall be subject to the compatibility rule.
 - (b) The placement and location of attached, new carports and garages on existing principal structures shall meet the compatibility rule.
 - (c) Existing attached carports may be enclosed with garage doors, provided that the alteration is consistent with the original architectural style of the existing structure.
 - (d) Existing attached garages or carports may be fully enclosed into conditioned space provided the original character defining features visible from the public street are retained and are identifiable.
- (15) Paved Surfaces:
 - (a) Original or historic paved surfaces shall be retained.
 - (b) Replacement paved surfaces shall be permitted only when original or historic chimneys cannot be rehabilitated.
 - (c) If original or historic paved surfaces cannot be rehabilitated, replacement paved surfaces shall match the original or historic paved surface in layout, patterns, finish, and materials.
 - (d) The layout, pattern, finish and material of new paved areas shall be subject to the compatibility rule.
 - (e) New driveways shall not exceed a width of ten feet between the principal structure and any public street except for the minimum flare required to allow access to double-width carports or garages.
- (21) Design criteria for alterations and additions to contributing structures. Alterations and additions to contributing structures requiring a certificate of appropriateness shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure, shall comply with the applicable regulations for in subsection 16-20Q.006; and shall not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work shall be compatible with the massing, size, scale and architectural features of the property and environment.

Alteration / Enclosure of the Carport

Carports can be enclosed with garage doors if the alteration is “consistent with the original architectural style of the existing structure” or if “fully enclosed into conditioned space provided the original character defining features visible from the public street are retained and are identifiable.” While the carport will not become “fully enclosed . . . conditioned space” it will be enclosed with more than garage doors (i.e. the side and rear walls / windows). As such, the Staff finds that the enclosure of the carport should be assessed using the first of the two criteria as the proposal is closest to that scenario.

The Staff does have some concerns about the carport work.

First, it is not clear to the Staff if any of the existing carport structure or materials will be retained in the new garage structure. For example, the metal poles do not appear in the proposed design and the metal roof trusses and roofing appear to be replaced in the final design. The Staff would recommend the Applicant clarify what elements from the existing carport will be retained in the final design.

Second, the Staff is concerned that the proposed roof design (slightly sloped to the rear with no eave), siding, and windows will not be consistent with the architectural style of the existing house. The existing house has a standard sized eave, six-over-six wood windows, and siding with about a 6 in. reveal. The Staff would recommend the final design include a wider roof eave, one-over-one wood windows to distinguish them from the original windows on the house, and wood or smooth cementitious siding with a reveal similar to the existing siding on the house.

Driveway Proposal

The Applicant has proposed widening the driveway for about $\frac{3}{4}$ of its length to create about 2 more off-street parking spaces next to the existing driveway. The District regulations require that new driveways (which the Staff considers the proposed widening to create new driveway) not be wider than ten feet between the principal structure and any public street except for the minimum flare required to allow access to double-width carports or garages. Given the existing carport and proposed enclosed garage is a single width carport / garage, the proposed widening of the driveway does not meet the District regulations. As such, the Staff would recommend the widening of the driveway is removed from the proposed project.

The Staff would note that the driveway work, if it had been proposed on its own, could have been reviewed by the Staff under a Type II Staff Review Certificate of Appropriateness application if it met all of the District regulations.

Staff Recommendation: Based upon the following:

(a) The project meets the District regulations per Section 16-20Q.006, with the exceptions noted above;

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-15-309) for an addition / carport enclosure at **2687 Baker Ridge Drive** - Property is zoned R-4 / Collier Heights Historic District, with the following conditions:

1. The Applicant shall clarify what elements from the existing carport will be retained in the final design, per Section 16-20Q.006(11);
2. The final design shall include a wider roof eave, one-over-one wood windows to distinguish them from the original windows on the house, and wood or smooth cementitious siding with a reveal similar to the existing siding on the house, per Section 16-20Q.006(11);
3. The widening of the driveway shall be removed from the proposed project, per Section 16-20Q.006(15)(e); and
4. The Staff shall review and if appropriate, approve the final plans and supporting materials.



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TIM KEANE
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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 26, 2015

Agenda Item: Review and Comment (RC-15-312) on the Application for a Special Exception V-15-201 to allow a parking reduction from 23 spaces (required) to 0 spaces (proposed), and to allow a religious use on less than one acre at **741 Edgewood Ave.** Property is zoned R LC / Inman Park Historic District (Subarea 1) / Beltline.

Applicant: Inman Partners, LLC
3500 Lenox Rd. STE 760

Facts: The existing commercial building is located on the southwest corner of Edgewood Avenue and Waddell Street, and is considered contributing to the district.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.

The Applicant is requesting a Special Exception to allow a reduction in parking from 23 spaces to 0 spaces. The subject property is a zero lot line commercial structure which exists in a legally non-conforming state in that no parking is currently provided on the property. The Applicant wishes to change the use of the building to a religious institution use, which carries a parking requirement of 1 space for every 35 sq. ft. of the largest assembly space. The Applicant states that the largest assembly space is 800 sq. ft. which would require 23 parking spaces to be provided. In their justification, the Applicant states that at this property the building currently takes up the entire lot which would make any requirement to provide on-site parking a hardship. Staff finds this assessment to be accurate and therefore supports the Applicant's justification.

However, Staff is concerned about the parking need that this religious institution would create. The Applicant states that the proposed tenant of the property would hold religious services seven days a week, three times a day. The Applicant is expecting the Saturday and Sunday services to have the largest attendance Staff finds that the principle structure is close to major business, retail, dining, and housing developments which create a high demand for parking in the area

particularly in the evenings and weekends and that the proposed use of this property as a religious institution, particularly in the weekend evening services. Staff suggests that the Applicant enter into a shared parking arrangement with neighboring properties to alleviate the parking need that these services would generate.

Staff recommends that a letter with the comments of the Staff and Commission be sent to the Applicant and appropriate City agencies.



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STAFF REPORT **August 26, 2015**

Agenda Item: Review and Comment (RC-15-313) on the Application for a Special Exception V-15-201 to allow a parking reduction from 14 spaces (required) to 0 spaces (proposed), and to allow a religious use on less than one acre at **743 Edgewood Ave.** Property is zoned R LC / Inman Park Historic District (Subarea 1) / Beltline.

Applicant: Inman Partners, LLC
3500 Lenox Rd. STE 760

Facts: The existing commercial building is located on the southwest corner of Edgewood Avenue and Waddell Street, and is considered contributing to the district.

