



CITY OF ATLANTA

KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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TIM KEANE
Commissioner
Office of Design

STAFF REPORT October 12, 2016

Agenda Item: Review and Comment (RC-16-416) for alterations at **67 Huntington Road** - Property is zoned R-4/ Brookwood Hills Conservation District.

Applicant: Daniel Smith
2300 Ewing Street

Facts: According to the Brookwood Hills Inventory, the single-family dwelling was built in 1935 and is considered contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20.007(b) of the Atlanta Land Development Code, as amended:

Conservation Districts Exempted: Certificates of appropriateness are not required for Conservation Districts. However, no person shall construct, alter, demolish or move, in whole or in part, any building, structure or site located within a Conservation District until the Commission shall have reviewed the proposed action(s) and made written recommendations regarding any such action to the owner(s) of the property.

Sec. 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) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) 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.

Brookwood Hills Conservation District does not have specific architectural regulations similar to Atlanta's historic or landmark districts, therefore the Commission should refer to Further Standards listed in Chapter 20 of the zoning ordinance, which apply to all locally designated districts and properties.

The Applicant is proposing to replace two existing doors and one window on the rear of the home. In looking at pictures submitted by the Applicant, it is clear there are existing additions and alterations. Given the existing alterations and additions, Staff finds the existing doors on the rear of the home and on the addition are not original. While the existing rear doors and kitchen window do not appear to be in disrepair, Staff finds the proposed replacement does not destroy original materials. Given the location of the proposed alterations, Staff finds the new doors and window will not be seen from the street and therefore will not have a negative impact on the streetscape. Based on the information we have at this time, Staff has no concerns regarding the proposed replacements.

Staff recommends the Commission send a letter with comments to the Applicant.



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TIM KEANE
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STAFF REPORT
October 12, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness / Certificate of Compliance (CA3-16-423) for a rear screened porch additions at **1595 Clifton Terrace** – Property is zoned SPI-7 – (Subarea 2).

Applicant: Gail Mooney
657 Lake Drive

Facts: This single family dwelling was constructed in 2006 and is not considered historic.

Analysis: The following code sections apply to this application:

Per Section 16-18G.003 of the Atlanta Land Development Code, as amended:
Boundaries of the District and subarea established.

- (2) Subarea 2: This subarea is comprised of three separate areas, defined as those properties which have a front yard on the following streets:
 - a. The west side of Page Avenue, the south side of Clifton Terrace, and the east side of Terrace Avenue;

Per Section 16-18G.004. General Regulations.

The following regulations shall apply to all properties located within the Candler Park Special Public Interest District, including all subareas of said district:

- (1) The provisions set forth in sections 16-18.005, 16-18.006 and 16-18.007 relating to requirements for special administrative permits shall not apply to the SPI-7 Candler Park District.
- (2) Any proposed amendment to this chapter shall be processed, considered and decided pursuant to the procedures and criteria contained in chapter 27 of this part. Prior to action by the zoning review board on any amendment affecting this district, said amendment shall first referred by the director of the bureau of planning to the Atlanta Urban Design Commission so as to provide an opportunity for review and written comment on said proposed amendment.

Sec. 16-18G.006. - Residential subareas 2 and 3: specific regulations.

Subareas 2 and 3 together are identified as the residential subareas. In addition to the general regulations and provisions of this chapter, the following specific regulations shall apply to the residential subareas:

- (1) The specific regulations for the residential subareas shall consist of [section 16-18G.006](#) through section 16-18G.0013.

(2) No building permit shall be issued by the bureau of buildings within the SPI-7 Candler Park District without the prior approval and issuance of a certificate of compliance from the Atlanta Urban Design Commission (AUDC). The purpose of this requirement is to assist the bureau of buildings with review of proposed permits for consistency with the requirements of sections [16-18G.006](#) through [16-18G.013](#) of this chapter. In addition to all materials otherwise required by the bureau of buildings, applications for building permits in these subareas shall include: a site plan at a minimum scale of one inch, equals 20 feet; typical building sections and exterior elevations at a minimum scale of one-fourth inch equals one foot; and outline specifications for all exterior building and landscaping materials. Larger scale drawings at appropriate scale shall be required of significant details when necessary for adequate review. Following transmittal of a complete application from the bureau of buildings to the AUDC, the AUDC shall review said application for consistency with the criteria and standards set forth in sections [16-18G.006](#) through [16-18G.013](#). The burden is on the applicant to demonstrate said consistency. If the application is consistent with said criteria and standards, it shall be approved and the AUDC shall issue a certificate of compliance certifying said compliance. The AUDC shall have the authority to impose conditions on said certificates as appropriate. If the application is not consistent with said criteria and standards, it shall be denied. Immediately following said action, the AUDC shall transmit the application together with its denial or approval to the bureau of buildings. The bureau of buildings shall then review the application for compliance with all remaining applicable provisions of this chapter and other applicable ordinances. No building permit shall be issued for any application that has not received the required certificate of compliance. Appeals from the final decision of the director may be taken pursuant to the provisions of [section 16-30.010](#) to the board of zoning adjustment.

(3) All regulations as stated herein shall be minimum standards, which shall be followed and shall be applied. AUDC shall notify NPU-N of any variance application, and shall allow NPU-N a maximum of 45 days from the mailing date of such application to NPU-N, so that NPU-N may provide AUDC with written comments on such application.

(4) The Atlanta Urban Design Commission shall have the sole power to hear, grant, and deny variances from the provisions of this [chapter 18G](#) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in an unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in [Chapter 26](#) of Part 16 of the Code of Ordinances, which provisions are hereby incorporated herein.

(5) The City of Atlanta Tree Ordinance shall apply.

(Ord. No. 1999-63, § 1, 12-15-98)

Sec. 16-18G.009. - Residential subareas 2 and 3: minimum yard requirements; maximum floor area ratio.

The following yard requirements shall apply to all permitted uses. Distances shall be construed as minimum requirements except where otherwise specifically indicated:

- (2) Side yards:
 - a. Subarea 2: 7 feet.

(3) Rear yards: 7 feet. In Subarea 3 the rear yard shall be considered to be the yard adjacent to the adjoining single-family district.

(5) Maximum floor area ratio: The residential, or dwelling, floor area ratio shall not exceed 0.50.

The Applicant is proposing to convert an existing second floor deck and third floor deck into screened porches. Staff finds the design, materials and massing of proposed porches are appropriate and consistent with the architecture of the existing house. As there is no additional living space and no change to the site, Staff finds the floor area ratio and lot coverage requirements do not apply. Staff finds the setback requirements have been met. Given the information we have at this time, Staff has no concerns regarding the proposed rear porch additions.

Based on the following:

a) The plans, with exceptions noted above, meet the District regulations, per Section 16-18G.006;

Staff recommends approval of the application for a Type III Certificate of Appropriateness / Certificate of Compliance / Certificate of Compliance (CA3-16-423) for a rear screened porch additions at **1595 Clifton Terrace** – Property is zoned SPI-7 – (Subarea 2), with the following condition:

1. Staff shall review and if appropriate, approve the final plans.



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STAFF REPORT

October 12, 2016

Agenda Item: Review and comment (RC-16-431) on a special use permit (U-16-026) for the transfer of development rights from **979 Crescent Avenue (The Margaret Mitchell House)**- Property is zoned SPI-16 (Subarea 1) / Landmark Building or Site.

At the Request of: Jackson McQuigg
130 West Paces Ferry Road NW

Facts: The Margaret Mitchell House was rezoned as a Landmark Building or Site (LBS) by the City of Atlanta in October, 1989. Commercial Row was rezoned as a Historic Building or Site (HBS) by the City of Atlanta in June, 2008. As is the case with all other LBS and HBS rezonings, the underlying zoning remained with the property, including all of the associated development rights. Several years ago, the underlying Special Public Interest (SPI) zoning classification was substantially revised to implement the “Blueprint Midtown” planning process.

The LBS zoning category includes one property which includes the original, historic apartment building known as the Margaret Mitchell House. The HBS zoning category includes two properties that comprise Commercial Row.

In 2013, a Transfer of Development Rights (TDR) was completed for 979 Crescent Avenue (Margaret Mitchell House LBS).

In 2014, a TDR transferred 107,800 sq. ft. of residential development rights to the 11th Street properties and 61,300 sq. ft. of residential development rights to 180 10th Street.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (e) Powers and Duties: The commission is the city agency responsible for developing and administering the city's historic preservation and urban design activities and shall have the following powers and duties:
 - (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.

According to the special use permit filing, the proposed transfer of development rights (TDR) would sever 180,000 sq. ft. of residential development rights from 979 Crescent Avenue Parcel A. The receiving property is 1138 Peachtree Street. The Applicant submitted detailed calculations that indicate the sending parcel has more than 180,000 sq. ft. available to transfer. If the transfer is approved, the sending property will have 57,600 sq. ft. of residential development rights available for future transfers.

Given that the TDR will not result in any physical alteration to the existing building or its site and will decrease the development pressure on the site. Staff would add that another benefit of the TDR to the “sending site” (i.e. The Margaret Mitchell House) is that development rights that would otherwise likely go unused (given the limitations regarding incompatible additions and alterations to the LBS property) could be sold to another party thus generating additional income for the sending site. Based on the information we have at this time, Staff has no concerns regarding the proposed TDR.

Staff Recommendation: Staff recommends that a letter of support with the Staff’s and the Commission’s comments be sent to the Applicant and the Zoning review Board.



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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT
September 14, 2016
Updated
October 12, 2016
(updated text in italics)

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-16-360) for new signage at **110 (aka 102) Centennial Olympic Park Dr.** Property is zoned Castleberry Hill Landmark District (Subarea 2).

Applicant: Andre Tyler
333 Nelson St. Unit 218.

Facts: This existing commercial structure is considered non-contributing to the District.

Analysis: The following Code sections apply to this application:

Sec. 16-20N.007. - General regulations.

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

17. *Signage.* The provisions of the Atlanta Sign Ordinance apply to this district.

Sec. 16-28A.010. - District regulations.

The following regulations shall apply to all signs within the districts indicated. No signs other than those specifically authorized in this section for each district shall be permitted unless otherwise expressly authorized in section 16-28A.007 or elsewhere in this chapter 28A. All signs authorized in a particular district by this section shall, in addition to these district regulations, meet all other regulations in this chapter 28A, including but not limited to section 28A.007, and also shall comply with all other applicable provisions of Part 16 and of the Code of Ordinances.

(5) *C-1 (Community Business) District.* The following signs shall be permitted in the C-1 (Community business) district:

- a. *Number and Area of Building Signs:* Wall signs, projecting signs, canopy signs, parapet wall signs, suspended signs, and marquee signs shall be permitted. A maximum of three building signs shall be permitted for each business establishment. The combined area of these permitted building signs shall not exceed ten percent of the total area of the wall of the front of each said business establishment, and in no case shall any individual sign exceed 200 square feet. Notwithstanding these provisions, every business establishment shall be entitled to at least 60 square feet total combined sign area.
- b. *Building Signs on Corner Lots:* For corner lots, one additional building sign for the business establishment occupying the corner space shall be permitted, provided it is oriented toward the additional street frontage. The total area of said sign shall not exceed ten percent of the total area of

the wall of said building occupied by such business establishment and oriented toward the additional street frontage, or 60 square feet, whichever is less.

- c. *Freestanding Signs:* In addition to the building signs permitted in subsections a. and b. above, one freestanding sign shall be permitted for each lot. On interior lots, said freestanding sign shall not exceed 60 square feet in sign area when located in the required front yard setback. If located within the buildable area of the lot, said interior freestanding sign may be enlarged from said 60 square foot maximum at a rate of one additional square foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 100 square feet in total sign area. On corner lots, said freestanding sign shall not exceed 90 square feet in sign area when located in the required front yard setback. If located within the buildable area of the lot, said corner freestanding sign may be enlarged from said 90 square foot maximum at a rate of one additional square foot of sign area per additional linear foot of setback from the required front yard setback line, measured perpendicularly, up to a maximum of 130 square feet in total sign area.
 - d. *Shopping Center Signs:* In lieu of the freestanding sign permitted in subsection c. above, shopping centers shall be permitted one single freestanding business identification sign. Said sign may be located within the required front yard setback. Said sign shall not exceed 200 square feet in sign area. Where a shopping center has frontage on two or more streets, one additional sign shall be permitted for each additional street frontage provided that such additional street does not face a residential district.
 - e. *Height of Signs:* No freestanding sign shall exceed 35 feet in height above the level of the surface of the pavement of the nearest lane of the main traveled way or 35 feet from the ground at the base of the structure to the tallest part of the structure whichever is greater.
 - f. *Animated, Flashing or Changing Signs Prohibited:* No animated, flashing or changing signs shall be permitted.
 - g. *Signs Extending Over Right-of-Way Prohibited:* No sign shall extend or project over any property line onto sidewalk or street right-of-way.
 - h. *Billboard Signs Prohibited:* Billboard signs shall be prohibited.
 - i. *Building Signature Signs:* Subject to the restrictions set forth in section 16-28A.007(p).
- (49) *Castleberry Hill Landmark District.* The sign regulations for the Castleberry Hill Landmark District shall be the same as those in Section 16-28A.010(5) (C-1 Community Business District), provided that:
1. No billboard signs shall be permitted in the Castleberry Hill Landmark District.
 2. No sign shall be permitted within the district except after approval by the urban design commission of a certificate of appropriateness as specified in chapter 20 of this part.
 3. The location of the sign, unless otherwise specified within this subsection (49), shall be subject to the approval of the urban design commission simultaneously with the request for a certificate of appropriateness.
 4. Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
 5. Signs shall be located as follows:
 - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice;
 - ii. On or in display windows or upper façade windows;
 - iii. On or in the glazing of the doors;
 - iv. On the valance of awnings;
 - v. On the fascia or top edge of canopies; or
 - vi. Projecting perpendicularly from the building.
 6. Where a principal structure is located immediately adjacent to the street, each business establishment shall be permitted to have one sign that does not exceed eight square feet in sign area that projects into the public right-of-way, subject to all other provisions of this part regarding projecting signs. This projecting sign shall be considered one of the three signs allowed for each business establishment.
 7. Freestanding or shopping center signs shall be permitted in Subarea 2 of the district, provided that they are no taller than the principal structure or 20 ft., whichever is less.
 8. The combined area of these permitted building signs shall not exceed ten percent of the total area of the front wall of each said business establishment, and in no case shall any individual sign exceed

200 square feet. Notwithstanding these provisions, every business establishment shall be entitled to at least 60 square feet total combined sign area.

9. No changing signs shall be permitted.
10. No internally illuminated signs shall be permitted.

A new 34"x34" internally lit sign is proposed for this existing commercial structure. As the property in question spans the entire block, Staff recommends the Applicant specify the specific storefront this sign will be associated with. Per the regulations, internally illuminated signs are prohibited. As such, Staff recommends the sign not be internally illuminated. The proposed location of the sign (to the left of the storefront parallel with the transom) does not meet the regulations. Staff recommends the location of the sign be changed to one of the allowed locations. Further, Staff recommends the Applicant document that the sign is no more than 10% of the storefront face. Finally, Staff recommends the sign be attached to the building at the mortar joints.

The Applicant has provided new information showing that the sign will be installed in the storefront associated with suite 102 of 110 Centennial Olympic Park Dr. The Applicant has also indicated that the sign will not be internally illuminated and that the sign is less than 10% of the storefront façade. No new information regarding an appropriate location for the sign has been provided at this time. Given the height of the storefront and transom windows, Staff finds that the proposed sign would be unusable in the locations prescribed by the regulations. After discussions with the Applicant, Staff finds that a perpendicular or "blade" type sign would better suit the needs of the project. As such, Staff recommends the proposed sign be a perpendicular sign.

CA3-16-360:

Staff Recommendation: Based upon the following:

- 1) The project meets the regulations with the exceptions noted above per Sec. 16-20N.007;

Staff recommends Approval of the Application for a Type II Certificate of Appropriateness (CA2-16-360) for new signage at **110 (aka 102) Centennial Olympic Park Dr.** with the following conditions:

1. *The proposed sign shall be a perpendicular sign, per Sec. 16-29A.10(49)(10); and,*
2. *Staff shall review and if appropriate, approve the final plans and documentation.*



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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **September 14, 2016**

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-16-370) for demolition due to a threat to health and safety at **24 Bell Street, SE** – Property is Martin Luther King, Jr. Landmark District (Subarea 4).

Applicant: Rex K. Bray
350 Research Court, Peachtree Corners

Facts: These one-story commercial buildings are considered contributing to the District and according to the District inventory sheet were built in the 1950s-1960s. According to the District inventory sheet, the property consists of two buildings that have had individual addresses in the past:

- #30 Bell Street: a longer building along the west property line set back from the street that was built in 1952 and first used as an automobile repair shop.
- #26 Bell Street: a smaller building along the south property line, with a storefront design up against the back of the sidewalk which was built between 1953 and 1967, and originally housed Ace Cab Company.
- In the 1970s, Ace Bar-B-Q Barn occupied both buildings.
- Since 2002, #30 Bell Street suffered an extensive fire. The District inventory sheet from 2014 shows a severely burned roof, no storefront windows or doors, and few interior features.

According to the Applicant both buildings together have 1,346 sq. ft. of floor area and have been vacant since 2003. Further, since that time the buildings have been vandalized and as noted above a fire occurred in #30 Bell Street.