Analysis: The following code sections apply to this application:
Per Section 6-4043 of the Atlanta City Code:

- (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.

The Applicant is requesting a Special Exception to allow a reduction in parking from 14 spaces to 0 spaces. The subject property is a zero lot line commercial structure with two tenant units which exists in a legally non-conforming stat in that no parking is currently provided on the property. The applicant wishes to change the use of one of the tenant spaces in the building to allow for a restaurant which requires 1 off- street parking space be provided for every 100 sq. ft. of floor area. The unit in questions has a floor area of 1,404 sq. ft. which would require 14 off-street parking spaces to be provided. In their justification, the Applicant states that at this property the building currently takes up the entire lot which would make any requirement to provide on-sits parking a hardship. Staff finds this assessment to be accurate and therefore supports the Applicant's justification.

However, Staff is concerned about the off-site parking need that the restaurant use would create. Staff finds that the principle structure is close to major business, retail, dining, and housing

developments which create a high demand for parking in the area particularly in the evenings and weekends and that the proposed use of this property as a restaurant would add additional demands for parking. Staff suggests that the Applicant enter into a shared parking arrangement with neighboring properties to alleviate the parking need that the proposed restaurant use would generate.

Staff recommends that a letter with the comments of the Staff and Commission be sent to the Applicant and the Secretary of the Board of Zoning Adjustment.



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STAFF REPORT

August 26, 2015

Agenda Item: Application for a Review and Comment (RC-15-314) on the demolition of a City of Atlanta owned property at 70 Boulevard- Property is zoned Martin Luther King, Jr. Landmark District (Subarea 3)/ Beltline.

Applicant: Kevin Edwards
4290 Weston Drive

Facts: The property in question is the Martin Luther King, Jr. Natatorium and the adjacent parking structure.

In 2008 a Review and Comment (RC-08-328) on the installation of a mural by Louis Delsarte was completed by the Commission.

Analysis: The following code sections apply to this application:
Per section 6-4043 of the Atlanta City Code, as amended:

(4) The Commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation of significant change, alteration or addition to any existing park.

Per Section 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.

- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

The Applicant is proposing to demolish the existing natatorium and adjacent parking structure. According to the Applicant, the existing building was deemed unsafe by a registered professional engineer and requires demolition to alleviate a public threat. The building was closed in 2012 due to safety concerns.

The existing building was constructed in 1978 and is not considered historic or as a contributing building to the Martin Luther King, Jr. Landmark District. As the existing structures have been deemed to be a public threat and they lack of historic significance, Staff finds the demolition is warranted.

While Staff finds the proposed demolition is necessary, Staff does find that demolishing the natatorium will be a loss for the neighborhood. According to the Applicant the lot will be used for green space. Staff suggests the Applicant clarify whether there are plans to construct a new natatorium on the existing lot or somewhere nearby. As the natatorium has been closed since 2012, Staff suggests the Applicant clarify whether there are other similar facilities nearby that people in the neighborhood can use to swim.

In 2008, the Commission reviewed and commented on the installation of a mural at this location. In looking at the pictures submitted, it is not clear where the mural is. Staff suggests the Applicant clarify whether the mural was ever installed. With the demolition of the existing building, there may also be a loss of public art. If the mural was installed, Staff suggests the Applicant clarify whether the mural can be salvaged or whether it can be recreated in another location.

Staff recommends the Commission confirm delivery of its comments regarding the proposed demolition.



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Director, Office of Planning

STAFF REPORT August 26, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-15-319) for alterations at **200 Walker Street, Unit D-** Property is zoned Castleberry Hill Landmark District (Subarea 1).

Applicant: Nathan Kirkman
41 Cornelia Street

Facts: According to the Castleberry Hill inventory sheets, this existing building built in the 1930's and is considered contributing.

Analysis: The following Atlanta Land Development code sections apply to this application:

Section 16-20N.005. Certificates of Appropriateness.

1. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
2. Type II certificates of appropriateness shall be required for: minor alterations to the façade of any principal structure, including but not limited to: exterior stairs, landings, railings, awnings, canopies, and front stoops; and the construction of fences, walls, retaining walls, accessory structures, and paving. If the proposed alteration meets the requirements of section 16-20N.006, 16-20N.007, and 16-20N.008, then the director of the commission shall issue the type II certificate of appropriateness within 14 days of application for such certificate. If the proposed alteration does not meet the requirements of section 16-20N.006, 16-20N.007, and 16-20N.008, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of type II certificates of appropriateness may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for type I certificates of appropriateness.

Section 16-20N.006. General Regulations.

The following general regulations shall apply to all properties located within the District.

1. In the District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20N do not specifically address the application or any portion of the application:
 - (a) The historic character of a property shall be retained and preserved.
 - (b) The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - (c) Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historic development, such as adding conjectural features or elements from other historic properties.
 - (d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - (e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.

- (f) Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
- (g) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- (h) Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- (i) New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (k) Contemporary design for new construction and for additions to existing properties shall not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy section 16-20N.007 or section 16-20N.008, as applicable.
- (l) The height of a structure shall be measured on the façade facing the public street and measurement shall be taken from the highest point of such grade to the top of the parapet wall.

2. Compatibility rule.

- (a) The intent of the regulations and guidelines is to ensure that alterations and additions to existing structures and new construction are compatible with the design, proportions, scale, and general character of the block face, the entire block, a particular subarea or the district as a whole. To permit flexibility, some regulations are made subject to the compatibility rule, which states: "Where not quantifiable, the element in question (building proportion, roof form, fenestration, etc.) shall match that which predominates on the contributing buildings in the subarea. Where quantifiable, the element in question (i.e., distance of first floor above sidewalk grade), shall be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings in the subarea."
- (b) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."

7. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

9. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:

Section 16-20N.007 - Specific Regulations for Historic Core, Subarea 1.

In the Castleberry Hill Historic Core, Subarea 1, the commission shall apply the standards referenced in section 16-20N.006(1) only if the standards set forth in section 16-20N.007 do not specifically address the application or any portion thereof:

Design standards and other criteria for construction of, additions to, or alterations of principal buildings:

- (a) The compatibility rule shall apply to the general façade organization, proportion, scale, and roof form of the principal structure.
- (c) All building elements shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements, including but not limited to their: design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
- (d) Fenestration.
 - i. The compatibility rule shall apply to the following aspects of fenestration:
 - a. The style and material of the individual window or door.
 - b. The size and shape of individual window and door openings.
 - c. The overall pattern of fenestration as it relates to the building façade.
 - d. The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
 - iii. If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - iv. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.

The Applicant is proposing to replace six existing historic windows. In looking at the picture submitted, there is no evidence the existing windows are beyond repair and require replacement. As there is no evidence of disrepair or deterioration, Staff cannot support the proposed window replacement at this time. Staff recommends the Applicant submit clear pictures of all windows proposed for replacement. Staff recommends the Applicant submit a narrative that details the condition of the windows and any attempts to repair the windows.

In looking at the proposed replacement windows, Staff finds the design and materials match the existing windows and are consistent and compatible with the existing building. If replacement of the existing windows is warranted, Staff has no concerns with the proposed replacement. If replacement of the existing windows is warranted, Staff recommends the new windows are true divided lite and fit within the original window opening.

Staff Recommendation: Based upon the following:

(a) The plans meet the regulations per Section 16-20N.006 and 16-20N.007; except as noted above

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-15-319) for alterations at **200 Walker Street, Unit D**- Property is zoned Castleberry Hill Landmark District (Subarea 1), with the following conditions:

1. The Applicant shall submit clear pictures of all windows proposed for replacement, per Section 16-20N.007(d)(i);
2. The Applicant shall submit a narrative that details the condition of the windows and any attempts to repair the windows, per Section 16-20N.007(d)(i);
3. If replacement of the existing windows is warranted, the new windows shall be true divided lite and fit within the original window opening, per Section 16-20N.007(d)(i); and
4. Staff shall review and if appropriate, approve the final plans.



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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

August 5, 2015

REVISED

August 26, 2015

(Revised text shown in italic.)

Agenda Item: Application for Type III Certificate of Appropriateness (CA3-15275) for a new single family house at **812 Peoples Street** - Property is zoned R-4A/West End Historic District.

Applicant: Innocent Nwachukwu
2550 Sandy Plains Road

Facts: According to the West End Historic District inventory this is a vacant lot on the east side of Peoples Street between Beecher Street on the north and White Street on the house. There are six other lots on the block face, each one with a one-story house on it; four of the six houses are considered contributing to the District (#802, #806, #818, and #822). Two properties have infill houses on them. Across the street is Brown Middle School.

At the August 5, 2014 Commission meeting, the application was deferred to allow time for the Applicant to address the concerns raised in the Staff Report. Revised plans were submitted the week of August 17th, which are addressed in this revised Staff Report.

Analysis: The following code sections apply to this application:

Per Section 16-20G.005 of the Atlanta Land Development Code, as amended:
The following general regulations shall apply to the West End Historic District.
Sec. 16-20G.005. - General regulations.

(2) The Compatibility Rule: The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), shall be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

Sec. 16-20G.006. - Specific regulations.

In addition to the general regulations set forth in section 16-20G.005, and any other applicable regulations, the following regulations shall apply to all rehabilitations, new construction, alterations, and other changes:

(1) Generally: The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, finished floor elevations, roofs, roof features,

gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvers, walls, fences, and gates.

(2) Building Façades:

- (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.
- (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
- (c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.
- (d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
- (e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
- (f) Height of the first floor of the front façade above grade shall be subject to the compatibility rule. Notwithstanding the compatibility rule, the first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than seven inches in height. Slab-on-grade construction is not permitted.
- (g) No structure shall exceed that height established by the compatibility rule.

(3) Windows and Doors:

- (d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- (e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
- (f) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
- (h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.
- (i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.
- (j) New windows or doors added to existing structures shall be located façades that don't face a public street.
- (k) New or replacement doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.

(4) Storm Doors, Storm Windows, Shutters and Awnings:

- (a) Shutters shall not be added to the building if they were not a part of the original building.
- (b) Shutters shall be operable or appear operable, and shall fit the size of the window.
- (c) Replacement shutters shall match the original shutters in design, materials and configuration.
- (d) Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
- (e) Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.

(5) Foundations:

- (a) Foundation materials, including infill materials, shall replicate the original materials in. size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
- (b) New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials and style with adjacent and surrounding buildings.
- (c) Slab on grade is not permitted.
- (d) Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.

(6) Chimneys:

- (a) Chimneys shall match original materials, mortar, color and pattern whenever possible.
- (b) New chimneys shall be faced with brick or stucco.
- (c) Siding on chimneys is prohibited.
- (d) When any portion of a chimney is visible from a public street as a façade element, the chimney shall originate at grade.

(7) Roofs:

- (a) Replacement roofing materials shall be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
- (b) Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
- (c) The use of synthetic roofing materials is permitted if not visibly distinguishable from the original as viewed from the public street.
- (d) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.

- (8) Decks: Decks shall be constructed to the rear of the structure and shall not extend beyond the sides of the structure. Decks on the corner lots shall be screened with fencing or vegetation to reduce visibility from the public street.
- (9) Porches:
 - (d) New or replacement porches shall contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail shall be no more than 33 inches above the finish porch floor, except as required by the City's building code.
- (12) Paved Surfaces:
 - (a) The original layout, patterns and paving materials of sidewalks, driveways, alleyways, curbs and streets shall be retained. The design and material of new replacement paving materials shall be subject to the compatibility rule.
 - (b) The design and material of new paved surfaces areas, other than those specified in subsection (a) above, including driveways, walkways, and patios, or portions thereof, shall be subject to the compatibility rule.
 - (c) New driveways shall not exceed a width of ten feet not including the flare at the street.
- (13) Off-Street Parking Requirements:
 - (a) Off-street parking shall not be permitted in the front yard or half-depth front yard.
- (17) Public Sidewalks and Planting Strips:
 - (a) Existing public sidewalks, planting strips, and associated topography shall be retained.
 - (b) The public sidewalk shall be the same width as the sidewalk on abutting properties.
 - (c) The compatibility rule shall apply to public sidewalk paving materials.
 - (d) Where a public sidewalk to be replaced is adjacent to poured concrete, original concrete hexagonal pavers or poured concrete with stamped hexagonal motif, the new sidewalk shall be poured concrete bordered with brick laid flat.