Analysis: The following code sections apply to this application:

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

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories.

(3) Landmark Districts:

- a. To change the exterior appearance of any structure within any Landmark District;

- b. To erect any new structure or to make an addition to any structure within a Landmark District;
- c. To demolish or move any structure, in whole or in part, within a Landmark District; or

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).]

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

3. Certificates of Appropriateness

- d. Type IV Certificates of Appropriateness.
 - i. Type IV Certificates of Appropriateness shall be reviewed by the Commission and shall be required for the demolition or moving of any contributing structure.
 - ii. A partial demolition of a contributing structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic or cultural interpretability or importance.

Unless otherwise noted below, the Staff has found that the Applicant has adequately responded to the demolition criteria / documentation requirement. The Staff will only address criteria / documentation requirements that it found were either not met, needed additional clarification or discussion, or had not been provided. The comments below are organized using the same numbers for the criteria / documentation requirements as listed in the Type IV Certificate of Appropriateness application package for a threat to public health and safety.

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 has referenced two City of Atlanta Code Enforcement citations which state "the property has been inspected and conditions have been found which are unsafe or unsanitary". Further, the Staff does not doubt that the properties in their current condition detract from the District and present a safety concern due to their potential use for illegal activity and homeless occupancy. However, while the Staff would acknowledge the Code Enforcement office's conclusions and those of nearby neighbors, in the Staff's opinion the citations and letters of support do not provide documentation of a major and imminent threat to public safety.

The Staff finds that the analysis provided by the Applicant does not include sufficient supporting information to conclude that a threat to public health and safety exists on the

property. As such, the Staff would recommend the Applicant provide an independent analysis and related supporting documentation that a major and imminent threat to public health and safety currently exists on the property.

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

The Applicant notes in their response that “the most reasonable alternative for rectifying the threat is to demolish the existing structure due to significant fire damage and the substantial cost to rebuild. The building is too dilapidated to make repairs and restoration a viable option.” An estimate from a contracting company puts the cost at \$186,000 to “rehabilitate the structure”. There is no information provided in response to this question about the cost to demolish and then rebuilding a similar structure(s) or to demolish a portion of the two-structure complex (presumably #30 Bell Street, which appears to be in the worst condition) and rehabilitate #26 Bell Street. A cost was provided just for demolition \$21,000. The Staff would recommend the Applicant provide supporting analysis and information for all potential alternatives to rectifying the threat to public health and safety.

3(b)(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 noted in their response that it the property isn't for sale or lease and that any potential lease income for a refurbished property would not cover the normal operating costs such as taxes, maintenance, property management and security. It does not appear that they attempted to obtain the information requested in the criteria, including from the previous owner or that such information might be available. The Staff would recommend the Applicant attempt to obtain from the previous owner 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 for the previous three (3) years and/or describe their unsuccessful efforts to do so.

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 did not provide a fair market value prior to the designation. The Staff would recommend the Applicant provide information or a response about the fair market value of the property prior to its designation.

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 letter from a registered architect noting the problems with the walls of the structure and the roof structure, as well as the conclusion “I do not believe this structure is suitable for rehabilitation and therefore be demolished”. While the Staff acknowledges the letter is from a licensed architect, it is concerned about the lack of information and detail contained in the letter. Further, it would appear that the architect considers the two buildings to actually be one building, making their structural soundness and suitability one in the same.

The Staff would recommend the Applicant provide a more detailed report with supporting analysis from the licensed architect as to the structural soundness of any structures on the property and their suitability for rehabilitation and have that architect document their experience with rehabilitation projects.

- 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.**

An estimate from a contracting company puts the cost at \$186,000 to “rehabilitate the structure” that does not include interior tenant fit out. There is no information provided in response to this question about the cost to demolish and then rebuilding a similar structure(s) or to demolish a portion of the two-structure complex (presumably #30 Bell Street, which appears to be in the worst condition) and rehabilitate #26 Bell Street. A cost was provided just for demolition \$21,000. The Staff would recommend the Applicant provide costs to demolish and then rebuild a similar structure(s) and to demolish a portion of the two-structure complex (presumably #30 Bell Street, which appears to be in the worst condition) and rehabilitate #26 Bell Street.

- 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.**

The Applicant provided the following values for the property:

At the time of purchase	\$175,597.05
In its current condition	\$175,000

Though conclusions are offered about other alternatives for action on the property, no actual values were provided for a rehabilitation alternative, a part demolition / part rehabilitation alternative, or a complete demolition / rebuild a similar structure alternative. The Staff would recommend the Applicant provide valuations (and supporting documentation) for a rehabilitation alternative, a part demolition / part rehabilitation alternative, or a complete demolition / rebuild a similar structure alternative.

- 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 Applicant notes that Nathan Kirkman (register architect) and Deborah Bell (registered landscape architect) concluded that “restoration of the building is financially impractical and its preservation under the guidelines of the City historic preservation program would not further the goals of the program nor the vision of the Sweet Auburn community.” In reading Mr. Kirkman’s letter, no such conclusions are reached. Ms. Bell, as a registered landscape architect, is not one of the professionals listed in the criteria to offer conclusions about this topic. Nonetheless she does not offer any economic viability analysis either.

The Staff would recommend the Applicant provide 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.

- 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.**

The Applicant does address the infeasibility of building an addition on the top of the building and notes further that the existing building with an addition would not “contribute architecturally by being retained”. They continue by noting that the building “isn’t architecturally compatible with most of the other, older buildings on the block and it wouldn’t enhance the community’s commercial needs if rehabilitated and repurposed.” The Applicant did not provide any analysis or information supporting these conclusions. Further, they did not provide any response regarding the transfer of development rights possibility.

The Staff would recommend the Applicant provide an analysis of the costs and economic value of an addition in combination with a rehabilitation of the buildings. The Staff would further recommend the Applicant provide an analysis of potential transfer of development rights from the property.

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

The Applicant notes that the owner “has been searching for economic incentives from several programs.” Given its location in the National Register of Historic Place’s Sweet Auburn National Landmark District and the City of Atlanta’s Martin Luther King, Jr. Landmark District, several historic preservation incentive programs might apply to this property and its circumstances. The Staff would recommend the Applicant provide an assessment of the economic incentives that could apply to the property / project.

12. Provide photographs of the existing conditions of the building, both exterior and interior.

The Applicant provided one photograph of one portion of the interior of one of the buildings. The Staff would recommend the Applicant provide additional photographs of the interior of both buildings.

Overall Comments

Based on the limited information, analysis and photographs provided by the Applicant, the Staff finds that the buildings in their current condition do need significant rehabilitation work and are potentially unsafe. It is clear that there are structural and building material issues. The Staff would also agree that if additional structural loads were placed on the buildings in their current condition, the compromised structures could collapse. The Staff finds that conditions and circumstances exist that could create an imminent and major threat to public health and safety.

However, based on the information submitted, the Staff finds that all of the criteria have not been satisfied, including a fully supported / documented conclusion that a major and imminent threat currently exists at the property. Given the information we have at this time, the Staff cannot support the application for complete demolition of the structure.

The Staff would further note that almost all of the Applicant's analysis, commentary, documentation, and conclusions view what are actually two buildings built next to each other as one building. The buildings were built at different times with different construction methods / materials. Even potentially more important, they appear to have substantively different conditions. Based on the information provided by the Applicant, it would appear that #30 Bell Street is in worse condition. Given that the property has in fact two buildings, the Staff finds that the analysis of their potential demolition should be distinct so as to allow the buildings to be assessed individually. Though in the end this dual analysis could support the demolition of both buildings, knowing more information about each building would be extremely useful.

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 Staff has submitted a request to the Office of Buildings to inspect the property 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) Based on the information provided with this application to date, the Applicant has not met all of the criteria proving that a threat to public health and safety currently exists on the property, per Section 16-20.008;

Staff recommends deferral of the application for a Type IV Certificate of Appropriateness (CA4PH-16-370) for demolition due to a threat to health and safety at **24 Bell Street, SE** – Property is Martin Luther King, Jr. Landmark District (Subarea 4)., to allow time for the Applicant to address the following concerns and comments:

1. The Applicant shall provide an independent analysis and related supporting documentation that a major and imminent threat to public health and safety currently exists on the property, per Section 16-20.008;
2. The Applicant shall provide supporting analysis and information for all potential alternatives to rectifying the threat to public health and safety, per Section 16-20.008;
3. The Applicant shall attempt to obtain from the previous owner 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 for the previous three (3) years and/or describe their unsuccessful efforts to do so, per Section 16-20.008;
4. The Applicant shall provide information or a response about the fair market value of the prior to its designation, per Section 16-20.008;
5. The Applicant shall provide a more detailed report with supporting analysis from the licensed architect as to the structural soundness of any structures on the property and their suitability for rehabilitation and have that architect document their experience with rehabilitation projects, per Section 16-20.008;
6. The Applicant shall provide costs to demolish and then rebuild a similar structure(s) and to demolish a portion of the two-structure complex (presumably #30 Bell Street, which appears to be in the worst condition) and rehabilitate #26 Bell Street, per Section 16-20.008;
7. The Applicant shall provide valuations (and supporting documentation) for a rehabilitation alternative, a part demolition / part rehabilitation alternative, or a complete demolition / rebuild a similar structure alternative, per Section 16-20.008;
8. The Applicant shall provide 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, per Section 16-20.008;
9. The Applicant shall provide an analysis of the costs and economic value of an addition in combination with a rehabilitation of the buildings, per Section 16-20.008;
10. The Applicant shall provide an analysis of potential transfer of development rights from the property, per Section 16-20.008;
11. The Applicant shall provide an assessment of the economic incentives that could apply to the property / project, per Section 16-20.008;
12. The Staff would recommend the Applicant provide additional photographs of the interior of both buildings, per Section 16-20.008; and
13. The Applicant shall submit the required materials (and the required number of copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.



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TIM KEANE
Commissioner

OFFICE OF DESIGN

STAFF REPORT

September 28, 2016

Updated

October 12, 2016

(Updated text in italics)

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-411) for a new single family residence at **753 Hill St.** Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Michael Edey
112 Bradley St.

Facts: According to the District inventory this lot is currently vacant.

Analysis: The following Code sections apply to this application:

Sec. 16-07.008. - Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

(5) *Maximum floor area within this district:*

- a. For a single-family detached dwelling on a lot which meets the minimum lot area requirement described in section 16-07.007(2): The maximum floor area ratio shall not exceed 0.50 of the net lot area.
- b. For a single-family detached dwelling on a lot which does not meet the minimum lot area requirement described in section 16-07.007(2):
 1. The maximum floor area allowed shall not exceed the lesser of either: (i) 3,750 square feet of floor area; or (ii) a maximum floor area ratio of 0.65 of the net lot area unless otherwise permitted as stated in subpart 2 below;
 2. If the floor area ratio does not allow it least 1,800 square feet of floor area, a dwelling of such size may be built provided that all other provisions of this part shall apply unless relief from such provisions has been granted by the board of zoning adjustment.
- c. For a duplex: The maximum floor area ratio shall be 0.60 of the net lot area.
- d. For a two-family dwelling that is not a duplex: The maximum floor area ratio within this district shall not exceed 0.50 of the net lot area for the main unit of a two-family dwelling, provided however that the secondary dwelling unit shall not exceed 750 square feet.

- (6) *Maximum lot coverage:* Maximum lot coverage within this district shall not exceed 55 percent of the net lot area.

Sec. 16-20K.006. - General regulations.

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

(1) *General Criteria.*

- (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.
- (B) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
- (C) In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.

(2) *Certificates of Appropriateness.*

(C) Type III Certificates of Appropriateness shall be required for:

1. All new principal structures;
- (3) *Variances.* Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this Part 16.

Sec. 16-20K.007. - Specific regulations: Residential Subarea I.

(1) *Development Controls.*

- (A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- (B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
- (C) *Rear Yard:* Rear yard setback shall be seven feet.
- (D) *Off-street parking and driveway requirements:*
1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.

(2) *Architectural Standards.*

(A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

(B) *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.

3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front façades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two entrance step risers each of which shall be no less than six inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front façade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any façade that faces a public street shall originate at grade.
11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four feet in height may be erected in a front yard. Other than retaining walls, walls shall not be erected in a front yard or a half-depth front yard.
 - b. Fences and walls not exceeding six feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.

- c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.
- (C) *Design Standards and Criteria for Alterations and Additions to Non-contributing Structures.* Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.
- (D) *Design Criteria for Alterations and Additions to Contributing Structures.* Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:
- 1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
 - 2. New additions, exterior alterations, or related new construction will 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 will be compatible with the massing, size, scale and architectural features of the property and environment.
- (E) *Site development, sidewalks and curbs:*
- 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 - 2. Repairs or replacement of existing brick sidewalks shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 - 3. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 - 4. Sidewalks crossing driveways shall be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons shall not interfere with the visual field of the pedestrian path.
 - 5. Curbing shall be granite; poured concrete shall not be used. Curbing shall be at least six inches in height from street level.
 - 6. Historic materials such as brick, granite, and cobblestones shall be reused where possible.
 - 7. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district shall be a red brick color.

General Comments For All Proposed Houses

This proposed single family dwelling is one of two proposed adjacent houses that will be reviewed at the same time. Staff has some general concerns that apply to the site and the design of both of the houses.

In looking at the design of the houses as a whole, Staff has concerns regarding the lack of architectural diversity. The proposed houses are identical, including the floor plan. As there are several different two-story houses in the neighborhood that could be used as inspiration for the proposed design, Staff finds there is an opportunity to create architecturally diverse homes that represent historic houses

in the district and allow for the desired density. While the proposed designs generally meet the requirements, Staff suggests the Applicant clarify whether there is any opportunity to propose houses that are not identical.

In the revised drawings the Applicant has “mirrored” the house in order to provide streetscape diversity.

Site Plan

As allowed by the regulations, the proposed structure will be setback 8 feet from the south side property line, and 7 feet from the rear property lines. The north side property line is proposed as 5 feet. The code allows four options for determining the appropriate side yard setbacks. The setbacks can either conform to the setback of the previously existing contributing building of like use; conform to the setback of the existing building; conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or be of a width of not less than 7 feet. As the proposed setback is less than 7 feet, there is no existing contributing structure on the lot, and as no information regarding the appropriateness of the setback based on the other two options has been received, Staff cannot determine whether 5 feet is an appropriate distance for the north side yard setback. Staff recommends the Applicant provide justification for the north side yard setback based on either the north side yard setback of the previously existing contributing building of like use, or an existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block.

The Applicant has provided documentation regarding the allowable setback for the north side yard setback. Based on this information, the allowable side yard setback range for this block face is 17’, based on the contributing structure at 767 Hill St., and 3.5’, based on the contributing structure at 763 Hill St. As such, Staff finds the proposed north side yard setback of 5’ meets the District regulations.

The proposed structure will be setback from Hill St 30 feet as measured from the front façade. The Grant Park Historic District regulations require the front yard setback to be based on either the compatibility rule or the previously existing contributing structure of like use. No information regarding the compatibility of the front yard setback has been received at this time. As such, Staff recommends the Applicant provide information documenting the compatibility of the front yard setback based on either compatibility rule or the previously existing contributing structure of like use on the lot.

The Applicant has provided information documenting the allowable front yard setback range for the block face. Staff finds that the allowable setback range for this block face is 14’, based on 763 Hill St., and 21’, based on the properties at 773 & 779 Hill St. According to the Applicant, these measurements were taken from the lot line to the front porch. The proposed structure is setback from Hill St. 26’ as measured from the lot line to the front porch. As such, Staff recommends the front yard setback be 21’ as measured to the front porch.

The subject property is a nonconforming lot with regards to its size and street frontage. As such the R-5 regulations allow for a floor area ratio of 65% of the net lot area. The net lot area of the subject property is 3217 sf. meaning that any principal structure built on the site has a maximum allowable floor area of 2091 sf. The proposed structure has a floor area of 2790 sq. ft. which

meets the R-5 floor area requirements. The R-5 lot coverage requirements allow for no more than 55% of impervious surface or 1769 sf. The lot coverage of the proposed structure is 1566 sf. or 49%. Staff finds the lot coverage requirements have been met.

The plans indicate an existing concrete sidewalk along the Hill St. frontage. Staff recommends that any repairs to portions of the sidewalk damaged during construction meet the District regulations. The District regulations require a path leading from the sidewalk to the front entry. The plans do not indicate a front walkway being provided. Staff recommends the plans be revised to show a walkway leading from the front entry to the sidewalk.

An 8' wide driveway is proposed to run along the south side of the property. Per the regulations the driveway extends 20' past the front façade of the structure.

Massing and Building Height

The proposed two story house is defined by a 6 in 12 gabled roof, and a two story full width front porch. Per regulations, the maximum height allowed is 35'. The Grant Park Historic District regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. In looking at the front façade, Staff finds the height requirement has been met. Staff finds the overall height, massing and design of the proposed dwelling are not similar to the 4 contributing structures on the block face, but finds that the regulations have been met nonetheless.

The plans include a cantilevered second story on the south side of the front façade. Staff suggests the Applicant move the cantilever to the rear of the structure to lessen the impact of this feature on the front façade of the structure.

Building Facades

The Commission reviews the facades that face a public street. This is an interior lot, therefore Staff will only comment on the front façade.

Windows and Doors

A single front door is parallel and facing Hill St. as required. Two French doors are proposed on the first and second story porch and will contain. The Applicant is proposing to install a single 1 over 1, double hung window, an accent window, and a gable window on the front facade. Staff finds the design of the proposed windows and doors to be appropriate.

The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or to be no less than 15% and no more than 40% of the wall surface. The proposed structure will have approximately 25% fenestration on the front façade. Staff finds the fenestration requirements have been met.

Building Materials

The proposed materials include a brick foundation, asphalt architectural shingles for the roof, a brick foundation, and wood railing on the front porch, wood windows, a wood framed front entry door, and wood framed glass French doors. The materials for the front porch columns are not indicated. Staff recommends an appropriate material for the porch columns be indicated on the

plans. The materials for the front porch steps are not indicated. Staff recommends an appropriate material for the front porch steps be indicated on the plans. The material of the horizontal lap siding is not indicated. Staff recommends an appropriate material for the horizontal lap siding be indicated on the plans.

Porch

Per regulations, the minimum allowed depth for the front porch is 8'. Staff finds that the proposed porch is 8' at its narrowest point and therefore meets this requirement. The porch features fluted columns and railings that are compatible with other similar porches in the District. Staff finds the overall decorative details of the proposed front porch are consistent and compatible with the house style.

CA3-16-411:

Staff Recommendation: Based upon the following:

1) The project meets the regulations with the exceptions noted above, per Sec. 16-20G.007;

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-16-411) for a new single family residence at **753 Hill St.** to allow the Applicant time to address the following Staff concerns:

1. *The front yard setback shall be 21' as measured to the front porch, per Sec. 16-20K.007(1)(B):*
2. The plans shall be revised to show a walkway leading from the front entry to the sidewalk, per Sec. 16-20K.007(2)(B)(2);
3. An appropriate material for the porch columns shall be indicated on the plans, per Sec. 16-20K.007(2)(B)(15);
4. An appropriate material for the front porch steps shall be indicated on the plans, per Sec. 16-20K.007(2)(B)(15);
5. An appropriate material for the horizontal lap siding shall be indicated on the plans, per Sec. 16-20K.007(2)(B)(15); and,
6. All updated materials shall be submitted no less than 8 business days before the scheduled deferred meeting date.



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TIM KEANE
Commissioner

OFFICE OF DESIGN

STAFF REPORT

September 28, 2016

Updated

October 12, 2016

(Updated text in italics)

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-412) for a new single family residence at **755 Hill St.** Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Michael Edey
112 Bradley St.

Facts: According to the District inventory this lot is currently vacant.

Analysis: The following Code sections apply to this application:

Sec. 16-07.008. - Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

(5) *Maximum floor area within this district:*

- a. For a single-family detached dwelling on a lot which meets the minimum lot area requirement described in section 16-07.007(2): The maximum floor area ratio shall not exceed 0.50 of the net lot area.
- b. For a single-family detached dwelling on a lot which does not meet the minimum lot area requirement described in section 16-07.007(2):
 1. The maximum floor area allowed shall not exceed the lesser of either: (i) 3,750 square feet of floor area; or (ii) a maximum floor area ratio of 0.65 of the net lot area unless otherwise permitted as stated in subpart 2 below;
 2. If the floor area ratio does not allow it least 1,800 square feet of floor area, a dwelling of such size may be built provided that all other provisions of this part shall apply unless relief from such provisions has been granted by the board of zoning adjustment.
- c. For a duplex: The maximum floor area ratio shall be 0.60 of the net lot area.
- d. For a two-family dwelling that is not a duplex: The maximum floor area ratio within this district shall not exceed 0.50 of the net lot area for the main unit of a two-family dwelling, provided however that the secondary dwelling unit shall not exceed 750 square feet.

- (6) *Maximum lot coverage:* Maximum lot coverage within this district shall not exceed 55 percent of the net lot area.

Sec. 16-20K.006. - General regulations.

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

- (1) *General Criteria.*
 - (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.
 - (B) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - (C) In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - (C) Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures;
- (3) *Variances.* Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this Part 16.

Sec. 16-20K.007. - Specific regulations: Residential Subarea I.

- (1) *Development Controls.*
 - (A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - (B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
 - (C) *Rear Yard:* Rear yard setback shall be seven feet.
 - (D) *Off-street parking and driveway requirements:*
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.
- (2) *Architectural Standards.*
 - (A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.
 - (B) *Design Standards and Criteria for New Principal Structures.*
 - 1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
 - 2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.

3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front façades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two entrance step risers each of which shall be no less than six inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front façade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any façade that faces a public street shall originate at grade.
11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four feet in height may be erected in a front yard. Other than retaining walls, walls shall not be erected in a front yard or a half-depth front yard.
 - b. Fences and walls not exceeding six feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.

- c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.
- (C) *Design Standards and Criteria for Alterations and Additions to Non-contributing Structures.* Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.
- (D) *Design Criteria for Alterations and Additions to Contributing Structures.* Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:
- 1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
 - 2. New additions, exterior alterations, or related new construction will 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 will be compatible with the massing, size, scale and architectural features of the property and environment.
- (E) *Site development, sidewalks and curbs:*
- 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 - 2. Repairs or replacement of existing brick sidewalks shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 - 3. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 - 4. Sidewalks crossing driveways shall be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons shall not interfere with the visual field of the pedestrian path.
 - 5. Curbing shall be granite; poured concrete shall not be used. Curbing shall be at least six inches in height from street level.
 - 6. Historic materials such as brick, granite, and cobblestones shall be reused where possible.
 - 7. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district shall be a red brick color.

General Comments For All Proposed Houses

This proposed single family dwelling is one of two proposed adjacent houses that will be reviewed at the same time. Staff has some general concerns that apply to the site and the design of both of the houses.

In looking at the design of the houses as a whole, Staff has concerns regarding the lack of architectural diversity. The proposed houses are identical, including the floor plan. As there are several different two-story houses in the neighborhood that could be used as inspiration for the proposed design, Staff finds there is an opportunity to create architecturally diverse homes that represent historic houses

in the district and allow for the desired density. While the proposed designs generally meet the requirements, Staff suggests the Applicant clarify whether there is any opportunity to propose houses that are not identical.

In the revised drawings the Applicant has “mirrored” the house in order to provide streetscape diversity.

Site Plan

As allowed by the regulations, the proposed structure will be setback 8 feet from the south side property line, and 7 feet from the rear property lines. The north side property line is proposed as 5 feet. The code allows four options for determining the appropriate side yard setbacks. The setbacks can either conform to the setback of the previously existing contributing building of like use; conform to the setback of the existing building; conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or be of a width of not less than 7 feet. As the proposed setback is less than 7 feet, there is no existing contributing structure on the lot, and as no information regarding the appropriateness of the setback based on the other two options has been received, Staff cannot determine whether 5 feet is an appropriate distance for the north side yard setback. Staff recommends the Applicant provide justification for the north side yard setback based on either the north side yard setback of the previously existing contributing building of like use, or an existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block.

The Applicant has flipped the orientation of the house, and as a result, the proposed side yard setbacks have changed. The proposed north side yard setback is now 8’, and the proposed south side yard setback is now 5’. Given Staff’s previous comments regarding the proposed 8’ south side yard setback, Staff finds that the proposed 8’ north side yard setback meets the regulations. Regarding the proposed south side yard setback, the Applicant has provided compatibility information for the south side yard setbacks of contribution structures on the block face. Staff finds that the allowable south side yard setback range for this block face is 3.5’, based on the contributing structure at 767 Hill St., and 7’, based on the contributing structures at 779, 773, and 763 Hill St. As such, Staff finds the proposed south side yard setback meets the regulations.

The proposed structure will be setback from Hill St 30 feet as measured from the front façade. The Grant Park Historic District regulations require the front yard setback to be based on either the compatibility rule or the previously existing contributing structure of like use. No information regarding the compatibility of the front yard setback has been received at this time. As such, Staff recommends the Applicant provide information documenting the compatibility of the front yard setback based on either compatibility rule or the previously existing contributing structure of like use on the lot.

The Applicant has provided information documenting the allowable front yard setback range for the block face. Staff finds that the allowable setback range for this block face is 14’, based on 763 Hill St., and 21’, based on the properties at 773 & 779 Hill St. According to the Applicant, these measurements were taken from the lot line to the front porch. The proposed structure is setback from Hill St. 26’ as measured from the lot line to the front porch. As such, Staff recommends the front yard setback be 21’ as measured to the front porch.

The subject property is a nonconforming lot with regards to its size and street frontage. As such the R-5 regulations allow for a floor area ratio of 65% of the net lot area. The net lot area of the subject property is 3217 sf. meaning that any principal structure built on the site has a maximum allowable floor area of 2091 sf. The proposed structure has a floor area of 2790 sq. ft. which meets the R-5 floor area requirements. The R-5 lot coverage requirements allow for no more than 55% of impervious surface or 1769 sf. The lot coverage of the proposed structure is 1566 sf. or 49%. Staff finds the lot coverage requirements have been meet.

The plans indicate an existing concrete sidewalk along the Hill St. frontage. Staff recommends that any repairs to portions of the sidewalk damaged during construction meet the District regulations. The District regulations require a path leading from the sidewalk to the front entry. The plans do not indicate a front walkway being provided. Staff recommends the plans be revised to show a walkway leading from the front entry to the sidewalk.

The Applicant has submitted drawings showing a front walkway leading from the front door to the sidewalk.

An 8' wide driveway is proposed to run along the south side of the property. Per the regulations the driveway extends 20' past the front façade of the structure.

Massing and Building Height

The proposed two story house is defined by a 6 in 12 gabled roof, and a two story full width front porch. Per regulations, the maximum height allowed is 35'. The Grant Park Historic District regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. In looking at the front façade, Staff finds the height requirement has been met. Staff finds the overall height, massing and design of the proposed dwelling are not similar to the 4 contributing structures on the block face, but finds that the regulations have been met nonetheless.

The plans include a cantilevered second story on the south side of the front façade. Staff suggests the Applicant move the cantilever to the rear of the structure to lessen the impact of this feature on the front façade of the structure.

Building Facades

The Commission reviews the facades that face a public street. This is an interior lot, therefore Staff will only comment on the front façade.

Windows and Doors

A single front door is parallel and facing Hill St. as required. Two French doors are proposed on the first and second story porch and will contain. The Applicant is proposing to install a single 1 over 1, double hung window, an accent window, and a gable window on the front facade. Staff finds the design of the proposed windows and doors to be appropriate.

The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or to be no less than 15% and no more than 40% of the wall surface. The

proposed structure will have approximately 25% fenestration on the front façade. Staff finds the fenestration requirements have been met.

Building Materials

The proposed materials include a brick foundation, asphalt architectural shingles for the roof, a brick foundation, and wood railing on the front porch, wood windows, a wood framed front entry door, and wood framed glass French doors. The materials for the front porch columns are not indicated. Staff recommends an appropriate material for the porch columns be indicated on the plans. The materials for the front porch steps are not indicated. Staff recommends an appropriate material for the front porch steps be indicated on the plans. The material of the horizontal lap siding is not indicated. Staff recommends an appropriate material for the horizontal lap siding be indicated on the plans.

The Applicant has provided information detailing the use of wood fluted columns, and wood lap siding.

Porch

Per regulations, the minimum allowed depth for the front porch is 8'. Staff finds that the proposed porch is 8' at its narrowest point and therefore meets this requirement. The porch features fluted columns and railings that are compatible with other similar porches in the District. Staff finds the overall decorative details of the proposed front porch are consistent and compatible with the house style.

CA3-16-412:

Staff Recommendation: Based upon the following:

1) The project meets the regulations with the exceptions noted above, per Sec. 16-20G.007;

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-16-412) for a new single family residence at **755 Hill St.** to allow the Applicant time to address the following Staff concerns:

1. *The front yard setback shall be 21' as measured to the front porch., per Sec. 16-20K.007(1)(A);*
2. An appropriate material for the front porch steps shall be indicated on the plans, per Sec. 16-20K.007(2)(B)(15); and,
3. All updated materials shall be submitted no less than 8 business days before the scheduled deferred meeting date.



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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TIM KEANE
Commissioner

OFFICE OF DESIGN

STAFF REPORT
September 28, 2016

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-16-407) for a lot consolidation, (CA3-16-408) for a variance to allow an increase in building height from 52' (allowed) to 76' (proposed) and (CA3-16-409) for a new mixed-use development at **670-690 Dekalb Avenue** - Property is zoned I-2/Inman Park Historic District (Subarea 3)/ Beltline.

Applicant: Sharon Gay
303 Peachtree Street

Facts: The site sits on the north side of Dekalb Avenue south of the Edgewood Avenue bridge and east of Airline Street. The property includes property inside and outside the Inman Park Historic District that spans what was both sides of the historic railroad corridor (the District boundary followed the course of the historic railroad corridor). The property also contains the previous right-of-way and improvements of the north-south Gunby Street. As part of this project, the now Beltline corridor will be shifted to the east running diagonally from northwest to southeast from under the Edgewood Avenue bridge to Dekalb Avenue. The relocated Beltline corridor, along with the diagonal District zoning line creates a project site with three "sections": east of the Beltline corridor, west of the Beltline corridor inside the District and west of the Beltline corridor outside the District. The Commission role is limited to the first two sections of the project: east of the Beltline corridor and west of the Beltline corridor inside the District.

The property does not have any buildings on it, but does contain various paved areas, open ground, dirt piles, concrete pads, and the former Gunby Street improvements. Apart from the dirt piles, the property has somewhat of a bowl shape with slightly higher ground toward Dekalb Avenue. The entire property sits below the Edgewood Avenue bridge and street improvements which are on an elevated embankment / viaduct at the north edge of the property.

To the north (across Edgewood Avenue) is a contemporary mixed-use development with C-2 underlying zoning, to the northeast is a contemporary residential development with underlying I-2 zoning, to the east is a one story industrial / commercial building with underlying I-2 zoning (and beyond that the zoning is R-LC and C-2, to the south (across Dekalb Avenue) is the elevated MARTA trackway with underlying I-2 zoning, and to the west (across Airline Street) is a contemporary mixed-use development with MRC-3-C and C-3-C underlying zoning. All of the surrounding property is within the Beltline Zoning Overlay area.

Though much more fully described in their application, in summary the Applicant is proposing to:

1. Demolish all of the existing improvements on the site;
2. Build a multi-story, multi-part, multi-frontage, mixed-use building generally wrapping around a parking deck to the west of the relocated Beltline corridor with retail facing the relocated Beltline corridor; and
3. Build a multi-story, residential building around a courtyard to the west of the relocated Beltline corridor.

The Applicant is also requesting an increase in the height of the building on the site outside of the 150 ft. distance from a R-1 through R-5 zoned property. As noted above, the property is also subject to the Beltline Zoning Overlay, which requires the approval of a Special administrative Permit (SAP) to ensure compliance with those zoning regulations.

Lastly, per Section 16-20L.005(1)(c), in Subarea 3 of the District, the Office of Planning is required to review proposals regarding the general zoning requirements included within Subarea 3. These requirements deal with such issues as parking, open space, uses, floor area ratios and square footages, buffers, etc. This review must be completed before the Commission hears the application and completes its review.

Analysis: The following code sections apply to this application:

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

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

1. General Criteria.
 - b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - 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. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - 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, where possible, 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.

- c. New construction in Subarea 2 and in Subarea 3: Contemporary design for new construction and for additions to existing properties shall not be discouraged when such construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy Section 16-20L.007 or Section 16-20L.008, as applicable.
 - e. Initial plan review for proposed improvements in Subarea 2 and 3. Prior to submission of any development plans involving new construction including any addition to any existing building that otherwise requires review by the Commission, such plans shall first be submitted to and reviewed by the Bureau of Planning for conformance with the zoning requirements of Subarea 2 or 3 as applies. The Director of the Bureau of Planning shall review said plans and shall transmit to the director of the Urban Design Commission in writing within thirty days of receipt of such plans a written statement as to whether or not in the Planning Director's opinion, such plans are in conformance with the zoning requirements imposed within Subarea 2 or within Subarea 3, as is applicable.
 - f. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
2. Certificates of Appropriateness.
- 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.
 - d. Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures.
 - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a Certificate of Appropriateness in the Subarea regulations.
 - i. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
 - ii. Subdivisions, consolidations, and replats as required per Section 16-20L.005(5).
 - iii. Variances and special exceptions.
 - e. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.
3. Variances, Special Exceptions, and Appeals.
- Variance applications, applications for Special Exceptions, and appeals from these Regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in Chapter 26 of this Part 16. The Commission shall have the authority to grant or deny applications for Special Exceptions pursuant to the standards in Chapter 25. The Commission shall have the authority to grant or deny applications for appeal pursuant to the standards in Section 16-30.010 and the appeal provisions for said decision, set forth in Section 16-30.010(e), shall also apply to the Commission's decision.
5. Subdivisions or consolidations.
- b. In Subarea II and III, no replat to create additional lots or consolidation shall be approved unless and until the commission has made a finding that the proposed replat or consolidation will result in lots that would allow for future development that would meet the district and subarea regulations without the need for variance or special exception. The commission may make such a finding independent of or concurrently with the review of proposed new construction, alterations, or additions on those same lots.

Per Section 16-20L.008 of the Atlanta Land Development, as amended - Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3.