Site

The lot in question fronts 53 ft. on the east side of Peeples Street and has a depth of 178 ft. Per the District regulations, the front yard setback is based on the compatibility rule. No compatibility rule information was submitted regarding the front yard setback. The proposed front yard setback to the front edge of the front porch is about 28 ft. The Staff recommends the Applicant document the front yard setback of the contributing houses on the block face, how they were measured and that the front yard setback of the proposed house meets the District regulations.

The Applicant provided compatibility rule information for the front yard setback for the four contributing houses on the block face, including for 806 Peeples Street which has a 28.9 ft. front yard setback, though it is not clear if this was measured to the front edge of the front porch or the front façade of the proposed house. The distance to the front edge of the front porch on the proposed house is 27 ft. The Staff would retain a portion of its previous recommendation.

Per the underlying zoning, the side yard shall be no less than 7 ft. and the rear yard shall be no less than 15'. While the north side yard setback is more than 7 ft. and the south side yard setback is exactly 7 ft.

On the revised site plan the side yard setbacks are unchanged.

Per the underlying zoning, the maximum floor area ratio (FAR) allowed is .50. While the FAR is not calculated on the site plan, the 2,688 sq. ft. of living space is less than 50% of the 9,434 sq. ft. lot. The maximum lot coverage allowed is 55%. The lot coverage calculations are indicated on the site plan, which indicates the lot coverage is 28%.

Per the District regulations, there is no parking allowed in the front yard. The proposed concrete, 10 ft. wide and 22 ft. long driveway is located completely in the front yard meaning that parking is located in the front yard. The driveway must 20' past the front façade of the house to not be considered parking in the front yard. The Staff would recommend the driveway / parking configuration be revised to eliminate the parking in the front yard. The Staff would note that if the house is shifted to one side to allow enough room for a driveway on the side of the house, the setbacks of the house must still meet the underlying zoning's 7 ft. requirement.

On the revised site plan the driveway projects about 15 ft. past the front façade of the front of the house, not 20 ft. The Staff would retain its previous recommendation.

The site plan indicates an existing concrete public sidewalk. The Staff would recommend that if the public sidewalk is damaged beyond repair, the public sidewalk shall be replaced in accordance with the District regulations.

No note was added to the revised site plan to address this concern. The Staff would retain its previous recommendation.

There is not walkway indicated from the front porch steps to the public sidewalk. The Staff would recommend a 4 ft. wide concrete walkway connect the front porch steps to the public sidewalk.

A 4 ft. wide concrete walkway connecting the front porch steps to the public sidewalk is shown in the revised site plan.

No fences, retaining walls or other site features are indicated on the site plan.

Massing, Roof Form, and Building Height

The proposed house is defined by a simple rectangular massing with a front-to-back gable roof with two small side dormers and an integral full width porch. On the block face, all four contributing houses have a similar rectangular massing. As to roof form, on the block face there are two hipped roofs, one hipped roof with an accent gable (#818), and one gable roof. The Staff finds that given the range of roof types on the block face, the gable roof form does not meet the District regulations. The Staff would recommend that the roof be changed to a hipped roof form.

The roof from is still a front-to-back gable. The Staff would retain its previous recommendation.

The Applicant did not provide any information on the roof pitches of the contributing houses on the block face. The proposed roof pitch is 10 in 12. The Staff would recommend the Applicant document the roof pitches of the contributing houses on the block face and that the roof pitch of the proposed house meets the District regulations.

The Applicant provided the roof pitches of the four contributing houses on the block face, two of which are 10:12 and two of which are 12:12. The proposed roof pitch meets the District regulations.

Per the District regulations, the house height is based on the compatibility rule. No overall heights were provided for the contributing houses on the block face, though they are all one story houses. The height of the proposed house is slightly more than 24 ft. The Staff would recommend the Applicant document the heights of the contributing houses on the block face, how they were measured, and that the height of the proposed house meets the District regulations.

The Applicant provided a list of the “wall height” of the four contributing houses on the block face, not their overall height. While knowing the wall height (combined with the roof pitch information) might help in this determination, measuring the overall height is required. The Staff would retain its previous recommendation.

Per the District regulations, the height of the first floor is also based on the compatibility rule. No first floor heights were provided for the contributing buildings on the block face. The first floor height of the proposed house would be about 4.5 ft. The Staff would recommend the Applicant document the first floor heights of the contributing houses on the block face, how they were measured, and that the first floor height of the proposed house meets the District regulations.

No information was provided about the first floor height (i.e. the height of the first floor above the surrounding grade). The Staff would retain its previous recommendation.

Building Elements

The Commission reviews the façades visible from a public street. As this is an interior lot, the Staff will review the front and side facades.

Windows and Doors

A single front door is parallel and facing the street frontage, as required by the regulations. The material of the front door is indicated as wood. Per the District regulations, new doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule. All of the doors on the contributing houses on the block face have either been replaced or are not visible in the inventory photographs. As such, the Staff finds the design and material of the front door does meet the District regulations.

Many of the windows have been replaced on the contributing houses on the block face with one-over-one windows. One house appears to retain its historic or original windows which are four vertical lights over one light. As the proposed windows are a modified “prairie” light over one light, the Staff finds that the proposed window design does not meet the District regulations. Further, the spacing of the paired windows and the use of four sizes of windows on the side elevations (full, full with raised sill height, medium, small square, and small vertical) do not meet the District regulations either. It is also not clear if the windows will have the appropriate headers, and sills. The Staff recommends the window design, placement, spacing, and trim be revised to meet the District regulations.

The revised plans do not show any differences in the window design, placement, spacing and trim. The Staff would retain its previous recommendation.

Front Porch and Rear Deck

Three of the four contributing houses have or had front porches with their own roof forms and two of them are or were half the width of the front façade. Therefore, the Staff finds that the fully integral front porch does not meet the District regulations, but its full width does. The Staff would recommend the front porch be redesigned to have its own separate roof form.

The revised plans indicate a low pitched, hipped roof over the front porch, which meets the District regulations.

The proposed porch has a depth of 8’. The Staff would note that the regulations do not require a minimum depth for porches, but this appears to be a compatible depth. The Staff is concerned about the short height of the railing (which would not appear to meet the minimum building code requirements), the design of the columns themselves, and the lack of clarity as to the front porch stairs themselves (vs. the brick cheek walls). There are a variety of original column types on the contributing buildings on the block face, but none similar to what is proposed. The Staff would recommend that all the front porch elements meet the District regulations.

In the revised plans, the front porch column design is unchanged from the original submission. The Staff would retain its previous recommendation regarding the front porch columns and railing.

The side and rear elevations show a rear screened porch, which is permitted by the District regulations.

Dormers

There are two small dormers shown on the side roof plans, one on each side. None of the contributing houses on the block face have any dormers on any roof plan. While relatively small, because of the simple and

linear roof form on which they are located, the dormers are highly visible and create a significant deviation from the roof form. The Staff would recommend that the dormers are removed from the roof design.

The dormers have been removed from the design in the revised plans.

Building Materials

Cementitious siding (with a 6 in. reveal and smooth surface) is indicated on the façades, stucco for the front foundation, wood trim, brick bases for the front porch columns, brick cheeks walls for the front porch stairs, wood windows, “asphaltic shingles” on the roof, and brick for the chimney. No materials are indicated for the side and rear foundations, some trim, the front porch column tops, front porch railing, front porch stairs themselves, front porch flooring or ceiling, and front gable sheathing. The Staff recommends the elevations indicate all materials for all elements and all materials meet the District regulations.

While some additional material notes have been added, it is not clear the material for some of the trim, front gable sheathing, and front porch ceiling and flooring. The Staff would retain its previous recommendation.

Design Review (CA3-14-361):

Staff Recommendation: Based upon the following:

- a) The plans do not meet the regulations, with the exceptions noted in the above analysis, per Section 16-20G.006.

Staff recommends deferral of the Application for Type III Certificate of Appropriateness (CA3-15275) for a new single family house at **812 Peeples Street** - Property is zoned R-4A/West End Historic District, to allow time for the Applicant to address the following concerns and comments:

1. *The Applicant shall document how the front yard setback of the contributing houses on the block face were measured and that the front yard setback of the proposed house meets the District regulations, per Section 16-20G.006(2)(b);*
2. The driveway / parking configuration shall be revised to eliminate the parking in the front yard, per Section 16-20G.006(13);
3. If the public sidewalk is damaged beyond repair, the public sidewalk shall be replaced in accordance with the District regulations, per Section 16-20G.006(17)(d);
4. The roof shall be changed to a hipped roof form, per Section 16-20G.006(7)(d);
5. The Applicant shall document the heights of the contributing houses on the block face, how they were measured, and that the height of the proposed house meets the District regulation per Section 16-20G.006(2)(g);
6. The Applicant shall document the first floor heights of the contributing houses on the block face, how they were measured, and that the first floor height of the proposed house meets the District regulations per Section 16-20G.006(2)(f);
7. The window design, placement, spacing, and trim shall be revised to meet the District regulations per Section 16-20G.006(3);
8. *The front porch columns and railing shall meet the District regulations, per Section 16-20G.006(9);*
9. The elevations shall indicate all materials for all elements and all materials meet the District regulations, per Section 16-20G.006(2)(c); and
10. The Applicant shall submit to the Staff revised plans and supporting documentation (including all of the required copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.



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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **August 26, 2015**

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-15-301) for demolition due to a threat to health and safety at **818 Brookline Street** – Property is Adair Park Historic District (Subarea 1) / Beltline.

Applicant: William Robert Bryant Jr.
145 Ponce de Leon Avenue

Facts: This structure is considered contributing to the District and according to the District inventory sheet was built in 1923. It is a one-story building with a full width front porch.

In 2012 a fire occurred at the property with most of the damage occurring towards the middle and rear of the property.

Analysis: The following code sections apply to this application:

Per Section 16-20.007. Certificates of appropriateness; generally.

Per Section 16-20I.005 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the Adair Park Historic District.

(1) *Certificates of Appropriateness:* Certificates of appropriateness within this district shall be required as follows:

(a) *When required:*

iii. To demolish or move any contributing structure, in whole or in part, within the district.

(b) *Type required:*

ii. When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition shall require a type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

Per Section 16-20.008

(d) Type IV Demolitions: Demolition of a Landmark Building or Site, a building or site in a Landmark District or a contributing building or site in a Historic District, constitutes an irreplaceable loss to the quality and character of the City of Atlanta.

Therefore, all demolitions of said specified buildings or sites shall require a type certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:

(1) Conditions: Type IV certificates of appropriateness shall be issued by the commission only when (1) or both of the following two (2) conditions have been established pursuant to the standards and criteria required below:

a. The demolition is required to alleviate a threat to public health and safety;

(2) Standards and criteria: The standards and criteria required to be shown in order to establish the existence of the conditions specified in subsection (d)(1) above shall be as follows:

- a. Threats to public health and safety:
To prove the existence of a threat to public health and safety, the applicant must establish, and the commission must find, the following:
[See items #1-12 as outlined below and excerpted from Section 16-20.008(d)(2).]

Staff Response to the Application Submitted

1. Demonstrate through independent analysis and supporting information that a major and imminent threat to public safety exists.

The Applicant provided a “Notice of Unsafe Building” from the Office of Buildings from September 2014, as well as a statement from an architect with their assessment of the situation.

The architect’s assessment notes the fire damage, exposure to the elements, a threat to the public if they are on the property or in the building, and the potential for additional fires given the debris on the site.

The Staff would also acknowledge that the house to the right is likely close enough that if the subject property were to collapse and/or fall in that direction, the adjacent house (and people on that property) could be in danger.

However, while the Staff does not disagree with the architect’s limited assessment, it does find that the building could be secured through the removal of the just the burned portion of the building in the rear, construction of a temporary wall / bracing system to close in the rear and support the side walls, and continual monitoring of the boarded windows and doors. This temporary work could also incorporate some type of temporary roof over the remaining portion of the house to protect it from the elements. It is the Staff’s understanding that such a temporary wall / bracing / covering plan was been contemplated by the Applicant to make a partial demolition a viable alternative, as described in their response to Question #2 of the demolition criteria.

The Staff would recommend the Applicant provide more details and information documenting the major and imminent threat to public safety.

2. Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives.

The following costs were submitted for two scenarios:

Rehabilitate / rebuild the existing structure:	\$125,000
Demolition and building a new house similar to the existing:	\$145,000

The description of the costs related to two scenarios does include some limited analysis of the logistical and architectural issues associated with the renovation alternative (from the architect’s analysis noted above), however, it is not clear if the \$125,000 cost includes the partial demolition work and debris removal (which is estimated at \$9,000 in response to another question). Further, it is not clear if the \$145,000 figure for new construction includes the costs for complete demolition and debris removal (\$4,500) or if that would be in addition to the \$145,000. Lastly, the Applicant provided a cost estimate for removing a dead / dying / hazardous tree (\$3,800), which the Staff assumes would be a cost to be incurred in either scenario.