Subsections 1 – 22 [See attached copies of 16-20L.008 – Subarea 3 Regulations.]

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and

- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Office of Planning Analysis (Section 16-20L.005(1)(e)) and General Zoning Analysis

The Director of the Office of Zoning and Development (formerly the Office of Planning) will prepare for the Commission a zoning analysis of the proposed project as it relates to the requirements of Subarea 3, where the project is located. Beyond that zoning analysis, the Staff has the following conclusions about the relationship between the various zoning categories that affect the development framework of the property:

1. The I-2 zoning requirements address very basic characteristics of the property: allowed uses (principal, accessory, special), transitional characteristics (uses, height planes, yards, and screening), density, open space requirements, setbacks, lot size, yard requirements, height, and the number of off-street parking spaces.
2. The District regulations superseded or modified the I-2 zoning requirements related to setbacks, density, uses, building heights, and open space requirements.
3. The Beltline Zoning Overlay District superseded or modified the I-2 zoning requirements related to transitional yards, open space allowances, front setbacks, and off street space parking spaces requirements.
4. Both the District and Beltline Zoning Overlay District have requirements beyond the I-2 zoning requirements that address overall design, building articulation and fenestration, facades, and site arrangement.
5. The Beltline Zoning Overlay District has requirements that are stricter then the I-2 and District regulations, and thus are the governing requirement for that topic.
6. The Beltline Zoning Overlay requirements will be addressed through the concurrent Beltline Special Administrative Permit (SAP) review process.

CA3-16-407 - Lot Consolidation

As noted by the Applicant, the lot configuration associated with the residential and small scale commercial development patterns from the early 1900s has not existed for some time. Further, the early 1900s lot configuration did not correspond to the building pattern as there were multiple houses on large lots as was often the case with worker housing associated with nearby industrial uses (such as the railroad or the then Fulton Bag and Cotton Mill.)

While there is a variance associated with the proposed mixed-use project, the Staff finds that this proposed variance, given the circumstances of the property noted above, is not related to the overall property configuration and thus not related to the lot consolidation. These variance requests would not be affected positively or negatively by the lot consolidation.

The Staff finds that the proposed lot consolidation would make it more likely that future development (be it the proposal before the Commission now or any future proposal) could meet the district and subarea regulations without variances as multiple properties would become one, new project site increasing flexibility for the arrangement of buildings and uses within the consolidated parcel.

The Staff would note that the proposed mixed-use complex would be similar to other existing mixed-use complexes in Subarea 3 of the District. Lastly, the Staff would add that the Applicant must still complete the standard City of Atlanta / Office of Zoning and Development (formerly the Office of

Planning) lot consolidation process which applies to all properties in the City of Atlanta whether or not they are in a Historic or Landmark District.

The Staff would recommend approval of the lot consolidation request.

CA3-16-408 - Variance Analysis

The Applicant applied for a variance related to the building height. In the District regulations, there are two “height zones” for properties in Subarea 3: portions of property that are within 150 ft. of an R-1 through R-5 zoning district and those that are more than 150 ft. from a R-1 through R-5 zoning district. As noted above, all of the immediately adjacent and nearby properties have a variety of zoning categories, none of which are R-1 through R-5. As such, the Applicant has applied to increase the allowable height in the later of these two zones.

Within the District, the project has three frontages (Edgewood Avenue, Dekalb Avenue, and Airline Street) and thus three front elevations, as well as the frontage along the relocated Beltline corridor. For each of these three frontages (which is where the District regulations require the building’s height to be measured) the building must meet the building height limitations as established by the “more than 150 ft. distance from R-1 through R-5” height zone. In all three cases, the building is located immediately adjacent to the sidewalk given the requirement for and interest in the sidewalk level activity proposed for the project on all street frontages. As such, the Staff finds that the bottom starting point for measuring the building height on the front elevation and the bottom starting point for the building height measured “above the grade of the street on which said building faces” are the same.

At the same time, the District regulations also allow for variances from the maximum heights if certain building heights are met as measured “above the grade of the street on which said building faces”, other factors are considered, and the standard variance criteria are met. However, given that the overall building height at the front elevation is measured at the same location as the building height “above the grade of the street on which said building faces”, the Staff finds that these two measurement approaches would essentially result in the same height being calculated even though the regulations contemplate different “calculated heights” for the same building. As a result, the Staff finds that for these types of circumstances a reasonable and project-specific differentiation should be established between the measurement techniques to accommodate the ability to seek the variance outlined in the District regulations. The Staff finds that with keeping the two bottom starting points the same, a reasonable differentiation is that the overall building height would still be measured to the overall highest point of the building and the building height “above the grade of the street on which said building faces” should be measured to the top of the front-most building façade face.

Given this differentiation, the Applicant has proposed building height variances which maintain the height of the front-most façade building face within the range outlined in the District regulations for the building height “above the grade of the street on which said building faces” by stepping back the rest of the building that is above the front-most building façade face.

Further, the elevations note the overall building height along the three frontages, the heights of the building at the front-most building façade faces, and several heights on the interior-facing portions of the building in relationship to the proposed Beltline corridor. The elevations also show that the tallest

portion of the main building will be in the center area of the site immediately north of the parking deck and how the proposed building relates to the elevated MARTA track to the south.

On the variance request itself, the Staff concurs with the Applicant's argument. The Applicant notes the elevated position of Edgewood Avenue to the project site, the four street frontages and the one Beltline frontage, the constraints of the site due to the Beltline corridor, the high water table, and the environmental clean-up that will be needed to make the site acceptable for development. The Applicant also notes that the tallest portions of the building are located internal to the property, where the property is generally at its lowest and where it is farthest from the single-family homes and smaller buildings in general to the east, near and past Krog Street. The Staff would add that the Applicant has sufficiently differentiated between the overall building height and the height of the building at the front-most building façade face by setting back the top most level generally 8 ft. from the front-most building façade face, with additional step backs beyond that.

The Staff would recommend support of the variance to increase the building height.

General Development Controls and Parking Requirements.

A detailed breakdown of the amounts and types of nonresidential and residential uses is supplied, as well as a similar breakdown for open space requirements and parking ratios. The Applicant is utilizing a portion of both the ground floor commercial bonus and the total open space bonus allowed in the ordinance to achieve their proposed density and square footages.

The Staff would note that after establishing compliance with the "non-bonus" maximums and proportions, the regulations allow the floor area bonuses to be allocated to either category of square footage (residential or commercial) in whole or part beyond the respective "non-bonus" maximums and proportions. Taking into account the difference between the "non-bonus" residential square footage allowed and the actual residential square footage proposed, the Applicant has chosen to allocate their 56,700 sq. ft. bonus to their residential floor area for a combined floor area ratio of 1.067 net lot area. Further, the Applicant has applied for a transfer of development rights (TDR) to bring additional density to the site (30,000 sq. ft.) to bring their overall residential density to 1.26 net lot area, which is less than the overall FAR limitation of 1.49 net lot area.

The Staff finds that the bulk limitations have been met and the density bonuses have been properly calculated and allocated, per the District regulations.

However, the Staff would recommend that the Applicant clarify the non-residential uses and that none of the non-residential uses will exceed the maximums for such uses.

Regarding the parking, the calculations show that the minimum and maximum amounts of on-site parking for the residential use have been met. However, it is not clear that the minimum amount of on-site parking for the non-residential uses has been provided. According to the chart, 186 on-site parking spaces would be required for the non-residential uses but it seems that only 35 on-site parking spaces are provided. The Staff would recommend the Applicant clarify how the on-site parking requirements have been met for the non-residential uses.

Site Plan and Basic Design Analysis

Unless noted below, the Staff has concluded that the site plan-related elements meet the specific site plan related requirements of Subarea 3; the requirements are superseded by a more strict Beltline Overlay Zoning District regulation; the requirement is not applicable to this project due to the proposed design or the characteristic of the adjacent properties; or the Applicant has requested the above noted variances.

Sidewalk Zones (Section 16-20L.008(6)(a), (b), (c), and (l))

The Staff would recommend the site plan clearly delineate the street furniture and tree-planting zone and the clear zone and that such zones meet the minimum width requirements found in the District regulations.

Street trees and groundcover (Section 16-20L.008(6)(d))

The Staff would recommend that all street trees should be specified on the site plan as 4" in caliper measured 36 inches above ground, be a minimum of 12 feet in height, have a minimum mature height of 40 feet, be limbed up to a minimum height of seven feet, and have a minimum planting area of 25 sq. ft. The Staff would also recommend that the Applicant confirm the size of the tree planting area. The Staff would also recommend that the Applicant confirm the use of tree grates and their compliance with the District regulations.

Driveway design (Section 16-20L.008(10)(b))

The Staff would recommend that the driveways have the textured bands on either side as required by the District regulations.

Parking deck lighting (Section 16-20L.008(11)(a) and (b))

The Staff would recommend that the plans specify the lights for the parking deck and that they will not be visible from any public street, park, or private street.

Parking deck / sidewalk connections (Section 16-20L.008(10)(l))

The Staff would recommend that the plans specify a sidewalk connection between the ground level of the parking deck and the public sidewalk that meets the District regulations.

Electric vehicle charging stations and bicycle parking (Section 16-20L.008(15)(b) and (16)(a))

The Staff would recommend that the site plan identify the location of the required number of electric vehicle charging stations and bicycle parking locations.

Architectural Analysis

Unless noted below, the Staff has concluded that the architectural related elements meet the specific architectural related requirements of Subarea 3, the requirements are superseded by a more strict Beltline Overlay Zoning District regulation, or the requirement is not applicable to this project due to the proposed design

Building Heights

The proposed buildings are above the minimum height requirements. Regarding the maximum height requirements, given the Staff recommendation for the variance, the Staff finds the project meets the maximum heights provided for Subarea 3 of the District.

General Architectural Comments

Generally speaking, the Staff finds that given the allowance for contemporary design in Subarea 3, the proposed project meets the architectural requirements of the Subarea 3 regulations. Further, the Staff thinks that the size and massing of the buildings is appropriate for the site, as well as compatible with the District. However, given the size and scale of this proposal, there are several items that are not clear in the proposal.

If it is not clear if the window openings will be recessed back from the adjacent façade materials and if the window frames and light divisions themselves will appear flat and lack depth. The Staff would recommend that all the window framing be substantial enough in width and reveal (between window frame and glass and different sashes to provide a perception of weight and substance to the windows themselves. Given the scale of the elevations submitted, the Staff would further recommend that window specifications and cut sheets be submitted to the Staff for review and, if appropriate, approval. The Staff would also recommend that all storefront glass be clear to ensure visibility into the retail areas.

It is also not clear to the Staff the materials that will be used on the project as no materials are labeled on the drawings. The graphics would seem to suggest various types of masonry (brick, pre-cast panels, troweled stucco, stucco panels, etc.), manmade cementitious products, or potential metal panels of some type for the façade, some type of metal for the various railings, and various types of glass for the windows. The Staff would recommend the Applicant provide the specifications of all of the proposed exterior materials and that those materials meet the District regulations.

CA3-16-407 – Lot Consolidation

Staff Recommendation: Based on the following:

1. The proposed lot consolidation meets Section 16-20L.005(5)(b).

Staff recommends approval of the application for a Type III Certificates of Appropriateness (CA3-16-407) for a lot consolidation at **670- 690 Dekalb Avenue** - Property is zoned I-2/Inman Park Historic District (Subarea 3)/ Beltline.

CA3-16-408 - Variance

Staff Recommendation: Based upon the following:

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, per Section 16-26.003;
- 2) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship, per Section 16-26.003;
- 3) There are conditions that are peculiar to the particular piece of property involved, per Section 16-26.003; and
- 4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta, per Section 16-26.003.

Staff recommends approval of the application for a Type III Certificates of Appropriateness (CA3-16-408) for a variance to allow an increase in building height from 52' (allowed) to 76' (proposed) at **670- 690 Dekalb Avenue** - Property is zoned I-2/Inman Park Historic District (Subarea 3)/ Beltline.

CA3-16-409 – Design Review

Staff Recommendation: Based on the following:

- 1) The project meets the I-2 zoning regulations, except as noted above; and
- 2) The project generally meets the site plan, bulk limitation, and architectural requirements, per Section 16-20L.008, except as noted above.

Staff recommends approval of the application for a Type III Certificates of Appropriateness (CA3-16-409) for a new mixed-use development at **670-690 Dekalb Avenue** - Property is zoned I-2/Inman Park Historic District (Subarea 3)/ Beltline, with the following conditions:

1. The Applicant shall clarify the non-residential uses and that none of the non-residential uses will exceed the maximums for such uses, per Section 16-20L.008(13);
2. The Applicant shall clarify how the on-site parking requirements have been met for the non-residential uses, per the underlying I-2 zoning category;
3. The site plan shall clearly delineate the street furniture and tree-planting zone and the clear zone and that such zones shall meet the minimum width requirements found in the District regulations, Section 16-20L.008(6)(a), (b), and (c);
4. All street trees shall be specified on the site plan as 4" in caliper measured 36 inches above ground, be a minimum of 12 feet in height, have a minimum mature height of 40 feet, be limbed up to a minimum height of seven feet, and have a minimum planting area of 25 sq. ft., per Section 16-20L.008(6)(d);
5. The Applicant shall confirm the use of tree grates and their compliance with the District regulations, per Section 16-20L.008(6)(e);
6. The driveways have the textured bands on either side as required by the District regulations, per Section 16-20L.008(10)(b);
7. The plans shall specify that the lights for the parking deck and that they shall not be visible from any public street, park, or private street, per Section 16-20L.008(11)(a) and (b);
8. The Staff would recommend that the plans specify a sidewalk connection between the ground level of the parking deck and the public sidewalk that meets the District regulations, per Section 16-20L.008(10)(l);
9. The site plan identify the location of the required number of electric vehicle charging stations and bicycle parking locations; per Section 16-20L.008(15)(b) and (16)(a);
10. All the window framing shall be substantial enough in width and reveal (between window frame and glass and different sashes) to provide a perception of weight and substance to the windows themselves, per Section 16-20L.005(1)(b);
11. The window specifications and cut sheets shall be submitted to the Staff for review and, if appropriate, approval and all the storefront glass shall be clear to ensure visibility into the retail areas, per Section 16-20L.005(1)(b);
12. The Applicant shall provide the specifications of all of the proposed exterior materials and that those materials meet the District regulations, per Section 16-20L.005(1)(b); and
13. The Staff shall review, and if appropriate approve, the final design, site plan, elevations, and material specifications, including any changes to the project required by the Beltline Overlay Zoning District regulations.



CITY OF ATLANTA

KASIM REED
MAYOR

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TIM KEANE
Commissioner

OFFICE OF DESIGN

STAFF REPORT
September 14, 2016
UPDATED
October 12, 2016
(Updated text shown in italic.)

Agenda Item: *Application for Type III Certificate of Appropriateness (CA3-16-393) for an addition, alterations, window replacement and sit work at 851 White Street - Property is zoned R-4A/West End Historic District.*

Applicant: L. Divine Chapman
P O Box 3348, Decatur

Facts: According to the District inventory sheet, this dwelling was constructed between 1904 and 1905 and is contributing to the District. The interior lot is located on the north side of White Street.

The narrative the Applicant submitted with the application outlines the following work with their project:

1. Refurbishing the front porch, to include un-enclosing the left hand side, a new railing and new porch posts;
2. Installing new windows;
3. Replacing exterior doors;
4. Reinforcing the exterior steps;
5. Replacing the siding; and
6. Installing a new wood fence / replacing a chain link fence.

Further, based on the drawings themselves, they also are proposing the following work:

1. Removing the right hand chimney (per their roof plans);
2. Enlarging the front facing single dormer (per their front elevations)
3. Add a full bath room and closets to the built out attic adding square footage (floor plans); and
4. Demolish the right, rear corner of the house and build a new rear addition with a gabled roof that extends back to the main roof form (per their floor plans and elevations).

Substantial additional interior work is also proposed as part of the project but is not subject to review by the Commission.

On September 14, 2016, the Commission deferred this application to allow for the proper advertising of the proposed addition at the right, rear corner of the house. Further, the application was renumbered to be CA3-16-393. That advertising has been completed for the October 12, 2016 meeting.

The actual proposal for the project has not changed since the application was originally submitted and no additional information was submitted about the concerns raised in the September 14th Staff Report. However, based on further review of the plans, the Staff does have additional comments about those components of the project.

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.

- (1) Certificates of Appropriateness: Certificates of appropriateness within this district shall be required as follows:
 - (a) When required:
 - (i) To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;
 - (b) Type required:
 - (v) The following Type II Certificates of Appropriateness shall be reviewed by the commission and shall be required for any of the following to the extent they are visible from a public street:
 - a. Alterations to any façade of any principal structure; and
 - (vi) The following Type III Certificates of Appropriateness shall be reviewed by the commission and shall be required for:
 - a. All new principal structures.
 - b. Additions that are visible from a public street or park.
 - (vii) Type IV certificates of appropriateness shall be reviewed by the commission and shall be required for the demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.
- (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, louvres, 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.