The Staff would recommend the Applicant provide clarifications on the cost estimates already provided.

- 3. Demonstrate that the costs associated with rectifying the threat would create a condition whereby the investments in the project are incapable of earning a reasonable economic return. This finding shall be made by considering, and the applicant shall submit to the Commission evidence establishing, each of the following factors:**
- a) The applicant’s knowledge of the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition.**

It is not clear if the current property owner knew the property was in a historic district at the time of purchase.

- b) The current level of economic return on the property as considered in relation to the following:**
- (1) 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.**

The property was purchased in 2014 for \$20,000. There is no relationship between the seller and buyer / current owner.

- (2) 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.**

The Applicant has indicated that there has been no operating income, no annual cash flow, no depreciation deduction claimed to due to a lack of income, no debt service, and minimal maintenance expenses that were limited to lawn maintenance, vacant home registration, and various fees and permits. Other estimated expenses were listed, but it appears that these would be related to taking a final action on the property either through a partial demolition and renovation or a full demolition and new construction.

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

There is no debt owed on the property.

4. Real estate taxes for the previous four (4) years and assessed value of the property according to the two (2) most recent assessed valuations.

The Applicant has provided documentation the real estate taxes and assessed values of the property, as follows:

Year	Taxes Paid	Assessed Value	Appraised Value
2015	\$89.60	\$1,960	\$4,910
2014	\$351.01	\$1,960	\$4,910
2013	\$261.00	\$7,800	
2012	\$418.00	\$9,400	
2011	\$542.00		

The Staff would note that the Applicant’s summary of the taxes paid doesn’t appear to include the full property tax bill but rather just the taxes paid to the City of Atlanta.

5. 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.

The Applicant did not indicate that there were any appraisals were completed as part of the purchase of the property.

6. 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 a designated building or site) at the time the application is filed.

The Applicant has not specifically provided a property valuation at the time of the submission of the application, but rather a list of properties that have been sold in the area. In response to another question, the real estate broker engaged by the Applicant noted that the property in its current condition is about \$20,000. Given the application was submitted recently, this is a reasonable estimate of the property’s value when the application was submitted. The Applicant further noted that the MLS doesn’t include listings / sales from 1995 and thus they could not provide an answer to that part of the question.

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

The Applicant is the sole owner of the property.

8. Any state or federal tax returns on or relating to the property for the past two (2) years.

The Applicant has stated that there are no tax returns that included a deduction related to the property.

9. That the property if 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.

The Applicant has not engaged a real estate broker or firm.

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

The Applicant has not tried to sell or rent the property since they purchased it in 2014.

c) Any advertisement placed for the sale or rent of the property.

The Applicant has not tried to sell or rent the property since they purchased it in 2014.

10. The infeasibility 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.

The Applicant provided a “Notice of Unsafe Building” from the Office of Buildings from September 2014, as well as a statement from an architect with their assessment of the situation.

The architect’s assessment notes that the fire damage and exposure to the elements created a situation such that “80% of the building has been destroyed beyond repair”. The architect notes that the two front rooms and portions of the foundation may have the potential for renovation and incorporation into an otherwise rebuilt house. They also note that there might be architectural elements (such as eave brackets) that might be salvable as well.

The Staff finds that the architect’s assessment would suggest that a partial demolition would be possible, with the retention of all salvable elements.

The Staff would recommend that the Applicant provide more information and details about a possible partial demolition.

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 the proposed alterations.

Based on the Applicant’s analysis the following costs were submitted for two scenarios:

Rehabilitate / rebuild the existing structure:	\$125,000
Demolition and building a new house similar to the existing:	\$145,000

The description of the costs related to the two scenarios does include some limited analysis of the logistical and architectural issues associated with the renovation alternative (from the architect’s analysis noted above), however, it is not clear if the \$125,000 cost includes the partial demolition work and debris removal (which is estimated at \$9,000 in response to another question). Further, it is not clear if the \$145,000 figure for new construction includes the costs for complete demolition and debris removal (\$4,500) or if that would be in addition to the \$145,000. Lastly, the Applicant

provided a cost estimate for removing a dead / dying / hazardous tree (\$3,800), which the Staff assumes would be a cost to be incurred in either scenario.

The Staff would recommend the Applicant provide clarifications on the cost estimates already provided.

- 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.**

According to the real estate broker engaged by the Applicant, the property has the following values / potential values:

As-Is value: \$20,000
Replacement Single-family value: \$100,000-\$150,000

No value is included for the renovation / rebuilding of the existing structure. The Staff would recommend the Applicant provide a property valuation for the renovation / rebuild scenario.

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

The real estate broker engaged by the Applicant stated that a new house in this location would have a value of \$100,000 to \$150,000 which is a wide range of values. The cost of such a new house is estimated by the Applicant at \$145,000. While no future value is noted for a renovation project, the Applicant does note that the cost of a renovation would be less than that of new construction (\$125,000 vs. \$145,000).

- e) **The infeasibility of new construction around, above, or below the existing protected building or site, and the infeasibility of a transfer of 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.**

Regarding the development rights, the Applicant asserts that the transfer of development rights “would not help the financial situation.” The Applicant further notes that the “site is suitable for construction” once the damaged portion of the house are removed.

11. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

According to the Applicant, the economic incentives are not helpful given the extensive nature of the damage to the property.

12. Also, please provide photographs of the existing conditions of the building, both exterior and interior.

The Applicant provided pictures, though without labels it is not clear the location and direction of the interior photographs in particular.

Overall Comments

Based on the reports, narrative and pictures provided by the Applicant, the Staff finds that the existing building has been substantially damaged. It is clear that there are structural, environmental, interior and building material issues. At the same time, it appears that the majority of the damage is towards the middle and rear of the house, leaving the partial demolition of the structure as a potential viable option. While there is some limited discussion of the existing physical conditions and circumstances of the property and the alternative scenarios, it is still not clear to the Staff that conditions and circumstances create and imminent and major threat to public health and safety.

The Staff would note that in comparing the costs of the two alternatives for which cost estimates were provided with the property values that were provided, both alternatives could result in an economic benefit to the property owner with potentially the renovation / rebuild scenario providing a larger potential economic benefit.

While the Staff finds that the building in its current condition is unsafe, a nuisance and needs significant rehabilitation, the Staff does not find the Applicant has proven the property is an imminent and major threat to public health and safety. Given the information that the Staff has as this time, the Staff cannot support the request for the full demolition of the property.

Comment on Application Materials by the Office of Buildings

One of the requirements of the Type IV Certificate of Appropriateness process is for the Office of Buildings to comment on the application materials via a written report. The Applicant submitted a "Notice of Unsafe Building" letter from the Office of Buildings from last years and the Staff has submitted a request to the Office of Buildings to inspect the property again in light of the current application and produce a report regarding this property. When the inspection and report are complete, the Staff will include the report in the file for future reference.

Staff Recommendation: Based upon the following:

- a) The Applicant has not proven a threat to public health and safety, per Section 16-20.008;

Staff recommends deferral of the Application for a Type IV Certificate of Appropriateness (CA4PH-15-301) for demolition due to a threat to health and safety at **818 Brookline Street** – Property is Adair Park Historic District (Subarea 1) / Beltline, to allow time for the Applicant to address the following concerns / recommendations:

1. The Applicant shall provide more details and information documenting the major and imminent threat to public safety, per 16-20.008;
2. The Applicant shall provide clarifications on the cost estimates already provided, per 16-20.008;
3. The Applicant shall provide more information and details about a possible partial demolition, per 16-20.008;
4. The Applicant shall provide a property valuation for the renovation / rebuild scenario, per 16-20.008; and
5. The Applicant shall submit the additional information and/or materials (including the required number of copies) to the Commission Staff not later than eight (8) days prior to the Commission meeting to which this application is deferred.

**SCRIPT FOR SECOND PUBLIC HEARING
FOR THE
TYPE IV CERTIFICATE OF APPROPRIATENESS APPLICATION:**

***CA4ER-15-238 –
817 LULLWATER ROAD
(DRUID HILLS LANDMARK DISTRICT)***

(Commission Secretary reads item into record.)

Chair: The Commission this afternoon will be reconvening the public hearing started on JULY 8, 2015 regarding the application of WILSON, BROCK, AND IRBY, LLC For a Type IV Certificates of Appropriateness for the DEMOLITION of the building at 817 LULLWATER ROAD, located in the DRUID HILLS LANDMARK DISTRICT.

The Applicant had the burden of showing the DEMOLITION of the landmark building is required to rectify a condition of unreasonable economic return and the Applicant has the present intent and financial ability to replace the landmark building with a replacement building in accordance with the standards and criteria set out in Section 16-20.008, Subsection d.

At the JULY 8, 2015 meeting the Applicant presented their application and the public was given an opportunity to speak on the application. In addition, the Commission established the Economic Review Panel, created a deadline of JULY 16, 2015 for any additional materials to be submitted for consideration by the Economic Review Panel and set the date for the reconvening of the public hearing to AUGUST 12, 2015, which was deferred until TODAY.

Unlike cases that do not involve the Economic Review Panel, there was no staff recommendation, but all of the materials received by JULY 16, 2015 (including a transcript of the JULY 8, 2015 public hearing) were transmitted to the Economic Review Panel. The procedures that will govern this application requires that the Applicant select its representative to the Economic Review Panel, and the Commission select its representative, and those two persons will in turn select a third. For this application, the Economic Review Panel consisted of JIM CHEEKS, CHRIS HAMILTON, AND DAVID RADLMANN. The appointees are real estate and redevelopment experts knowledgeable in real estate economics in general, and more specifically, in the economics of renovation, redevelopment and other aspects of rehabilitation.

The Economic Review Panel, having reviewed all of the information noted above, prepared a written report of their findings with regard to the criteria set out in Section 16-20.008, Subsection d of the City's Historic Preservation Ordinance for demolition based on Applicant's position that such demolition is required to rectify a condition of unreasonable economic return. On AUGUST 20, 2015, the Atlanta Urban Design Commission Staff received that written report from the Economic Review Panel and provided that report to the Commission for final action by

the Commission at today's reconvening of the public hearing for the application, as required by the City's Historic Preservation Ordinance.

For today's hearing, I would recommend that the Economic Review Panel have 10 minutes in which to present their written report and findings. Following the Economic Review Panel's presentation, as is the case with all other Commission applications, the Applicant and all those in favor of the application will have 10 minutes to present and all those opposed to the application will also have 10 minutes to present.

As was noted during the opening remarks, additional time can be granted by the Commission at their discretion if asked for at the beginning of each presentation period. In addition, any remaining time left from the 10 minutes allotted to the Applicant and those in favor of the application can be reserved for rebuttal of the opposition comments by the Applicant and those in favor of the application. Lastly, the Commission's Rules of Procedure allows 2 minutes for the Applicant to respond to the Commission's Executive Session comments and questions prior to the Commission making a motion on the application.

Chair: Is there a motion to adopt the 10 minute presentation time frame for the Economic Review Panel?

Commission Member: I move to adopt the 10 minute presentation time frame for the Economic Review Panel noted by the Commission Chair.

*(Motion seconded by **Commission Member.**)*

Chair: It has been moved and seconded to accept the 10 minute presentation time for the Economic Review Panel.

Chair: Any discussion on the motion? All in favor please indicate by raising your hand.

*(Vote taken by **Commission** on motion.)*

First, we will hear from the Economic Review Panel.

As the Economic Review Panel, do you need any additional time to make your presentation?

*(**Economic Review Panel** states whether they need any additional time and how much. If so, a **Commission Member** may make a motion to grant such additional time.)*

Chair: After we hear from the Economic Review Panel, we will then hear from the Applicant and those in support of the application. Economic Review Panel, please go ahead.

*(Presentation by the **Economic Review Panel** within time frame allotted by the Commission.)*

Chair: Next we will hear from the Applicant and those in support of the application.

As the Applicant or someone in support of the application, do you need any additional time to make your presentation?

(Applicant or those in support state whether they need any additional time and how much. If so, a Commission Member may make a motion to grant such additional time.)

Chair: After we hear from the Applicant and those in support of the application, we will then hear from those opposed to the application. Applicant, please go ahead.

(Presentation by the Applicant and those in support of the application within time frame allotted by the Commission.)

Chair: The Applicant and those in favor of the Application have ___ minutes for rebuttal.