- (3) Windows and Doors:
- (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
 - (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
 - (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.
 - (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.
- (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.
- (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:
- (a) Architecturally significant porches, including their component features, steps and stoops shall be retained.
 - (b) Replacement porches, steps and stoops shall match the original in size, style and materials. All front porch steps shall have closed risers and ends.
 - (c) Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.
 - (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.
 - (b) Carports and garages shall be behind the rear of the main structure. If the main structure is located on a corner lot, the front yard setback for that side street shall apply to the construction of a carport or garage.
 - (c) The use of alleys for access to such parking is permitted. No variance is required for driveways accessed from an alley.
- (14) Fences:
- (a) Fences shall be fabricated of brick, cast iron, wrought iron, stone or wood or metal pickets. Fence lines shall follow or run parallel to a property line in the front and half-depth front yards. Fences shall not obscure the front facade of the building.
 - (b) Fences located in the front or half-depth front yard shall not exceed four feet in height . Front yard fences may exceed four feet in height provided the height is no more than the height of the adjacent, contiguous fencing on immediately adjacent properties.
 - (c) Fences shall not exceed six feet in height when located in the side or rear yards.

- (d) Chain link fabric is not permitted in a front yard or half-depth front yard
 - (e) Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence shall not exceed six feet when located in a front or half-depth front yard.
 - (f) Walls are only permitted in the rear and side yards only when such yards are not adjacent to a public street and when such walls are located behind the rear façade of the principal structure. When such walls are permitted, they shall be 6 ft. or less in height.
- (16) Ornaments:
- (a) Architecturally significant ornaments, such as corner boards, cornices, brackets, downspouts, railings, columns, steps, doors and window moldings, shall be retained.
 - (b) Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
 - (c) Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.

The Staff is concerned about the accuracy of the plans. It appears from the interior photographs provided with the application (no exterior photographs were provided) that a portion of the rear of the house has already been removed and potentially portions of the front porch enclosure have already been removed. Publically available on-line photographs show a house with exterior changes since 2010. Since 1999, only a repair permit has been issued and that was in June, 2015. Also, the plans are not internally consistent regarding the proposed front façade window work (i.e. floor plans and elevations do not match). The Staff would recommend the Applicant provide photographs that show all portions of all four exterior facades and make the plans accurate to the existing conditions and internally consistent.

Refurbishing the front porch, to include un-enclosing the left hand side, a new railing and new porch posts.

While the Staff has no concerns about the un-enclosing of the front porch, it is not clear if the proposed front porch columns, railing, and other ornamental elements are compatible with the architectural style of the house. The Staff would recommend the Applicant provide more graphics and details regarding the front porch refurbishment and document compliance with the District regulations.

Installing new windows.

While it would appear that there are several existing windows that are either in poor condition or are not original / historic, the photographs provided by the Applicant do show some two-over-two windows which could be original or historic to the house. It is not clear where these two-over-two windows are and what condition they are in. Further, the design of the new windows appears to be one-over-one windows with little or no exterior trim. The District regulations require that architecturally significant windows including details, trim work, and framing, shall be retained; and original window openings shall not be blocked or enclosed, in whole or in part. The regulations further require that replacement windows are only permitted when originals cannot be rehabilitated; that replacement windows shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size; and 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.

The submitted materials do not address any of these issues. The Staff would recommend the Applicant provide detailed information about the existing windows, including their origins and condition to document the need for replacement. The Staff would further recommend that if the need for replacement is documented, the proposed windows meet the District regulations and such windows are indicated on the final plans through graphics and notes.

Based on further review of the plans, the Staff would note that both front façade windows are proposed to be replaced with larger plate glass windows, which would not meet the District regulations regarding their size even if the Applicant documents that the existing windows warrant replacement. The Staff would retain its previous recommendation.

Replacing exterior doors.

It is not clear from the narrative or submitted plans which doors are proposed for replacement and the design and materials of the replacement doors. The Staff would recommend the Applicant provide more graphics and details regarding any exterior door replacement and document compliance with the District regulations.

Reinforcing the exterior steps.

It is not clear from the narrative or submitted plans which stairs are to be reinforced and how the reinforcement will be done. The Staff would recommend the Applicant provide more graphics and details regarding the reinforcement of the exterior steps and document compliance with the District regulations.

Replacing the siding.

It is not clear from the photographs provided with the submission what the top most layer of siding is, what is behind that top most layer of siding and what condition the various layers of siding are in. The submitted materials do not address any of these issues. The Staff would recommend the Applicant provide detailed information about the existing siding (including what is underneath the top most layer), including its origins and condition to document the need for replacement. The Staff would further recommend that if the need for replacement is documented, the proposed siding meets the District regulations.

Installing a new wood fence / replacing a chain link fence.

No information was provided about the fence, including a site plan. The Staff would recommend the Applicant provide all pertinent information about the proposed fence work and that it meet the District regulations.

Removing the right hand chimney (per their roof plan).

It is not clear from the photographs provided by the Applicant and the photographs in the District inventory if these chimneys still actually exist. On the submitted roof plans, two chimneys are shown on the existing roof plan and one chimney (on the left hand side) is shown on the proposed roof plan. The Staff would recommend the Applicant provide additional photographs of the chimneys or chimney areas and if such chimneys currently exist, they shall be retained and repaired in-kind.

Enlarging the front facing single dormer (per their front elevations).

The submitted front elevation shows a different design for the front facing dormer. In the proposed elevation it appears to be slightly taller, shifted on the roof plan, and with a different window. It is not clear if this is an actual proposed change or a graphics problem. If the proposal is to replace the existing dormer with a new one, the Staff would not support such a change as it finds the existing dormer is not original or historic to the house. The Staff would recommend the Applicant clarify the proposal for the front facing dormer window and either retain or remove the existing front facing dormer.

Add a full bath room and closets to the built out attic adding square footage (per their floor plans). This proposed change does not affect the exterior of the house, but would affect the floor area calculation for the project, which is not provided with the submission. The Staff would recommend the Applicant document the floor area ratio of the final proposal and that it meets the pertinent zoning regulations.

Demolish the right, rear corner of the house and build a new rear addition with a gabled roof that extends back to the main roof form (per their floor plans and elevations).

No photographs have been provided with the submission to document the origin or condition of this portion of the house and the Staff is concerned about the loss of historic fabric. Further, given the design and detailing of the addition, the proposed addition would not be distinguishable from the original house thus creating a false sense of development and evolution to the house. The Staff would recommend the Applicant provide more information about the proposed demolition and addition on the right, rear corner of the house.

The proposed addition on the right, rear corner of the house would require the removal of a small bedroom and bathroom. The District inventory photograph does not show the right, rear corner of the house. Without exterior photographs, the Staff cannot confirm the condition of this portion of the house or whether it is original or historic to the house. Given the relationship between the two rooms and the rest of the floor plan of the house and that at least the bedroom area is covered by a low shed roof, it would appear that these are previous additions, though the time period of the additions is not clear. Further, the Staff is still concerned about the seamless design of the proposed addition such that there would be no distinction between the original house and what would be the current addition.

The Staff would recommend that the Applicant provide documentation that the existing rooms at the right rear corner of the house are not original or historic to the house or that their removal would not result in the loss of significant architectural features that destroy the house's historic interpretability or importance. The Staff would further recommend that if the removal of the rear portion of the house meets the District regulations, the proposed addition shall meet all District regulations and shall be differentiated from but compatible with the existing house.

Staff Recommendation: Based upon the following:

- a) The plans do not meet the regulations or are unclear, 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 (CA3-16-393) for alterations, window replacement and sit work at **851 White Street** - Property is zoned R-4A/West End Historic District. so the Applicant has time to address the following comments and concerns:

1. *The Applicant shall provide photographs that show all portions of all four exterior facades and make the plans accurate to the existing conditions and internally consistent;*
2. The Applicant shall provide more graphics and details regarding the front porch refurbishment and shall document compliance with the District regulations, per Section 16-20G.006(9);
3. The Applicant shall provide detailed information about the existing windows, including their origins and condition to document the need for replacement, per Section 16-20G.006(3);
4. If the need for replacement is documented, the proposed windows shall meet the District regulations and such windows shall be indicated on the final plans through graphics and notes, per Section 16-20G.006(3);
5. The Applicant shall provide more graphics and details regarding any exterior door replacement and shall document compliance with the District regulations, per Section 16-20G.006(3);

6. The Applicant shall provide more graphics and details regarding the reinforcement of the exterior steps and shall document compliance with the District regulations, per Section 16-20G.006(16);
7. The Applicant shall provide detailed information about the existing siding (including what is underneath the top most layer), including its origins and condition to document the need for replacement, per Section 16-20G.006(2);
8. If the need for the replacement of the siding is documented, the proposed siding shall meet the District regulations, per Section 16-20G.006(2);
9. The Applicant shall provide all pertinent information about the proposed fence work and that it meet the District regulations, per Section 16-20G.006(14);
10. The Applicant shall provide additional photographs of the chimneys or chimney areas and if such chimneys currently exist, they shall be retained and repaired in-kind, per Section 16-20G.006(16);
11. The Applicant shall clarify the proposal for the front facing dormer window and shall either retain or remove the existing front facing dormer;
12. The Applicant shall document the floor area ratio of the final proposal and that it meets the pertinent zoning regulations;
13. *The Applicant shall provide documentation that the existing rooms at the right rear corner of the house are not original or historic to the house or that their removal would not result in the loss of significant architectural features that destroy the house's historic interpretability or importance, per Section 16-20G.005(1)(b);*
14. *If the removal of the rear portion of the house meets the District regulations, the proposed addition shall meet all District regulations and shall be differentiated from but compatible with the existing house per Section 16-20G.006;*
15. The Applicant shall submit revised plans and supporting documentation (including the required number of copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.



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TIM KEANE
Commissioner

OFFICE OF DESIGN

STAFF REPORT September 28, 2016

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-16-420) for a demolition due to a threat to public health and safety at **348 Hamilton E Holmes Dr.** Property is zoned R-4 / Collier Heights Historic District

Applicant: Jenay Myers
321 Villa View Way, Hampton

Facts: This existing single family residence was constructed in 1945 and is considered contributing to the District.

Analysis: The following code sections apply to this application:

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

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories.

(4) Historic Districts:

(c) To demolish or move any contributing structure in whole or in part, within an Historic District;

Analysis: The following code sections apply to this application:

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

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories.

(5) Historic Districts:

(c) To demolish or move any contributing structure in whole or in part, within a Historic District;

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).]
- (1) Certificates of Appropriateness.
 - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure 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.

Staff Response to the Application Submitted

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

No Independent analysis or supporting information has been submitted. The Applicant has submitted, however, a Notice of an Unsafe Building issued by the Office of Buildings. Staff finds that the Notice of an Unsafe Building does not satisfy the requirement that an independent analysis of the structure be performed. In general, Staff finds that a major and imminent threat to public threat exists when the building is in danger of collapsing. As such, Staff recommends the Applicant submit an independent analysis and supporting information to document a major and imminent threat to public safety.

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

The Applicant has not submitted information on reasonable alternatives to demolition for rectifying the threat, and states that no reasonable alternatives exist. Staff recommends the Applicant provide documentation that alternatives to demolition, such as renovation of the existing structure, are not reasonable.

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.**

The property owners are aware of the historic designation.

- 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.**

No information regarding the purchase price of the property was provided. The Applicant states the property was acquired in the 1950’s.

- (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.**

According to the Applicant, the property does not generate income and has been vacant for several years.

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

The Applicant has stated the mortgage for the property is paid in full.

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.**

2012	\$204.37
2013	\$165.90
2014	\$170.50
2015	\$164.45

2015 Assessed value- \$3,760.00

2016 Assessed value- \$3,760.00

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.**

There were no appraisals available.

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.

According to the Applicant, the fair market value of the property immediately prior to its designation was \$64,400.00 in 2002. The Applicant also states that the current fair market value of the property is \$3,760.00, but has not provided any comps for similar properties in the District to support this analysis. Staff finds that additional information is needed to establish the fair market value of the property. Staff recommends the Applicant provide documentation regarding the fair market value using similar properties located within the Collier Heights Historic District.

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.

According to the Applicant the property is currently held in trust by the executor of the estate of Gillette Dunlap.

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

According to the Applicant, there are not tax records available.

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.

According to the applicant, this question does not apply.

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

According to the Applicant the property is not for rent or for sale.

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

According to the Applicant, no advertisements have been placed and the property has not been listed.

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 has not provided a report from a licensed engineer or architect with experience in rehabilitation, citing the Notice of an Unsafe Building issued by the Office of Buildings. Staff finds that the issuance of a Notice of an Unsafe Building by the Office of Buildings does not circumvent the requirement to obtain 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. As such, Staff recommends the Applicant provide 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 the proposed alterations.

According to the Applicant demolition of the structure would cost between \$11,195-\$12,195, but Staff has not received a copy of this estimate. Staff recommends the Applicant provide a copy of the demolition estimate for this property. The Applicant did not provide information regarding other alternatives besides demolition of the structure. Staff recommends the Applicant provide estimates for additional alternatives including a detailed estimate for renovations and new construction.

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 Applicant the value of the property in its current condition is \$7,000. The Applicant has not provided documentation regarding this value. Staff recommends the Applicant provide documentation regarding the market value estimate. According to the Applicant the estimated value after demolition or removal would be between \$8,000 - \$10,000. The Applicant has not provided documentation regarding this value. Staff recommends the Applicant provide documentation regarding the market value estimate after the demolition or removal of the structure. No information regarding the estimated value of the property after renovation of the existing property for continued use has been received. Staff recommends the Applicant provide documentation showing the estimated market value of the property 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, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

There is a letter from a real estate agent that indicates that renovating the property is not economically feasible. No information regarding the economic infeasibility of renovating the property has been received. Staff finds further information is needed. Staff recommends the Applicant provide information regarding the feasibility of renovating the existing home.

- 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.**

According to the Applicant, the dangerous and unsafe nature of the structure makes construction above or below impossible and would make the transfer of development rights infeasible, but has provided no supporting documentation. Staff finds that the transfer of development rights would generally not apply to a residential lot such as the subject property, but finds that more information regarding the infeasibility of new construction around, above, or below the protected building or site is needed. Staff recommends the Applicant provide information regarding the infeasibility of new construction around, above, or below the protected building or site.

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

The Applicant provided a chart of seven different options with indications as to whether the incentives applied to their situation.

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

The Applicant provided pictures.

Comment on Application Materials by the Bureau 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. Staff has submitted a request to the Office of Buildings to inspect the property and produce a report regarding this property. When the inspection and report are complete, Staff will include the report in the file for future reference.

Overall Comments

Based on the pictures provided, Staff finds that the existing building is in a state of disrepair. It is clear that the most of the front roof plane needs to be replaced, the exterior walls need to be repaired and in some instances replaced, the interior floor systems need to be replaced and there are likely issues with the foundation due to the structure being open to the elements.

While Staff finds that the building in its current condition is unsafe and a nuisance, Staff does not find the Applicant has proven the property is an imminent and major threat to public health and

safety. As previously mentioned, a major and imminent threat to public health and safety exists when the building is in danger of collapsing. Based on the information submitted, Staff finds a major and imminent threat has not been proven.

As Staff has determined that a major and imminent threat to public health and safety has not been proven, Staff finds that any alternatives presented would be moot as this time. However, as discussed above, the Applicant has not submitted any alternatives to demolishing the structure. Staff finds further documentation is required regarding the following: the values of the property currently and after reasonable alternatives are explored, and the infeasibility of rehabilitation or reuse of the property. Given the information we have at this time, Staff cannot support the application for demolition.

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-16-420) for a demolition due to a threat to public health and safety at **348 Hamilton E Holmes Dr.** to allow the Applicant time to address the following Staff concerns:

1. The Applicant shall submit an independent analysis and supporting information to document a major and imminent threat to public safety, per Section 16-20.008;
2. The Applicant shall provide documentation that alternatives to demolition, such as renovation of the existing structure, are not reasonable, per Section 16-20.008;
3. The Applicant shall provide documentation regarding the fair market value using similar properties located within the Collier Heights Historic District, per Section 16-20.008;
4. The Applicant shall provide 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, per Section 16-20.008;
5. The Applicant shall provide estimates for additional alternatives including a detailed estimate for renovations and new construction, per Section 16-20.008;
6. The Applicant shall provide documentation regarding the market value estimate after the demolition or removal of the structure, per Section 16-20.008;
7. The Applicant shall provide documentation showing the estimated market value of the property after renovation of the existing property for continued use, per Section 16-20.008;
8. The Applicant shall provide information regarding the feasibility of renovating the existing home. , per Section 16-20.008;
9. The Applicant shall provide information regarding the infeasibility of new construction around, above, or below the protected building or site, per Section 16-20.008;
10. The Applicant shall submit all requested materials no less than 8 days before the deferred meeting date.



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TIM KEANE
Commissioner
Office of Design

STAFF REPORT **October 12, 2016**

Agenda Item: Review and comment (RC-16-423) for site work and signage at **1345 Piedmont Avenue (Atlanta Botanical Gardens)** – Property is zoned R-4 / Beltline.

Applicant: Whit Russell
2550 Heritage Court

Facts: The Atlanta Botanical Gardens is located on City of Atlanta property northwest of Piedmont Park along Piedmont Avenue. Though operated as a private, non-profit facility, its use of City of Atlanta property means that is reviewed by the City of Atlanta as a semi-public facility for the purposes of zoning, building permits, etc.

In 2014, the Commission reviewed and commented on an updated master plan. This current application is for signage.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (4) The commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation or significant change, alteration or addition to any existing park.
- (5) The commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, highways, gates, fences, railings, lamp standards, and other structure or fixtures to be erected or placed on land belonging to the city, or on any private or public property which extends over or upon any property or right-of-way owned or controlled by the city.

The Applicant is proposing a new freestanding sign. The proposed sign will be located near the historic Cotton States Exposition stone stairways. While the sign will be located on land that is leased from the City of Atlanta, it is directly adjacent to Piedmont Park and likely mistaken as a part of the park. Its visibility and proximity to the park makes a review and comment necessary.

Given the size and location of the sign, Staff finds the sign appears to indicate an entrance to the gardens, especially since the sign is immediately adjacent to a set of stairs. However, it is not an entrance and is an area that is closed to the public. Given there is no way to enter the garden from the stairs adjacent to the sign, it appears the sign is really an advertisement. Staff finds that having a sign

as an advertisement is not appropriate. Staff finds a smaller directional sign that indicates how to enter the gardens would be more appropriate.

While Staff has concerns regarding the sign as an advertisement and its size, Staff finds the materials and design for the sign or appropriate. The proposed sign is concrete with brushed aluminum lettering. As the proposed sign is directly adjacent to the historic stairways and urns, Staff finds the proposed materials coupled with a reduction in the size of the sign will allow the historic materials to remain the prominent feature.

Staff Recommendation: Staff recommends that the Commission deliver its comments to the Applicant at the Commission meeting regarding the Review and comment (RC-16-423) for the site work and signage at **1345 Piedmont Avenue (Atlanta Botanical Gardens)** – Property is zoned R-4 / Beltline.



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TIM KEANE
Commissioner

OFFICE OF DESIGN

STAFF REPORT **October 12, 2016**

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-427) for a special exception to reduce the required number of on-site parking from 313 spaces (required) to 299 spaces (proposed); (CA3-16-426) for alterations and new construction at **740 Clifton Rd.** Property is zoned Druid Hills Landmark District.

Applicant: Terry Pylant
490 Brasfield Sq.

Facts: The Druid Hills Golf Club consists of a variety of buildings, structures and open space. In particular, the club consists of the golf course itself (which is the vast majority of the property), golf course-related buildings and structures, a tennis complex, a pool complex, and the main club house building. Only the main club house building is considered contributing to the District.

Before the Commission at this time are the following project components:

- the expansion and extensive renovation / reconstruction of the existing Pool House by:
 - o enclosing a now open air portion of the main floor located on the east side of the building,
 - o converting an attic space to usable space,
 - o adding a completely new 16 ft. long side addition on the west façade of the building, and
 - o adding an entrance bay along the south façade of the building;
- removal of an 2000s-era trellis; and
- reconfiguration of the access and landscape/hardscape area to the south of the building between it and the exiting parking lot.

Because the project includes an increase in the floor area on the property, additional parking spaces would be required on-site to satisfy the overall parking demand for all of the floor area on the property. As the project doesn't include an alterations to or expansion of the existing parking areas, the variance / special exception is to reduce the parking from what would be required with the new overall floor area on the property (313 spaces) to what is currently on site (299 spaces).

Analysis: The following code sections apply to this application:

Sec. 16-20B.003. - General regulations.

The following general regulations shall apply to the entire district which includes the following subareas: (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale Road/Oakdale Road/Lullwater Road/Lullwater Parkway. Any proposed development, new construction, addition, alteration, or demolition shall require a certificate of appropriateness as noted below and shall conform to the following regulations:

- (1) General standards. In the Druid Hills Landmark District, the Commission shall apply the following general standards only if the standards set forth elsewhere in this chapter 20B do not specifically address the application:
 - (a) 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.
 - (b) The historic character of a property shall be retained and preserved. 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 historical 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.
- (2) Certificates of appropriateness.
 - (a) Except as otherwise provided herein, the procedures for determining the correct type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Ordinance.
 - (b) 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) No certificate of appropriateness shall be required for the removal of dead, dying, or hazardous tree as defined in the City of Atlanta Tree Ordinance or a tree with a diameter breast height of less than six inches.
 - (g) Type III certificates of appropriateness shall be reviewed and decided by the commission and shall be required for:
 - (i) All new principal structures.
 - (ii) All additions to existing principal structures and accessory buildings, including decks.
 - (iii) All new accessory structures.
 - (h) Type IV certificates of appropriateness shall be reviewed and decided by the commission and shall be required for the demolition or moving of any contributing principal structure or contributing accessory building. A partial demolition of a contributing principal structure or contributing accessory building shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's or buildings historic interpretability or importance.
- (3) Minimum off-street parking requirements:
 - a. Off-street parking spaces shall not be permitted in any front yard or within 50 feet of the public right-of-way in any half-depth front yard, except for yards adjacent to Moreland Avenue, where a 60-foot limit shall apply. For the purpose of this regulation, the front yard shall be that area between the public right-of-way and the forward line of the principal structure.
 - b. No off-street parking shall be located within 20 feet of any lot line.
 - c. Number of off-street parking spaces required:
 2. For other permitted uses: As indicated in section 16-10.009.
- (4) Minimum landscape requirements: The overall quality of the landscaped area visible from public right-of-ways should be preserved as an integral part of the historic character of the District. Any major alteration to the landscape or topography visible from the public right-of-way in the District shall maintain the general landscaping scale and

character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the District. Any major alteration to the landscape or topography visible from the public right-of-way shall:

- (a) Follow the standards set forth in 16-20B.003(1);
 - (b) Be consistent and compatible with the overall landscape plan and design on the property and block;
 - (c) Maintain the spatial organization of an open space in front of the house, asymmetrical plantings on the sides of the principal structure and a rear tree canopy;
 - (d) Not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure;
 - (e) Ensure that any new grades shall meet the existing topography in a smooth transition;
 - (f) Retain any existing historic circulation systems, including driveways, walkways and paths;
 - (g) Ensure that any new circulation systems and substantial reconstruction of existing circulation systems is consistent and compatible with the existing circulation systems on the property and block with respect to layout, scale, materials, and topographic siting;
 - (h) Ensure that any off-street parking be constructed of a material which will assure a surface resistant to erosion, have adequate access to a public street and have adequate circulation space; and
 - (i) Comply with the provisions of the City of Atlanta Tree Ordinance with the following exceptions:
 - i. When the removal of trees is permitted by the commission, each tree removed shall be replaced with a tree of an appropriate species having a minimum caliper of two-and-one-half inches; and
 - ii. Taking into account the site density and tree spacing regulations of the City of Atlanta Tree Ordinance, any replacement trees and placement of said trees shall comply with (a)—(g) above.
 - iii. Compliance with (i) above shall not eliminate any additional recompense or tree replacement that otherwise may be required by the City of Atlanta Tree Ordinance.
- (5) Minimum drainage controls: Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
- (a) No structure shall be permitted within any 100-year floodplain.
 - (b) No single-family structure shall be constructed on natural slopes greater than 25 percent.
 - (c) No structure other than single-family shall be permitted on slopes greater than 15 percent.
- (6) Minimum architectural controls: Any new construction, additions, renovations or alterations in the District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district and shall follow the standards set forth by section 16-20B.003(1).

Sec. 16-20B.004. - Ponce de Leon Corridor regulations.

In addition to the general regulations required in section 16-20B.003, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the Ponce de Leon Corridor.

These regulations are intended to preserve the environmental character and the physical appearance of the corridor in order to encourage the continued use of the existing structures for residential use where feasible, and to assure that any nonresidential use which may be permitted for preservation purposes in existing structures is compatible with the historic character of the district as a whole.

(1) Permitted principal uses and structures:

- e. The following nonresidential uses upon a finding by the commission that such use of the existing structure is not incompatible with or detrimental to the residential character of the district. The conversion of any existing building for any permitted nonresidential use, where located adjacent to a residential use, may be conditioned upon the requirement of a suitable buffer by the commission.
 - 1. Religious facilities
 - 2. Libraries, museums and private, educational institutions.
 - 3. Private clubs on lots of ten acres or greater.

(5) Lot coverage:

- c. For all other permitted uses: No more than 45 percent of the lot may be covered by structures, parking and driveways.

(6) Minimum yard and development requirements:

a. Setbacks:

8. North side of Ponce de Leon; Lullwater Road NE to Atlanta city limits:

Front yard: 129 feet.

Side yards: 30 feet plus five feet for each additional story above two. At public street intersections, side yard setback shall be 50 feet.

Rear yard: 35 feet.

- c. Maximum height: No building shall exceed 45 feet in height.

- d. Off-street parking may be located within ten feet of side and rear yard lines upon approval of the commission. Such approval shall be conditioned upon adequate buffering and screening. No parking in required yards will be allowed where such yards adjoin public rights-of-way.

Sec. 16-20B.008. - Variances, special exceptions and appeals.

- (1) The commission shall have the power to hear, grant or deny all variances from the sections of this chapter and all special exceptions as will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provision in a particular case will result in unnecessary hardship, provided that the spirit of the chapter shall be preserved, public welfare and safety secured, and substantial justice done. The criteria and the procedures for such variances and special exceptions shall be the same as so specified in chapter 26 of this part for the board of zoning adjustment.

Variance / Special Exception Analysis (CA3-16-427)

As noted above, the proposed reconstruction / expansion of the Pool House requires that additional parking be provided on-site to accommodate the additional square footage that would be added to the property as well as any other deficiency that might already exist on the property. In this case, the District regulations refer to the general Office-Institutional zoning category for the parking requirements for non-residential uses, which for clubs and lodges is one space per 200 sq. ft. of floor space. The Applicant has calculated their parking requirement as 313 spaces for the existing and proposed floor area. There are currently 299 spaces on site.

The reduction in the on-site parking requirement is done through a special exception which has criteria that are specific to parking reductions and different from the general variance criteria such that a reduction in parking is appropriate “when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot.” There are additional, secondary criteria that relate to: ingress and egress to the property; the proposed structure or uses thereon; automotive and pedestrian safety and convenience; traffic flow and control; access in case of fire or other catastrophe; loading areas where required; refuse and service areas; buffering or screening; hours and manner of operations; length of time regarding the duration of such permit if any; and tree preservation and replacement.

While the Applicant responded to the general variance criteria, their responses do apply to the special exception criteria. In particular, the Applicant noted the constraints of the site given the existing conditions, built features, etc.; the impact that constructing additional on-site parking would have on the built features, including mature landscaping and trees; and that the nature of a private club (with limited membership) is such that the proposed expansion of the facilities does not automatically mean that additional people will be using the expanded facilities and thus requiring additional on-site parking.

The Staff would recommend approval of the special exception to reduce the amount of on-site parking.

Design Review (CA3-16-426)

As noted above, none of the buildings and structures associated with the Pool Complex are contributing to the District and as such the Staff does not have any concerns about the loss of historic fabric related to the extensive alterations, additions, and reconstruction proposed for the main Pool House. Further, the Staff finds that the proposed work on the Pool House meets the District regulations as it is compatible and internally consistent with the architecture of the main club house building located to the west, which is the only contributing building on the property.

The total height of the reconstructed / expanded building is less than 45 ft.

As there is no change in the location, design, or materials of the existing parking lot, the District regulations regarding the location and presence of parking on the property do not apply.

At the same time, there are several District regulations that need to be met via documentation about the project.

The site plan shows that three (3) trees are being removed for the reconfiguration of the front of the Pool House and entrance and two (2) new trees are being planted. The Staff has no concerns about the location of the two (2) proposed trees, however the District regulations require that one tree be planted for each tree to be removed. The Staff would recommend the tree replacement plan meet the District regulations.

The District regulations also have minimum drainage controls. No structure is permitted within any 100-year floodplain and no structure other than single-family shall be permitted on slopes greater than 15 percent. The Staff finds that given that the added to / reconstructed Pool House will be in the same location as the existing Pool House or in otherwise previously manipulated / manmade areas, there are no concerns about building on any slopes. The Staff would recommend, however, that the Applicant document that no components of the project will be located in the 100 year floodplain.

The District regulations also restrict lot coverage so that no more than 45 percent of the lot is covered by structures, parking and driveways. Given that the vast majority of the property consists of the golf course, the Staff presumes that the lot coverage can be met, however no calculation was included in the submission. The Staff would recommend the Applicant calculate the lot coverage upon completion of the proposed work.

There are minimum setbacks for the property. Given the project includes the reconstruction of the building and the expansion of the footprint of the building, the setbacks would apply to the project. In this case, due to the corner lot location of the property, the front yard setback would be measured from both Ponce de Leon Avenue and Clifton Road. The Staff would recommend the Applicant document compliance with the setback requirements.

Variance (CA3-16-427)

Staff Recommendation: Based upon the following:

- a) The reduction in on-site parking meets the criteria, per Section 16-26.06.
- b)

Staff recommendations approval an application for a Type III Certificate of Appropriateness (CA3-16-427) for a special exception to reduce the required number of on-site parking from 313 spaces (required) to 299 spaces (proposed)

Design Review (CA3-16-426):

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.003 - .004;

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-16-426) for alterations and new construction at **740 Clifton Rd.** Property is zoned Druid Hills Landmark District, with the following conditions:

1. The tree replacement plan shall meet the District regulations, per Section 126-20B.004;
2. The Applicant shall document that no components of the project will be located in the 100 year floodplain, per Section 126-20B.004;
3. The Applicant shall calculate the lot coverage upon completion of the proposed work, per Section 126-20B.005;
4. The Applicant shall document compliance with the setback requirements, per Section 126-20B.006(a)(8); and
5. The Staff shall review, and if appropriate approve, the final plans, elevations, and supporting materials.



CITY OF ATLANTA

KASIM REED
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TIM KEANE
Commissioner

OFFICE OF DESIGN

STAFF REPORT **October 12, 2016**

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-16-428) for window replacement at **266 11th Street (The Piedmont Park Apartments LBS)** - Property is zoned SPI-17 (Subarea 1) / LBS (Landmark Building or Site).

Applicant: Klaus Roesch
81 Spruce Street

Facts: The Piedmont Park Apartments were designated a Landmark Building / site (LBS) in 1991 and sit on the north side of 11th Street at the end of the street, next to Piedmont Park. The east façade of the building faces Piedmont Park.

The proposal before the Commission at this time is to replace the banks of windows in the central portion of the east elevation with windows that are similar in design to the existing windows on the building.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

- (a) *When Required, Generally:* In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (1) *Landmark buildings and sites:*
 - (a) To change the exterior appearance of any Landmark Building or Site;

Section 16-20.009:

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, for purposes and objectives 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 regulations as are required in article D of chapter 4 or 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) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) 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.

Design Review

The Applicant notes that the window units currently in the openings are not original to the building and not the same as the other original windows in the rest of the building. Based on the Applicant's description of the existing windows and the photographs provided with the submission, the Staff concurs that the existing windows are not original to the building. Further, the Staff finds that though they are likely many years old, the current windows are not historic or nor compatible with the building either. As such, the Staff has no concerns about their removal.

Regarding the proposed replacement windows, the Staff is concerned about the use of clad windows and is concerned about the note that the proposed windows will match the "existing ones...to a large degree". Assuming that the rest of the windows on the building are original or historic and that those windows are exposed wood, the proposed replacement windows should be exposed wood as well. Further, not knowing which "existing windows" the Applicant is referring to, the Staff finds that the proposed windows should match the design, material, location, reveal, and function of the original windows on the building and they should fill the existing masonry opening (taking into account a compatible cast stone window sill) without an unnecessary blocking or infill material.

The Staff would recommend the proposed windows match the design, material, location, reveal, and function of the original windows on the building and they should fill the existing masonry opening (taking into account the proposed, compatible cast stone window sill) without an unnecessary blocking or infill material.

SPI Review

In addition to being a Landmark Building / Site, the subject property is also in a Special Public Interest (SPI) zoning district. The Staff would recommend that if any changes in the scope of work are necessitated by any SPI-related design review, those changes be reviewed, and if appropriate, approved by Staff.

Staff Recommendation: Based upon the following:

(1) Except as noted above, the proposed alterations meet the requirements, per Section 16-20.009.

Staff recommends approval of an application for a Type II Certificate of Appropriateness (CA2-16-428) for window replacement at **266 11th Street (The Piedmont Park Apartments LBS)** - Property is zoned SPI-17 (Subarea 1) / LBS (Landmark Building or Site), with the following conditions:

1. The proposed windows shall match the design, material, location, reveal, and function of the original windows on the building and they should fill the existing masonry opening (taking into account the proposed, compatible cast stone window sill) without an unnecessary blocking or infill material, per Section 16-20.009;
2. If any changes in the scope of work are necessitated by any SPI-related design review, those changes shall be reviewed, and if appropriate, approved by the Staff; and
3. The Staff shall review, and if appropriate, approve the final plans.



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TIM KEANE
Commissioner

OFFICE OF DESIGN

STAFF REPORT
October 12, 2106

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-430) for a variance to increase the building height from 35’ (allowed within 150’ of the subarea boundary to 52’ ft. (proposed) and (CA2-16-429) for revisions to plans at **764 (aka 742) Memorial Dr.** Property is zoned Cabbagetown Landmark District (Subarea 5) / Beltline.

Applicant: Danny England
619 East College Ave.