Chair: Next we will hear from those in opposition to application. Is there anyone here that would like to speak in opposition to this application? Please come forward.

As someone in opposition to the application, do you need any additional time to make your presentations?

(Those in opposition state whether they need any additional time and how much. If so, a Commission Member may make a motion to grant such additional time.)

Those in opposition, please go ahead.

(Presentation by any opposition within the time frame allowed by the Commission.)

Chair: Is there any rebuttal by the Applicant and those in favor of the Application? If so, please come forward. You have ___ minutes for rebuttal.

Chair: This concludes the presentation of the Economic Review Panel's findings and the public comment period for this application. At this time, the Commission will now enter Executive Session. At the end of this Executive Session, the Commission can take one of the following actions related to this application:

1. Adopt the Economic Review Panel's report and APPROVE the application to DEMOLISH the building.
2. Adopt the Economic Review Panel's report and APPROVE WITH CONDITIONS the application to DEMOLISH the building.
3. Find that the Economic Review Panel acted arbitrarily and/or that their decision was based on an erroneous finding of material fact and DENY the application to DEMOLISH the building. This action takes a $\frac{3}{4}$ majority action by the Commission to pass.
4. Adopt the Economic Review Panel's report, but defer final action on the application to DEMOLISH the building for 90 days to allow time for the preparation of a "preservation plan" to be reviewed by the Economic Review Panel.

Chair: Are there any questions or comments from Commission members?

*(Questions or comments from **Commission members.**)*

Chair: Are there any more questions or comments from the Commission members?

*(Any final questions or comments from the **Commission members.**)*

Chair: Hearing no more questions or comments from Commission members, per the Commission’s Rule of Procedure, does the Applicant have any response to the Commission members’ questions and comments prior to motions on the application? Your response is limited to 2 minutes.

*(**Applicant** has two minutes to respond to the Commission members’ questions and comments.)*

Chair: Are there any motions from Commission members to take action on the Economic Review Panel report and the application itself?

Possible Urban Design Commission Motions:

1. Approve the Demolition (Each motion requires a simple majority vote to pass.)

First Motion: “I move to adopt the final report of the Economic Review Panel received by the Atlanta Urban Design Commission Staff on AUGUST 20, 2015 which was prepared by the Economic Review Panel for Application CA4ER-15-238 for the building at 817 LULLWATER ROAD.

Second Motion: “Based on the aforementioned adoption of the final report of the Economic Review Panel for Application CA4ER-15-238 and all evidence, materials and documentation submitted to the Commission for Application CA4ER-15-238, and all testimony presented to the Commission at the JULY 8, 2015 and today’s public hearing for Application CA4ER-15-238, I move to find that the Applicant has presented sufficient evidence that the standards and criteria set forth in subsection Section 16-20.008(d)(2)(b) are satisfied.”

Third Motion: “Based on the adoption of the foregoing motions, I move to approve Application CA4ER-15-238 for the DEMOLITION of the building at 817 LULLWATER ROAD to rectify a condition of unreasonable economic return in that the Landmark Building is incapable of earning a reasonable economic return and the applicant has the present intent and the secured financial ability to replace the CONTRIBUTING BUILDING TO A LANDMARK DISTRICT with a replacement building.”

2. Approve the Demolition with conditions (Each motion requires a simple majority vote to pass.)

First Motion: “I move to adopt the final report of the Economic Review Panel received by the Atlanta Urban Design Commission Staff on AUGUST 20, 2015 which was prepared by the Economic Review Panel for Application CA4ER-15-238 for the building at 817 LULLWATER ROAD.

Second Motion: “Based on the aforementioned adoption of the final report of the Economic Review Panel for Application CA4ER-15-238 and all evidence, materials and documentation submitted to the Commission for Application CA4ER-15-238, and all testimony presented to the Commission at the JULY 8, 2015 and today’s public hearing for Application CA4ER-15-238, I move to find that the Applicant has presented sufficient evidence that the standards and criteria set forth in subsection Section 16-20.008(d)(2)(b) are satisfied.”

Third Motion: “Based on the adoption of the foregoing motions, I move to approve Application CA4ER-15-238 for the DEMOLITION of the building at 817 LULLWATER ROAD to rectify a condition of unreasonable economic return in that the Landmark Building is incapable of earning a reasonable economic return and the applicant has the present intent and the secured financial ability to replace the CONTRIBUTING BUILDING TO A LANDMARK DISTRICT with a replacement building, with the following conditions:

- 1.
 - 2.
- etc.”

3. Deny the Demolition (Each motion requires a ¾ majority vote to pass.)

First Motion: “I move to find that the Economic Review Panel convened for CA4ER-15-238 for the DEMOLITION of the building at 817 LULLWATER ROAD acted arbitrarily and/or that their decision was based on an erroneous finding of material fact, as evidenced by the following findings and conclusions:

- 1.
 - 2.
- etc.

These findings and conclusions are based on those standards and criteria set forth in Subsections 16-20.008(d)(2)(b)(i-ii).”

Second Motion: “Based on the adoption of the foregoing motion, I move to deny Application CA4ER-15-238 for the DEMOLITION of the building at 817 LULLWATER ROAD to rectify a condition of unreasonable economic return.”

4. Defer Action on the Demolition (Each motion requires a simple majority vote to pass.)

First Motion: “I move to adopt the final report of the Economic Review Panel received by the Atlanta Urban Design Commission Staff on AUGUST 20, 2015 which was prepared by the Economic Review Panel for Application CA4ER-15-238 for the building at 817 LULLWATER ROAD.

Second Motion: “Based on the aforementioned adoption of the final report of the Economic Review Panel for Application CA4ER-15-238 and all evidence, materials and documentation submitted to the Commission for Application CA4ER-15-238, and all testimony presented to the Commission at the JULY 8, 2015 and today’s public hearing for Application CA4ER-15-238, I move to find that the Applicant has presented sufficient evidence that the standards and criteria set forth in subsection Section 16-20.008(d)(2)(b) are satisfied.”

Third Motion: “Per Section 16-20.008(d)(3)(c), I move to defer final action on Application CA4ER-15-238 for a period of no more than 90 days, until the Commission’s regularly scheduled meeting on NOVEMBER 23, 2015, to allow for the preparation of a preservation plan to save the building from partial demolition pursuant to Section 16-20.008(d)(4) within 60 days from the date of today’s hearing.”