Facts: The proposed project sits on an aggregated set of lots on the southern end of the farthest southeast block in the District, which is located in Subarea 5. Across Pearl Street to the east and Memorial Drive to the south is Reynoldstown, which is outside the District. To the west, across Estoria Street is the large, open lot now used as a landscaping company, but formerly known to residents and the Staff as the “truck lot” for its previous use. To the north of the project are vacant lots and 1.5 story, single-family houses in both the cottage and shotgun style that were built within the last 15 years. The northern edge of the project is the Subarea 5 / 3 boundary. The lot has three street frontages and rises substantially from south to north as one moves farther away from Memorial Drive. The property is vacant, with sections of paved area and unfinished foundations from a previously approved project.

In 2005, 2007, and 2015, the Commission reviewed and approved iterations of a mixed-use project on this site with various conditions. The iteration of the project approved with conditions in 2007 was started (as evidenced by the unfinished foundations) but never finished. In 2015, the Commission approved with conditions another iteration of the project, which is the subject of the new variance and revision to plans request.

The project approved in 2015 is a mixed-use project consisting of two buildings arranged along the Memorial Drive and Estoria Street frontages of the site, with parking within the central portion of the site. One, two-way vehicle entrance is located off of Pearl Street. Apart from the entrances to the units in each of the buildings, there are one “pedestrian entrance” to the project located between the Memorial Drive building and the Estoria Street building. The Estoria Street and Pearl Street buildings will be live-work units, while the Memorial Drive building will consist of a non-residential lower level and residential units above. Along the Pearl Street frontage will be a false façade / wall to screen the eastern side of the parking lot.

Due to internal programmatic changes to the project necessitating the relocation of the stairwells, the exterior of the building along Memorial Drive has changed such that an additional small portions of the building (i.e. the relocated stair wells) project into the height plane established for buildings in Subarea 5

that are within 105 ft. of the Subarea 3 boundary. This change also constitutes an increase in the floor area of the building. Given that the approval of the project in 2015 included a variance to allow some encroachment into this height plane, the additional encroachment requires a new variance from the Commission.

Regarding the revisions to the plans, taking into account the aforementioned change in the building shape, the revised plans also include the following:

1. A revision to the shape of the rear portion of the Memorial Drive building to accommodate the two stairwells;
2. Three additional parking spaces along Pearl Street which also change the sidewalk cross section in this location; and
3. A reduction in the size of the dumpster and dumpster enclosure.

Analysis: The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the Cabbagetown Landmark District.

Certificates of Appropriateness within this district shall be required as follows:

- (1) When required:
 - b) To erect a new structure or to make an addition to any structure within the district;
 - d) To construct off-street or off-site parking;

Per Section 16-20A.006 (General Regulations) of the Atlanta Land Development Code, as amended, the following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) 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, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, 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 and width as measured at front facade, floor height, 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 in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
 - a) General criteria:
 1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
 2. The general façade organization and proportions shall be subject to the compatibility rule.

3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.

4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.

b) Facades:

1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

c) Roofs:

1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
Boxed gable returns are not permitted.
4. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.

e) Porches:

1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.

f) Site development, sidewalks and curbs:

1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
3. Curbing shall be granite; poured concrete shall not be used.
4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

(19) Off-street and off-site parking.

- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
- b) The number of required parking spaces is set out in each subarea.
- c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
- d) Off-street parking shall not be located or authorized between the principal building and the street.
- e) Off-street parking may be located in a rear or side yard.

- f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
- i) Off-street or off-site parking shall include landscape buffer strips placed along sidewalks and public rights of way. Landscape buffer strips shall be: a minimum of three feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of 12 feet in height at time of planting placed no further than 25 feet on center. All landscape buffer strips shall be maintained in a sightly manner.
- j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
- k) Use of shared driveways and/or alleys is encouraged.
- l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

Sec. 16-20A.011. Transitional Commercial (subarea 5).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the subarea. These regulations are intended to mitigate any nocuous effects that the commercial intrusion subarea may have on adjoining residential uses within the remainder of the Cabbagetown Landmark District. These regulations further intend to maintain compatibility between the existing and future uses of the area and the overall character of the district as a whole.

- (1) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
 - a) A building or premises shall be used for the principal uses specified within section 16-16.003 of this part, with the exception of paragraph (1) allowing adult business and paragraph (17) allowing signs, general advertising.
 - b) Multifamily dwelling units. Multifamily dwellings are permissible if a minimum of 25 percent of the total heated floor area of each building is constructed and used for non-residential uses as allowed in Section 16-20A.011(1), (2) or (3).
 - c) Any of the following uses provided they do not exceed 4,000 square feet of floor area:
 - 1. Bakeries and catering establishments.
 - 2. Laundry and dry cleaning establishments where customers operate equipment.
 - 3. Tailoring, custom dressmaking, millinery and similar establishments.
 - 4. Restaurants, bars, coffee shops, delicatessens, and taverns.
 - 5. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
 - 6. Barber shops, beauty shops, manicure shops, and similar personal service establishments.
 - d) Any of the following uses provided that they do not exceed 10,000 square feet of floor area:
 - 1. Clubs and lodges.
 - 2. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
 - 3. Offices, studios, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, and similar use.
 - 4. Professional or service establishments.

Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing shall be conducted from within the Cabbagetown Landmark District. No use or manner of operation shall be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relationship to adjoining residential subareas.

- (5) Site limitations.
 - a) Minimum building façade heights: Buildings shall have a minimum façade height of 18 feet along each façade visible from any public right of way.
 - b) Maximum building heights: Buildings that are between 0 and 50 feet of a Subarea 3 boundary shall have a maximum height of 28 feet. Buildings that are within 51 and 150 feet of a Subarea 3 boundary shall have a maximum height of 35 feet. Buildings that are more than 150 feet from Subarea 3 boundary shall have a maximum height of 52 feet. Mezzanines and lofts shall be considered a story.
 - c) New development containing an entire block face greater than 600 feet in length shall be traversed by new streets that create block faces no larger than 400 feet. Such streets shall function as public streets, shall connect two other public streets, and shall meet all other requirements of this chapter.
 - d) Transitional requirements:
 - 1. Transitional height planes: Where this district adjoins Subarea 3 without an intervening street, heights within this district shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the nonresidential district at an angle of 45 degrees.

2. Transitional uses: Where commercial or industrial uses in this subarea abut residential uses, 100 feet of the lot devoted to such commercial or industrial use and nearest to the residential use, shall not be used for any drive-in facility, sales lot for automobiles, or general advertising signs.
3. Transitional yards:
 - a. Side yards: Adjacent to residential use without an intervening street, 20 feet is required, that shall not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front set-back shall be provided.
 - b. Rear yard: There shall be a rear yard of 20 feet when adjacent to a residential use district that shall not be used for parking, paving or loading or servicing.
 - c. Screening: Where a lot in this subarea abuts a residential use on the rear lot line without an intervening street, landscaping, opaque fencing or screening not less than six (6) feet in height shall be provided and maintained in sightly condition (see section 16-28.008).
- (6) Lot coverage. The lot coverage shall not exceed 80%.
- (7) Relationship of Buildings to Street.
 - a) The delineation of building floors at the second story above sidewalk level shall be executed through windows, belt course, cornice lines, or similar architectural detailing.
 - b) The primary pedestrian entrance to all uses and business establishments with sidewalk-level street frontage shall:
 1. Face and be visible from the street.
 2. Face and be visible to an arterial street when located adjacent to such arterial streets.
 3. Be directly accessible, visible, and adjacent to the sidewalk, supplemental zone, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
 4. Remain unlocked during normal business hours for nonresidential uses.
 - c) Buildings shall provide continuous street-fronting sidewalk level commercial, office, or residential uses.
 - d) Building façade lines:
 1. On arterial streets: Shall be no less than 20 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas and the provision of on-street parking.
 2. On all other streets: Shall be no less than 15 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas.
 - e) A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, and shall be a minimum of six inches in height.
- (8) Storefront Fenestration. All street-fronting sidewalk level development, with the exception of churches and fire stations, shall provide fenestration for a minimum of 75 percent of the length of the frontage, beginning at a point not more than three feet above the public sidewalk, for a height no less than ten feet above the sidewalk. Fenestration for commercial uses shall allow views into the interior or display windows and shall not have painted glass, reflective glass, or other similarly treated fenestration.
 - a) Variances in fenestration requirements may be approved by the AUDC.
 - b) Sidewalk level development without fenestration shall not exceed a maximum length of ten feet of façade.
- (9) Storefront illumination and lighting.
 - a) Security, decorative, parking deck, and other lighting adjacent to residential uses shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination. The AUDC may also require other elements to reduce light spillage.
 - b) Any security, decorative, parking deck, or other lighting luminaries shall be located a minimum height of eight feet above the sidewalk, drive or pedestrian area.
- (10) Loading areas, loading dock entrances and building mechanical and accessory features.
 - a) Commercial dumpsters and loading areas may not be located within thirty (30) feet of an adjoining residential subarea boundary, and shall be screened with opaque fences or walls six feet in height.
 - b) Residential dumpsters and loading areas shall be encircled with opaque fences or walls six feet in height. Walls may be smooth finish stucco or same material as the building.
 - c) Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from any public right of way.
 - d) Building mechanical and accessory features shall be located to the side and rear of the principal building and shall be in the least visible location from the public right of way. Screening with appropriate plant and/or fence materials shall be required if the equipment is visible from the public right of way.
 - e) When located on rooftops, building mechanical and accessory features shall be incorporated in the design of the building and screened with materials similar to the building.
 - f) Building mechanical and accessory features shall not be permitted between the principal building and any public street.

(11) Fences and Walls.

- a) Chain link fencing or similar elements shall not be visible from any public plaza, outdoor dining area, or public right of way. Chain link, where permitted, shall be clad in either black or dark green coating. Canopies and associated service areas shall not be located between a building and the street.
- b) Fences and walls that are not located between the principal building and the sidewalk shall have a maximum height of six feet.
- c) No fences are permitted between the principal building and the sidewalk.
- d) No walls, except retaining walls, shall be located between a building and the sidewalk.
- e) Walls shall be faced with stone, brick, or smooth stucco.
- f) The AUDC may by variance permit retaining walls that are greater than two feet in height between the building façade line and the street.

(12) Sidewalks.

- a) Sidewalks along Tye, Powell, Estoria, Pearl and Gaskill streets shall be regulated as set out in Subarea 3.
- b) Public sidewalks shall be located along all public streets. For new development, no sidewalk shall be less than 15 feet in width, unless otherwise indicated in this section. Sidewalks shall consist of a minimum of two zones: a “street furniture and tree-planting zone,” which shall be located adjacent to the curb, and a “clear zone.” The following regulations shall apply to all public sidewalks adjacent to Memorial Drive within Subarea 5 of the Cabbagetown Landmark District:
 1. The street furniture and tree-planting zone shall have a minimum width of five feet. The street furniture and tree-planting zone shall be located adjacent to the curb and shall be continuous. In addition to the planting of trees as required in this section, this zone is also intended for the placement of street furniture as approved by the AUDC including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public kiosks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility as approved by the city.
 2. The clear zone shall be a minimum width of ten feet, shall be hardscape and located adjacent to the street furniture and tree-planting zone, and shall be unobstructed by any permanent or nonpermanent element for a minimum width of ten feet and a minimum height of eight feet.
 3. Street tree-planting requirements. Street trees are required and shall be planted in the ground a maximum of 25 feet on center within the street furniture and tree-planting zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of 3.5 inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall also have a minimum planting area of 25 square feet. Where sidewalks meet the minimum requirements for this section, planting areas shall be permitted to be planted with evergreen ground cover such as mondo, liriope spicata, or ivy. All plantings, planting replacement, and planting removal shall be approved by the city arborist. Variances in street tree requirements may be granted by the AUDC subject to constraints such as overhead or underground utilities.
 4. No awning or canopy shall encroach more than a maximum of five (5) feet over the sidewalk.
 5. Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade pursuant to Sec. 16.28.008, Visibility at Intersections.
 6. Pedestrian street lights shall be placed a maximum distance of 40 feet on center, spaced equal distance between required trees along all streets within either the street furniture and tree-planting zone or the supplemental zone.
 7. Sidewalks in this subarea within 20 feet of subarea 3 shall taper when necessary to provide a smooth transition to the existing sidewalk in an adjacent subarea. In the event that the abutting subarea has no existing sidewalk, the sidewalk shall taper to the width required by that subarea’s regulations, a width of six feet (measured from the street curb), or as approved by the AUDC.
 8. Every effort shall be made to place utilities underground or to the rear of structures to allow for the unobstructed use of the sidewalks.
 9. Trash receptacles, where installed, shall be the Victor Stanley Model S-42 or similar looking standard trash receptacle and shall be placed within the street furniture and tree-planting zone.

(13) Supplemental Zones.

- a) Any area between the street-fronting building façade line and the required clear zone is a supplemental zone. Supplemental zones:
 1. Shall be permitted between the required sidewalk and the building façade.
 2. Shall be required along arterial streets at a minimum width of five feet, unless on-street parking is provided where there currently is none.
 3. Shall not exceed a maximum width of 15 feet.
 4. Shall be hardscaped.

- b) The following elements may be located within the supplemental zone so long as any proposed element is approved by the AUDC:
 - 1. Accessory outdoor dining that may be separated from the sidewalk only with planters, shrubs, or fencing which shall have a maximum height of 36 inches.
 - 2. Balconies, pedestrian walkways, porches, ramps for accessibility, and stoops.
 - 3. Terraces shall have a maximum finished floor height of 24 inches above the sidewalk elevation and shall be surrounded by permanent safety fencing with a maximum height of 42 inches. See subsection 16-29.001(25)b.
 - 4. Landscaping and water features.
 - 5. Lighting.
- (14) Curb cuts and parking structures.
- a) All sidewalk-paving and curbing materials shall be continued across any intervening driveway.
 - b) Driveways shall have a five-foot-wide band of textured concrete adjacent to the street and in-line with the street furniture zone.
 - c) Driveway and curb cut widths shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances.
 - d) Required driveways may be located outside the lot boundaries provided they directly connect to a public street, subject to approval by the AUDC.
 - e) No circular drives shall be located between any buildings and any public street.
 - f) Except as authorized above in this subsection parking areas or driveways are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street, except for a driveway to reach the side or rear yard or an on-site parking facility. Driveways for childcare centers, kindergartens and special schools may be located between the sidewalk and the building if approved by the AUDC.
 - g) One-third of all surface parking areas shall be constructed of pervious materials.
 - h) No more than one curb cut is permitted for each development. Developments with more than one street frontage, may have two curb cuts. Two curb cuts on properties with street frontage greater than 300 feet may be approved by the AUDC.
 - i) Garages and carports that serve a single or two-family residential structure shall be to the rear of the principal building. Garages that serve a multi-family structure may be attached to the principal building, but entrances to garages shall not be on the front façade or the half-depth façade of the principal building.
 - j) Parking deck facades shall conceal automobiles from visibility and shall have the appearance of a horizontal storied building.
 - k) Parking decks shall provide either continuous street frontage with sidewalk-level commercial, office, or residential uses, or a minimum five-foot landscaped strip between the structure and the public sidewalk, except at ingress and egress points into the structure. The landscaped strip shall be planted with street trees spaced a maximum distance of 20 feet on center, which shall also meet the tree requirements set out in Section 16-20A.011(16). The landscape strip shall also be planted with evergreen ground cover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches. All plantings, planting replacement, and planting removal shall be approved by the city arborist. All landscaping shall be kept in a sightly manner.
 - l) Notwithstanding the provisions of section 16-28.006(10), a common or joint driveway may be approved by the AUDC when adjacent lots have direct vehicular access to a street.
 - m) All developments shall have walkways with a minimum width of four feet provided along the edge of all sidewalk level parking and drive areas and shall be linked to the public sidewalks.
 - n) No drop-off lanes are permitted along public streets.
- (15) Lighting, security, and maintenance requirements for parking structures & surface parking lots. All surface parking lots and structures shall have the following minimum requirements:
- a) Lighting shall be provided throughout all parking facilities to equal a minimum of one-fifth foot-candle of light. A foot-candle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.
 - b) Parking lots adjacent to residential areas shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination and shall in all other ways be in compliance with Illuminated Engineering Society of North American Recommended Practice #33 – Lighting for Exterior Environments.
 - c) Parking deck lighting shall be a maximum of seven feet high and shall not be visible from any public right of way.
 - d) Parking facilities shall be maintained in a clean, safe, sanitary, and attractive condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot.

- (16) Minimum landscaping for parking lots and barrier requirements. Each of the provisions of the Code of Ordinances, chapter 158 Vegetation, article II Tree Protection, and section 30 Parking lot requirements shall apply to all lots of 10 spaces or more in this subarea. In addition to these regulations, the following requirements shall apply:
- a) All landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches.
 - b) Landscape bugger strips as described in section 16-20A.006(19) (i) shall be required.
 - c) Variances in surface parking lot landscaping and barrier requirements may be approved by the commission per the criteria set out in Section 158-30(14).
- (17) Minimum Off-street parking requirements. The following parking requirements shall apply to all permitted uses, including those approved by special permits:
- b) Off-street parking for those uses set out in 16-16.003 shall be as provided for in section 16-16.009.
 - c) Banks and similar institutions: One space for each 200 square feet of floor area.
 - d) Childcare centers: One space for each 600 square feet of floor area; in addition to providing required off-street parking, such centers shall provide safe and convenient facilities for loading and unloading children, as approved by the director of the bureau of traffic and transportation.
 - e) Clothing and tailor shops: One space for each 200 square feet of floor area.
 - f) Clubs and lodges: One space for each 100 square feet of floor area.
 - g) Commercial recreation uses, including bowling alleys, amusement arcades, game rooms, and the like: One (1) space for each 100 square feet of floor area.
 - h) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.
 - i) Laundry and dry cleaning establishments where customers operate equipment: One space for each 200 square feet of floor area.
 - j) Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below: One space for each 200 square feet of floor area.
 - k) Accessory uses: One space for each 300 square feet of floor area devoted to an otherwise permissible accessory use.
 - l) For all other nonresidential uses: One space for each 300 square feet of floor area.
- (18) Off-Street Parking Variances. Reductions in parking requirements may be approved by the AUDC subject to a shared parking arrangement under the following criteria:
1. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access; and
 2. All shared parking spaces shall be clearly marked and signed as reserved during specified hours.
 - b) An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 1. A to-scale map indicating location of proposed parking spaces;
 2. Indicate hours of business operation;
 3. Written consent of property owners agreeing to the shared parking arrangements; and
 4. Copies of any parking leases. Renewed leases shall be provided to the AUDC. Lapse of a required lease agreement shall terminate the permit.
- (19) Electric vehicle charging stations. A building, commercial establishment, or other property, which provides automobile parking facilities shall provide parking facilities in the ratio of at least one station for every 50 automobile parking spaces. No more than five such stations shall be required for a parking facility.

Per Section 16-20.009:

- (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;
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) 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.

Analysis of Relationships between District and Beltline Zoning Regulations, and State of Georgia Route Requirements

In 2015, the Staff has completed a general zoning analysis and reached the following conclusions about the relationship between the District regulations and the Beltline Overlay Zoning District, which still apply to the current proposal:

1. In addition to its design requirements, the District regulations also address more basic, “standard” zoning requirements, including: allowed uses (principal, accessory, special), transitional characteristics (uses, height planes, yards, and screening), density, setbacks, lot size, yard requirements, height, and the number of off-street parking spaces.
2. The Beltline Zoning Overlay District have requirements related to design, building articulation and fenestration, facades, design of parking, streetscapes, and site arrangement.
3. In some cases, the Beltline Zoning Overlay District has requirements that are stricter than the District regulations, and thus are the governing requirement for that topic.
4. The Beltline Zoning Overlay requirements will be addressed through a concurrent Beltline Special Administrative Permit (SAP) review process also administered by the Office of Planning.

The Staff would recommend that the Staff approve design changes to the proposed project due to any Beltline Zoning Overlay Zoning requirements that would supersede the District regulations or would be considered an alternative, but still compatible, method for compliance with the District regulations.

Variance Analysis (CA3-16-430)

In their response to the variance criteria for the additional encroachment into the height plane, the Applicant noted that the project had been previously approved by the Commission, that not relocating the stair wells would create a hardship for the project, the project was partially constructing creating build constraints on the site, and the encroachment into the height plane is on a secondary (i.e. rear) façade and will have a minimal effect on the Pearl and Estoria Street views of the project.

The general concept behind height limitations and height planes with distances to other uses / areas is to reduce the negative effects of more intense uses on adjacent, less intense uses. The Subarea 5 regulations allow for more intensive development the farther away you move from the edge of the Subarea, knowing that more intensive development was envisioned and in fact encouraged along the Memorial Drive corridor.

The new variance to increase in the building height between 50 and 150 ft. away from Subarea 3 would allow for the rear of the Memorial Drive building to exceed the allowable height limits. (The Staff would note that the rear of the Memorial Drive building is in the 50 to 150 ft. zone, while the front is beyond 150 ft. from the Subarea 3 boundary.) While a portion of the building above the maximum height for the 50 to 150 ft. height plan would increase, the encroachment is insignificant relative to the overall size, scale, and massing of the building. Further, the building is still significantly far away from the Subarea 3 as the footprint of the portion of the building encroaching into the height plan is about 10 ft. deep from north to south.

The Staff would recommend approval of the variance request.

Revisions to Plans (CA2-16-429)

The Staff found the following regulations are related to the proposed revisions to the plans.

Multifamily dwelling units are allowed if 25% of the floor area in each building is allocated to non-residential uses. Although the site plan includes calculations indicating that this percentage has been met, it is not clear to the Staff how the new floor area of the stair well on each floor has been taken into account in the calculations.

Further, the Staff is concerned that the site plan labels the ground floor “commercial” when parking has only been provided for office uses on that level. The Staff would recommend the Applicant provide additional documentation as to the floor area of each floor in the Memorial Drive building to confirm compliance with the floor area / use percentage requirements, and explain how the increase in the floor area related to the relocation of the stair well has been taken into account in those calculations, as well as the parking calculations.

While a wall and gates is indicated around the revised dumpster, it is not clear that the screening meets the District regulations. The Staff would recommend the screening for the dumpster meet all of the District regulations.

The sidewalks along Pearl and Estoria Street are governed by the Subarea 3 requirements, which require the sidewalks to be the same width as the abutting properties, which would be in Subarea 3. Along Pearl Street in front of the parking lot, the sidewalks are 6 ft. wide with a 5 ft. planting strip, except where the new parking spaces have been added, which eliminates the planting strip and reduces the width of the clear zone. The Staff would recommend the sidewalks, planting strips, and any new curbing along Pearl Street meet the District regulations.

The Staff found note that the exterior materials of the stair well extensions match that of the main massing of the building and meet the District regulations. The Staff has no concerns about the massing of the stair well extensions.

Variances (CA3-16-430)

Staff Recommendation: Based on the following:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question, per Section 16-26.003;
- b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship, per Section 16-26.003
- c) There are peculiar conditions pertaining to the particular piece of property in question, per Section 16-26.003;
- d) Relief if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta, per Section 16-26.003.

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-16-430) for a variance to increase the building height from 35' (allowed within 150' of the subarea boundary to 52' ft. (proposed) at **764 (aka 742) Memorial Dr.** Property is zoned Cabbagetown Landmark District (Subarea 5) / Beltline.

Design Review (CA2-16-429):

Staff Recommendation: Based on the following:

- a) The Staff recommendation for approval of the variance; and
- b) Except as noted above, the revised project meets the District regulations, per Section 16-20A.

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-16-429) for a revision to plans at **764 (aka 742) Memorial Dr.**, with the following conditions:

1. The Applicant shall provide additional documentation as to the floor area of each floor in the Memorial Drive building to confirm compliance with the floor area / use percentage requirements, and shall explain how the increase in the floor area related to the relocation of the stair well has been taken into account in those calculations, as well as the parking calculations, per Section 16-20A.011(1) and (17);
2. The screening for the dumpster shall meet all of the District regulations, per Section 16-20A.011(10);
3. The sidewalks, planting strips, and any new curbing along Pearl Street shall meet the District regulations, per Section 16-20A.011(12)(a);
4. All conditions included in the approval of CA3-15-097 and CA3-15-138 not otherwise superseded by the conditional approval of this application shall remain in force and effect;
5. The Staff shall approve design changes to the proposed project due to any Beltline Zoning Overlay Zoning requirements or Georgia Department of Transportation requirements along Memorial Drive that would supersede the District regulations or would be considered an alternative, but still compatible, method for compliance with the District regulations; and
6. The Staff shall review, and if appropriate approve, the final plans, specifications, and supporting materials.



CITY OF ATLANTA

KASIM REED
MAYOR

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TIM KEANE
Commissioner
Office of Design

STAFF REPORT

October 12, 2016

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-16-437) for alterations and site work at **138 Powell Street** – Property is zoned Cabbagetown Landmark District (Subarea 3)/ Beltline.

Applicant: Margaret Kalvelage
138 Powell Street

Facts: This single-family dwelling was built before 1899 and is considered contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20.007

- (a) *When Required, Generally:* In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
- (3) *Landmark Districts:*
- (a) To change the exterior appearance of any structure within any Landmark District;
 - (b) To erect any new structure or to make an addition to any structure within a Landmark District;
 - (c) To demolish or move any structure, in whole or in part, within a Landmark District; or

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.

Per Section 16-20A.005. Certificates of appropriateness.

Certificates of appropriateness within this district shall be required as follows:

(1) *When required:*

To change the exterior appearance of any portion of a structure within the district

(2) *Type required:*

b) If the proposed alteration for minor façade alterations, fences, walls, accessory structures, decks, paving and satellite dishes meets the requirements of section 16-20A.006, section 16-20A.007, section 16-20A.008, section 16-20A.009, section 16-20A.010, and section 16-20A.011, as applicable, then the director of the commission shall issue the Type II Certificate

(13) *Design standards and criteria for new principal buildings.* The following regulations shall apply to new construction of principal buildings.

a) *General criteria:*

1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
2. The general façade organization and proportions shall be subject to the compatibility rule.
3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.

b) *Facades:*

1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

c) *Roofs:*

1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
2. Skylight and solar panels are not permitted on the front façade of any structure. "Bubble type" skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat

profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.

3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
4. Boxed gable returns are not permitted.
5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.

e) *Porches:*

1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.

f) *Site development, sidewalks and curbs:*

1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
3. Curbing shall be granite; poured concrete shall not be used.
4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

(14) *Design standards for alterations and additions to contributing buildings.* Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:

- a) All repair work shall match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
- b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
- c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
- d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
- e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.

(18) *Fences and walls.*

- a) Fencing, walls, and retaining walls are subject to design review by the commission.
- b) Fences shall not exceed four (4) feet in the front or the half-depth yards.
- c) Fences and walls shall not exceed six (6) feet in the side or rear yards.
- d) Fences shall be constructed of wood or chain link. Barbed wire and razor wire are prohibited.
- e) *Retaining Walls.* Retaining walls located adjacent to a public right of way shall have a maximum height of two feet from sidewalk grade and shall be faced with either stone, brick, or smooth stucco, whichever predominates on that block face. Stacked stone is not permitted. The combined height of a fence and retaining wall adjacent to a sidewalk shall not be greater than four feet from sidewalk grade. The combined height of a fence and retaining wall in a side or rear yard shall not exceed six (6) feet. See section 16-29.001(25).

Sec. 16-20A.009. - Shotgun and Cottage Housing (Subarea 3). 

In addition to the general regulations required in [section 16-20A.006](#), the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the Shotgun and Cottage Housing Subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic

compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

12. Porches.

- a) Decks shall be permitted on the side or rear of the house if not visible from the street.
- b) Rear decks shall be no wider than the house.
- c) Side and rear porches shall be permitted if appropriate to the house style.

Lot Discrepancy and Site

In looking at the survey submitted by the Applicant, the existing lots fronts 46.63' on Powell Street and has a rear yard property line dimension of 48.07'. In looking at the lot boundary map, the existing lot fronts 38.35' on Powell Street. Given the size of the discrepancy, Staff finds this must be resolved before permitting. Staff recommends the Applicant contact the Office of Zoning and Development land development staff to resolve the lot discrepancy issue.

The Applicant is proposing a new driveway and gate. As the lot discrepancy potentially impacts the proposed driveway, Staff recommends the driveway and gate proposal is eliminated or deferred. The Applicant is proposing a 3' wood picket fence. Staff does not have concerns regarding the proposed fence.

Addition

While the Applicant submitted a Type II application for alterations, Staff finds the Applicant is proposing a front façade addition and therefore a Type III application is required. Specifically, the Applicant is proposing a new stoop, stairs and roof on the front façade. Staff would note that compatibility information for the setbacks is required. Staff recommends the Applicant submit compatibility information for the front and side yard setbacks. Given the requirement for a deferral to properly advertise the addition and the need for additional documentation, Staff recommends the addition is either eliminated or deferred.

Windows and Doors

The Applicant is proposing to replace all the windows in the house with new two over two simulated divided lite wood windows. In looking at survey pictures and pictures submitted by the Applicant, it is clear the existing windows are not original or historic. As there is no evidence of what the original windows look like, Staff has no concerns regarding the proposed two over two design. Per regulations, all windows with light divisions shall be true divided light. Staff recommends all windows with light divisions are true divided light.

The Applicant is proposing to replace an existing round gable window with a new window. In looking at the survey pictures the gable window was originally a vent and more recently changed to a window. As the gable window is not original or historic, Staff has no concern with the proposed replacement. It appears the Applicant is modeling the design after a casement window at 214 Powell Street. As there are no contributing houses on the block face with gable windows, Staff does not have a concern with using comparisons Staff would note the predominate shape of gable vents and windows on the 214 Powell Street block face is a rectangle. Staff would also note that per regulations all windows shall be double hung. As such, Staff recommends the new gable window is rectangular and double hung.

The Applicant is proposing to replace an existing window and door in the kitchen area with two glass doors. In looking at the existing window opening, Staff finds it unlikely the window opening is original. As such, Staff does not have a concern with an alteration to the existing window opening. Staff does have a concern with having two doors on the side façade that are relatively close together. Staff would also note the regulations require that all doors visible from a public right-of-way be either a full wood panel door or fixed glass in a wood frame with no more than 50% glass.

Based on the requirements, Staff finds the doors do not meet the requirements. Staff recommends all doors visible from a public right-of-way are fixed glass in a wood frame with no more than 50% glass. Staff recommends the Applicant submit documentation regarding the visibility of the doors. Staff recommends the Applicant provide documentation of other similar houses with two side doors on the same façade.

Alterations

The Applicant is proposing to add screening to the front part of the side porch. Staff finds the proposed screening meets the requirements. The Applicant is proposing to add a flat panel skylight towards the rear of the house. Staff finds the location and design of the proposed skylight meet the requirements. The Applicant is proposing to remove non-historic shutters. Staff has no concerns regarding the removal of the shutters. The Applicant is proposing to repair the existing siding. The details and extent of the repair are not indicated. Staff recommends the Applicant clarify the details and extent of the proposed siding repairs.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20A.006 (13) with the exception of the comments above;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-16-437) for alterations and site work at **138 Powell Street** – Property is zoned Cabbagetown Landmark District (Subarea 3)/ Beltline, with the following conditions:

1. The Applicant contact the Office of Zoning and Development land development staff to resolve the lot discrepancy issue;
2. The driveway and gate proposal shall be eliminated or deferred;
3. The Applicant shall submit compatibility information for the front and side yard setbacks, per Section 16-20A.006(9);
4. The addition shall be eliminated or deferred, per Section 16-20A.005(2);
5. All windows with light divisions shall be true divided light, per Section 16-20A.006 (14);
- 6 The new gable window shall rectangular and double hung, per Section 16-20A.006(13)(b)(3);
7. The Applicant submit documentation regarding the visibility of the doors, per Section 16-20A.006(b)(4);
8. The Applicant provide documentation of other similar houses with two side doors on the same façade, per Section 16-20A.006(13)(a)(2);
9. The Applicant clarify the details and extent of the proposed siding repairs, per Section 16-20A.006(14); and
10. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

KASIM REED
MAYOR

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TIM KEANE
Commissioner
Office of Design

STAFF REPORT **October 12, 2016**

Agenda Item: Application for a Review and Comment (RC-16-466) on an ordinance to rename Mitchell Street SW between Martin Luther King, Jr. Drive and Walnut Street SW, to Martin Luther King, Jr. Drive; to rename Tatnall Street SW, between Martin Luther King Jr. Drive NW and Walnut Street SW to Martin Luther King Jr, Drive ; and to rename Martin Luther King, Jr. Drive, between Northside Drive NW and Tatnall Street SW, to North Martin Luther King, Jr. Drive.

Applicant: Nursef Kedir, Department of Public Works
55 Trinity Avenue

Facts: The City Council City Utilities is considering a proposal to rename portions of streets in NPU L.

Analysis: The following code sections apply to this application:

Per Section 138-8 of the Atlanta City Code:

(e) *Urban design commission review and comment.* All street renamings and dedications located in the City of Atlanta must be reviewed by the urban design commission and be the subject of a regularly scheduled commission meeting. In advance of such a meeting, neighborhood associations, historical groups, historic preservation groups, and other interested parties will be notified that the street renaming or dedication has been placed on the commission's agenda. After the meeting, written findings regarding the street renaming or dedication must be forwarded to the city's commissioner of its department of public works and must be received by the commissioner before the commissioner is authorized to submit to the city council legislation authorizing the street renaming or dedication.

The Applicant is proposing to rename portions of Mitchell Street SW, Tatnall Street SW and Walnut Street SW to Martin Luther King Jr, Drive. The Applicant is also proposing to rename a portion of Martin Luther King Jr, Drive to North Martin Luther King Jr., Drive. The proposed street renaming is related to the construction of the Mercedes Benz stadium. Specifically, the new stadium is currently located on top of the original portion of Martin Luther King Jr., Drive, east of Northside Drive. Those travelling east on Martin Luther King Jr. Drive are currently routed around the stadium at Northside Drive.

According to the legislation, there were specific concerns from citizens of the affected neighborhoods regarding restricted access to Martin Luther King Jr., Drive. While physically drivers would still be routed around the stadium, the proposed street renaming would allow for drivers to continue on Martin Luther King Jr., Drive. Staff finds the street renaming is appropriate so that drivers can stay connected to Martin Luther King Jr., Drive while travelling from the west to downtown Atlanta.

Staff Recommendation: Staff recommends that a letter with the comments and findings of the Commission and Staff (as noted in the Staff Report) regarding the Review and Comment (RC-16-466) are sent to the Applicant and the appropriate City agencies and Staff.